

Minutes of the Select Board  
Monday, June 3, 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:** Rachel Muse, Doug Greason, Sally Kulis, Mike & Brenda Hedges, Dan McKibben, Beth Gilpin, MK Monley, Don Schneider, Steve Hagenbuch, Gunnar Nurme, Gannon Osborne, Sandy Sabin, Cheryl Gloor, Valerie Rogers, Dana Allen, Keith Cubbon, Evan Hoffman, Angela Hilsman

**ZOOM:** ORCA Media, Amy Marshall-Carney, Elizabeth, Pegeen Mulhern, Evan Hoffman, Dani Kehlmann, VRLC Admin, Rob Gilpin, Linda Gilpin, Anne Imhoff

R. Clapp called the meeting to order at 7:01pm

**Approve Agenda:** A. Johnson moved to approve the agenda with the addition of updating the Outside Consumption Permit (OCP) for Black Back Pub after the 7:10 agenda item. I. Shea seconded the motion. A vote was held and passed unanimously.

**Consent Agenda Items:** K. Sweeney moved to approve the consent agenda as written. A. Johnson seconded the motion; a vote was held and passed 4-1 with M. Bard abstaining.

**Public:** no comment

**OCP Permit for Black Back:** K. Sweeney moved to approve the change to the OCP for Black Back on the dates of: June 21<sup>st</sup>, July 19<sup>th</sup>, and August 2<sup>nd</sup>. I. Shea seconded the motion; a vote was held and passed unanimously.

**Appointment to the Conservation Commission:**

A. Hilsman spoke of her background and interest in serving on the Waterbury Conservation Commission. A. Johnson moved to appoint A. Hilsman until April 30, 2026. K. Sweeney seconded the motion, a vote was held and passed unanimously.

**Dept. of Forest, Parks, and Recreation (FPR) / Waterbury Land Initiative (WLI):** S. Hagenbuch introduced WLI stating their role is to assist landowners to permanently conserve properties. S. Hagenbuch read from the Gilpin family will as well as a covenant they placed on this parcel of land before it was passed to their children. There are two parcels outlined on the map, the large parcel is owned by the three children, the smaller parcel is owned by B. Gilpin. G. Osbourne is the Land Conservation Forester from FPR and G. Nurme is the Land Acquisition Coordinator for FPR. The acquisition of these two parcels would add to the Putnam State Forest. In all acquisitions the Dept of FPR always seek Select Board approval. Any changes of use to this parcel would require public hearings. The property is currently enrolled in the State's Current Use Program. R. Clapp asked specifically about the mountain biking that currently happens in the Putnam State Forest. G. Osbourne stated there are no current trails on this property and any creation of trails would have to go through public hearings. G. Osbourne stated he does not anticipate any use access from Perry Hill Road. Lots 3 & 5 are benefited by a ROW on Black Bear Hollow Road. One of the challenges the State has managing the Putnam Forest now is access to the parcel due to the railroad. The ROW of Black Bear Hollow would allow for better management of the parcels long range management process. M. Bard asked what the long-term plans for this parcel is. G. Osbourne stated general overall values and to expand public access. He cannot say

for certain if there will ever be a trail network. The two parcels being considered tonight rank high on the tool the state uses to measure conservation opportunities. T. Leitz stated within the Town there is a Utility District which owns a large parcel where mountain bike trails have been constructed without permits. Likewise, he believes the current trails in the Putnam Forest were developed without permission. What will the State do to stop that if it is not desired? How will the State manage uses such as unpermitted trails that may negatively impact local residents. T. Leitz also stated the Town is already struggling to maintain gravel roads and any notation of a parking lot or development of parking on Perry Hill could have a negative impact on management costs. Lastly, T. Leitz stated the Department of FPR refused to engage in a conversation to access aggregate on Sweet Road. From the Town's perspective no one wants to oppose land being placed in conservation however, there does not seem to be a give and take on the part of FPR. A. Johnson acknowledges private land owners should have the ability to conserve their property as they wish. A. Johnson stated she was on the WLI Board for two years. There is no conflict of interest because she no longer serves but wants to acknowledge the hard work spent on this, and all projects. S. Hagenbuch and B. Gilpin did neighborly outreach. They did not reach all landowners but they did make the effort. G. Osbourne stated any trail development would be a part of public outreach. G. Osbourne stated there is stewardship and management on staff to assist with any unpermitted uses. G. Nurme stated there is a "pretty firm no" on any development of parking along Perry Hill Road. G. Osbourne has made an offer to get the Town in touch with someone in the State's Stewardship program to discuss or answer ongoing questions about the Hunger Mountain Trail Head. B. Gilpin stated the land is currently enrolled in the current use program. K. Sweeney expressed his frustration stating the State can jump on owning 83 acres in Waterbury but cannot relinquish 2 downtown acres to the Town. M. Hedges stated this land acquisition has been ongoing for more than 5 years, when he served on the Conservation Commission. The Gilpin's approached them but they did not have the resources that WLI has. A. Marshall-Carney provided an overview of the current Conservation Commission letter drafted in response to this proposal. M. Bard stated as much as he is in favor of this conservation efforts, he feels there should be some quid pro quo from the State to allow the Town to obtain gravel from the Hunger Mountain trailhead. M. Bard is concerned about the creep of State-owned lands in Waterbury. He believes Waterbury makes up some of the highest state land within the State of Vermont. The Dept of FPR recognizes the eco systems, scenic values, and public recreation pressures when they propose a land acquisition. I. Shea stated he appreciates this is the family wishes. On its face value this was a very easy decision to him. He asked for more information about the time frame and next steps. Funding applications are being drafted now to two entities. If those funding applications are successful, money would be available late summer or early fall. Survey work, title work etc would need to be performed. June 2025 would be a likely target date. FPR requires Town support to move forward with an acquisition. S. Hagenbuch stated this plan does support the Town Plan in Waterbury by protecting large forest blocks. **I. Shea made a motion to authorize the Chair to sign the letter of support as presented by FPR. A. Johnson seconded the motion. M. Bard made a motion to amend stating support for this land acquisition be contingent on the state allowing gravel to be taken from the HMT parking lot. There was no second to the amendment. The original motion passed unanimously.**

**Hazard Mitigation Plan Public Hearing: A. Johnson moved to open a public hearing for the 2024 Local Hazard Mitigation Plan. K. Sweeney seconded the motion, a vote was held and passed unanimously.** K. Cubbon presented slides regarding the Town of Waterbury Hazard Mitigation Plan. Presentation attached. Comments are welcome until the third week of June.

**Welcoming and Engaging Community Cohort Update:** A. Johnson, R. Muse and T. Leitz have been participating in the VLCT cohort. The process started with data collection; overall Waterbury did well. As a group they felt more input from members of the community was necessary. Suggestions included a community supper or attending the Farmers Market. R. Clapp asked about ethnic diversity. It was addressed at the cohort; there were lots of conversations and ideas but the subject is difficult to translate into a formal action. Discussion followed about ways the Select Board could engage with the community better; what questions would be asked, what would the Board do with this information after it is gathered? Members of the Select Board will attend the Farmers Market to better engage with community members.

**State Police Contract:** There are some noteworthy changes to the contract this year outlined on page 2, page 5 and 6. There are no provisions that prevent the Town from seeking supplementary coverage from other departments or towns. Creating a local police force is nearly impossible giving staffing issues. Stowe and Montpelier are both operating at half-staff. The State police are operating at 40%. Even if the Town of Waterbury took steps to create a police force in all likelihood, we could not find officers. **K. Sweeney moved to approve the contract as presented. M. Bard seconded the motion; a vote was held and passed unanimously.**

**Noise Concerns (Preliminary Discussion):** R. Clapp acknowledged this topic has been in the parking lot for a very long time. There is a question about whether the Town still has the decibel meter that was previously used. A. Imhoff stated she recalls L. Sayah used to measure noise coming from the local bars when they have live music performances and the concert in the park. **A. Johnson moved to continue this conversation at the next meeting after seeking additional information from Skip Flanders and updated zoning regulations. K. Sweeney seconded the motion, a vote was held and passed unanimously.**

**Animal Control Ordinance (Secondary Discussion & possible adoption):** I. Shea made a motion to adopt the Animal Control Ordinance as written. **K. Sweeney seconded the motion. A vote was held and passed unanimously.**

**Housing Trust Update (Secondary Discussion):** T. Leitz has a meeting with Downstreet Housing this coming Thursday. The Housing Task force will discuss this at their June meeting. K. Sweeney made calls to other towns that have Housing Trusts. Communities like Montpelier are effectively using these funds to supplement VHIP loans to get ADU's built. **A. Johnson moved to revisit this conversation July 1st when all outside information has been gathered. M. Bard seconded the motion, a vote was held and passed unanimously.**

**Hiring Temporary Intern:** T. Leitz stated he would like to hire a local nursing student who has a desire to work over the summer and is competent to take care of some administrative work for the zoning department to back scan files as well as work on the E911 backlog. **M. Bard made a motion to hire an admin to assist in the Zoning Department. K. Sweeney seconded the motion; a vote was held and passed unanimously.**

**Technology Investments:** T. Leitz provided the board with a memo detailing some options he would like to implement. The board is in favor of the GPS system and would like more information about implementing front facing cameras. By consensus the Accounts Payable Software can wait for 2025 budget consideration. By consensus the keyless entry will be considered in the 2025 budget as well.

**Next Meeting Agenda:**

Housing Trust Update July 1<sup>st</sup>

Noise Concerns June 17<sup>th</sup>

Local Hazard Mitigation Plan June 17<sup>th</sup>

Police stats and evaluation of statistics

Farmers Market Debrief

Leaf Peeper Traffic June 17<sup>th</sup> or July

Bump out for Stone's Throw Pizza June 17<sup>th</sup>

**Executive Session: A. Johnson made a motion that premature public knowledge of a real estate transaction will clearly place the town at a disadvantage. M. Bard seconded the motion, a vote was held and passed unanimously.**

**K. Sweeney moved to enter executive session along with the Municipal Manager T. Leitz. M. Bard seconded the motion, a vote was held and passed unanimously.**

The Board exited Executive Session at 10:43pm having taken no action.

There being no further business the meeting was adjourned.

**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: Waterbury Rotary Club

Location entertainment will be offered: Rusty Parker Park

Name of Applicant: Dan McKibben

Type of Entertainment (check all that apply):

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

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

NOV 10 Concert at RPP bandstand starting after parade (around 6pm) till dusk (around 9:30pm)

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: [Signature] Date: 5/22/24

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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, \_\_\_\_\_.

## Karen Petrovic

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**From:** Ehren Hill <hillehren@gmail.com>  
**Sent:** Friday, May 31, 2024 2:31 PM  
**To:** Karen Petrovic  
**Subject:** Blackback Liquor License / Music In The Alley

Karen,

Following up on our conversation today, I wanted to get this Email out ASAP. Blackback is involved with the Music In The Alley again this year. The dates have just been provided to us, and in service to this I am asking to have the alley next to the Pub and The Phoenix added as space for us to provide beer and wine to attendees. The dates for the 3 events in the series are: June 21st, July 19th, and August 23rd. The time as I understand it is 6-9pm for all three events. Please advise on if this is feasible, I apologize in regards to the late notice, I just received the dates within the last 36 hours.

As the events are being put on by someone else, we just need the clearance to pour and folks to consume within the cordoned off area of the event. Beverages will only be available from us, none will be allowed to leave the event space, no outside alcohol will be allowed. The space will be monitored by myself or DLC certified managers. We will also be serving food at the event.

Please email or call if there are any questions or if there is anything needed from me.

Best Regards,  
Ehren Hill  
802-522-7272

## TOWN OF WATERBURY VERMONT

### Application Form for Town Commissions, Boards, and Committees

Please submit your application to **one** of the below:

**In person or by mail:** Board Search, Town of Waterbury, 28 N. Main St. Waterbury, VT 05676 or **by email** to: [karen@waterburyvt.com](mailto:karen@waterburyvt.com)

#### Please supply the following information:

1) Review the scheduled meeting day/time of the Commission, Board, or Committee along with the length of the term of the position. Will you be able to regularly make the meetings? ☒ Y ☐ N Will you be able to serve for the term of the position? ☒ Y ☐ N

2) Please introduce yourself to the Selectboard by providing a one page cover letter detailing your background, experience, and interest in the board/commission/committee you are applying for. A 1-2 page resume is optional.

Name of Applicant: Angela Hilsman

Date: 5/23/2024

Phone Number: (774) 254-5624

Email Address: angelahilsman@gmail.com

Name of Commission/ Board/ Committee and term (if known):

Waterbury Conservation Commission, 2026

How many years have you served on this Committee? 0 Years

If you serve on another Commission/Board/ Committee, please indicate which one(s):

n/a

If you were referred or recommended for this position by someone, please share that reference's name and contact information.

n/a

Waterbury Resident: ☒ Y ☐ N (circle one)

Please note, applicants are asked to attend the selectboard meeting at which volunteers will be nominated to their respective positions. If you cannot attend, please email [Karen@waterburyvt.com](mailto:karen@waterburyvt.com) in advance of the meeting to provide additional background information.

