

Minutes of the Select Board  
Monday, May 20, 2024  
28 North Main Street and via zoom

**Attendance:** Kane Sweeney, Roger Clapp, Alyssa Johnson, Ian Shea, Mike Bard, Tom Leitz, Karen Petrovic

**Public Attendance:** Elena Bilodeau, Diana Bilodeau, Mary Koen, Maria Gervais, Sandy Sabin, Billy Vigdor, Martha Staskus, Kati Gallagher, Alex Tuscany, Kathi Grace, Dana Allen, Lisa Walton, Chris Viens, Teresa Wood, David Rogers, Lisa Scagliotti – Waterbury Roundabout, Kathy, Evan and James Hoffman, Joe Camaratta, Mark Alberghini, Georgiana Birmingham, Ben Gerand accompanied by a female

**ZOOM:** ORCA Media, Richard Bilodeau, Cheryl Gloor, Wayne Quillin, Anne Imhoff, Elizabeth Danyew, Neal Leitner, Dani Kehlmann, Valerie Rogers, Amy Marshall-Carney, Meg Baldor, Karen Nevin – Revitalizing Waterbury, Robbie Adler, Darrick Pitstick

R. Clapp called the meeting to order at 7:03pm

**Approve Agenda: I. Shea moved to approve the agenda; M Bard seconded the motion.** A. Johnson asked to add an Entertainment Permit for Robert Owen at 8:30. K. Sweeney asked to remove the word Rent from Housing trust. **A. Johnson moved to approve the amendments; M. Bard seconded the motion, a vote was held and passed unanimously. A vote to approve the amended agenda also passed unanimously.**

**Consent Agenda Items: K. Sweeney moved to approve the consent agenda. The motion was seconded by M. Bard, a vote was held and passed unanimously.**

**Public:** K. Grace asked to acknowledge M. Koen publicly for her time volunteering on the Planning Commission. B. Vigdor thanked Friends of the Winooski, Project Harmony, and Katarina Lisaius for their efforts with the Parks Steering Committee. 120 trees were planted in town today.

**Bylaw Update Public Hearing:** A. Tuscany from 86 South Main Street stated his home was a single-family residence. Two years ago, they built an ADU on the second floor of the garage making the home a three-unit home. A. Tuscany consulted with the zoning administrator and learned that he would be in compliance with the new Zoning Regulations because of the ADU over the garage but without the garage ADU, he would not be able to convert the home back to a single family, by applying these rules. K. Grace stated she still has reservations about these changes based on her rental history. She wishes to convert one of her units back to a single-family home for her son and his three children. She spoke of commitment to the Town when tenants outgrow apartments and must move away or not want to purchase a home in Waterbury because of the zoning restrictions.

T. Wood thanked the Select Board for their volunteer efforts. She has been contacted by several residents who stated they do not think they are being heard. She is here to speak on their behalf. She understands the need to increase density but she is not sure this is the best course of action to achieve the goal. The Act 250 law that just passed (not yet signed by the Governor), would mean people would not need certain permits to build multi-unit dwellings in certain areas.

C. Viens spoke to someone today about cost of living, affordability, and property taxes. He is personally facing a \$5,000 increase in property taxes this year in Vermont. He has spent his entire life working to secure a place in Vermont for himself and his family.

K. Grace stated there are single family homes that are out of state Airbnb's so perhaps this is a better resource for housing opposed to zoning regulations. K. Grace would like to see out of state buyers, especially ones that purchase properties for Airbnb, taxed on the purchase price as they operate as a business.

D. Rogers asked from the perspective of the DRB if someone buys a duplex and chooses not to rent the second half but they cut a hole in the wall and make it a single home, how is that enforceable? D. Rogers asked if that has been taken into consideration.

D. Allen read the memorandum as provided in the Select Board packet attached.

K. Grace stated she attended just about every public meeting and she did not hear individuals say they wanted this change to occur.

B. Vigdor stated the principles the Planning Commission have been applying have been to use the areas of the town that are already densely populated to remain that way and more. The reason to reduce the setback and increase the height is to encourage growth in the district that is already densely populated.

M. Statkus stated what the Planning Commission heard was a compromise that anyone with single-family housing now can keep that. No one is taking it away; the concept is that the Planning Commission is not promoting more single-family housing. The goal is to not convert multi-unit homes to single family homes.

D. Allen confirmed that High Street was once considered for this same change, but when special patterns are taken into consideration, High Street and South Main Street are very different neighborhoods. Zoning fundamentally is telling owners in certain areas what they can and can not do. Not all neighborhoods are the same much like High Street and South Main Street, which are very different.

M. Koen stated she worked for years on the Planning Commission and it is true that increasing density in the Downtown area was the goal. She can not recall a time anyone asking the Planning Commission to remove single-family homes from the regulations.

D. Bilodeau stated she is surrounded by multi-unit apartments and that North Main Street is doing well with multi-unit dwellings already.

C. Gloor stated she is concerned about the height of the buildings that will be allowed in the village. 60' is too high in her opinion. She recommended 40' be considered. K. Sweeney confirmed publicly that 60' is the height the Fire Department states is safe. M. Statkus confirmed the interim Zoning Bylaws now state 60'

T. Wood thanked the Planning Commission for attending tonight and answering public questions. She stated people are feeling penalized opposed to having people feel incentivized to build multi-unit dwellings. She thinks the downtown is vastly losing single family homes.

K. Grace asked about enforcement. T. Leitz stated the Town is working toward enforcement which begins by enforcing current permits and ensuring they are compliant. There is likely very little the Town can do to enforce someone who cuts a hole in the wall of a multi-unit and converts it into a single-family home.

**M. Bard moved to close the public hearing on the Bylaw Update. K. Sweeney seconded the motion, a vote was held and passed unanimously.**

**Discussion of Bylaw Public Hearings:** M. Bard made a motion to amend the zoning bylaws in the mixed-use district to allow for current owners to convert a home to a single-family use. No second was made. The motion failed.

A. Johnson thanked the Planning Commission for being here tonight. She attended many Planning Commission meetings and was a member for a time. There have been a lot of people working hard to get this movement to go forward. All are trying to do their best with the best of Waterbury in mind. A.

Johnson stated the Select Board's mission is to make all the neighborhoods in Waterbury contribute to the best interests in Waterbury.

M. Bard honored the Planning Commission and the Development Review Board but he has heard in all the meetings that people want choices. He does have issue with homes that may want to convert back to a single-family after altering it to a multi-unit home.

I. Shea stated this is the most contentious issue he has ever encountered. He would like to see everyone come out on top of this topic; it gives him pause when he hears how folks feel about the proposed changes. He struggles with controlling what people can and cannot do with a property they own. He wants to acknowledge this has been very hard for all.

R. Clapp stated that in a previous meeting it was mentioned that a Select Board member converted their home to a single-family. He wanted to publicly acknowledge it was him. R. Clapp stated he would like to see single-family housing a conditional use.

**I. Shea made a motion to make single family home a conditional use in the Mixed-Use District. M. Bard seconded the motion; a vote was held and passed 4-1 with K. Sweeney opposed. M. Bard made a motion to send the Zoning bylaws back to the Planning Commission based on the change to make single family home a conditional use in the Mixed-Use District. I. Shea seconded the motion. A vote was held and passed unanimously.**

**Rental Registry Ordinance:** R. Clapp brought everyone up to date on the changes that have already been made to this ordinance. The Knox box requirement, limiting security deposit and designated response times have all been removed from previous drafts.

B. Gernand asked what the fee structure would be? T. Leitz stated the fee structure cannot exceed the administrative costs which should be minimal because the software Waterbury will utilize was purchased for zoning purposes. T. Leitz stated he does not foresee a cost to the registry if people comply with the request to complete the application; it is enforcement that carries costs.

M. Bard stated the Select Board in general feels concern among the landlords, this is a fact-finding exercise. No one can guarantee there will not be regulations imposed based on the information that is gathered. This is the best way to gather the data. The Vermont Short Term Rental Organizations are not opposed to registry; they are opposed to regulations.

J. Camaratta stated the Town needs to understand the type of housing we have, what is needed, and how to drive the Town's plan forward. Regulations will happen with or without rental registrations so it is better to have the information.

K. Sweeney stated just going on Airbnb will not get the Town the data they need because the data changes frequently on the platform. The best and most effective way to get information is direct from the property owner.

D. Allen stated the zoning bylaws are relatively quiet on STR because there is no data. It is not systematic or repeatable when you attempt to go online and gain the data.

S. Sabin stated she was in the process of building an ADU and the Fire Marshall knocked on the door of her home and told her she cannot rent an ADU. M. Statkus stated she does not believe you cannot rent it but you must comply with a public building much like a duplex.

M. Koen stated as the owner of an ADU she would be happy to register.

K. Sweeney stated when this ordinance was proposed it had a lot more meat in it and the Select Board has cut it away line by line until we just have the registry.

T. Leitz stated "a day" is a 24-hour period in his mind.

**K. Sweeney moved to amend the first paragraph of section 5; the second sentence from "a person" to "an owner". M. Bard seconded the motion. A vote was held and passed unanimously.**

D. Rogers asked about Section 5 #2; he wanted to know if the expectation is that he alerts the Town each time he leaves town and has someone else looking after his property or tenant in his absence. T. Leitz stated that can be addressed on the form, however the intent of this item is for emergency services to gain entry in the owner's absence.

**K. Sweeney moved to adopt the Ordinance to regulate the operation of rental properties with the amendment of section 5 second sentence from "a person" to "an owner". I. Shea seconded the motion. A. Johnson requested a friendly amendment stating there are no fees to register and any fees to register will need to be approved by the Select Board. A vote was held and passed unanimously.**

**Special Events Permit Arts Fest:** K. Nevin was not in attendance to answer questions. There was discussion about youth traffic controllers and individuals who may have not received proper training for traffic control. K. Sweeney moved to approve the Special Event Permit Application with the amended dates in section 10 and they meet the requirements of the Public Works Director. I Shea seconded the motion, a vote was held and passed unanimously.

