

Meeting of the Waterbury Select Board

April 5th, 2021

28 North Main Street

Present: M. Bard, K. Martin, M. Frier, C. Viens and D. Kehlmann, Select Board; W. Shepeluk, Municipal Manager; S. Lotspeich Community Planner and C. Lawrence, Town Clerk. The meeting was held via videoconference.

Public: Lisa Scagliotti, Waterbury Roundabout; ORCA Media; Anne Imhoff; Eric Gross; Alyssa Johnson; Tom Gloor; Duane Peterson, L. Viens and N. Fishman.

The meeting was called to order at 7:00pm.

APPROVE AGENDA

C. Lawrence asked to add a discussion about the Certificate of Compliance for Town and Bridge Standards. M. Bard made a motion to approve the agenda as amended. The motion was seconded by K. Martin and passed unanimously.

CONSENT AGENDA ITEMS

C. Viens made a motion to approve the minutes of the March 15th meeting, liquor licenses for Stowe Street Café, Thai Smile Restaurant, Blue Stone, American Legion and McGillicuddy's Irish Pub, and to waive the late fee for dog licenses. The motion was seconded by K. Martin. The Board asked for an explanation on the waiver of fees. C. Lawrence explained that the late fee of \$2.00 assessed as of April 1st was waived last year. The goal is to encourage people to license their dogs, especially during the pandemic. C. Lawrence stated she uses the website and FPF for reminders and also sends reminder notices to those that licensed their dog last year. The motion passed unanimously.

PUBLIC

There was no public comment.

TOWN CLERK ITEMS

Consider Contracts for Land Records

C. Lawrence explained that the current contract with Avenu Insights expired in September. She has a contract for an extension to this coming September. C. Lawrence stated that at this time, she would like to enter into a 5-year contract with Kofile, at the same monthly cost as the current contract. The monthly fees are paid from the Restoration fund. Of the \$15 per page recording fee, \$4.00 is put into the Restoration fund and the system pays for itself. C. Lawrence explained that the Kofile system has better technology and customer service and there is an office located in Essex Jct. C. Viens made a motion to authorize W. Shepeluk or C. Lawrence to sign the land record contracts. The motion was seconded by K. Martin and passed unanimously.

SELECT BOARD BUSINESS

Consider Scheduling a Select Board Public Hearing on the Draft Interim Bylaws for the Downtown Zoning District Recommended by the Planning Commission

S. Lotspeich stated that the Planning Commission has made several changes to the Interim Bylaws and the next step is to schedule a public hearing. S. Lotspeich highlighted the changes that have been made and suggested that the public hearing be held on Monday April 26th at 7:00pm. C. Viens asked if the Interim Bylaws were close to the final. S. Lotspeich responded in the affirmative. The Select Board expressed appreciation for the work of the Planning Commission for moving the Bylaws forward. M. Frier asked about the process. S. Lotspeich responded that after the public hearing is closed, the Select Board can adopt the Bylaws and they will become effective immediately. C. Viens made a motion to hold a public hearing on the draft Interim Bylaws for the Downtown Zoning District dated April 5th, 2021 on April 26th, 2021 at 7:00pm. The motion was seconded by K. Martin and passed unanimously. The Select Board will hold a further discussion about the Bylaws at their next regular meeting on April 19th.

Broadband Discussion / Communications Union District

S. Lotspeich explained that state statutes enable Communications Union Districts. CV Fiber is the district for Vermont and provides access for funding and planning for broadband, especially in underserved areas. CV Fiber is made up of delegates from each Town, as appointed by the Select Board. W. Shepeluk stated that if the Town joins, he wants to ensure the Town will not be responsible for any funding of projects currently in the works. W. Shepeluk stated that CV Fiber is searching out grants to build out the broadband system. S. Lotspeich stated that the federal stimulus bill coming to the State has funding to extend fiber. D. Peterson shared that the State of Vermont created this District in 2015 to aggregate support and demand for accelerated broadband distribution. He stated that the broadband issue is COVID disaster related as people are working from home. Since there will be federal funds channeled through CV Fiber for broadband expansion, D. Peterson suggested that Waterbury get on board. S. Lotspeich suggested joining CV Fiber and then put out a call for delegates. M. Bard made a motion to join CV Fiber as an interested party. The motion was seconded by K. Martin. There was further discussion and the motion passed unanimously.

Consider Revised Conflict of Interest Policy

After the requested gender-neutral language was changed, W. Shepeluk reviewed the entire policy and felt other changes were needed. Prior to the meeting, W. Shepeluk distributed a revised Conflict of Interest Policy with gender neutral language and other edits as suggested by the Town attorney. He then reviewed some of the additional edits. D. Kehlmann made a motion to approved the revised Conflict of Interest Policy. The motion was seconded by K. Martin and passed unanimously.