All policies that apply to the town's Select Board also apply to all boards, commissions, and committees. Policies may be found at [www.waterburyvt.com/ordinances](http://www.waterburyvt.com/ordinances).

For hard copies or accessibility accommodations please contact: Karen Petrovic; [karen@waterburyvt.com](mailto:karen@waterburyvt.com)

Angela Hilsman

Waterbury, VT

(774) 254-5624

[angelahilsman@gmail.com](mailto:angelahilsman@gmail.com)

May 23, 2024

Waterbury Town Select Board

28 North Main Street

Waterbury Vermont 05676

**RE: Waterbury Conservation Commission**

Dear Select Board,

I am writing to express interest in volunteering for the Waterbury Conservation Commission. Admittedly, I did not start exploring the outdoors until my 20s, and as I did, one takeaway has become clear: nature brings out the best in people and everyone deserves access to it.

By nature, I am a mission-driven action taker, so while I got my start as a journalist – first producing online content for Washingtonian Magazine – I looked for ways to explore my interest and support access to the outdoors. Later as an editor of a local paper in southern New England, I wrote about salt marsh conservation, nitrogen pollution, and clean water restoration efforts – knowing fully well that people can't care about an issue they know nothing about. (As a newspaper editor, I also often sat in on Select Board meetings and connected with other town committees.) Eager to be involved in the environmental efforts I was writing about, I began volunteering as an environmental educator.

I finally decided that the best way to make an impact was to utilize my skills in communications and digital marketing for an environmental group already doing good work. I moved to Vermont nearly five years ago to work for the Vermont Land Trust, where I led education and outreach events into the pandemic. I later worked at the Green Mountain Club, again drawing on my expertise to extend awareness, education, and inclusion on online platforms.

I've been living in Waterbury specifically for two years now. I love the work that I've been involved in, and am extremely eager to continue making a difference, to keep learning, and to be involved in my community. We are lucky to live in such a beautiful state, with a communal appreciation for Vermont's landscape and many conservation groups spearheading efforts for carbon sequestering, supporting biodiversity, and making the outdoors a more inclusive space. But there are challenges as well, as I'm sure you know: overuse threatens our local resources, climate change is altering our ecosystems, and the health and wellbeing of our communities hinge on the health and wellbeing of Vermont's natural systems.

I'm confident that my experience will not only support the Conservation Commission in extending communication, outreach and education efforts, but also that the knowledge I've gained observing local government as well as writing about Vermont's specific conservation priorities will be a benefit as well.

Thank you for your consideration in appointing me to the Waterbury Conservation Committee.

Sincerely,

Angela Hilsman



**State of Vermont**  
**Department of Forests, Parks & Recreation**  
1 National Life Drive, Dewey 2  
Montpelier, VT 05620-3801

*Agency of Natural Resources*

<http://fpr.vermont.gov>

May 31, 2024

Town of Waterbury Selectboard  
28 North Main Street  
Waterbury, VT, 05676

RE: Land Conservation Project in the Town of Waterbury

Members of the Waterbury Selectboard:

The Vermont Department of Forests, Parks and Recreation (FPR), in partnership with the Waterbury Land Initiative (WLI), is working to acquire 83.25 acres of land in Waterbury as an addition to C.C. Putnam State Forest. The project involves two parcels off Black Bear Hollow, both owned by members of the Gilpin Family. One of the parcels ("Lot 3") is 11.10 acres and is owned by Beth Gilpin. The other parcel ("Lot 5") is 72.15 acres and is owned jointly by Beth, Linda, and Rob Gilpin. Lot 5 is adjacent to the Perry Hill block of C.C. Putnam State Forest. In addition to purchasing these two parcels, FPR also plans to purchase a right of way that Beth Gilpin and her husband Mark Powell currently hold over the State Forest land. Collectively, the two parcels and the right of way are referred to as the "Gilpin properties." Please see the attached map. FPR is asking for the Town of Waterbury's support for this acquisition at your upcoming selectboard meeting on June 3, 2024.

The addition of this land to the Perry Hill block of C.C. Putnam State Forest will expand recreational opportunities while also expanding recreational and management access to the State Forest. Upon acquisition by FPR, the land will be open to the public for dispersed recreation. This project will also provide the opportunity to potentially build new recreational trails and expand the popular Perry Hill trail network in the future, should it be deemed appropriate through a long-range planning process involving public input. Further, conservation of the land will protect against forest fragmentation around the State Forest's edges and will expand the forest's ability to function as a large unfragmented forest block within the Worcester Range to Northeastern Highlands Wildlife Linkage, a regionally significant wildlife corridor. Vermont Conservation Design identifies the land as part of a Highest Priority Interior Forest Block, as part of a Highest Priority Connectivity Block, and as a Highest Priority area for Physical Landscape Diversity. Once acquired by FPR the land would be managed as an addition to C.C. Putnam State Forest.

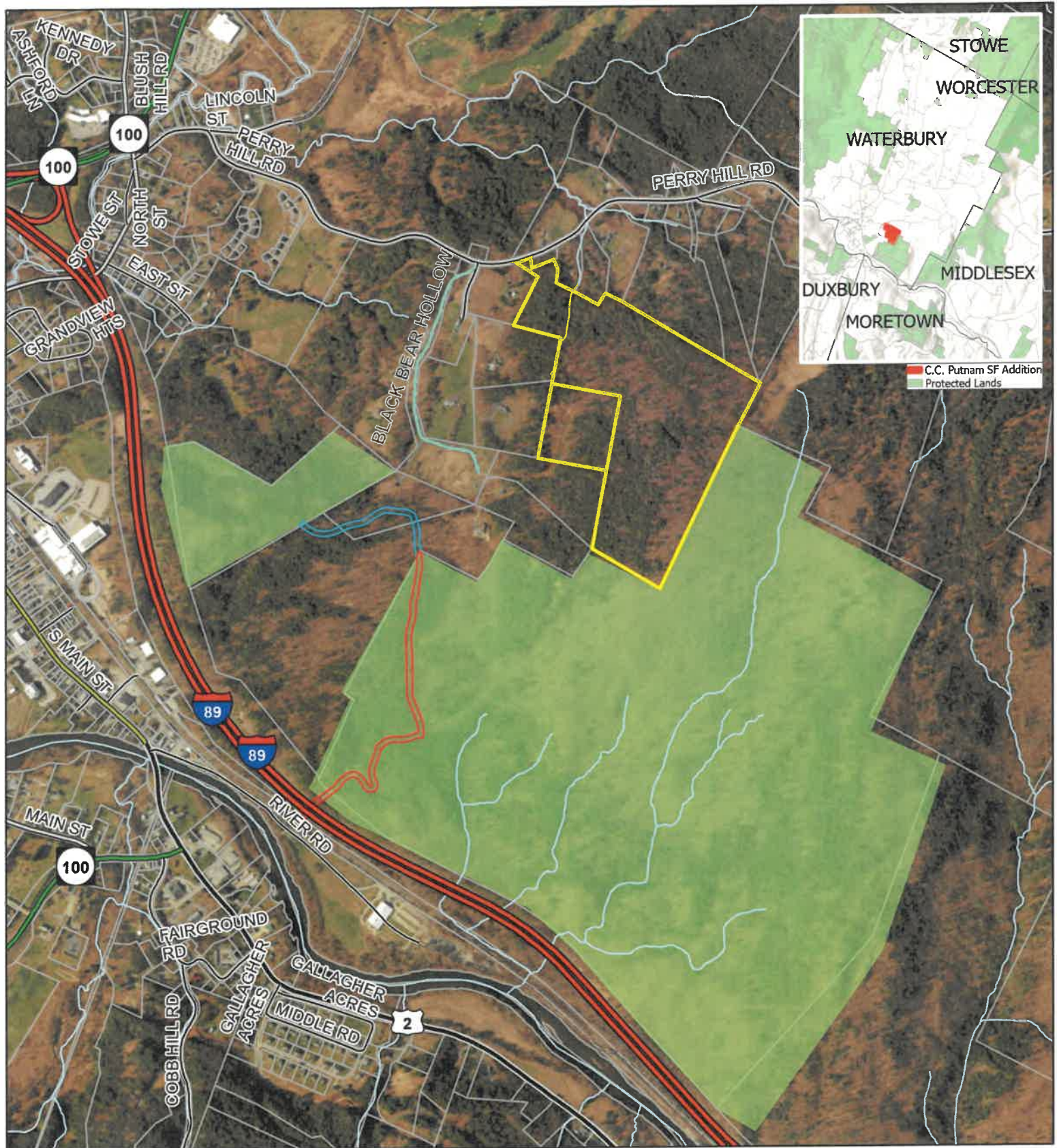
The partners respectfully ask for your support of FPR's acquisition of the Gilpin properties. For your convenience, I have attached a brief letter to offer your support. Should you see fit to support the project, we use this letter to show town support as the project advances. If acquired, the property will be managed under an Interim Stewardship Plan until the Long Range Management Plan for the Worcester Range Management Unit is amended or updated to include the parcels through a public process. Also, please find attached a letter regarding FPR's Payment in Lieu of Taxes (PILOT) program. Essentially, FPR does not pay property taxes for land under its ownership, but it does make an annual PILOT that is designed to pay towns the same amount of municipal taxes they would have received in the year of acquisition had the parcel remained in private ownership.

Thank you and please feel free to reach out with thoughts or questions at any time.

Gunnar Nurme, Land Acquisition Coordinator









**Project Overview Map**  
Perry Hill Expansion Conservation Project


Cartographer: Gunnar Nurme  
5/22/2024





This map is for illustrative purposes only.  
No warranty as to the usefulness or accuracy  
of the data is expressed or implied.

 VERMONT

 Scale: 1:15,000

0 0.13 0.25 0.5 Miles



-  83.25 Acres - Addition to C.C. Putnam State Forest
-  Private ROW Across Public Land, to be Purchased by FPR
-  ROW Benefitting State of Vermont
-  C.C. Putnam State Forest



State of Vermont  
Department of Forests, Parks and Recreation  
1 National Life Drive, Davis 2  
Montpelier VT 05620-3801  
www.vtforest.org

Agency of Natural Resources

[tdd] 800-253-0191

May 21, 2024

Town of Waterbury Select Board  
c/o Karen Petrovic, Town Clerk  
28 North Main Street, Suite 1  
Waterbury, VT 05676  
karen@waterburyvt.com

RE: PILOT Payments for Gilpin Property Acquisitions, Waterbury, Vermont

Dear Select Board Members,

I have been asked to estimate the tax implications of the proposed acquisition by the Vermont Department of Forests, Parks and Recreation (FPR) of two parcels in the Town of Waterbury. The parcels are listed under the Gilpins at 475 Black Bear Hollow Road (72.15 acres) and 480 Black Bear Hollow Road (11.10 acres). FPR is proposing to acquire all 83.25 acres.

The State does not pay property taxes, but it does make a payment in lieu of taxes (PILOT) on land it acquires that is equivalent to the amount the Town would receive for property taxes in the year of acquisition, if the land was privately owned. ANR creates the PILOT with the same equation that the Town uses to derive property taxes with the municipal tax rate and the Town's assessed value for the property, at the time of acquisition. Please see [https://fpr.vermont.gov/state\\_land/acquisition/pilot-program](https://fpr.vermont.gov/state_land/acquisition/pilot-program) for a discussion of the PILOT process including periodic adjustments to increase the annual PILOT amounts paid to each town. The Legislature provides about 80 percent of the funding for the PILOT program, with the remaining 20 percent of the funding coming from the Vermont Department of Fish & Wildlife.

The table below lists the PILOT payments that the Town of Waterbury would receive annually from the Agency of Natural Resources (ANR) for the two parcels. Calculations are based on the tax bills issued by the Town of Waterbury on July 6, 2023. Please note that the PILOT will be derived from the most recent grand list and municipal tax rate at the time of acquisition and so may vary from what is listed below.

PILOT Calculation Based on FY2022 Values				
SPAN	Assessed Value	Municipal Tax Rate	Equation	PILOT Due
696-221-10710	\$360,700 for 72.15 acres	0.5439	\$360,700/100 (0.5439)	\$1,931.85
696-221-12513	\$141,800 for 11.10 acres	0.5439	\$141,800/100 (0.5439)	\$ 771.25

Because the non-residential tax rate is set Statewide, and because the non-residential school tax is paid into the State Education Fund, the loss of the school tax on this parcel would be made up by all property taxpayers in the State, and not by Waterbury taxpayers alone. As such, the education funds received by the Town from the State Education Fund are not impacted and the impact on individual taxpayers is minuscule, totaling less than 1/10<sup>th</sup> of a cent for Waterbury taxpayers.