**Entertainment Permit – GoodFire:** K. Petrovic stated that this application was pulled two weeks ago because they are not permitted to have more than 7 events in the year. They have altered the request to comply. M. Bard spoke highly of the event they ran in April. The April event had traffic controllers but this application states no traffic control. K. Sweeney asked if board members would be satisfied if the application was contingent on traffic control. R. Clapp would like to see what sort of traffic is generated to decide if the event should mandate traffic control. T. Leitz's recommendation is to charge \$25 per event. **M. Bard moved to approve the Entertainment Permit for VT GoodFire Cannabis on Waterbury Stowe Road solely for the date of May 31<sup>st</sup> for acoustic music only. K. Sweeney seconded the motion; a vote was held and passed unanimously.**

**Traffic Update – speed bumps and walking safety: Amended to include handicap parking in the downtown area.** Challenges to create handicap spaces lie in the curb cut. You could put one in near the Senior Center on Stowe Street but it would not be ADA compliant. T. Leitz stated the Town owns the parking lot at the Congregational Church and may be able to create a handicap parking spot there. Elm Street is scheduled to be striped this year which should positively impact parking along that street. There is a real need to have snow somewhere and the Bidwell Lane location is best but T. Leitz will work with the Public Works Department to move it quickly or use an alternative location. K. Sweeney stated he lives in the triangle in Waterbury Center and confirms there are folks exceeding the speed limit regularly. He would like to see some police coverage in the area. K. Gallagher who lives across the street from the Fire Station in Waterbury Center, has witnessed people passing on Maple Street. There is an overall hatred of speedbumps from the Public Works Department. At present there are flashing speed signs at the gateways of the village which could be utilized on Maple Street to help slow traffic. I. Shea previously requested information about flashing lights at pedestrian crosswalks in the village. A unit is roughly \$15,000. Ideally, he would like to see one at the Dac Rowe crosswalk.

**Proposal for Housing Trust:** K. Sweeney presented the Board with a memo regarding the establishment of a Housing Trust in the Town of Waterbury. D. Allen gave support of this idea as it fits in well with the mission of gaining more affordable housing options in Waterbury. K. Gallagher asked if it should be the charge of the Housing Task Force to determine who and what projects are best served by this Trust. A.

Johnson stated perhaps ARPA funds could be used as seed funding for this initiative. M. Bard has real concerns about Waterbury creating something that Downstreet, a regional housing agency, already has in place. I. Shea stated housing is an important topic in the community now and he supports this however, he did wonder about the application process. EFUD has capital now to loan to a business that wished to develop a property if they wish to apply. **A. Johnson moved that Town of Waterbury Select Board continue to research options for a Housing Trust Fund including contacting representatives from Downstreet Housing & Community Development about current homeownership offerings and interest to take on a loan fund as well we ask the Waterbury Housing Task Force at their next meeting to brainstorm potential uses of a Housing Trust Fund. M. Bard seconded the motion, a vote was held and passed unanimously.**

**Animal Control Ordinance:** T. Leitz presented the Board with an amended Animal Control Ordinance stating in the last year we have had several Vicious Dog Hearings. Complaints typically are dogs running, but there have not been many noise complaints. The major changes are highlighted in yellow. Several weeks ago, there was a concerned citizen who asked the cemetery commissioners to place the signs back in the cemetery. The Commissioners stated he has a valid point; however, they saw it as a Select Board issue. The last change is that the Clerk would be afforded the ability to issue fines for unlicensed dogs. M. Bard stated he does not believe dogs should be permitted in cemeteries. **K. Sweeney moved to lift the ban on dogs in cemeteries. The motion was seconded by I. Shea. A vote was held and passed 4-1.** T. Leitz will define a leash in the ordinance as a physical leash on the dog.

**Creation of flood mitigation Planning and Grant Writing position:** T. Leitz presented the board with a memo detailing what he is looking for in a candidate. He detailed in his memo the funding of this position. A suggestion was made that a candidate for this position be involved with the Natural Disaster Preparedness Committee. R. Clapp supports the creation of this position. **M. Bard made a motion to approve advertising the position of Flood Mitigation Planning and Grant Writing Manager. K. Sweeney seconded the motion and made a friendly amendment to create and support compensation for this position.** Discussion followed about the timing of the hire and the impact on the budget for this year. A. Johnson stated she felt it will take a real commitment to the Town of Waterbury and community buy in, not to have this position be fully remote. **A vote was held and passed unanimously.**

#### **Next Meeting Agenda:**

Noise Ordinance Preliminary Discussion

Animal Control (secondary Discussion)

Housing Trust (secondary Discussion)

#### **June 17<sup>th</sup> agenda Bylaw Update**

Welcoming and Engaging Community Cohort Update

Parking Ordinance Preliminary Discussion

The Board will not utilize Executive Session - Update regarding Stanley Wasson Hall – The Town made an offer which was rejected by the State. T. Leitz has engaged with a private appraiser and will make another offer.

**Adjourn:** A. Johnson made a motion to adjourn. Sweeney seconded the motion. A vote was held and passed unanimously.

**MEMORANDUM TO THE SELECTBOARD FROM THE PLANNING COMMISSION**

**Overarching goals guiding development of the UDB-P1.**

- *A primary goal of the Phase-1 Bylaws is to maintain and increase the number of units along Main Street in the Downtown and Mixed-Use zoning districts to create a dense walkable community center.*
- *A Selectboard objective cited in "Purpose, Overarching Goals, and Specific Objectives for the Draft UDB-P1 Bylaws, Dated June 2019." is to encourage more residential units in the downtown zoning districts.*
- *Increasing density in growth areas is prioritized in the Town Plan (p. 43 INSERT HERE) along with smart growth principles.*
- *Main Street area, US Rte 100, is the main thoroughfare through town, which hosts our commercial and highest density uses. Mixed Use is on Main Street adjacent to the Downtown Zoning District, bound by the RR tracks to the north.*
- *The most efficient way to use space in our water and sewer served areas is to have higher density residential and commercial uses. This infrastructure is very expensive to expand. Multi-family is a more expedient way to accomplish this, versus single-family dwellings.*

**Responses to public comment at the Public Hearings and Open Houses.**

- *Dozens attended our 2 open houses, and 3 public hearings who attended to advocate for higher density in the Downtown and Mixed-Use.*
- *Any current Single-Family Dwelling in the Downtown and Mixed-Use can continue in perpetuity.*
- *Any owner of a Single-Family Dwelling may sell it without DRB review.*
- *The Design Review Overlay District (DROD) was intentionally expanded to allow for additional comment from abutters during DRB design review, including with respect to setbacks.*
- *Mixed-Use has side and rear setbacks.*
- *Higher residential densities are also encouraged in the Neighborhood zone.*

Therefore,

- *Due to the goals and objectives above (including increased housing density), and resource material available to the Planning Commission, the conversion of multi-use structures to Single-family dwellings in the Downtown and Mixed-Use is prohibited.*

In conclusion, The PC is attempting to achieve the goals and objectives of our Town Plan, Selectboard, and the vast majority of the comments received throughout the UDB-P1 process.

Town of Waterbury, Vermont

Draft Ordinance to Regulate the Operation of Rental Properties

May 20, 2024

**Section 1: Authority**

This ordinance is adopted pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including specifically 24 VSA § 2291 (29).

**Section 2: Purpose.**

The purpose of this ordinance is to ensure there exists an adequate and balanced market supply of both short and long-term rental opportunities. The Town recognizes there are synergies between the ability of local residents to obtain and afford high-quality rental housing, the ability of local employers to find experienced and appropriately trained staff, visitors who utilize short-term rentals and contribute to the local economy. The Town also wishes to remain livable to persons of all income ranges, and recognizes that rental property owners are a critical component of this goal. Further, The Town wishes to preserve resident rights to quiet enjoyment, and avoid adverse impacts on parking, garbage, noise, outdoor/nighttime activities. The Town also seeks to limit public nuisances. The Town wishes to establish a registry to obtain data to better understand all of the above, and to monitor changes over time. The Town believes this data will assist in informing any future investment decisions, policy goals, or regulatory concerns.

**Section 3: Definitions.** The following definitions shall apply to this ordinance.

“Short-Term Rental” (STR) or “Short-Term Rental Property” means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, but specifically excluding commercial lodging establishments such as hotels, motels, inns, and bed and breakfasts.

“Long-Term Rental” (LTR) shall mean any lease or rental of residential real property, as described above, that is rented for a period of more than 30 consecutive days and for more than 60 days per calendar year. (see Montpelier, Burlington, Barre for definition of long-term rental).

“Designated Responsible Person” shall mean a person or persons designated and authorized by the Owner to act as their agent, or that Person’s employee or agent, capable of and responsible for responding to emergency situations and other issues related to the STR when the property is being rented or leased as an STR, including providing first responders with timely interior and exterior access to the STR. For the purposes of clarity, the Designated Person may be the owner of the STR.

“Owner” shall mean the person or persons in whom is vested title to the real property in or on which an STR is located, or that is rented as an STR, regardless of whether that title is undivided or fractional. The Owner is ultimately responsible for the rental property.

“Rental Property Registration Form” shall mean the form that Owners of a rental property must submit to the Town containing the required information related to the rental property. The form shall be developed by the Town Manager, Fire Chief and Zoning Administrator and shall be adopted by the Selectboard. The Selectboard may modify the form at its reasonable discretion.

“Rental Property Administrator (RPA)” means a person or persons designated by Municipal Manager to administer and enforce this ordinance.

#### **Section 4: Rental Property Registration**

1. The Rental Registration Form shall be developed by the Town Manager and, subject to the requirements of this ordinance, may be administratively modified from time to time. The form shall require, at a minimum, the following information:
  - a. Physical (E-911) address(es) of all rental property offered for lease/rental.
  - b. Contact information for the property owner, including the owners full name and physical address, telephone number and email address.
  - c. Contact information for the designated responsible person, including the full name and physical address, telephone number and email address.
  - d. Whether the rental is an STR or LTR based on the definitions in this ordinance.
  - e. If the rental is a furnished house, condominium, apartment, or an accessory dwelling unit or cabin that is not the owner’s primary residence or located on the premises or property of the owner’s primary residence.
  - f. If the rental is a room or group of rooms located within an owner’s primary residence or an accessory dwelling unit or cabin on the premises of the owner’s primary residence.
  - g. After completing and submitting the rental registration form the owner shall report to the Town any material change(s) in the required information submitted to the Town within thirty (30) days of the occurrence of the change.
  - h. Upon the conveyance of title to any property on the Town’s Rental Registry, and no later than thirty (30) days from the date of the conveyance as evidenced by the date an

instrument conveying the property filed in the Town's land records, the new owner shall complete a new Rental Property Registration form with updated information.