Consider Zenbarn Entertainment Permit

C. Viens recused himself as he is a neighbor to the Zenbarn. W. Shepeluk stated that the Zenbarn has submitted an entertainment permit for the coming year starting on May 1, 2021. W. Shepeluk gave a history of the entertainment permits as they pertained to the former Village of Waterbury. Last year, the Board approved a permit for the Zenbarn with outdoor entertainment. W. Shepeluk stated that he is not sure the Board had the authority to grant the permit due to conditions in the Zenbarn's conditional use permit. M. Frier then recused himself. C. Lawrence explained the permit requested indoor music anytime, and outdoor music three days per week with sound not to exceed 60db at the property line. N. Fishman stated that the outdoor music request has been tabled in an effort for the Zenbarn to discuss with the neighbors. N. Fishman asked for a extension of the indoor music request perhaps indefinitely and asked why a permit is necessary as music is addressed in the DRB permit. A discussion was held as to whether other establishments apply for permits. W. Shepeluk stated that the permits are handled sporadically. C. Viens expressed concern about outdoor music but had no problem with indoor music as long as the windows and doors are shut. L. Viens made it clear that the DRB permit for the Zenbarn does not allow outside music. M. Bard explained that the original DRB permit did not allow a nightclub with live entertainment. W. Shepeluk suggested that an application be sent to all businesses that have entertainment. M. Frier suggested that the entertainment activity in any establishment be based on the DRB decision. D. Kehlmann suggested that the entertainment ordinance be revisited. K. Martin made a motion to approve indoor live music performances any day of the week during operating hours under the conditions included in the DRB permit. The motion was seconded by D. Kehlmann and passed by a 3-0 vote with 2 abstentions.

Consider Certificate of Compliance for Town Road and Bridge Standards

C. Lawrence explained that B. Woodruff requested approval of the Certificate. It is a requirement for much of the State grant funding with regard to roads and bridges. W. Shepeluk stated that there is a highway ordinance that specifies how infrastructure is built and maintained. C. Viens made a motion to approve the Certificate of Compliance for Town Road and Bridge Standards and authorize the Municipal Manager to sign. The motion was seconded by M. Bard and passed unanimously.

MANAGER'S ITEMS

Property Tax Interest

W. Shepeluk asked for clarification as to whether the interest that was waived during COVID should be reactivated as of April 1st or May 1st. After a brief discussion, C. Viens made a motion to start the accrual of interest on April 1st with the first billing on May 1st. The motion was seconded by M. Bard and passed unanimously.

Consider Audit Engagement Letter

C. Lawrence previously distributed the audit engagement letter to the Board. M. Bard made a motion to approve the letter and authorize the Municipal Manager to sign. The motion was seconded by C. Viens and passed unanimously.

Discuss Personnel Policy

W. Shepeluk stated that the personnel policy is in need of updating. The currently policy was approved in 1991. There is state and federal legislation that needs to be incorporated into the policy. The policy has been difficult to approve as there are several Boards involved in the decision. W. Shepeluk stated an attorney can review the most recent draft for about \$1,200. C. Viens suggested that the current draft policy be forwarded to the Board members. W. Shepeluk stated that the hang up on the draft was the use of leave time. By consensus, the Board agreed to move forward with the draft policy with review by the attorney.

Consider Pay Ranges for Employees

M. Frier screen shared the Municipal Manager's recommendations for updated pay ranges as previously sent to the Board. W. Shepeluk stated that the budget was built with a 2% increase in wages. Employees have not received a raise since 2019 and salaried employees took a voluntary pay cut in 2020. C. Viens expressed his concern about the differences in pay for the public and private sectors. A lengthy discussion continued. M. Frier suggested having a conversation at another time about the process and how other Towns approach employee wages. D. Kehlmann made a motion to approve the pay ranges as outlined in the letter and authorize the Manager to execute the raises that were built into the budget. The motion was seconded by C. Viens and passed unanimously.

Discuss and Consider Refunding the \$1.37M Note Issued in 2020

W. Shepeluk stated that the Town borrowed \$1.37 million in debt for capital expenditures and vehicles. He recommended refunding \$1.1 million for a 15-year term to match the life span of the vehicles and equipment. Attorney Paul Giuliani has drafted a refunding resolution. M. Frier stated it would be helpful to see a schedule of the debt service. By consensus, the Board agreed to have the Municipal Manager move forward and bring back some options.

Discuss Financial Impact of American Recovery Act

W. Shepeluk explained that the Act was passed by Congress and that there will be direct payment to Municipalities that are part of the act. The Town of Waterbury may receive \$510,000. This amount may include money that EFUD will receive, but it is unclear as to how much. Later information indicated that \$986,000 may come to the Town. W. Shepeluk is trying to clarify the information.

There being no further Select Board business, the meeting adjourned at 10:20pm.

Respectfully submitted,

Carla Lawrence, Town Clerk

Approved on: April 19, 2021