Sincerely,



Niels Rinehart

Town of Waterbury Selectboard  
28 North Main Street  
Waterbury, VT, 05676

June 3, 2024

Gunnar Nurme  
Land Acquisition Coordinator  
Vermont Department of Forests, Parks and Recreation  
1 National Life Drive, Davis 2  
Montpelier, VT 05602

RE: Land Conservation Project in the Town of Waterbury

Dear Mr. Nurme,

The Town of Waterbury Selectboard reviewed the Vermont Department of Forests, Parks and Recreation's (FPR) proposed acquisition of the Gilpin properties, including Lot 3, Lot 5, and the right of way over state land, as an addition to C.C. Putnam State Forest at our meeting on June 3, 2024. We sign this letter to offer our support for FPR's acquisition of the Gilpin properties in the Town of Waterbury.

Sincerely,

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Print Name and Title:  
Waterbury Selectboard



28 North Main St., Suite 1, Waterbury, VT 05676 • 802-249-6529  
www.waterburyvt.com/boards/conservation • waterburycvt@gmail.com

**To:** Gannon Osborn, Gunnar Nurme, and Danielle Fitzko, Vermont Department of Forests, Parks & Recreation; Steve Hagenbuch, Vice-Chair - Waterbury Land Initiative

**cc:** Town of Waterbury Select Board; Town of Waterbury Planning Commission; Department of Fish & Wildlife - Commissioner, Chris Herrick; Agency of Natural Resources - Secretary, Julie Moore

**Re: Proposed Gilpin Family Land Conservation Project**

At the Waterbury Conservation Commission's May 21, 2024 meeting we welcomed Steve Hagenbuch from the Waterbury Land Initiative and two representatives from the Vermont Department of Forest, Parks & Recreation (FPR), Gunnar Nurme and Gannon Osborne for an initial review of a proposed conservation project in the Town of Waterbury, located off Black Bear Hollow, for which they have requested the Commission's support.

At the meeting, and in a May 14, 2024 letter attached here as Appendix A, FPR representatives described the proposed project, which involves the acquisition by FPR of two parcels totalling about 83 acres from members of the Gilpin family, in addition to a right-of-way on existing state land. These parcels abut the Perry Hill block of the C.C. Putnam State Forest and would be managed as part of that existing block.

The Perry Hill block and surrounding area are within the lower extent of the Worcester Range, which provides an irreplaceable linkage with a regional wildlife corridor and provides a valuable unfragmented forest block within that corridor. As noted in FPR's May 14 letter, the Worcester Range and the land involved in this proposal rank highly among numerous priority metrics for habitat, connectivity, and natural diversity. As such, the Commission has a keen interest in this area and deeply supports conservation work that advances these values.

As explained to the Commission, FPR's proposed process for acquisitions such as these is to perform a full assessment of the ecological functionality, determine the management class, and begin the long-range management planning process *after* the land is acquired. The introductory letter describes several *potential* management goals for these parcels. These include expanding recreational access for dispersed recreation and as part of the nearby mountain bike trail network at Perry Hill, and also managing the parcel as part of the forest block for wildlife

connectivity. As detailed planning has not begun, the proposal lacks any resource assessment or planning details or objectives that the Commission can evaluate.

As with all successful projects one of the most critical outputs of the initiation phase is a comprehensive proposal.<sup>1234</sup> Both the introductory letter and our collective discussions on May 21st and May 29th<sup>5</sup> confirmed a comprehensive proposal is not attainable at this time.

The Commission – through the lens and context of Core Principles of Conservation, e.g. Conserving Vermont’s Natural Heritage, environmental conservation, and Act 59(H.126) – is acting in its role as a public interest representative of Waterbury and broadly as state citizens. We recognize that the proposed project may advance those values or act as a buffer to the core forest block of the Worcester Range, or it may bring other community benefits and impacts, some of which are beyond the purview of this Commission (i.e. economic value), however, in the absence of defined management classifications, goals, or project details, we have no foundational content to make a decision, and are unable to offer our unconditional support for the proposal at this time.

The Commission appreciates the efforts that have gone into this proposal and strongly supports continued work to conserve the Worcester Range and surrounding areas – should that ultimately be advanced by this proposal. We further appreciate the time of the FPR representatives. While we are unable to provide input on the proposal as formulated within the brief timeline requested, we would welcome further discussion of this effort, including as it pertains to the proposed project, once a concrete vision for the work and an analysis of the properties ecological functionality, landscape features, species conservation, historical and cultural importance, natural community and habitat features is available.

Sincerely,

Waterbury Conservation Commission  
Amy Marshall-Carney - Chair

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<sup>1</sup>Project Management Institute - Project Management Body of Knowledge- Initiation Phase Article: The first step can be the most important

<sup>2</sup> Conserving Vermont’s Natural Heritage - A Guide to Community-Based Planning for the Conservation of Vermont’s Fish, Wildlife and Biological Diversity

<sup>3</sup> No.59. An act relating to community resilience and biodiversity protection

<sup>4</sup> A Landowner’s Guide - Wildlife Habitat Management for Lands in Vermont

<sup>5</sup> The Commission held a special meeting to discuss the proposal in more detail on May 29th.

## Waterbury, Vermont 2024 Local Hazard Mitigation Plan



Route 100 and US 2 at railroad trestle – December 2023

FEMA Approval Pending Adoption Date:  
Municipal Adoption Date:  
FEMA Formal Approval  
Date:

## 1 INTRODUCTION



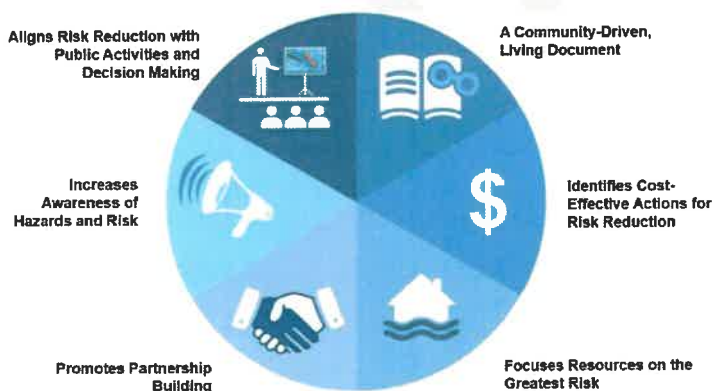
Mitigation planning provides an opportunity for local government to lessen the impact of the next natural disaster. The goal of this Plan is to advance and prioritize mitigation investment to reduce risks posed by natural hazards and to increase the Town of Waterbury's resilience to damages from natural hazard impacts.

Hazard Mitigation is any sustained policy or action that reduces or eliminates long-term risk to people and property from the effects of natural hazards. FEMA and state agencies have come to recognize that it is less expensive to prevent disasters than to repeatedly repair damage after a disaster has struck. This Plan recognizes that opportunities exist for communities to identify mitigation strategies and measures during all the other phases of Emergency Management – Preparedness, Response and Recovery. While the hazards can never be completely eliminated, it is possible to identify what the hazards are, where their impacts are most severe, and identify local actions and policies that can be implemented to reduce or eliminate the severity of the impacts.

## 2 PURPOSE

The purpose of this Plan is to assist the Town in identifying all-natural hazards facing the community, ranking them according to local vulnerabilities, and developing strategies to reduce risks from those hazards. Once adopted, this Plan is not legally binding; instead, it outlines goals and actions to prevent future loss of life and property.

The benefits of mitigation planning include:



Source: FEMA LHMP Skill Share Workshop 2021

Furthermore, the Town seeks to be in accordance with

*the strategies, goals, and objectives of the 2023 State Hazard Mitigation Plan.*

## 3 COMMUNITY PROFILE

### Land Use and Development Patterns

According to the 2018 Waterbury Town Plan, the town charter was granted in 1763. First surveyed in 1782 with first permanent colonial settler following a year later. Many water powered mills fed by the tributaries of the Winooski River fueled the early development of the town.

The town grew into a regional transportation and hub providing access along the Winooski River through the Green Mountains for both Rail and Interstate commerce and connectivity. This allowed the town to grow as a major connection and commerce point.



Waterbury, Vermont is a vibrant community encompassing Waterbury village, Colbyville, and Waterbury Center – located in the northwest corner of Washington County, in the heart of Vermont's Green Mountains. The Winooski River Valley, several mountain ranges, and the gently rolling hills surrounding Waterbury offer a spectacular year-round setting. Waterbury sits just a 20-minute drive from Montpelier, 30 minutes from Burlington, and midway between the popular resort areas of Stowe and the Mad River Valley.

With a lively downtown, numerous tourist attractions, an emphasis on healthy living and family life, and a business-friendly economic climate, our community has become a regional hub. Waterbury is home to Darn Tough, Ben & Jerry's and the Vermont State Office Complex.

With its small-town values, employment opportunities, and disaster recovery experience, Waterbury faced the challenge of rebuilding after the



destruction wrought by Irene and continues to maintain its thoughtful approach to future development.

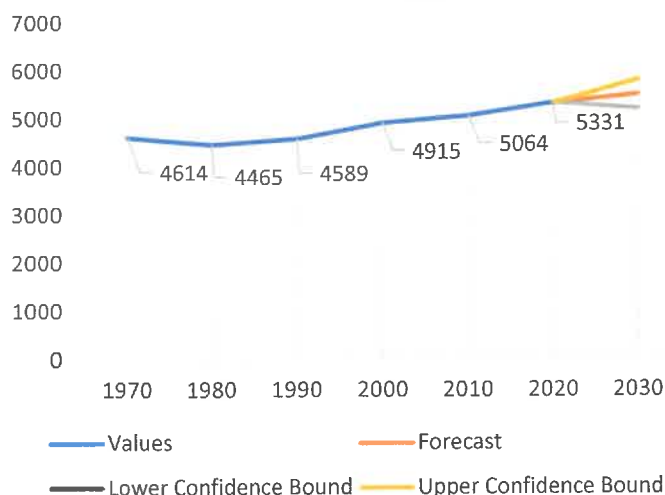
### Land Features

Waterbury's landscape is defined by the Green mountains, Thatcher Brook, Little River and the Winooski River. The Town is nestled between the Green Mountain Range and the Middlesex Range. The southern border of the town is the Winooski River. The lowest elevation of the Winooski River being ~340ft, the highest point being at 3,327 feet, on the side of Ricker Mountain with the summit being in neighboring Bolton.

Several extensive land areas are owned by the State including Mt. Mansfield State Forest, and C.C. Putnam State Forest.

### Demographics and Growth Potential

The 2020 Decennial Census prepared by the U.S. Census Bureau shows an estimated population of 5,331 and 2,559 housing units. Over the last 40 years Waterbury has undergone slow and steady population growth.



Source: Census data with excel projection of expected growth

Between 2010 and 2020, the median age of Waterbury residents changed minimally by +0.9 to 42.8; almost matching the Vermont median age of 42.9. The portion of the population over 65 is 19.0%, compared to 20.6% in Vermont and 16% in the country. The population density of the Town is 111

people per square mile compared to an overall state density of 68.

### Precipitation and Water Features

Average annual precipitation is 42 inches per year; with July being the wettest month. Average annual snowfall is 92.8 inches; with January being the snowiest month.

The Winooski River and its many tributaries (Graves Brook, Thatcher Brook, and the Little River) are a major water features in Waterbury.

The most significant water body in Waterbury is the Waterbury Reservoir. Waterbury Reservoir was created in 1935 with a total area of 850 acres and a maximum depth of 100ft. The reservoir was created by the construction of an 1,845 ft dam that stands 187 ft tall.

### Drinking Water and Sanitary Sewer

Public drinking water is supplied by the Edward Farrar Utility District. The district serves a population of 1200 accounts throughout the town. The district has 12 wells that serve the overall system. They maintain ~9 miles of pipeline and have 150 hydrants. This system is a gravity fed system with most of the wells being on Sweet Road or Waterworks Road along the Waterbury/Stowe town line.

### The Wastewater system

The Edward Farrar Utility District supplies wastewater services for 800 connections. This system has ~45,000 linear feet of gravity sewer lines with an additional ~4,000 feet of 12" forced main line. There are 4 pump stations, 34 North Main Street, 200 Lincoln Street, 546 River Road Ice Center, and 43 Grandview Heights. This system has 293 manholes and

### Transportation

Waterbury is ±50 square miles in size with primary access via US Interstate 89, a north-south major arterial route, US Route 2, VT Route 100, served by the New England Central Railroad and the Amtrak Vermonter.

The 2023 VTrans Town Highway data indicates that Waterbury has 55.63 municipal road miles: 1.49 Class 1; 7.94 miles of Class 2; 39.61 miles of Class 3; 6.59 miles of Class 4 (or functionally Class 4). Of the total municipal road miles, ~57% are paved and ~43% are gravel. In addition, there are 10.28 miles of State highway in Waterbury, and 7.998 of US interstate a for a total of ±67.3 traveled highways, including Class 4 roads.

According to the Town’s 2017 road erosion inventory, 46% of Waterbury’s Road mileage is hydrologically connected - meaning it is within 100-feet of a water resource (i.e., stream, wetland, lake, or pond). Proximity to water resources can make these sections of road more vulnerable to flooding and fluvial erosion. These sections must be up to the standards created for the Municipal Roads General Permit program with a requirement of 7.5% of non-compliant segments being upgraded per year.

According to the Town’s 2023 bridge inventory, Waterbury has a total of 7 municipal bridges - 1 short structures (6’-20’ length) and 6 long structures (>20’ length). The town’s 6 long structures are inspected every two years by VTrans through the Town Highway Bridge Program.