- i. For STR's the name and telephone number of the Designated Responsible Person shall be posted in a conspicuous location.

#### **Section 5: Rental Property Requirements**

1. The rental of a dwelling unit, whether as a STR or LTR, requires the issuance of a Rental Property Registration Form from the RPA. A person shall not commence the use of a dwelling unit as a STR or LTR unless and until the RPA issues the requisite rental registration.
2. All rental properties shall have a Designated Responsible Person who is available and authorized to respond to emergency situations and other issues that may arise when a property is rented or leased.

#### **Section 6: Fees**

The Selectboard may, from time to time, establish and adopt fees related to the administration of this Ordinance, including but not limited to rental property registration and renewal fees, and may incorporate all such fees into a duly adopted fee schedule, which may be amended from time-to-time at the Selectboard's sole discretion.

#### **Section 7: Enforcement**

Any Person who violates a provision of this civil ordinance shall be subject to a civil penalty for each such violation. Each day the violation continues shall constitute a separate offense; provided, however, that liability for continuing violation(s) shall not accrue unless and until seven (7) days have expired after notice of the violation. The Fire Chief and the Town Manager (or their designees) shall all be designated and authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau, or another court having jurisdiction, municipal complaints to enforce this Ordinance. An Issuing Municipal Official or the Town Attorney may dismiss or amend a municipal complaint in appropriate circumstances in accordance with law or court rules.

1. **Waiver Fees:** An Issuing Municipal Official is authorized to recover waiver fees, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense:	\$100
Second Offence:	\$200

Third Offense:	\$300
Fourth and Subsequent Offenses:	\$400

Offenses shall be counted on a twelve (12) month basis, beginning January 1 and ending December 31 of each year. An Issuing Municipal Official shall have discretion, for good cause shown, to issue a written warning, without recovering a waiver fee, for any First Offense. In such instance, the written warning shall be counted as a First Offense for calculating the number of annual offenses.

2. **Civil Penalties:** An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense:	\$200
Second Offense:	\$400
Third Offense:	\$600
Fourth and Subsequent Offenses:	\$800

Offenses shall be counted on a twelve (12) month basis, beginning January 1 and ending December 31 of each year. An Issuing Municipal Official shall have discretion, for good cause shown, to issue a written warning, without recovering a civil penalty, for any First Offense. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

3. **Other Relief:** In addition to the enforcement procedure available under Chapter 59 of Title 24, the Town Manager is authorized to commence a civil action in a court of competent jurisdiction to obtain injunctive relief and/or to seek such other appropriate relief to enforce this Ordinance as is authorized by law.

### **Section 8: Severability**

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, that provision shall be severed from the ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

## Town of Waterbury, Vermont Special Event Permit Application

1. Name of Event: Waterbury Arts Fest and Friday Night Block Party
2. Date(s) of Event: Friday, July 12 and Saturday, July 13, 2024
3. Location of Event: 5 Pilgrim Park lawn and Railroad Street, Waterbury
4. Property Owner: Wayne Lamberton
5. Hours of Event: Friday, July 12 5:00-10:00 pm Saturday, July 13 10 am - 4 pm
6. Event Organizer (Contact person): Karen Nevin, Executive Director, Revitalizing Waterbury  

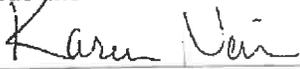
<u>PO Box 473, Waterbury, VT 05676</u>	<u>802-793-6029</u>	<u>karen@revitalizingwaterbury.org</u>
Address	Phone Number	Email Address
7. If the Event Organizer will not be on-site the day of the event, name & phone number for contact person for the day of the event: alt contact: Maggie Twitchell, 802-595-3959
8. Event Sponsor (organization putting on event): Revitalizing Waterbury  

<u>PO Box 473, Waterbury, VT 05676</u>	<u>802-793-6029</u>	<u>karen@revitalizingwaterbury.org</u>
Address	Phone Number	Email Address
9. Event Description: The Arts Fest is the primary fundraiser for Revitalizing Waterbury. This is the 23rd year of The Arts Fest which consists of a block party on Friday night with a beer garden, great food and live music for dancing. On Saturday there is a street market of 100+ artists and crafters, food trucks, family activities, non-profits and live entertainment. New this year will be a cocktail & mocktail garden on Saturday from 12-4 pm run by Barr Hill.
10. Use of Town Owned Property/Streets Requested:  

Close all of Railroad Street to through vehicular traffic, except for local residents traveling to their homes on Railroad Street, Turner Court or Hill Street. Detour signs will be set up at the intersection of Stowe and Railroad Streets directing cars to Main Street. Closure from 10 am on Friday, July <sup>12</sup>~~14~~ to Saturday, July <sup>13</sup>~~15~~ at 5:30 pm.
11. Anticipated Attendance: 2.500 Friday, 2.500 Saturday  

Public Assembly Permit is required for attendance of 2,000 or more. Permit application & information can be found at <http://vsp.vermont.gov/permit/assembly>

- 12. Traffic Control, Security - Provide a traffic control plan and security detail that will serve for the duration of the event or the hours specific. see attached.
- 13. Law Enforcement - Provide details on the plans for law enforcement on site during specific hours. Provide a copy of a signed contract or agreement with this application. The Selectboard may require additional coverage if determined that it is needed. see attached.
- 14. Sanitation - Provide a detailed plan for portable toilets, trash, recycling and other waste material including material that may be found off site that is generated at the event. see attached.
- 15. Provide to the Office of Town Clerk a copy of the Public Assembly Permit that is required by the State of Vermont, Department of Public Safety if attendance at an EVENT exceeds 2,000 persons.
- 16. Number of Staff/Volunteers that will be in attendance: 40+ volunteers and staff over 2 days
- 17. If food and/or beverage is to be provided, please describe: A food court is set up for both days. Friday night: Beer garden, managed by The Reservoir, ten food vendors. Saturday: ten food vendors. Cocktail & Mocktail garden, managed by Barr Hill. Water available for free.  
  
Sale of alcohol is prohibited at the event site unless a valid liquor license is issued by the State of Vermont and the Town of Waterbury.
- 18. Please contact Waterbury Fire Department, Chief, Gary Dillon, (802) 371-7515 and EMS Director Maggie Burke, Waterburyambulance.org, (802) 244-5003 to as notification and to determine adequate coverage by their departments of the event. Provide letters of their availability and ability to support the event if needed. Attached.
- 19. Attach site plan indicating event location/layout, state and local highways, entrances/exits, traffic flow patterns, parking and surrounding land uses. see attached plans
- 20. Will there be any form of amplified entertainment (i.e. music) at the event? Yes, see attached schedule
- 21. The Selectboard must approve all signage for Special Events. Please include all proposed signage with this application. No off-site signage will be allowed except for directional signage. Attach a map that includes location of all proposed directional signage.
- 22. A Certificate of Liability Insurance demonstrating \$1 million of general liability insurance per occurrence, \$2 million aggregate must be provided to the Town. If the event is held on Town Property the Certificate must name the Town of Waterbury as additional insured. Certificate of Insurance must be filed with the Town at least ten (10) days prior to the event.
- 23. I hereby represent that to the best of my knowledge the information provided in this application is true and correct:

	<u>Karen Nevin</u>	<u>May 10, 2024</u>
Signature	Printed Name of Applicant	Date

**File application with the Municipal Managers Office at least thirty (30) days prior to the event accompanied by a \$25.00 application fee. Each event will require a separate permit.**

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*For Office Use Only*

Fee Received: \_\_\_\_\_ Certificate of Insurance Received: \_\_\_\_\_

Police & EMS Forms Received: \_\_\_\_\_

Selectboard Review on \_\_\_\_\_

Application has been:  Approved  Denied  Conditional Approval

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Tom Leitz, Municipal Manager

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Date

The applicant shall provide information for a complete file on the following items:

- a) Letter from Waterbury Fire Chief, coverage and availability
- b) Letter from Waterbury Ambulance EMS, coverage and availability
- c) Copy of Public Assembly Permit from VT Dept. of Public Safety
- d) Traffic control and law enforcement security details
- e) Sanitation provisions (toilets and trash, etc.) details
- f) Liquor License
- g) Other

**12. Traffic Control, Security – Provide a traffic control plan and security detail that will serve for the duration of the event or the hours specific.**

**Traffic Control - We will communicate with all businesses and residents on Railroad Street, Park Row, and Pilgrim Park Road regarding the event and temporary traffic pattern (see attached map). Initial communication will be 3 weeks in advance with follow up messaging in the days leading up to July 12<sup>th</sup>. Road closure sign will be put up on Railroad Street on Monday, July 8. We will also put out statements via Front Porch Forum, WDEV, Waterbury Roundabout and RW's Facebook pages. The day of, we will have additional signage along Main Street in advance of the Park Row/Main Street intersection directing people to the state parking areas. Volunteers will be located by the train station to direct visitors to the Arts Fest across the railroad tracks. Because of the location, we will be using extensive signage to direct traffic to the Waterbury Arts Fest. Handicap parking will be available at the event. (see attached plan and map)**

**Security - Revitalizing Waterbury has hired Green Mountain Concert Services to provide security during the Friday Night Block Party and additional security overnight from 11 pm - 5 am Saturday. RW has hired EventSet to provide fencing to cordon off the entire area for the Block Party on Friday night.**

**13. Law Enforcement – Provide details on the plans for law enforcement on site during specific hours. Provide a copy of a signed contract or agreement with this application.**

**Along with Green Mountain Concert Services, we will contact the Vermont State Police to discuss this event. We do not expect a need for traffic control on Main Street during this event.**

**14. Sanitation – Provide a detailed plan for portable toilets, trash, recycling and other waste materials including material that may be found off site that is generated at the event.**

**RW has contracted with MS Septic to provide portable toilets on Friday night and Saturday. The toilets will be cleaned overnight. A minimum of one toilet will be handicap accessible. A handwashing station will also be available.**

**RW will ask the town to provide trashcans along with recycling bins provided by Mad River Resource Management Alliance. Casella will provide a 15-yard dumpster for trash and recycling disposal. At the end of the event, we have volunteers who sweep the streets and area around the event to clean up any remaining trash.**

**20. Will there be any form of amplified entertainment (i.e. music) at the event? The Friday Night Block Party is all about the music. We have two bands playing. Slap Happy Jack will open from 5:30 – 7:00 pm. Beginning at 7:00 pm, The Grift will play. The Grift is a classic rock and roll dance band. PDQ Productions provides all of our sound and will have speakers set up at the stage. Because the buildings in the area are businesses, which close at 5 pm, we do not expect any issues regarding music during the Block Party. We will communicate in advance to all area residents about the sound levels. Pat Quimby (PDQ Productions) is very aware that we cannot exceed certain levels and will monitor it at all times. All**

amplified music on Friday night is turned off by 9:45 pm. Saturday's entertainment will also be amplified, but consists of primarily background music, therefore is well within limits of the town sound ordinances.

Friday Night Block Party

5:30-7:00 pm: Slap Happy Jack

7:30-9:30 pm: The Grift

Saturday entertainment

10:00-11:00 am: Green Mountain Performing Arts

11:00-12:00 noon: Harwood Assembly Band

12:00-1:00 pm: Cooie and Adlai

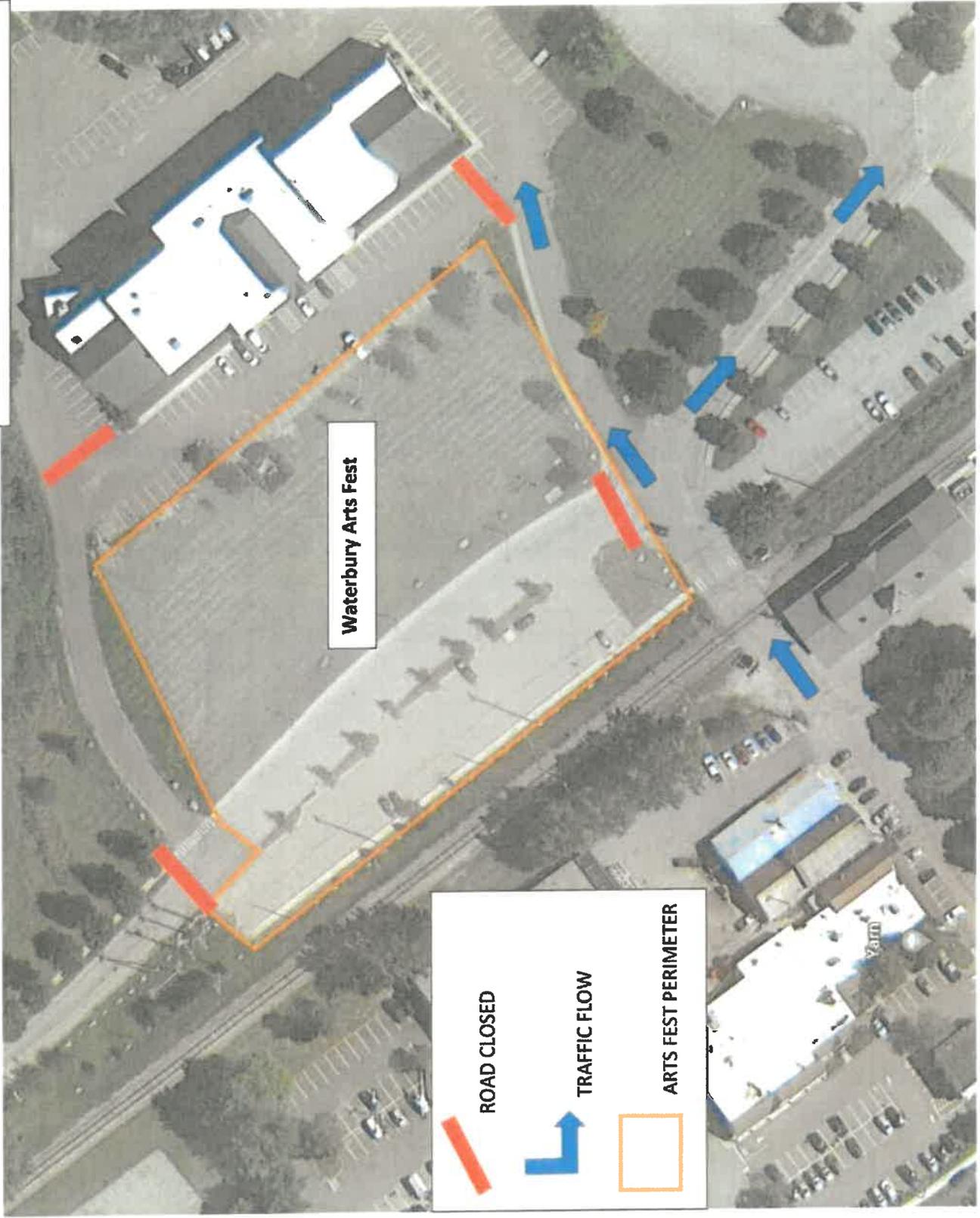
1:30-2:30 pm: Emma Cook Music

3:00-4:00 pm: Soulstice

21. The Selectboard must approve all signage for Special Events. Please include all proposed signage with this application. No off-site signage will be allowed except for directional signage. Attach a map that includes location of all proposed directional signage.

We will set up directional signage on Friday morning and take it down by 5:30 pm on Saturday. The directional signage will direct traffic to the state office complex parking lots and to 5 Pilgrim Park which will provide ample parking for both days. To support accessibility, we will also provide handicap parking directly in front of 5 Pilgrim Park. Signage will be similar to what we've used in the past.

**WATERBURY ARTS FEST ROAD CLOSURE MAP**



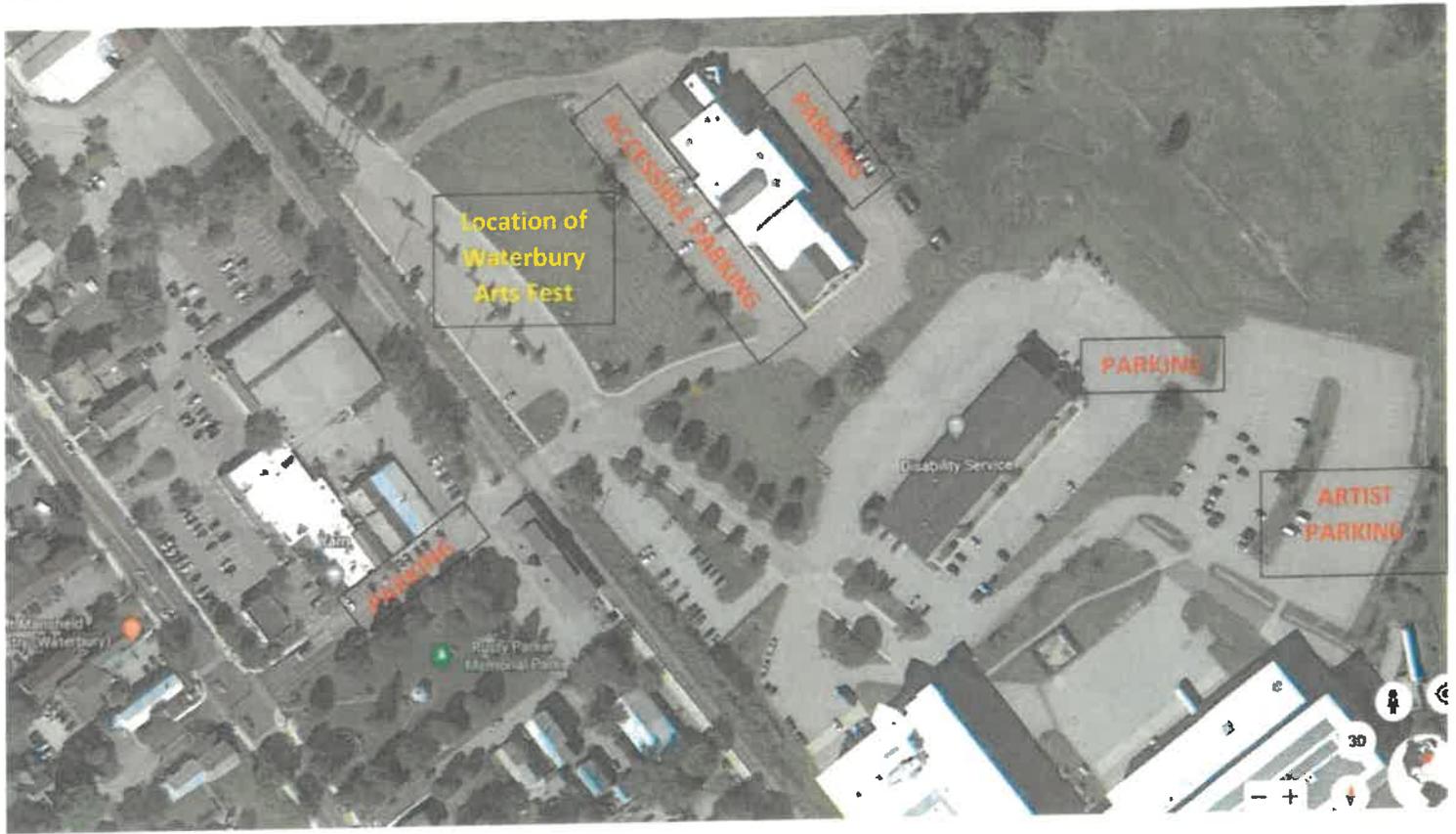
**Waterbury Arts Fest**

**ROAD CLOSED**

**TRAFFIC FLOW**

**ARTS FEST PERIMETER**

# WAF PARKING



## Proposed Directional Locations for Signage – WAF - July 2024

Two types of signs

- Direction to event
- Direction to event Parking

Address	Arrow
<b>From Rte 2 - Richmond</b>	
Carwash just before Roundabout.	Straight arrow - Event
<b>Downtown Waterbury</b>	
Stowe St at Bidwell Lane	Straight to Main St - Event
Stowe St & Union St	Straight to Main St - Event
Bidwell Lane at Stowe St	Arrow to left - Event
Stowe St at Main St	Arrow to left - Event
<b>From Roundabout</b>	
Pack & Send	Straight on Main - Event
Dac Rowe Park	Straight on Main - Event
Library/Town Admin	Straight on Main - Event
Congregational Church	Straight on Main - Event
<b>Center of town / Main Street heading from 2E</b>	
McGillicuddy's (Just past on right)	Straight on Main St - Event
Across from M&T Bank on opposite corner	Right arrow to State Parking - Parking
<b>Rte 100 (coming from Duxbury/Moretown)</b>	
Rte 100B & Cobb Hill Rd	Left arrow - Event
Bicycle Express/ Main & 100B	Left arrow - Event
<b>Heading into downtown Waterbury on S. Main</b>	
Welcome to Waterbury Sign	Straight arrow - Event
Waterbury Health Center	Straight arrow - Event
<b>Towards or at Park Row</b>	
Rusty Parker Park (on right)	Left Parking arrow. 2-3 on curb as you approach - Parking
On Park Row. Visitor Ctr parking sign in front of RR station	Go straight - Event
Pass RR Station.	Straight - Event
At stop sign/Park & RR St	Straight – Event
<b>Pilgrim Park</b>	
Park Row at Pilgrim Park Row	Right arrow - Parking
Pilgrim Park Road by P2	NO PARKING SIGN (with cones)
Pilgrim Park Road by P2	Straight arrow – Parking
Pilgrim Park Road across from Darn Tough	Left arrow – Parking
Driveway across from FoodScience	Straight arrow - Parking
Back Parking Lot behind FoodScience	Parking