Waterbury has a total of 311 culverts in the municipal road right-of-way; all were inventoried in 2018 by the Central Vermont Regional Planning Commission. Several culverts were listed in critical or poor condition and ideally been considered for replacement and/or upgrade in accordance with Town Road and Bridge Standards. The local road network is maintained by the municipal highway department, whose garage is located on Guptil Road.

**Electric Utility Distribution System**

Electric service to approximately 2,300 Structures with electricity provided by Green Mountain Power. Average annual outage statistics between 2017 and 2019 are summarized in Table 1.

**Table 1: Power Outage Summary**

Average Annual(2017-2019)	
Avg # outages per year less than 24 hours	60
Number of outage greater than 24 hrs.	19

The above data was from Department of Public Service created for review of energy burdened communities.

There were 19 power outages that lasted longer than 24 hours between 2017 and 2019 and 180 between 1 and 24 hours. This negatively effects the town in life safety and economics. When combined with a storm event or extreme heat or cold, long power outages can be dangerous.

**Public Safety**

Fire protection is provided by the Waterbury Fire Department, an all-volunteer organization. The Fire Department is a member of the Capital Fire Mutual Aid Association. Law enforcement is provided by the Vermont State Police resident trooper program with 2 troopers being involved. The nearest hospital is the Central Vermont Medical Center. Ambulance services are provided by Waterbury ambulance service.

**Emergency Management**

Per the Town’s Local Emergency Management Plan, the Town Manager serves as Emergency Management Coordinator and Fire Chief serves as Local Emergency Management Director. They work with others in town to keep the LEMP up to date and coordinate with nearby towns and regional emergency planning efforts.

**4 PLANNING PROCESS**

**Plan Developers**

The Town assembled a Hazard Mitigation Planning Team to participate in updating the Plan. Team members included: Selectboard member (local EMD), Emergency Management Coordinator, representative of the Planning Commission, and Friends of the Mad River staff.

The Central Vermont Regional Planning Commission (CVRPC) assisted the Town with this Plan update. FEMA Building Resilient Infrastructure and Communities (BRIC) funds supported this process.

## Plan Development Process

The 2024 Local Hazard Mitigation Plan is an update to the 2018 single jurisdiction mitigation plan. A summary of the process taken to develop the 2023 update is provided in **Table 2**.

### Table 2: Plan Development Process

**Nov 9, 2023:** Kick-off meeting. Discussed what an LHMP is; benefits of hazard mitigation planning; current plan status; planning process; outreach strategy; and plan sections. Planning Team working meetings were not open to the public.

**Jan/Feb 2024:** To notify the Whole Community\* of the plan update, the Town posted physical and online notices. Physical notices were posted at the Town Office, Waterbury Post Office, and Waterbury Center Post Office. Online notices were posted on the Town website (<https://www.waterburyvt.com/>), Town Facebook page, and Front Porch Forum.

\*Whole Community stakeholders include: 1) local and regional agencies involved in hazard mitigation; 2) entities with authority to regulate development; 3) neighboring towns; 4) representatives of business, schools/academia, and other private organizations that sustain community lifelines; and 5) representatives of nonprofit organizations that work directly with or provide support to vulnerable populations.

CVRPC posted online notices on the CVRPC website ([centralvtplanning.org](http://centralvtplanning.org)). CVRPC also direct emailed notice to 1) officials (Selectboard and Planning Commission chairs, Town Managers and Clerks, Emergency Management Directors) in neighboring towns of Duxbury, Bolton, Stowe, Middlesex, Moretown, and 2) Key Partners (Friend of the Winooski, Winooski Natural Resources Conservation District, Harwood Unified School District, Winooski Basin CWSP, VDH Regional Emergency Preparedness Specialist, VTrans District 6 Projects Manager, Central VT Floodplain Manager). Notice included CVRPC contact for information on planning process and opportunities for public input – see **Appendix C**.

**April 11, 2024:** Planning Team working meeting – confirmed plan purpose (Section 2) and completed community profile (Section 3). Completed hazard risk assessment (Section 5).

**May 2024:** To solicit input from the Whole Community, the Town utilized a survey (see **Appendix D**) and hosted an in-person Community Workshop on May 2. The Town provided notice of the survey and workshop by posting physical notices at the Waterbury Municipal Office, Waterbury Post Office, and Waterbury Center Post Office, and online notices on the Town website, Town Facebook page, and Front Porch Forum.

In addition to these physical and online methods, the Town also published notices for the May Workshop in the online newspaper of local circulation – Waterbury roundabout.

CVRPC posted online notices on the CVRPC website of the opportunities to provide input on where each hazard might impact the Town; assets most likely to be affected; and preferred types of mitigation actions (Sections 5 and 6). CVRPC also direct emailed notice of the survey and to local officials in neighboring towns and Key Partners – see **Appendix C**.

**June 3, 2024:** Selectboard meeting – reviewed mitigation actions in a public meeting to determine actions for town implementation.

## 5 HAZARD IDENTIFICATION AND RISK ASSESSMENT

### Local Vulnerabilities and Risk Assessment

One of the most significant changes from the 2017 Plan is the way hazards are assessed. To be consistent with

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the approach to hazard assessment in the 2018 State Hazard Mitigation Plan, the Hazard Mitigation Planning Team conducted an initial analysis of known natural hazard events\* to determine their probability of occurring in the future (high probability events are **orange** in Table4).

The Team then ranked the impacts associated with the natural hazard events based on 1) probability of occurrence and 2) potential impact to people, infrastructure, the environment, and local economy.

This assessment considered the effects of future conditions, like climate change, on the type, location, and range of intensities of identified hazards.

### Table 4: Community Hazard Risk Assessment

**"This plan defines a natural hazard as a source of harm or difficulty created by a meteorological, environmental, or geological event."**  
*FEMA Local Mitigation Planning Handbook, May 2023*

The ranking results are presented in Table 4 and reflect the following **highest risk hazard impacts** that the Town believes they are most vulnerable to:



**Floods** associated with thunder and/or winter storms and ice jams.



**Extreme cold, snow, and ice associated with severe winter storms.**

Each of the **highest risk hazard impacts** are profiled in this section. Lower risk hazard impacts do not justify mitigation due to a low probability of occurrence and/or low impact and are not profiled in this Plan. See the State Hazard Mitigation Plan for information on the lower risk hazards.

2024 Hazard Mitigation Plan - Hazard Assessment							
Hazard Impacts	Probabilit	Potential Impact					Score*:
		Infrastructur	Life	Economy	Environmen	Average:	
Fluvial Erosion	4	4	3.5	3.5	3	3.5	14
Inundation Flooding	4	4	3.5	3.5	2.5	3.375	13.55
Ice	2.5	2	1.5	2	1.5	1.75	4.375
Snow	3.5	2.5	2	2.5	2	2.25	7.88
Wind	4	3	2	2.5	2.5	2.5	10
Heat	3.5	1.5	3	2	2	2.125	7.43
Cold	3.5	1.5	3	2	2	2.125	7.43
Drought	2	1.5	1.5	2	2.5	1.875	3.75
Landslides	2	2	2	1	1.5	1.625	3.25
Wildfire	1.5	1	2	1.5	2	1.625	2.44
Dam Failure	2.5	2.5	4	4	3	3.375	8.44
Invasive Species	1.5	1	1	1	1	1.0	1.5
Infectious Disease Outbreak	3	2.5	3.5	3	2.5	2.875	8.625
Ice Jam Flooding	3	2	2	3	3	2.5	7.5

\*Score = Probability x Average Potential Impact

Other hazards removed from list

- Earthquakes-minimal risk in region
- Hail- most damages in region come from associated strong wind (severe storm)



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\*Score = Probability x Average Potential Impact

	Frequency of Occurrence: Probability of a plausibly significant event	Potential Impact: Severity and extent of damage and disruption to population, property, environment, and the economy
1	<b>Unlikely:</b> <1% probability of occurrence per year	<b>Negligible:</b> isolated occurrences of minor property and environmental damage, potential for minor injuries, no to minimal economic disruption
2	<b>Occasionally:</b> 1–10% probability of occurrence per year, or at least one chance in next 100 years	<b>Minor:</b> isolated occurrences of moderate to severe property and environmental damage, potential for injuries, minor economic disruption
3	<b>Likely:</b> >10% but <75% probability per year, at least 1 chance in next 10 years	<b>Moderate:</b> severe property and environmental damage on a community scale, injuries or fatalities, short-term economic impact
4	<b>Highly Likely:</b> >75% probability in a year	<b>Major:</b> severe property and environmental damage on a community or regional scale, - multiple injuries or fatalities, significant economic impact

### IMPACT DEFINITIONS

#### INFRASTRUCTURE IMPACTS: (Effects on Roads, Bridges, Structures, Homes)

- 1 – Minor: Localized/Isolated impacts to Infrastructure (Temporary loss of use)
- 2 – Moderate: Neighborhood level impacts (1-2-day loss of use)
- 3 – Severe: Community-wide impacts (2-5-day Loss of use)
- 4 – Disastrous: Regional losses of roads, bridges, homes (Extensive replacement/rebuild)

#### LIFE SAFETY ISSUES: (Health and Welfare of Population)

- 1 – Minor scrapes/injuries
- 2 – Occasional Hospitalization required due to injuries
- 3 – Multiple hospitalizations required and/or fatality
- 4 – Community-wide hospitalizations and/or fatalities

#### ECONOMIC IMPACTS: (Direct recovery costs to municipality and residents)

- 1 – < \$10,000 in damages (Can generally be handled within budget or via insurance)
- 2 – \$10,000-\$100,000 (May require assistance for the uninsured or large impact on local budget)
- 3 – \$100,000-\$1,000,000 (Requests of assistance/FEMA eligible)
- 4 – > \$1,000,000- (All resources used, Possible National Guard use)

#### ENVIRONMENTAL IMPACTS: (Effects to municipal operations and environment)

- 1 – Negligible: Short term impacts, low clean-up costs for spills
- 2 – Minor: Moderate clean-up costs, temporary redirection of municipal resources
- 3 – Moderate: Extended redirection of local resources/ impacts to normal operations, high clean-up costs
- 4 – Major: Long-term recovery efforts (could take years for full recovery or permanent loss of use)

## Highest Risk Hazard Profiles



Floods can damage or destroy property; disable utilities; destroy or make impassable roads and

bridges; destroy crops and agricultural lands; cause disruption to emergency services; and result in fatalities.

People may be stranded in their homes for a time without power, heat, or communication or they may be unable to reach their homes. Long-term collateral dangers include the outbreak of disease, loss of livestock, broken sewer lines or wash out of septic and wastewater systems causing water supply pollution, downed power lines, loss of fuel storage tanks, fires, and release of hazardous materials.

As noted in the 2023 State Hazard Mitigation Plan and 2021 Vermont Climate Assessment, the most common recurring hazard event impacting Vermont communities is flooding. There are two types of flooding: inundation and flash flooding. Inundation is when water rises onto low lying land. Flash flooding is a sudden, violent flood which often entails stream bank erosion (fluvial erosion).

Inundation flooding of land adjoining the normal course of a stream or river is a natural occurrence. If these floodplain areas are in their natural state, floods likely would not cause significant damage. However, most business districts within Vermont are built within this floodplain due to the historical significance of water power.

While inundation-related flood loss can be a significant component of flood disasters, the more common mode of damage in Vermont is fluvial erosion, often associated with physical adjustment of stream channel dimensions and location during flood events. These dynamic and often catastrophic adjustments are due to bed and bank erosion of naturally occurring unstable stream banks, debris and ice jams, or structural failure of or flow diversion by human-made structures.



*December of 2023 North Main Street. -Photo by Lisa Scagliotti from Waterbury Roundabout*

***Damage from high flows is the single most costly type of disaster in Vermont, primarily due to the erosive power of water. Many roads and culverts conflict with the room needed by streams and rivers."***  
***2021 Vermont Climate Assessment***

Several major flooding events have affected the state in recent years, resulting in multiple Presidential Disaster Declarations. From 2003 to 2019, Washington County experienced roughly \$88.82 million in municipal property damage due to flood events. The totals from the most recent July 2023 flood event are still being totaled at the time of this writing.

The worst flooding event in recent years to strike the town of Waterbury came in August of 2011 from Tropical Storm Irene (DR4022), which dropped up to 5-7+ inches of rain in some areas of Washington County. Irene caused 2 deaths and \$60 million in reported property damages and \$2.5 million in crop damage in Washington County alone.

The December 2023 rain on snow flooding caused localized flooding in the town but the mitigations actions that were implemented post Irene helped to prevent any large damages, limiting the effects to minor flooding of low-lying areas and road closures due to inundation. For a short period of the event the town was almost cut off and had to adjust medical transport to the local hospital to avoid inundation

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areas. The effects of these storms are profiled in this flooding section.

The town is concerned with the increased temperatures in winter seasons brought on by climate change. The increase in temperature fluctuations and associated precipitation is worrisome of rain on snow events impacting the region and specifically the town of Waterbury due to its location and associated mountains. The snowpack can become hazardous due to the rapid melting from rain on snow and sudden warming, fueling extreme and rapid runoff.

Waterbury is vulnerable to inundation flooding primarily along the Winooski River. A wide range of assets are at risk from inundation flooding in these areas. There are 175 buildings in the FEMA floodway; as well as roads, culverts, bridges well as roads, culverts, and bridges.

With inundation flooding, there are cascading impacts involving infectious disease as floodwater can contain numerous types of infectious agents and host insects that transmit disease. Mosquitos, for example, breed in standing water and when their population increases, so does the risk of diseases they transmit – such as West Nile Virus.

Flash flooding can occur any time the area has heavy rain. It can impact areas that are located outside of designated floodplains, including along streams confined by narrow valleys (also known as River Corridors). Again, a wide range of assets are at risk from flash flooding. There are ? buildings in the State-mapped River Corridors (outside of designated floodplains); as well as roads, culverts, bridges, and dams.

The most common type of flash flood damage is road washouts. When runoff volumes exceed the capacity of the stormwater collection system (ditching and culverts), washouts can occur.



*Armory Drive bridge near Union Street-photo by Gordon Miller*

The town's structures and road erosion inventories as well as VTrans highway flood vulnerability and risk tools were used to help identify locations and assets at risk from flash flooding.

Sections of several roads have a history of flash flooding – Route 100 and US 2 at the traffic circle. Main Street, Winooski Street, and the Union Street. The locations all show as at risk of inundation or fluvial erosion in the Vermont Transportation Resiliency Planning Tool.

Culvert failures and road washouts can have a significant negative impact on the Town. Especially if they occur on roads considered locally important routes for through-traffic, short-cuts, detours, and/or access to critical facilities – such as VT Route 100, US Route 2, and Gupitil Road.

When roads are impacted by flooding, the Town coordinates with the fire department, town road crew and State dispatch to close roads and set up detours. Road closures can create longer commute times and longer emergency service response times.

In addition to stormwater runoff from roads, ice jams and dam failures can result in flash flooding in Waterbury. Though historically there isn't much of a risk or documentation of Ice Jam flooding within the community.



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There are eight dams in Waterbury listed in the Vermont Dam Inventory (a database managed by the VT Dam Safety Program containing spatial, structural, historic, and regulatory information on dams in the state).

There is one high hazard potential dam in Waterbury. It is the Waterbury Dam, a flood control dam on the Little River a tributary of the Winooski River. This dam was built in 1938 and is 2130 ft long and 187 ft high and has a normal storage of 37000-acre feet and a maximum storage of 88000-acre feet. The drainage for the lake is 69760 square miles. The last reported inspection of the dam on the ANR dams inventory site was 10/10/2023 and lists the dam as in fair condition. There is currently a dam safety modification study underway and some interim risk reduction measures are to be completed in the Spring of 2024. With a time, frame laid out for design/permitting and construction pending available funding.

The other 7 dams are listed as either low or minimal hazards. With two of these have a low hazard rating. The Bolton Falls hydroelectric dam which is currently in production and a Federal Energy Regulatory Commission inspected structure and the Brisco on Bryant Brook with a 2-acre reservoir. The Colbyville Upper and Lower dams, and Ice pond dam which are all rated as minimal risk. There is one breached dam the Feed company dam and finally the Waterbury 7 dam which is listed in the Vermont dam inventory but has no information about the actual structure but has a small reservoir that can be seen on the map along Ruby Raymond Road.

Community survey respondents ranked [REDACTED] [REDACTED] protect against future severe weather impacts.

Flash flooding often entails stream bank or fluvial erosion. Several existing studies were used to help identify locations and assets at risk from fluvial erosion, specifically, a Structure Stream Geomorphic Assessments.

Stream Geomorphic Assessments (SGAs) provide information about the physical condition of streams and factors that influence their stability. The Upper Winooski-above Bolton Dam SGA identifies priority locations for river corridor protection, planting stream buffers, stabilizing stream banks, removing berms, and removing/replacing human- placed structures (i.e., dams, bridges, culverts). This was used to analyze locations where structures may be undersized.

Stormwater Master Planning (SWMP) involves identifying stormwater, sediment, nutrient, and septic inputs to waterways and designing projects to mitigate those inputs; either eliminating them at the source through green stormwater infrastructure, septic system improvements, back road projects or improving floodplain access within the stream network to increase sediment attenuation. Waterbury is one of the few communities in the region that hasn't completed a Stormwater Master Plan but the town has applied for a Building Resilient Infrastructure and Communities grant from FEMA for developing one with the primary focus being flood mitigation.

As demonstrated in the above referenced studies, environmental impacts from flooding can be significant, especially to the water quality in the Mad River and the Winooski River. This can in turn have an adverse impact on local tourism and recreation. Flood events with associated road closures can also have a short-term impact on the local economy due to fewer shopping trips and commuter delays.

The town recorded ~128,000 in public damages in 2023 due to flooding per the town budget.

### Floods Hazard History

These are the most up to date significant events impacting Waterbury. Federal declarations are depicted in **bold**.

12/18-19/23: 2" of rain on snow event

**7/11/2023: DR4720** 5-9"" rain: \$Still to be determined

7/20/2021: Heavy rain: \$50,000 county damages

7/14/2020: 3-4" rain: \$5,000 town damages

11/1/2019: 2-4" rain: \$250,000 county damages

6/20/2019: Heavy rain: \$25,000 county damages

5/20/2019: Heavy rain: \$25,000 county damages

**4/15/2019: DR4445** 1" rain with significant snow melt:

**7/1/2017: DR4330** 3-4" rain the previous 3-4 days with flash flooding on 7/1/17: \$240,000 county damages



### Floods Hazard History-cont.

These are the most up to date significant events impacting Waterbury. Federal declarations are depicted in bold.

7/19/2015: Heavy rain: \$1,000,000 county damages

**4/15-18/2014: DR 4178** heavy rain on snow event

\$250,000 county damages

**6/25-7/10/2013: DR4140** 1-3" of heavy rain over a half hour: \$625,000 county damages

**8/28/2011: DR4022** Tropical Storm Irene with 3-7+" rain:

\$1,000,000 local damage (\$75,000 individual / \$75,000,000

Public county damages

**5/26-27/2011: DR4001** 3-5+" rain on snow event: \$5,500,000 county damages

**5/20/2011: DR4043:** Heavy rain: \$400,000 county damages

**4/23-5/9/2011: DR4043** rain on snow event: \$1,000,000 county damages

221 buildings are in the Special Flood Hazard Area (1% of community structures); mostly single-family dwellings and businesses.

According to FEMA, 53% of these properties have flood insurance. In total, these 93 policies cover \$16,268,000 in value.

*There are 6 repetitive loss properties with 2 of them being insured.*

***As weather patterns shift and we see larger storms and more frequent freeze-thaw cycles, the town will monitor for signs that rivers that have historically been stable becoming less stable, with increased erosion, widening, trees falling in from its banks, etc.***



**Landslides:** A landslide is the sliding of a large mass of rock, earth, or debris, down a sloped section of land. Landslides can be caused by rainstorms, fires, alternate freezing or thawing and/or by the steepening of slopes by erosion or human modification. In Waterbury, landslides tend to occur or are

exacerbated by fluvial erosion as most of the landslides occur on or near a stream bank, or during extreme wet conditions in areas of clay substrate.

Landslides have three major causes: geology, morphology, and human activity. Geology refers to characteristics of the material itself. The earth or rock might be weak or fractured, or different layers may have different strengths and stiffness.

Morphology refers to the structure of the land. For example, slopes that lose their vegetation to fire or drought are more vulnerable to landslides. Vegetation holds soil in place, and without the root systems of trees, bushes, and other plants, the land is more likely to slide away.

Human activity, such as agriculture and construction, can increase the risk of a landslide. Irrigation, deforestation, excavation, and water leakage are some of the common activities that can help destabilize, or weaken, a slope.

The Town of Waterbury has 69 landslide locations within the town as listed on the Vermont Agency of Natural Resources Landslide map that was last updated in 2020. Most of the slide locations are found within the Little River State Park and Mount Mansfield State Forest.

Total damages for landslides are not tracked well within Vermont since often landslides are associated with Fluvial Erosion and are often lumped together there. With the increase in precipitation trends due to climate change the risk from landslides is increasing. This can be addressed through land use regulations and mitigation of surface runoff from human actions and development.



Severe Storms with Snow, Wind and Ice events typically occur between the months of December and March in the Central Vermont Region. They can include snow, sleet, freezing rain, or a mix of these wintry forms of precipitation. Events can also be associated with strong wind or floods, increasing the potential hazard.

The costs of these storms come in the form of power outages due to heavy snow or ice, damaged trees, school closings, and traffic accidents. From 2014 to 2022, Washington County experienced \$585,000 in property and crop damage from winter storms.

There have been two winter storm-related federally declared disasters in the county (the ice storm of January 2020 – DR 4474; and December 2014 DR 4207, respectively (see table at right).

Extreme cold can have impacts on public health and safety, especially if extreme temperatures coincide with power outages, which can cut off heat and communication services. Severe winter storm impacts can put vulnerable populations (e.g., older adults, children, sick individuals, pets) at even greater risk.

See the strong wind profile below for more information about the town's vulnerability to power outages.

Snow accumulation typically does not result in loss of road accessibility. The town's fleet of snowplows ensures all roads are accessible, even in major accumulation events. Roads adjacent to critical facilities are well maintained and along with connector routes, are prioritized in winter storm events.

Environmental impacts are predominantly tree damage. Extreme snow and ice events typically have a short-term impact on the local economy – fewer shopping trips and commuter delays.

### Extreme Cold, Snow, and Ice Hazard History

These are the most up to date significant events impacting Waterbury. Federal declarations are depicted in **bold**.

1/11-14/2022: 10-40 below zero with winds: no reported damages

12/18/2021: 5-7" snow \$10,000 county damages

1/16/2021: 3-6" wet snow: \$50,000 county damages

3/23/2020: 7-10" snow: \$5,000 county damages

2/7/2020: 10-16"; ¼" ice: \$20,000 county damages

**1/16/2020: DR 4474** 6-10" snow: \$10,000 county damages

3/22/2019: 9" snow: \$25,000 county damages

2/12/2019: 7-15" snow: \$10,000 county damages

1/29/2019: 6-10" snow: \$10,000 county damages

1/19/2019: 10-18" snow: \$25,000 county damages

1/8/2019: 8-20+" snow: \$25,000 county damages

11/26/2018: 6-14" heavy snow: \$125,000 county damages

3/13/2018: 12-30" snow: \$20,000 county damages

3/7/2018: 7-13" snow: \$10,000 county damages

1/7/2015: 0-10 degrees with wind of 15-30 mph creating wind chills colder than 20-30 below zero: no reported local damage

**12/9/2014: DR4207** 10-20" snow: \$250,000 county damages



Strong wind can occur alone, such as during straight-line wind events, or it can accompany other natural hazards, including severe thunder and/or winter storms.

FEMA's National Risk Index defines strong wind as damaging winds that exceed 58 mph. Strong wind poses a threat to lives, property, and vital utilities primarily because of flying debris or downed trees and power lines.

From 1996 to 2022, wind events caused more than \$1.270 million in property damage in Washington County, with \$450,000 due to one event in December 2022.

***Strong wind is possible here; Waterbury is susceptible to high directional winds town wide. Many storms with high winds result in downed trees as well as damaged phone and power lines, buildings, and other property.***

Downed trees within the road right-of-way are the root cause of many power outages. Roads that pass

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through dense wooded areas are prone to downed trees, which often can lead to fallen power lines.

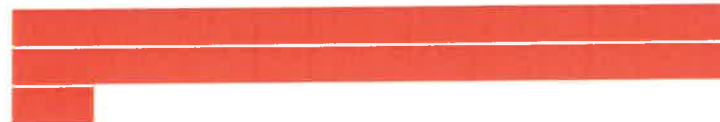
Power outages are the main reason for disrupting communications, which are crucial in times of crisis. For example, the loss of phone service is of particular concern for Waterbury's vulnerable populations and residents. Landline phones that have been converted from copper wire to fiber rely on an in-home battery back-up. The battery life is typically less than eight hours, whether the phone is used or not. Though many residents use cell phones, longer power outages and damage from high winds further complicating the problem of contacting emergency services during power outages.

Telecommunications are also needed for warning systems before a disaster, as well as for response during and after recovery. During a disaster, municipal response is managed by the local Emergency Operations Center (EOC), this would include all communications – from phone calls to internet browsing and 2-way radio.

To mitigate the impacts of power outages, the following public buildings/critical facilities have been equipped with backup power or generator hookup: Water supply pump house, fire station, Waterbury ambulance, and Brookside Primary school (as emergency shelter).

The town has installed backup power for all its critical infrastructure. Wastewater and water treatment, town garage, both town fire stations, and the town office all have generator backups to facilitate continuity of operations during power outages.

In addition to power outages, downed trees during strong wind (and heavy snow/ice) events can damage buildings and other property and in rare cases result in fatality.