April 24<sup>th</sup>, 2024

Revitalizing Waterbury  
Attn: Karen Nevin, Executive Director  
46 S Main St  
Waterbury, VT 05676

Karen,

Waterbury Ambulance Service, Inc is the EMS agency that serves the area where you are holding the following event:

Waterbury Arts Festival- July 12<sup>th</sup> & 13<sup>th</sup> 2024 located at 5 Pilgrim Park in Waterbury, VT.

For both dates Waterbury Ambulance Service will not have an ambulance on site, however ambulance coverage will be available either by Waterbury Ambulance Service or by mutual aid in the event Waterbury Ambulance Service ambulances are otherwise engaged and will be accessed via normal 911 procedures.

Please don't hesitate to reach out with any questions or concerns regarding emergency response for your event. We are grateful for your work of creating and maintaining a vibrant community here in Waterbury for us and our neighbors.

Sincerely,

*Maggie Burke*

Maggie Burke  
Executive Director  
Waterbury Ambulance Service  
PO Box 95  
Waterbury Center, VT 05677  
[Maggie.burke@waterburyambulance.org](mailto:Maggie.burke@waterburyambulance.org)  
(802) 244-5003

# Waterbury Fire Department

Gary Dillon, Chief  
Waterbury Fire Department  
28 North Main Street  
Waterbury, Vermont 05676



Non-Emergency (802) 244-8856  
Fax (802) 244-4303

April, 21, 2024

Waterbury Arts Festival  
Ms. Karen Nevin  
Waterbury, Vermont 05676

Re: Fire Service for Waterbury Arts Festival

Dear Ms. Nevin:

The Waterbury Fire Department can and will provide fire protection for the 2024 Waterbury Arts Festival and surrounding buildings in the new location on the Pilgrim Park end of Railroad Street. You indicated that you would like to block off Railroad Street so that there is no parking congestion from people attending the event. I support this as long as what is used to block the street will allow the fire department to move quickly in the event of a need. During an emergency, the fire department can be reached by calling 911 and providing the information that is relevant and asked for.

Sincerely,

*Gary Dillon*

Gary Dillon, Fire Chief  
Waterbury Fire Department

Cc: Karen Petrovic , Town Clerk

ARTISTS

GREEN ROOM

MAIN STAGE

FOOD

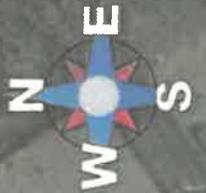
RW

BAR

TOILETS



**FRIDAY JULY 14**  
**5-9:30**



# SATURDAY, JULY 13



- ARTIST
- SPONSORS
- MAIN STAGE
- FOOD
- RW
- CRAFTS
- NON PROFITS
- TOILETS
- HANDWASH



non profits  
1 2 3 4

Creation Station

leave room for obstacle in ground



50 ft

POSTER WILL BE SIMILAR TO THIS

**A Fundraiser for Revitalizing Waterbury**



# WATERBURY ARTS FEST

**Block Party**

**FRIDAY  
JULY 8**

5:00 PM - 9:30 PM  
Donations Accepted

**Arts Market**

**SATURDAY  
JULY 9**

10:00 AM - 4:00 PM  
Free Entry

Grand Sponsor:



**VSECU**

Thank You to  
Our Sponsors:



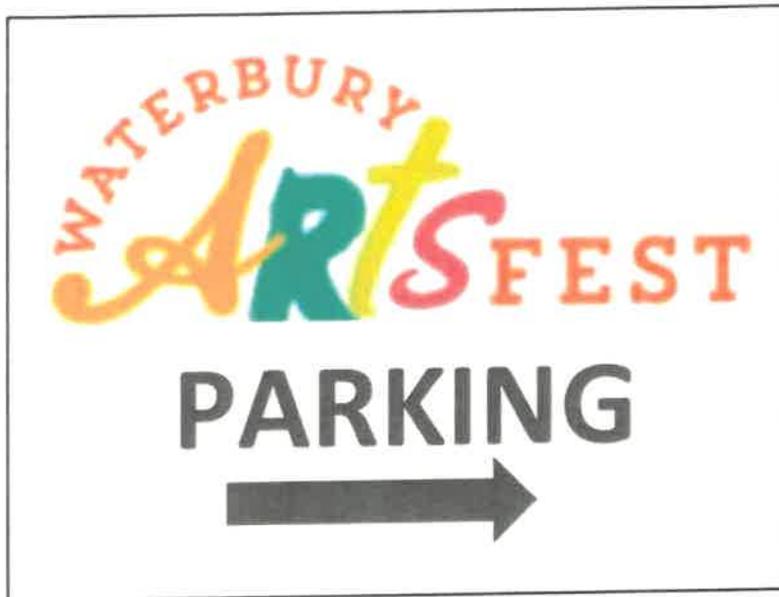


**WATERBURY  
ARTS FEST**



**WATERBURY  
ARTS  
FEST**

Examples of Directional sign - will be branded with new logo



## Karen Petrovic

---

**From:** Bill Woodruff  
**Sent:** Tuesday, May 14, 2024 7:07 AM  
**To:** Karen Petrovic; Mike Bishop; Gary Dillon; Maggie.Burke@waterburyambulance.org; Katarina Lisaius; Thomas Leitz  
**Subject:** RE: Arts Fest 2024

Concerns from Public Works are that all signs for road closures and detours be MUTCD compliant and all traffic control personnel be properly trained and adorned with the proper safety equipment if standing in the ROW.

**Bill Woodruff**  
Waterbury Public Works Director  
(802) 839-6199



**From:** Karen Petrovic  
**Sent:** Friday, May 10, 2024 8:43 AM  
**To:** Mike Bishop <mbishop@waterburyvt.com>; Bill Woodruff <bwoodruff@waterburyvt.com>; Gary Dillon <waterburyfd@waterburyvt.com>; Maggie.Burke@waterburyambulance.org; Katarina Lisaius <KLisaius@waterburyvt.com>; Thomas Leitz <tleitz@waterburyvt.com>  
**Subject:** Arts Fest 2024

Attached is the complete file for the Arts Fest this year.

The Select Board can take this up at their next meeting on May 20<sup>th</sup> so if you have any comments please send them to me by Friday 5/17 at noon. This way I can send them to the board along with the meeting packet.

Thanks  
Have a great weekend  
Karen

### TOWN OF WATERBURY ENTERTAINMENT PERMIT

THE UNDERSIGNED HEREBY REQUESTS PERMISSION TO OFFER PUBLIC ENTERTAINMENT, WITHIN THE TOWN OF WATERBURY, IN A PUBLIC HOUSE OR A NON-PUBLIC HOUSE AS DEFINED BY THE TOWN OF WATERBURY IN ITS PUBLIC ENTERTAINMENT ORDINANCE.

Name of Establishment: Vermont Goodfire Cannabis

Location entertainment will be offered: 3627 Waterbury Street Rte Waterbury Center

Name of Applicant: Bob Owen

Type of Entertainment (check all that apply):

- Live music
- Dancing
- Mechanically or electronically produced music
- Live productions (plays, concerts, etc.)
- Other (please describe) \_\_\_\_\_

Use of orange cones to slow traffic like last time. No need for law enforcement use. In the event of rain the music will be moved inside. Platform only (No covering)

Please describe the days/time of day and give a brief description for the type of entertainment you have checked above:

Acoustic music on the front lawn in front of signage (same as last time) no drums (6 events between 2PM-6PM)

Dates: 5/31, 6/14, 6/28, 7/05, 8/30, 9/06

THE APPLICANT IS RESPONSIBLE TO INSURE THAT ALL SECTIONS OF THE ORDINANCE ARE FOLLOWED. SPECIFICALLY, ALL PUBLIC ENTERTAINMENT SHALL CEASE NO LATER THAN ONE HALF HOUR PRIOR TO THE TIME AT WHICH, BY LAW OR REGULATION, THE SERVING OF ALCOHOLIC BEVERAGES MUST CEASE.