Environmental impacts are predominantly tree and roof damages. Strong wind events with associated power outages can have a short-term impact on the local economy due to business closures.

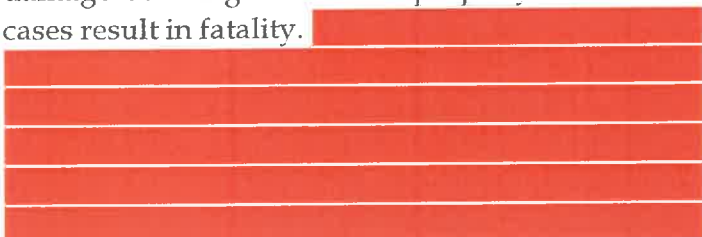
Vermont's Emerald Ash Borer infestation was first detected in 2018 in northern Orange County. The potential risk to public and private structures and impacts on the local economy have not been quantified. But the impact of invasive pests has a real economic effect on landowners and utilities in dealing with dead trees and their potential to cause damages.

***As weather patterns shift and we see larger storms and more frequent freeze-thaw cycles, the Town will monitor for signs that rivers and streams that have historically been stable are becoming less stable, with increased erosion, widening and trees falling in from its banks, etc.***

### Strong Wind Hazard History

These are the most up to date significant events impacting Waterbury. Federal declarations are depicted in bold. Damages are to Washington County.

**12/23/2022:** 50-60+ wind gusts: \$450,000  
10/30/2017: 40 mph wind: \$250,000  
2/26/2010: 55 mph wind: \$15,000  
2/17/2006: 37 mph wind: \$10,000  
9/29/2005: 35 mph wind: \$50,000  
11/13/2003: 35 mph wind: \$10,000  
10/15/2003: 50 mph wind: \$10,000  
3/10/2002: strong wind: \$5,000  
12/12/2000: strong wind: \$5,000  
3/28/2000: strong wind: \$5,000  
9/17/1999: strong wind: \$75,000  
11/23/1998: strong wind: \$10,000  
2/22/1997: 50 mph wind: \$15,000





### Infectious Disease and Invasive Species

This Plan must assess the risk of all hazards identified in the 2018 Vermont State Hazard Mitigation Plan, including infectious disease and invasive species. Due to the different nature of these hazards, the Planning Team assessed them separately from the natural hazards in **Table 4**.

Infectious diseases and invasive species are diverse categories of hazards. So, while their probability of occurrence in Waterbury may be likely, potential impacts will be highly dependent on the specific infectious agent or invasive.

The Planning Team acknowledges that impacts to Waterbury's people, environment, and local economy from infectious disease and/or invasive species could be significant. However, given the diverse nature of these hazards, they cannot be fully explored in this plan. This plan doesn't include information about the potential hazards and risks associated with a specific infectious agent due to the varying nature of the response. Infections travel by multiple different pathways and an entire planning document could be created for dealing with these, be they bacterial, fungal, viral, protozoan or helminth. Invasive species are primarily addressed in the same way except for mention of (Emerald Ash Borer) due to cascading impacts associated with flooding and storm-related tree damage.

Readers should look to the Vermont Department of Health for more information on significant infectious disease outbreaks, such as epidemics and pandemics and the Vermont Agency of Natural Resources for more information on invasive species, including terrestrial invasives, forest pests, and aquatic invasives.



Droughts in the Northeast. We frequently experience what are referred to as "flash" droughts, defined as rapid onset of intense

dry periods that can follow periods of normal or above normal precipitation. These may last from 2-6 months, and can have profound impacts within the region, on agricultural losses, shortages of water supply and very low stream flows. This

pendulum often swings from a dry year to a wet year.

The Town's risk of droughts is mainly addressed through the Ordinances for the Town water supply. Most residents of the Town are on private wells and bear the costs and risks of mitigation themselves. The Town's Water Ordinance has the appropriate language for conserving water and limiting non-essential usage during a drought emergency.



Wildfires are not often much of a concern within our region, although the spring and fall can be times when dry hazardous conditions exist. Opportunity for wildfires occurs due to the lack of foliage in these seasons, before spring green up or in the fall after foliage has died back when combined with dry conditions. Historically, Vermont has seen the most wildland fires between March and June. These are generally times when dry conditions exist for an extended period causing drought conditions.

Ignition of wildfires is predominantly caused by human activity and mainly from debris fires that are not contained or not supervised. Thus, messaging when conditions exist is very important to convince individuals not to make mistakes in relation to ignition sources. This messaging is handled by the town fire warden in association with the fire department.

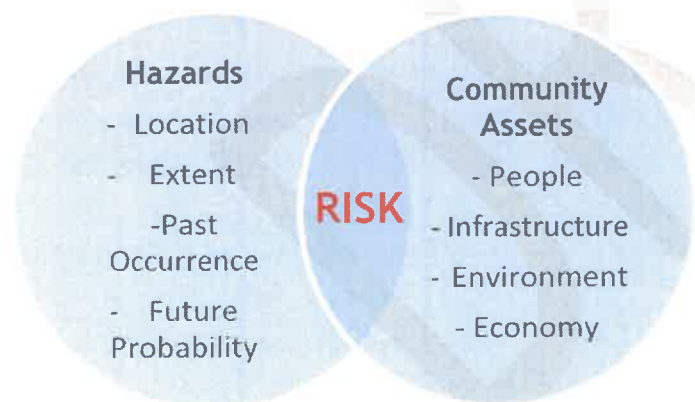
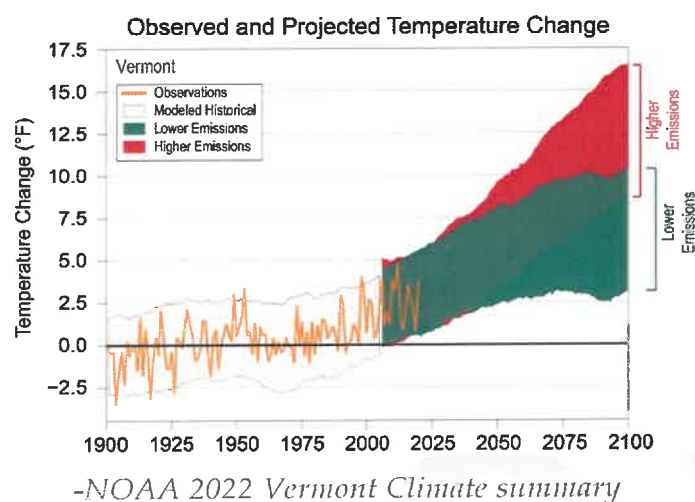


Extreme heat and cold warnings are becoming increasingly more prevalent due to our shifting climate. Vermont has been seeing a

increase in 90+ degree temperature days. This trend is expected to continue. Most of our housing stock and individuals are well adapted to dealing with cold temperature, but the quick swings to higher temperatures do not allow for acclimation, and many of our structures are designed to retain, rather than shed, heat. Due to the climate of our region the high temperatures and high humidity often create situations that negatively affect older individuals and those with preexisting conditions.

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Due to the instability of the jet stream from climate changes, extreme cold can still be an issue. If it is a long-lasting cold without snow cover, frost can migrate deep into the ground freezing pipes and heaving roadways. Most of this would be dealt with by the town either through their utility contracts or by the town road crew in keeping the transportation infrastructure in usable condition. Loss of power during one of these cold snaps may require use of the town shelter and is planned for in the town Local Emergency Management Plan.

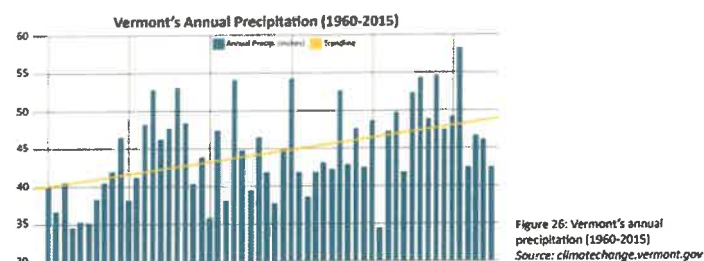


**The Hazard Identification and Risk Assessment is the foundation for the Mitigation Strategy to reduce future risk.**

With the increasing risks of events from our changing climate, all weather-related natural events are expected to have an increase in both frequency and in intensity. Vermont is predicted to experience increases in heat waves, downpours and flooding.

The Northeastern United States has already seen an increase of seventy one percent precipitation totals

increase since 1950 and an increase in extreme weather events. It is imperative that we have solid plans of mitigating future disasters proactively to minimize risk.



-precipitation data showing increased precipitation trends from VT state climate action plan



**Hazardous Materials** The Village of Waterbury has a high concentration of population, an elementary school, public facilities, commerce, industry, a railroad, an

interstate with an interchange, and major highways. The Village is situated in a precarious position in the middle of several major intersecting transportation routes that have frequent and large volumes of heavy traffic. Whether a train derailment or a severe weather event (flood, snow, ice, wind) triggers a traffic incident with a train or truck carrying hazardous materials traveling within the Village boundaries, or an incident occurs due to another factor, a response effort including evacuation could pose a significant problem in the densely populated downtown area.

The Vermont Freight Plan was updated in 2021. The excerpt below from that plan indicates that most volumes of rail traffic originating in Canada and flow through the state to points south along the New England Central Railroad that goes through the Village of Waterbury. According to this report, it should be expected that rail traffic will increase to meet state climate goals due to the efficiencies of rail over trucking.

A 2017 Vermont State Commodity Flow Study by the Two Rivers-Ottawaquechee Regional Commission was just released in October 2017 that inventories and describes hazardous materials traveling within Vermont's State Emergency Planning Committee (SEPC) district.

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A 2019 Hazardous Material Commodity Flow Study on roads and rail with chemical placards traveling through Washington County and Waterbury was conducted by the Two Rivers Outaquechee Regional Commission. The truck survey results showed propane and flammable gases as the contents followed by diesel fuel and liquid carbon dioxide.

The Waterbury Fire Department is notified of Tier II materials and their locations by the State Local Emergency Planning Committee. The fire department trains regularly to assure safety with responses where chemicals are present.



Commodity flow study from the Vermont Freight and Rail Plan-2021

## 6 HAZARD MITIGATION STRATEGY

The highest risk natural hazards and vulnerabilities identified in the previous section of this Plan directly inform the hazard mitigation strategy outlined below, which the community will strive to accomplish over the coming years. The mitigation

strategy chosen by the Town includes the most appropriate activities to reduce future risk from potential hazards.

### Mitigation Goals

The Hazard Mitigation Planning Team identified the following as the community's primary mitigation goal:

**Increase the Town of Waterbury's resilience to natural hazards by advancing mitigation investment to reduce or avoid long-term risk to people, homes, neighborhoods, the local economy, cultural and historic resources, ecosystems, and Community Lifelines such as transportation, water, sewer, energy, and**

See Community Survey results in **Appendix D** for which assets survey respondents thought were most important to protect against potential future severe weather impacts.

### Community Capabilities

Each community has a unique set of capabilities, including authorities, programs, staff, funding, and other resources available to accomplish mitigation and reduce long-term vulnerability. Waterbury's mitigation capabilities that reduce hazard impacts or that could be used to implement hazard mitigation activities are listed below.

**Administrative & Technical** This capability refers to the Town's staff and their skills and tools that can be used for mitigation planning and to implement actions.

In addition to the Emergency Management staff described in Section 3, municipal staff that can be used for mitigation planning and to implement specific mitigation actions include: Municipal Manager, Zoning Administrator, Town Clerk & Treasurer, Planning Director, Assistant Town Clerk & Treasurer, Assistant Town Clerk, Public Works Director, Town and EFUD Engineer. Highway Supervisor.



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In addition to paid staff, there is a 5-member Selectboard, 5-member Planning Commission, Fire Warden, Town Health Officer, Development Review Board, and Natural Disaster Preparedness Committee.

To augment local resources, the Town has formal mutual aid agreement for emergency response – fire. Technical support is available through the CVRPC in the areas of land use planning, emergency management, transportation, GIS mapping, and grant writing. Technical support is also available through the State ANR for floodplain bylaw administration and VTrans Districts for hydraulic analyses.

**Planning & Regulatory** These capabilities are the plans, policies, codes, and ordinances that prevent and reduce the impacts of hazards. Examples of planning capabilities that can either enable or inhibit mitigation include land use plans, capital improvement programs, transportation plans, stormwater management plans, disaster recovery and reconstruction plans, and emergency preparedness and response plans. Examples of regulatory capabilities include the enforcement of zoning ordinances, subdivision regulations, and building codes<sup>3</sup> that regulate how and where land is developed, and structures are built.

**Town Plan:** December 2018

Description: A framework and guide for how future growth and development should proceed.

Relationship to Natural Hazard Mitigation Planning: Includes goals and policies related to flood resilience and land use.

### **Zoning Ordinance with Flood Hazard Area Overlay**

**District Requirements:** May 2016 Description: Provides for orderly community growth promoting the health, safety, and general welfare of the community.