Signature of Applicant: Bob Owen Date: 5/15/24

\*\*\*\*\*

At a Select Board meeting held on \_\_\_\_\_, this permit was:

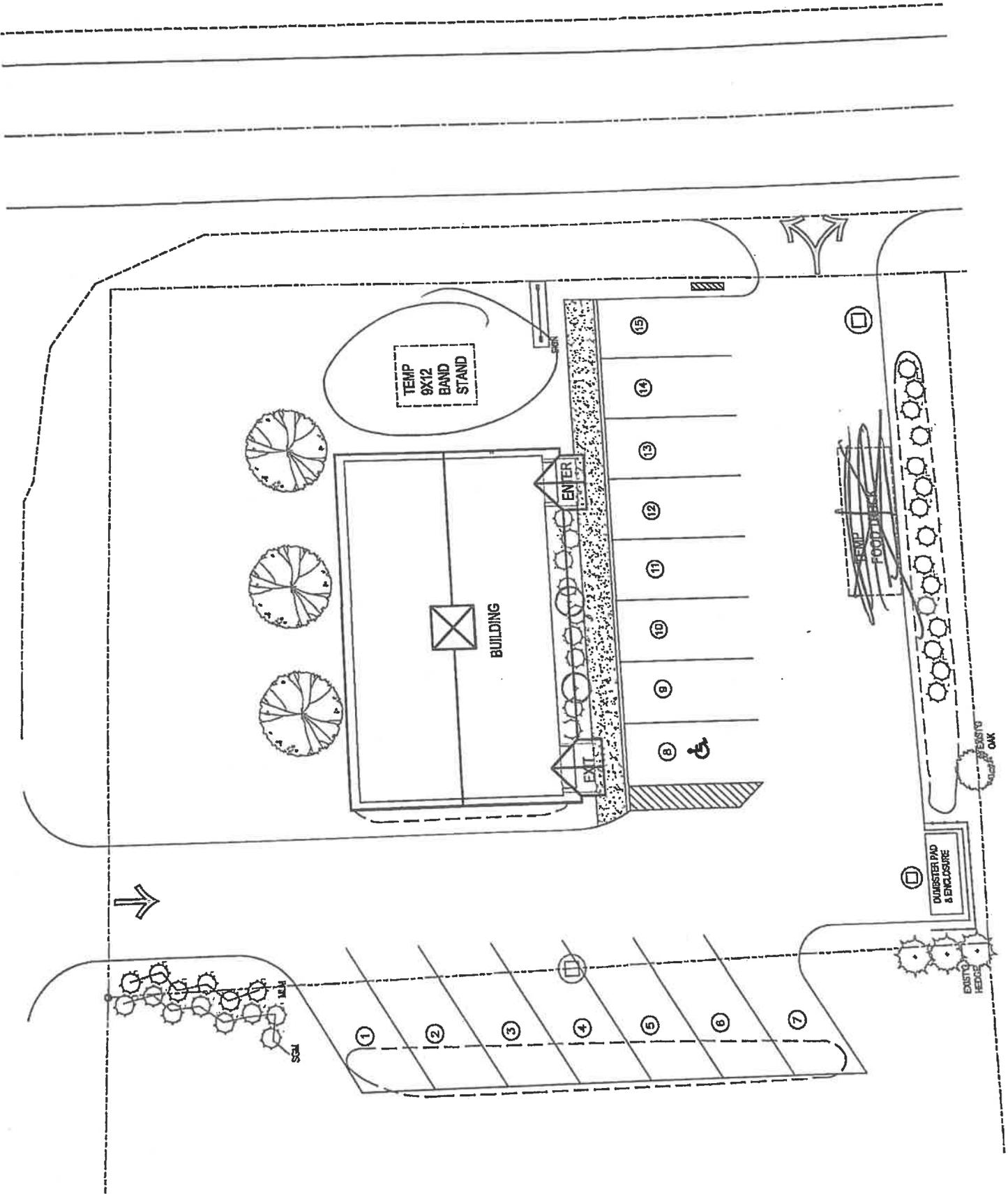
- ( ) APPROVED Conditions: \_\_\_\_\_
- ( ) DISAPPROVED Reasons: \_\_\_\_\_

Municipal Manager or Designee: \_\_\_\_\_

\*\*\*\*\*

THIS PERMIT SHALL EXPIRE AT 12 MIDNIGHT ON APRIL 30, \_\_\_\_\_

FEE: \$25.00 PAID: \_\_\_\_\_



## Karen Petrovic

---

**From:** Thomas Leitz  
**Sent:** Tuesday, May 7, 2024 11:07 AM  
**To:** Alyssa Johnson; Karen Petrovic  
**Subject:** animal control ordinance  
**Attachments:** Animal\_Control\_Ordinance\_-\_Effective\_August\_15\_2015.docx; Proposed Animal Control Ordinance - 5-7-24.docx

Alyssa/Karen:

The latest draft ordinance is attached. Because the current one is older I was not able to do anything in track changes, but the following changes are made.

- (1) In the absence of an animal control officer the manager automatically serves.
- (2) The Town Clerk has the option to enforce the law with respect to unlicensed animals only. Please note this is an option, and not an obligation. The ACO also has the same authority. I think it makes sense to add in the Clerk, as that individual can sometimes get involved in this particular issue. Karen – if you are not fully comfortable with this I have no concerns about removing this language.
- (3) There is a small highlight on cemeteries. The Cemetery Commissioners have taken a formal vote and they have no complaint if the selectboard removes cemeteries from the list of places in which dogs are banned. A few years ago they took down “no dogs allowed” signs from the cemeteries. They took those signs down because there are a lot of dog walkers in our cemeteries, and no real history of problems. I also don’t think the cemetery commissioners think the ban should be in place and the signs should go back up. They generally view this as the purview of the selectboard.
- (4) Schedule of proposed fees is attached at the end. Note there is a progressive piece where everything begins with a warning.

Regards,

Tom Leitz, Municipal Manager  
Town of Waterbury  
28 North Main St., Waterbury VT 05676  
(802) 244-4300  
he/him/his





## **Section 1: Authority & Adoption**

Pursuant to 20 VSA sec. 3549, 24 VSA chapter 59, and 24 VSA sec. 2291(10), the following ordinance is promulgated in order to regulate keeping of domestic pets in the Town of Waterbury. Any animal control or dog ordinance previously adopted by the Town of Waterbury is hereby amended, by deleting such ordinance in its entirety upon the effective date of the ordinance set forth below, pursuant to 24 VSA sec. 1971 et seq., as amended.

## **Section 2: Purpose**

It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids and their running at large and to provide for their leashing, restraint, and control so as to protect the public health and safety of the Town and the quiet enjoyment of the homes and properties of its residents and property owners.

## **Section 3: Definitions**

The following words and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Other definitions shall have the meanings ascribed by Vermont law or in the event no legal definition exists, the meaning shall be ascribed by a recent edition of a modern English language dictionary.

Select Board shall mean the legislative body of the Town of Waterbury as it may appear from time to time.

Enforcement Officer shall mean any person appointed Animal Control Officer (ACO) by the Municipal Manager. The ACO need not be a resident of the Town of Waterbury. In the event there is not an appointed Animal Control Officer (ACO) the Municipal Manager shall serve in that capacity.

Town pound & pound-keeper shall mean that place and person designated by the Select Board and Trustees, whether or not within in the town limits, to keep domestic pets which are violating any provision of this ordinance.

Dog shall mean an animal, male and female, which is the progeny of the species *canis familiaris*. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.

Wolf-hybrid shall mean an animal which is the progeny of a dog and a wolf (*canis lupus* or *canis rufus*); an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its guardian or keeper; an animal which exhibits primary physical and behavioral wolf-characteristics.

Domestic pet shall mean any dog or wolf-hybrid kept in a residential setting. The term shall also include such other domestic animals, as the select board shall establish by rule from time to time.

Guardian or keeper shall mean any person(s) or entity that cares for, supervises, harbors, keeps or permits any domestic pet to be in and about their residence, or premises, and includes any person having a domestic pet in his/her possession.

Running at large shall mean any domestic pet which is not on the property of its guardian and is 1) not on a leash, 2) not on or within a vehicle, and 3) without sufficient restraint or control by voice command or confinement. Restraint need not be physical if a reasonable person is able to determine that an animal is under the immediate control of its owner by means of training, habits or instinct.

Public Park or Park shall mean grounds owned, leased, or managed by the Town of Waterbury and set aside for use and enjoyment by the public for recreation, relaxation, public gatherings, public concerts, farmers' markets, etc., including, but not limited to these locations: Hope Davey Park; the Gazebo Green, so-called at Guptil Rd, Maple Street, and Howard Ave; Anderson Field; Dascomb P. Rowe Field; Community Gardens in Dascomb P. Rowe Field and on Winooski Street; Rusty Parker Memorial Park; Newton Baker Mini-Park; and the Waterbury Dog Park, located adjacent to the Ice Center of Washington West Dog Park shall mean any area owned or leased by the Town of Waterbury and designated as a "Dog Park" by the Select Board or Trustees: said area shall be fenced in and designed for owners of domestic pets to supervise their domestic pets playing or running within the fenced in area.

Recreation Playing Fields shall mean fields designed and maintained for the playing of sports including baseball, softball, soccer, lacrosse, field hockey, ice hockey, football, etc. If a specific playing field is fenced in, this definition applies to the fenced in area of that field. If no fence surrounds a specific playing field, this definition applies to the area where "usual and customary" play for sports takes place. A fence that surrounds or partially surrounds an entire Public Park does not indicate that the entire area within is designated as a Recreation Playing Field.

Public Swimming Pool shall mean the bathhouse, the pool and the fenced in grounds that surround the pool located at Anderson Field.

Public Building shall mean a building, including the grounds on which the building is located, or, space within a building owned or leased by the Town of Waterbury.

Excessive noise shall mean any noise created by a domestic pet that is audible to those persons, other than the guardian of the pet, who are in a location where they are lawfully permitted to be, that is of such volume, duration or frequency that to a reasonable person would be improper, disturbing and disruptive.

Vicious domestic pet shall mean any domestic pet which bites a person or snaps at or tears the clothes, in attempt to bite any person at any time, other than when the animal is restrained within a proper enclosure or on the premises of the guardian; or any domestic animal who has been found attacking, wounding, killing or worrying another domestic pet, animal, livestock or deer.

#### **Section 4: Running at Large**

1. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be running at large.

#### **Section 5: Domestic Pets on Public Property or Public Grounds**

1. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be off leash, on any public sidewalk or public path.
2. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be off leash in a public park, unless said park is designated as a dog park.
3. All domestic pets are banned from town cemeteries, recreation playing fields, bleachers, dugouts, playgrounds and the public swimming pool and it shall be a violation of this ordinance for a guardian of a domestic pet to allow said pet entry to these areas.
4. All domestic pets may be banned from public property from time to time for a particular purpose upon specific order of the Town Select Board, and it shall be a violation of this ordinance for a guardian of a domestic pet to allow said pet entry to these properties when prohibited.

5. The Town Select Board may establish rules to regulate the presence of domestic pets in public buildings. Such rules shall be posted in a conspicuous place within the public building where the rule applies. It shall be a violation of this ordinance for a guardian of a domestic pet to violate any such rule.

#### **Section 6: Domestic Pets that Bite or Attack (Pursuant to 20 VSA, Ch 193)**

It shall be a violation of this ordinance for any domestic pet to bite, attempt to bite or attack any person, domestic animal, domestic fowl, livestock or deer, except during which time as the animal is defending its property against uninvited trespassing, defending its own welfare, its guardian, or participating in lawful hunting activity.

The Select Board shall hold a hearing within 7 days upon receipt of a written complaint of a vicious dog, rabid dog, or for repeated violations of this ordinance. Upon the close of said hearing, if the Select Board or Trustees determine that the owner violated the ordinance, the governing body may:

1. Petition superior court to enjoin the violation of any provision of this article;
2. Issue a warrant to an enforcement officer directing them to have the subject animal humanely destroyed;
3. Issue an order to have the subject animal muzzled and/or restrained;
4. Issue an order for restitution of any and all damages to be paid by the animal's guardian;
5. Issue an order requiring that the dog be removed from the community; or
6. Any other appropriate relief.

#### **Section 7: Cruelty to Domestic Pets (Pursuant to 13 VSA, Ch 8)**

No person shall torture, poison, torment or cruelly neglect providing any domestic pet with necessary sustenance or shelter, or cruelly beat, needlessly mutilate or cause any domestic animal to be tortured, tormented, beaten, needlessly mutilated, killed or deprived of necessary shelter, or sustenance, except as otherwise permitted by law. It shall be at the discretion of the ACO to investigate if neglect or abuse is suspected of a domestic pet (i.e.: dogs tethered for long periods of time are more likely to be poorly socialized and aggressive) and impound said pet throughout until the investigation is resolved satisfactorily in accordance with the statutes for animal cruelty.

## **Section 8: Excessive Noise, Disturbance & Nuisance**

A guardian or keeper shall not permit a domestic pet to commit a disturbance or nuisance as hereinafter defined:

1. Make excessive noise so as to disturb the quiet of any adjoining landowners or neighbors by barking or howling for a period of 30 minutes or more
2. Cause damage to real or personal property, whether publicly or privately owned;
3. Scatter refuse;
4. Harass, worry, or interfere with pedestrians, bicyclists, or other passersby;
5. Attack persons or other animals;
6. Obstruct traffic;
7. Cause any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person other than those persons who are in the act of threatening the welfare of the guardian of the domestic pet, the welfare of the domestic pet, or in the act of trespassing upon the private property of the guardian of the domestic pet;
8. Allow their domestic pet to defecate on all public property including sidewalks, public paths, public parks, and on the private property of another person without properly disposing the feces in an impermeable wrapper and properly disposing of it, preferably placing it in a trash receptacle.
9. Otherwise be a nuisance or create a disturbance.

## **Section 9: Impoundment & Enforcement**

1. The ACO shall be the primary enforcement officer under the provisions of this ordinance. In the absence of the ACO or in the situation of an emergency nature, any enforcement officer, including the Municipal Manager, may enforce the provisions of this ordinance.
2. The ACO may use the appropriate equipment and methods such as traps, muzzles, and snares in the act of catching and impounding a domestic pet found to be in violation of this ordinance.

3. A complaint shall be deemed official when a person files a complaint in writing, with the select board, town clerk, or an enforcement officer. The complaint form will include complainant's name, address, contact number, nature of complaint, and description of domestic pet. The description of the domestic pet should include at the minimum, color, size, location, and any distinguishing features. The description may also include breed, gender, and tags.
4. The ACO shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with the select board, town clerk, or any enforcement officer. If the enforcement officer concludes and establishes through a reasonable investigation that a domestic pet is running at large, causing a disturbance, or creating any concern or is unlicensed, he or she may impound said domestic pet with the pound keeper.
5. Upon impounding any animal, a record shall be made by the ACO of the breed, color, and gender, where it was caught and whether it was licensed. The record of the impounding enforcement officer shall be filed with the town clerk. Upon any domestic pet being impounded, it shall be the duty of the ACO, within 24 hours, to notify the person(s) who own or harbor the animal, if known. If not known, to post at the town clerk's office a notice, within 24 hours, with a description of the animal and when and where it was picked up.
6. Any enforcement officer may apprehend, quarantine or impound a domestic pet for ten days when said animal: a) is suspected of being rabid; b) is believed to have been attacked by other animals suspected of being rabid; c) has been attacked by a wild animal; d) has an unknown rabies vaccination; or e) bites a person.
7. In the event an enforcement officer issues an order that a guardian confine or quarantine a domestic pet on the guardian's premises under the provisions of this section, it shall be a violation of this ordinance for the guardian to permit said animal to be taken off the guardian's property until such time as the order is rescinded except with permission of the select board or under the care of a licensed veterinarian.
8. A domestic pet shall be held for ten days unless claimed earlier. If no person entitled to or claiming the possession of any such animal shall claim the animal within ten full days after such notice, the ACO may, at the expiration of the ten days from the date of the receipt or posting of the notice provided for in this section, sell, giveaway or dispose of in a humane manner, any such animal not redeemed or claimed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

## **Section 10: Release from Impoundment**

1. A domestic pet shall be considered impounded immediately upon the ACO taking control or possession of the domestic pet.
2. The guardian or keeper entitled to possession of any impounded domestic pet may reclaim said pet upon reimbursement of expenses, fees, and costs incurred by the town for impounding and for maintaining the domestic pet at a pound.
3. Upon payment of the impounding fee from the guardian to the Town, a receipt will be issued for the release of the domestic pet into the guardian's custody.
4. A current dog license is required for the release of any pet if the pet is required to be licensed. If an impounded pet that is required to be licensed is unlicensed, the owner may pay to the Town a deposit fee set by the select board for the purpose of removing said pet from the pound for the purpose of licensure. All fees and costs described in number 2 of this section must be paid as well. If the owner, within five (5) consecutive days of the pet's release from impoundment, presents a valid license for the pet to the ACO or the Town a refund of the deposit fee shall be made to the owner.

## **Section 11: Fees**

1. The Select Board shall set an "Animal Control Ordinance Fee Schedule" listing all fees described in this ordinance and shall file such schedule with the Town Clerk. The Select Board may change the schedule of fees from time to time without the need to amend this ordinance.
2. A separate fee shall be due to the pound for lodging and care. Said fee shall be paid to the Town before the domestic pet can be released from the pound. This fee, due to the pound, will be set by the Select Board in negotiations with the pound keeper. The fees for pound services shall be filed with the Town Clerk and shall be part of the "Animal Control Ordinance Fee Schedule".
3. All fees described in this ordinance or set and described in the "Animal Control Ordinance Fee Schedule", when due, must be paid to the Town. No domestic pet shall be released from impoundment before all fees due the town are paid.

## **Section 12: Mandatory License**

1. A person who is the guardian or keeper of a domestic pet in the Town that is more than six months old shall license their pet(s) with the Town of Waterbury in accordance with the provisions of 20 VSA chapter 193.
2. All domestic pets residing within the Town of Waterbury are mandated to be licensed with the Town Clerk. The license fee, listed at the Town Clerk's office, must be paid and proof of rabies vaccination of one to three years is required for registration. An annual license renewal shall be paid to the Town Clerk upon notice of the month on file per domestic pet. A surcharge, listed at the Town Clerk's office, per license shall be added on for the purpose of calculating a penalty for late payment. The license tag(s) are to be worn by all domestic pets in the community at all times. A dog that is visiting from out of State must wear a collar or harness with a current license from its home state attached.
3. A dog that is found without a collar and license may be immediately impounded.

### **Section 13: Civil Penalties**

Any guardian or keeper who violates any section of this ordinance, in addition to any other fines, penalties and remedies as provided by law, be subject to the following progressive remedies:

At the option of the ACO:

1. The issuance of a verbal warning or letter notifying the guardian take action to prevent the domestic pet from causing a disturbance, nuisance or running at large.
2. The issuance of a verbal warning or letter notifying the guardian to license their pet(s) immediately.
3. Fines listed in the "Animal Control Ordinance Fee Schedule" shall apply;
4. Each day that the violation continues shall constitute a separate violation;
5. For Judicial Bureau tickets: a waiver fee for one-half the penalty to which a guardian is subject shall be assessed for those guardians who admit or do not contest the ordinance violation, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint;

At the option of the Town Clerk in regards to unlicensed pet(s).

1. The issuance of a verbal warning or letter notifying the guardian to license their pet(s) immediately.
2. Fines listed in the "Animal Control Ordinance Fee Schedule" shall apply;
3. Each day that the violation continues shall constitute a separate violation;
4. For Judicial Bureau tickets: a waiver fee for one-half the penalty to which a guardian is subject shall be assessed for those guardians who admit or do not contest the ordinance violation, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint;

#### **Section 14: Severability**

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of the ordinance.

#### **Section 15: Repeal of Prior Ordinance**

This Ordinance repeals and replaces all prior Animal Control Ordinances or parts thereof in force at the time this Ordinance takes effect.

#### **Section 16: Effective Date**

This ordinance shall be effective at midnight the 61st day after the date of adoption by the Select Board.

## **Animal Control Ordinance Fee Schedule**

### **Animal Control Officer Costs**

Hourly Wage: Equal to the hourly labor cost, including fringe benefits, of the individual responding to the call.

Response to Complaint: Hourly Wage plus \$50.00 base charge.

Mileage: IRS non-taxable reimbursement rate.

### **Pound Fees (Section 11)**

Boarding: \$20 per day plus any and all costs liable to the town for boarding fees and animal control officer costs.

Deposit Fee: If an impounded pet is unlicensed, the owner must pay a deposit fee of \$200 to remove the pet from the pound for the purpose of obtaining a license. All other fees and penalties must be paid prior to release of the pet. The Town will refund the deposit fee to the owner if presented with a valid license for the pet within five consecutive days of the pet's release.