Relationship to Natural Hazard Mitigation Planning: Establish site plan review requirements and zoning districts, including Flood Hazard Overlay Districts, with specific standards for proposed development. Requirements are designed to prevent overdevelopment; to mitigate negative impacts to the natural and human environment; minimize effects to the historical and aesthetic character of the community; and ensure design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood loss or damage to life and property.

Description: Provide minimum codes and standards for construction, repair, maintenance of town roads and bridges. Relationship to Natural Hazard Mitigation Planning: Standards include management practices and are designed to ensure travel safety, minimize damage to road infrastructure during flood events, and enhance water quality protections.

*Road Erosion Inventory Report: 2019*

Description: Prioritizes those infrastructure projects necessary to improve transportation network resiliency and water quality. Relationship to Natural Hazard Mitigation Planning: Improvements are designed to minimize or eliminate flood impacts on hydrologically connected road segments.

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<sup>3</sup> Waterbury does not have any local building codes. Vermont has adopted statewide codes for commercial building fire safety and energy standards. The energy code also applies to residential buildings. Codes enforced by Vermont's Division of Fire Safety are the 2015 National Fire Protection Association (NFPA) 1 Fire Code; 2015 NFPA 101 Life Safety

**Road and Bridge Standards:** April 2021

**Local Emergency Management Plan:** April 2024

Description: Establishes lines of responsibility and procedures to be implemented during a disaster and identifies high risk populations, hazard sites, and available resources.

Relationship to Natural Hazard Mitigation Planning: Includes actions for tracking events and response actions including damage reports to facilitate funding requests during recovery. This type of information can be essential to preparing hazard mitigation project applications for FEMA funding.

**Fire Department ISO Rating:** Description: Where municipal water is available, the rating is 4 and 9 in rest of community.. This rating is a score from 1 to 10 that indicates how well- protected the community is by the local fire department.

Relationship to Natural Hazard Mitigation Planning: Everyone wants to keep family, home, and business safe from fires. The ISO rating is a measure of the effectiveness of a community's fire services.

**EFUD Water Ordinance:** February 2023

Description: Establish minimum standards for design, construction, installation, control, operation of public drinking water system.

Relationship to Natural Hazard Mitigation Planning: Adopted standards that reduce risk, make the system more resilient, and conserve water.

**EFUD Source Protection Plan:** April 2023 Description:

Defines the area of land that likely recharges a public drinking water source and addresses actions a public water system will perform to minimize the contaminant risks to the source(s).

Relationship to Natural Hazard Mitigation Planning: Source water protection can complement a broad sweep of community objectives, including protection of water quality, open space, natural systems, and disaster resilience.

**EFUD Sewer Ordinance:** February 2023

Description: Establish minimum standards for design, construction, installation, control, operation of public sewage and sewage disposal systems.

Relationship to Natural Hazard Mitigation Planning: Adopted standards that reduce risk and make the system more resilient.

**Town of Waterbury Tree Care Ordinance:** July 2023

Description: Establish minimum standards for design, construction, installation, control, operation of public sewage and sewage disposal systems.

Relationship to Natural Hazard Mitigation Planning: Adopted standards that reduce risk of damages from downed trees and removal of shade trees in the community.

**Emerald Ash Borer Preparedness Plan:** March 2020

Description: Establish minimum standards for design, construction, installation, control, operation of public sewage and sewage disposal systems.

Relationship to Natural Hazard Mitigation Planning: Planning to reduce risk of damages from downed trees and removal of impacted trees in the community.

Code: the 2015 International Building Code (IBC); 2017 NFPA 70 National Electrical Code; 2021 International Code Council (ICC) International Plumbing Code; and the 2015 National Board Inspection Code from the National Board of Boiler and Pressure Vessel Inspectors.



**Financial** These capabilities are the resources that a community has access to or is eligible to use to fund mitigation actions.

Waterbury's 2024-2025 town budget is \$6,305,174, with \$1,958,716 to fund the Highway Department. In addition to property tax revenues, the Town collects separate fees for sanitary sewer services.

**Outreach & Education** Waterbury has several outreach and education opportunities that could be used to implement mitigation activities and communicate hazard-related information:

- *A River Runs Through It Garden Club, Community Awareness Services Team, Revitalizing Waterbury Inc., American Legion Post #59, Waterbury Area Senior Citizens Association, Waterbury Rotary Club, Historical Society, Central Vermont Chamber of Commerce*
- *Town website, Front Porch Forum, several Department Facebook pages,*

### **National Flood Insurance Program Compliance**

The Town joined the National Flood Insurance Program (NFIP) in 1982. The effective date of the current Flood Insurance Rate Map (FIRM) is March 19, 2013. The Zoning Administrator enforces NFIP compliance through permit review requirements in its Flood Hazard Area regulations. Waterbury's regulations outline detailed minimum standards for development in flood hazard areas defined as FEMA Special Flood Hazard Areas and Floodway Areas. The regulations also require administering Substantial Improvement and Substantial Damage (SI/SD) requirements in accordance with FEMA P- 758 SI/SD Desk Reference, May 2010.

The Town discussed the following as possible actions to continue NFIP compliance:

- 1) *Prepare, distribute, or make available NFIP insurance explanatory pamphlets or booklets.*
- 2) *Participate in NFIP training offered by the State and/or FEMA.*

**State Incentives for Flood Mitigation** Vermont's Emergency Relief Assistance Funding (ERAF) provides state funding to match FEMA Public

Assistance after federally declared disasters. Eligible public costs are generally reimbursed by FEMA at 75% with a 7.5% State match. The State will increase its match to 12.5% or 17.5% if communities take steps to reduce flood risk as described below.

12.5% funding for communities that have adopted four (4) mitigation measures:

- 1) *NFIP participation;*
- 2) *Town Road and Bridge Standards;*
- 3) *Local Emergency Plan; and*
- 4) *Local Hazard Mitigation Plan.*

17.5% funding for communities that also participate in FEMA's Community Rating System OR adopt Fluvial Erosion Hazard or other river corridor protection bylaw that meets or exceeds the Vermont ANR model regulations.

**Waterbury's current ERAF rate is 7.5%. Upon adoption of the 2024 Local Hazard Mitigation Plan, their ERAF rate will increase to 12.5% because the Town has adopted River Corridor Bylaws.**

## Mitigation Action Identification

The Hazard Mitigation Planning Team discussed the mitigation strategy, reviewed projects from the 2018 Plan, and identified possible new actions from the following categories for each of the highest risk natural hazards identified in Section 5.



**Local Plans & Regulations** These actions include government authorities, policies, or codes that influence the way land and buildings are developed and built.



**Structure & Infrastructure Projects** These actions involve modifying existing structures and infrastructure to protect them from a hazard or remove them from a hazard area. This applies to public or private structures as well as critical facilities.



**Natural Systems Protection** These actions minimize damage and losses and preserve or restore the functions of natural systems.



**Outreach & Education Programs** These actions inform and educate the public about hazards and potential ways to mitigate them. Although this type of action reduces risk less directly than structure projects or regulation, it is an important foundation. Greater awareness is more likely to lead to community support for direct actions.

## Local Plans & Regulations Examples

**Integrate Mitigation into Capital Improvement Programs:** Incorporate risk assessment and hazard mitigation principles into capital planning.

**Reduce Impacts to Roadways:** The leading cause of death and injury during winter storms is automobile accidents, so it is important to plan for and maintain adequate road and debris clearing capabilities.

**Develop a Road Right-of-Way Vegetation Management Plan:** Identify community priorities and plan of action for site-specific tree and roadside forest management to increase roadside resilience.

**Improve Flood Resilience with a Flood Study:** The aim of a flood study is to define existing flood behavior for a particular catchment, river, or creek. The study helps inform building, land use planning, community awareness and disaster management.

**Improve Stormwater Management Planning:** Rain and snowmelt can cause flooding and erosion in developed areas. A community-wide stormwater management plan can address stormwater runoff-related flooding.

**Manage Development in Erosion Hazard Areas:** The intent of River Corridor Bylaws is to allow for wise use of property within river corridors that minimizes potential damage to existing structures and development from flood-related erosion.

## Structure & Infrastructure Project Examples

**Protect Power Lines:** Protect power lines by 1) inspecting and maintaining hazardous trees in the road right-of-way and 2) burying power lines.

**Protect Critical Roadways:** Use snow fences or living snow fences (e.g., rows of trees) to limit blowing and drifting of snow.

**Retrofit Critical Facilities:** Critical facilities can be protected from the impacts of high winds and winter storms by 1) retrofitting them to strengthen structural frames to withstand wind and snow loads; 2) anchoring roof-mounted mechanical

**Remove Existing Structures from Flood Hazard Areas:** FEMA policy encourages the removal of structures from flood-prone areas to minimize future flood losses and preserve lands subject to repetitive flooding.

**Improve Stormwater Drainage Capacity:** Minimize flooding and fluvial erosion by 1) increasing drainage/absorption capacities with green stormwater management practices; 2) increasing dimensions of undersized drainage culverts in flood-prone areas; 3) stabilizing outfalls with riprap and other slope stabilization techniques; and 4) re-establishing roadside ditches.

**Conduct Regular Maintenance for Drainage Systems:** Help drainage systems and flood control structures function properly with 1) routine cleaning and repair; 2) cleaning debris from support bracing underneath low-lying bridges; and 3) inspecting bridges and identifying if any repairs are needed to maintain integrity or prevent scour.

**Protect Infrastructure and Critical Facilities:** Minimize infrastructure losses and protect critical facilities from flooding by 1) elevating roads above base flood elevation to maintain dry access; 2) armoring streambanks near roadways to prevent washouts; 3) rerouting a stream away from a vulnerable roadway; and 4) floodproofing facilities.

#### *Natural Systems Protection Examples*

**Protect and Restore Natural Flood Mitigation Features:** Natural conditions can provide floodplain protection, riparian buffers, groundwater infiltration, and other ecosystem services that mitigate flooding. Preserving such functionality is important. Examples include 1) adding riparian buffers; 2) stabilizing stream banks; 3) removing berms; 4) minimizing impervious area development; 5) restore floodplain; and 6) restore incision areas.

#### *Outreach & Education Program Examples*

**Educate Residents about Extreme Winter Weather:** Winter storms create a higher risk of car accidents, hypothermia, frostbite, carbon monoxide poisoning, and heart attacks from overexertion. Educational outreach can help minimize these risks.

**Assist Vulnerable Populations:** Measures can be taken to protect vulnerable populations from natural hazards, such as 1) organizing outreach and 2) establishing and promoting accessible heating or cooling centers in the community.

#### Mitigation Action Evaluation

For each mitigation action identified, the Planning Team evaluated its potential benefits and/or likelihood of successful implementation. Actions were evaluated against a range of criteria, including a planning level assessment of whether the costs are reasonable compared to the probable benefits. Results of this evaluation are presented in Table 5.

See Community Survey results in **Appendix D** for which category of mitigation actions survey respondents wanted the Town to prioritize.

#### Mitigation Action Plan for Implementation

After careful evaluation, the Planning Team agreed on a list of actions that support the Mitigation Goals of this Plan and are acceptable and practical for the community to implement.

***Actions without overall public support/political will were not selected for implementation. Actions whose costs were not reasonable compared to probable benefits were also not selected.***

For the selected actions, the Planning Team then 1) assigned a responsible party to lead the completion of each action; 2) identified potential grant funding; 3) defined a timeframe for implementation; and ranked each action's priority (high, medium, low).

Natural hazards pose a unique threat to the Town's vulnerable populations. Data has shown that underserved and marginalized populations tend to live in at-risk hazard-prone areas or in homes with substandard construction. The data also suggests that this segment of the community is less likely to fully recover after a disaster. <sup>4</sup> When ranking an action's priority, those that directly benefit a vulnerable population were ranked high.

The action plan is presented in Table 6.