### **License Fees (section 12)**

Annual License Fee: \$11.00 for spayed or neutered dog, \$15.00 for unspayed or unneutered dog

Penalty for Late Payment after April 1st: \$10.00

### **Civil Penalties (section 13)**

Unlicensed Pet violation: \$50.00, waived if owner obtains a license within five consecutive days after receiving formal notice of the violation

For All Other Offenses: First Violation: \$50, Second Violation: \$75, Additional Violations: \$100

## Memo

Date: 5/16/24  
From: Tom Leitz  
To: Selectboard  
Re: Flood Mitigation & Other Grant Opportunities

### **Request for New Position**

Since the floods of 2023 the Town has endorsed several elevation and buyout requests, and has submitted a BRIC grant application for \$80,000. I am hopeful the BRIC grant will soon be awarded and that will ultimately lead to substantial funding for flood mitigation projects. We are also engaged on other flood mitigation projects, and expect for new priorities to emerge from the Town's Natural Disaster Preparedness Committee.

I believe the time has come to create and fill a part-time position to assist with managing the above priorities, and also to pursue additional grant opportunities that would otherwise be missed due to staff constraints. This would be similar to the Town's long-term recovery coordinator position, which was a part-time position created in 2015 and staffed through early 2022 and staffed at 20 to 24 hours a week. I believe a similar number of hours would be required at the onset as the individual would need to be become familiar with our history, ongoing initiatives, and future opportunities. Beyond that, I believe the hours would be minimal until the Town is able to secure grants and begin project implementation, at which point this individual would have an oversight role and increased hours.

The position could also provide assistance to CReW as that organization is volunteer driven and would benefit from Town staff resources.

I believe the attached job description appropriately captures the skill-set that would be required for this position: a combination of planning, project management, leadership, and administrative skills. I am seeking authorization to create and fill the position.

### **Funding Mechanism**

Preliminary 2023 figures indicate the Town's major funds ended the year with a substantial surplus. We further bolstered the Town's fund balance by allocating ARPA funds for general governmental expenses, which allows for the Town to utilize these funds for any operating purpose.

I am seeking authorization to create a new fund related to future flood mitigation revenues and expenses. Through this fund we would charge expenses (staff and consultant fees, equipment, etc.), and we would also utilize the fund to account for any related grants and capital projects. I propose utilizing \$100,000 of the Town's fund balance (effectively a combination of ARPA funds, plus funds from the

aforementioned budget surplus) to allocate towards this fund in 2024. These funds would carry over to future years unless they are exhausted. I am hopeful a portion of our expense related to this position could be recaptured as many grants allow for administrative fees.

Although I do not have final figures, I will ultimately be able to draw down further FEMA funds related to my time preparing the reimbursement claims. I estimate this to be substantial, and it is likely to exceed \$30,000. I further suggest these funds, once received, could be allocated to this fund.

I also note the Town did not budget for any local option tax revenue. Utilizing preliminary data for 2023, had the tax been in place the Town would have collected \$695,000. Historically nearly 60% of the tax is collected in the final two quarters of the year, or roughly \$395,000 of the total. I think it is reasonable to anticipate similar revenues in 2024. I therefore do not have any concerns related to deficits this calendar year, and believe this tax can further insulate the Town from future deficits.

**TOWN OF WATERBURY**  
**Flood Mitigation Grants Manager**

Primary Role:

The primary role of the Flood Mitigation Grants Manager is to secure and administer grants related to Waterbury's efforts to recover from the floods of 2023, better prepare for future floods, and execute capital projects that would reduce the impact of future floods. The position serves as the Town's interface with local and state officials and the broader public to help ensure the Town achieves its goals with respect to public support and grant funding.

This is an hourly, part-time position without benefits. This position is expected to attend on-site meetings as necessary, but the work can be substantially remote. The position reports to the Municipal Manager.

Nature and Scope of Position:

- The position secures and manages grants and capital projects related to the Town's flood mitigation efforts.
- The position builds support for aspirational projects, and is able to advance projects from the planning stage to completion.
- The position works closely with a wide variety and diversity of parkers. The Manager must have superb written and verbal presentation skills.

Duties & Responsibilities Include:

Related tasks include the following:

- Manage grants for the Town (and the Edward Farrar Utility District) from application, to implementation, to final close-out and audit.
- Represent the Town in meetings with residents, business owners, and an array of local, state and federal officials.
- Oversee capital projects in conjunction with the Municipal Manager and Director of Public Works.
- Provide information to the public related to the Town's flood mitigation and recovery efforts and enunciate the Town's long-term plans.
- Inspire public confidence, support and investment in flood mitigation efforts.
- Other related duties as directed by the Municipal Manager

Education, Training and Experience

- Demonstrated experience in a related field with relevant education preferable.
- Bachelor's Degree in a related field and experience in a position of similar complexity.
- Demonstrated history of work on projects of similar complexity.



To: Waterbury Select Board, Housing Task Force, Town Manager  
From: Kane Sweeney, Select Board Member  
Subject: Housing Trust and Initiatives  
April 16, 2024

## Proposal to Create a Waterbury Housing Trust and Initiatives to Further Waterbury's Affordable Housing Goals

During the April 15, 2024 Select Board meeting the Select Board voted to cut away a provision of the rental ordinance pertaining to rental deposits. The addition of that specific provision was intended to assist renters who struggle to afford the sometimes colossal down payments that stand in between homelessness and a roof.

Though the absence of this provision will inevitably assist in the ordinance's passage, the need continues to grow for more direct intervention on the part of the Select Board to keep Waterbury affordable to all people.

In our last few meetings we have heard from local landlords and short term rental operators about measures taken by towns such as Woodstock and Montpelier that have created systems wherein large grants, incentives and trusts, funded by those municipalities' local option taxes and philanthropy that have at least attempted to lift the financial burden of working renters.

The first of part of this proposal would be modeled almost exactly after Woodstock's incentive plan, which I provided the cliff notes for here:

### **Incentives.**

#### **1. ADU Workforce Rental Program**

The purpose of this program is to incentivize the creation and then leasing out of accessory dwelling units. The maximum grant for this program is \$10,000 for a 3 year period. The commitment from the landowner is at least a one year lease period to a local worker for prorated rents (or market rate).

#### **2. Multi-unit Housing Rental Program**

The purpose of this program is to incentivize the construction of duplexes, triplexes and four unit apartment buildings. The maximum grant is \$10,000 per unit for a 3 year period. The commitment from the landowner is at least a one year lease period for prorated rents (or market rate).

#### **3. Rental Incentive Program**

The purpose of this program is to incentivize owners of Short Term Rentals *or* unused property to switch to long term leases. The maximum grant is \$2,000 for a 6 month lease, \$4,500 for a one year lease and \$10,000 for a two year lease with an extra \$200 per additional tenant. The commitment from the landowner is to rent to a local worker for no less than a 6 month period for prorated rents (or market rate).

#### 4. Homeshare

The purpose of this program is to incentivize homeowners or tenants to rent an extra room in their house/apartment to a local worker. The maximum grant is \$250 a month for a maximum of \$2,400. The commitment from the landowner or primary tenant is to rent a bedroom in their home for no more than \$650 a month.

These incentives are primarily funded through Woodstock's Housing trust which is anchored by both their local option tax and philanthropic ventures. While the latter is not at our current disposal, the former *is*.

#### **Funding.**

For examples of municipal housing trusts we need look no further than Montpelier. While their trust is funded by an article passed by the voters in 2005 called "Article 14" which allocated 1 cent of every tax dollar to the trust, we have our local option tax. These trusts both in Woodstock and Montpelier are spearheaded by committees, only Montpelier's is primarily funded through tax dollars with charitable donations thrown in.

Here are the cliff notes which I simply copied from the language:

"The purpose of the Fund is to preserve, construct and/or rehabilitate affordable housing units in Montpelier for ownership or rental, and occupancy by eligible households."

Objectives:

1. Provide information and guidance to prospective applicants about how they may apply for assistance;
2. Make grants or loans to eligible applicants to assist prospective buyers, owners and tenants occupy dwelling units, which shall be affordable for a period of at least 15 years;
3. Leverage, deposit and use private, charitable, and public funds to increase affordable housing opportunities in Montpelier;
4. Facilitate the creation of 10-20 new affordable apartments annually;
5. Help 10 eligible households annually buy an affordable home in Montpelier

The Trust language includes definitions of affordable housing both to own and to rent. What stuck out was the percentage of income versus rent which is:

Rent not exceeding 30% percent of household income, 50% with utilities.

The deeper you get into the language the more it features similar requirements as Woodstock's incentive programs to qualify for grants. Therefore I felt it unnecessary to include it here.

Management of the trust is pretty straight forward and headed up by a committee as forementioned. I've included the language straight from the text:

"There is hereby established an Advisory Committee (Committee) of up to five (5) persons appointed by the City Council. The Advisory Committee shall consist (1) member of the City Council and up to four (4) persons who live or work in Montpelier who do not have a conflict of interest as staff or member of an applicant's governing body. Two (2) members of the Committee shall be members of the Montpelier Housing Task Force and two (2) shall be members of the public at large .The City Council shall make every reasonable effort to appoint persons who have expertise and experience in the preservation, construction, rehabilitation and financing of dwelling units that are affordable for ownership or rental by eligible households."

"Advisory Committee members shall serve three-year terms and may serve multiple terms as long as they are re-appointed by the City Council."

"The Advisory Committee shall work with City staff to prioritize applications to the Fund, make funding recommendations to the City Council and monitor the operation and activity of the Fund. The City Council shall make awards from the Housing Trust Fund. In addition to its other responsibilities, the Montpelier Housing Task Force (the Task Force) shall develop and amend policies and guidelines for the Trust Fund and make recommendations to the City Council regarding their adoption."

Further language includes responsibilities of the City Manager and staff in facilitating the security of the fund. It also includes a full time position of a Fund overseer.

### **Proposal.**

To create and implement a Housing Trust Fund overseen by a Trust Fund Committee in conjunction with the Housing Task Force and Town Office, funded by the Local Option Tax to facilitate the creation and preservation of below market rate rental housing in the Town of Waterbury. To use the fund to incentivize landowners and developers to build, convert or otherwise make livable, rental units for long term tenants and to provide grants to low income residents for the purpose of a down payment on a new home or apartment.

Purpose:

1. Create and preserve long term rental options
2. Elevate efforts to maintaining affordability
3. Maintain a localized workforce