### Table 5: Mitigation Action Evaluation and Prioritization

[illegible]

## Structure & Infrastructure Projects

[illegible]



additional sediment transport downstream.									
Depending on its infrastructure capabilities, using check valves, sump pumps, and backflow prevention devices in homes and other buildings.									
Routinely Clean and Repair Stormwater Infrastructure									
Routine Clear Debris from Support Bracing Underneath Low-Lying Bridges									
Increase Dimension of Drainage Culverts to Bank full width standard									
Remove Existing Structures from Flood-Prone Areas									
Elevate and upsize bridges to increase debris passage									
Elevate structures to Base Flood Elevation									
Pursue projects to lower flooding at mouth of Thatcher Brook									
Upsize culvert on Blush Hill Road just North of Mist Hollow Road. From TRPT tool									
Upsize culvert on Sweet Road just south of town line. From TRPT tool									
Armor ditches on identified segments of road per Municipal Roads General Permit requirements.									
Utilize buyouts were appropriate to mitigate flood damages in low lying areas									

Elevate Roads Above Base Flood Elevation to Maintain Dry Access									
Bury Power Lines									

### Structure & Infrastructure Projects (cont.)

Floodproof downtown businesses									
Retrofit Critical Facilities to Strengthen Structural Frames to Withstand Wind and Snow Loads									
Anchor Roof-Mounted Mechanical Equipment on Critical Facilities									
Dry flood proofing non-residential structures by strengthening walls, sealing openings, or using waterproof compounds or plastic sheeting on walls to keep water out.									
Floodproof Critical Facilities									

### Natural Systems Protection

Stabilize Stream Banks where necessary									
Remove Berms and/or Accumulated Debris from Stream to Restore Flood Capacity									

Implement stormwater management projects from Stormwater Master Plan									
Streambank buffer plantings									
Identify and restore wetlands in appropriate locations									
Increasing drainage or absorption capacities with detention and retention basins									
Establish Vegetative Buffers in Riparian Areas									
Restore Floodplain									
Restore Incision Areas									

### Outreach & Education Programs

Educate the Public About the Risks of Infectious Disease and vectors such as lyme disease.									
Outreach on programs for managing and care of aging and diseased trees by Tree Warden to prevent power outages and road debris.									
Outreach/education program on native plants and invasive plant removal									
Outreach and education program on invasive pests and risks of ticks									
Public education campaign on fire permits and possible handout.									
Outreach program on water efficiency opportunities									
Education campaign on banning fill along streams, river and how it leads to increased flooding									
Outreach during severe cold or heat of risks to exposure									
Education program about rain gardens and what individuals can do to lessen runoff									

### Table 5 Evaluation Criteria:

**Life Safety** – Will the action be effective at protecting lives and preventing injuries?

**Property Protection** – Will the action be effective at eliminating or reducing damage to structures and infrastructure?

**Technical** – Is the action a long-term, technically feasible solution?

**Political** – Is there overall public support/political will for the action?

**Administrative** – Does the community have the administrative capacity to implement the action?

**Other Community Objectives** – Does the action advance other community objectives, such as capital improvements, economic development, benefit a vulnerable population, environmental quality, or open space preservation?

**Rank each of the above criteria in Table 5 with a -1, 0, or 1 using the following table:**

1 = Highly effective or feasible

0 = Neutral

-1 = Ineffective or not feasible

**Estimated Cost** – 1 = less than \$50,000; 2 = \$50,000 to \$100,000; 3 = more than \$100,000

**C/B** – Are the costs reasonable compared to the probable benefits? Yes or No

## Integrating Into Existing Plans and Procedures

For Waterbury to succeed in reducing long-term risk, information from this Plan should be integrated throughout government operations. When activities are connected, they can not only reduce risk and increase resilience, but also accomplish other objectives such as environmental protection, economic development, financial stability, and land use planning.

There are several ways the Town can achieve integration into existing plans and procedures to support risk-informed community planning. They can include the community's primary mitigation goal as stated on page 18, information from the risk assessment, and mitigation actions as follows:

- *Funding for mitigation actions can be prioritized in the annual budget process.*
- *The mitigation goal and risk assessment information can be incorporated into the next Town Plan update (Land Use and Flood Resilience chapters in particular) to help steer growth and redevelopment away from high-risk locations. The town has already made significant progress in its latest **bylaws update**.*
- *The mitigation goal and risk assessment information can be incorporated into any plans to expand public water and sewer utilities to ensure they are not expanded into high-hazard areas.*
- *Several flood-related mitigation actions for increasing road resiliency can be implemented under the existing Municipal Road General Permit (8273-9040) for controlling **stormwater** discharges from town roads.*

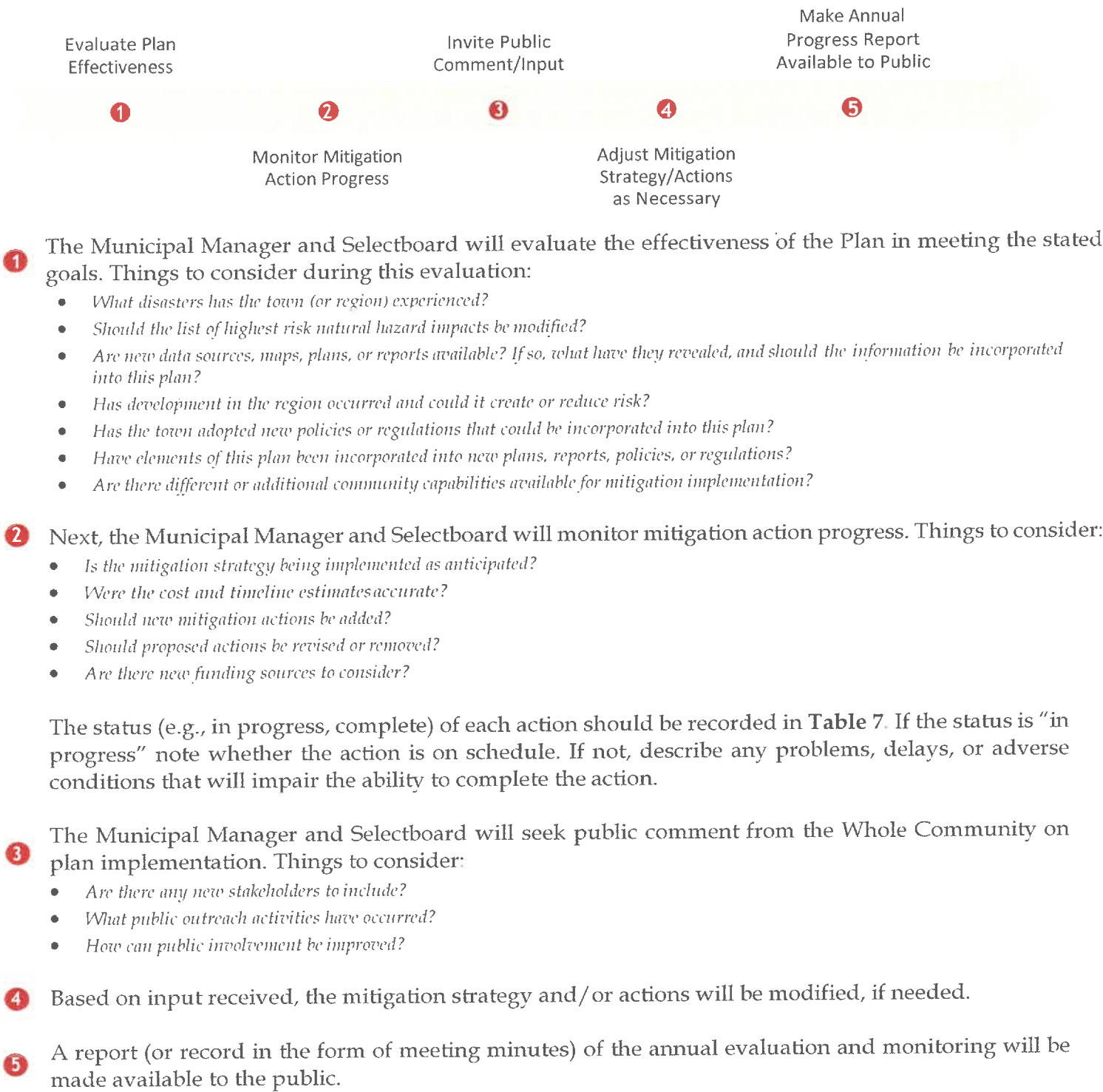
**The Town will make every effort to maximize use of future Public Assistance Section 406 Mitigation opportunities when available during federally declared disasters.**

## 6 PLAN MAINTENANCE

This Plan is dynamic. To ensure it remains current and relevant, it should be annually evaluated and monitored and updated every five years, in accordance with FEMA guidelines in effect at the time.

### Annual Evaluation and Monitoring

Within 12 months of FEMA Final Approval, the Plan will be annually evaluated and monitored as follows:





**Table 7: Mitigation Action Status-Still to be updated**

Mitigation Action	2024	2025	2026	2027	2028
<b>Local Plans &amp; Regulations</b>					
Plan for and Maintain Adequate Road and Debris Clearing Capabilities					
Update Road Erosion and Culvert Inventories					
Road Right-of-Way Vegetation Management Plan					
Plan for Bridge Repairs					
Stormwater Master Plan					
Flood Study					
<b>Structure &amp; Infrastructure Projects</b>					
Remove Hazard Trees in Road Right-of-Way					
Install Back-up Power at Critical Facilities					
Install Green Stormwater Management Practices					
Stabilize Culvert Outfalls					
Install/Re-work Roadside Ditches					
Routinely Clean and Repair Stormwater Infrastructure					
Routinely Clear Debris from Low-Lying Bridge Support Bracing					
Adequately Size Culverts in Flood-Prone Areas					
Remove Structures from Flood-Prone Areas					
Install Live Snow Fence or Equivalent Technique on Critical Roadways					
<b>Natural Systems Protection</b>					
Stabilize Stream Banks					
Remove Accumulated Debris to Restore Flood Capacity					
<b>Outreach &amp; Education Programs</b>					
Infectious Disease and/or Invasive Species Awareness					
Disease Vector Control Training					

This Plan will be updated at a minimum every five (5) years as follows:



- 1 Currently, funding to assist municipalities in paying for planning services to update the Local Hazard Mitigation Plan is available through FEMA's Building Resilient Infrastructure and Communities grant program. If using this grant, Waterbury should contact Vermont Emergency Management (VEM) to apply for funding in 2026 – approximately 2 years before the Plan expires.

Once funding is secured and the grant agreement between the Town and State is in place, the Town Manager can issue a request for proposals (RFP) to procure planning services in accordance with the grant agreement. The RFP should be issued approximately 14 months before the Plan expires.

Once a consultant is procured, the Plan update can begin with a kick-off meeting including the consultant and local hazard mitigation planning team. The kick-off meeting should be scheduled approximately 12 months before the Plan expires. The Town should allot approximately 8 months for the Plan update process.

- 2 Opportunities for Whole Community involvement throughout the Plan update process need to be factored into the schedule. These opportunities may include a community survey, planning workshop, and public meetings at critical milestones agreed to at the project kick-off meeting.
- 3 Once the local hazard mitigation planning team has prepared a final draft, they can seek authorization from the Selectboard to submit the Plan for VEM/FEMA approval. Plan approval is accomplished in two steps – the first is Approval Pending Adoption. The Town should submit for Approval Pending Adoption approximately 4 months before the Plan expires to allow for time to respond to any review comments received from VEM/FEMA.
- 4 Once the Town receives Approval Pending Adoption, the Selectboard should adopt the Plan as soon as their next regular meeting.
- 5 Once adopted, the Town can submit the Plan for VEM/FEMA Final Approval. The Town should submit for Final Approval approximately 1 month before the Plan expires to ensure there is no gap in coverage between updates. The FEMA Final Approval date starts the clock on the effective dates of the 5-year Plan.

# 7 MITIGATION ACTIONS FROM 2017 PLAN

Vulnerability: Flooding

## Improve Physical Infrastructure.

Main Street Reconstruction, upsizing culverts, manage village stormwater drainage, protect utilities.

Who: Town, Village, VTrans, Revitalizing Waterbury, CVRPC    When: Summer 2018-Fall 2020  
How: VTrans, Municipal Funds    Priority: High

**2024 Update:** Completed 2023 new drainage along Main St. helps with flash flooding

## Floodplain

Implement floodplain reconnection strategies to increase low-lying areas that can accommodate floodwater and reduce flooding.

Who: State of VT, VEM, Town, Village    When: 2020-2022  
How: HMGP    Priority: High

**2024 Update:**

Vulnerability: Infrastructure

Colbyville drainage along Route 100, possible ROW expansion.

Who: State of Vermont, State Highway    When: Spring 2018-Fall 2019  
How: HMGP, VTrans    Priority: High

**2024 Update:** Corrected and improved 2018

## Stowe Street Bridge

Replace and upsize functionally deficient bridge that was installed following the Flood of 1927. This is a critical connection for pedestrians and access to the VTrans Park and Ride.

Who: Town of Waterbury, State of Vermont    When: 2020-2023  
How: VTrans, Town of Waterbury    Priority: High

**2024 Update:** Preliminary engineering is completed. Bridge is on VTrans bridge list to be replaced in 2025

**Lincoln Street**

Upsize culvert on Graves Brook and restore floodplain along the northern bank to prevent additional sediment transport downstream.

Who: Select Board, Public Works Director, VTrans, Road Commissioner    When: 2018-2022  
How: HMGP, EPA, VTrans    Priority: High

**2024 Update:** No work completed still undersized.

**Culverts and Bridge**

Upsize culvert and bridge on Guptil Road, Shaw Mansion Road, and Ripley Road.

Who: Select Board, VTrans, Road Commissioner    When: 2018-2022  
How: HMGP, VTrans    Priority: High

**2024 Update:**

**Planning/ Regulations**

Update Flood Hazard area regulations to include river corridors.

Who: Selectboard, Village Trustees    When: 2019-2021  
How: Municipal Funds    Priority: Medium

**2024 Update:** The Planning Commission has finalized this update in April 2024

**Planning/Emergency Preparedness**

Coordinate with Duxbury for emergency evacuation communication and coordination on River Road and flood areas.

Who: Emergency Services, Waterbury, Duxbury    When: Ongoing  
How: Municipal    Priority: Medium

**2024 Update:**

**Mitigation**



Consider fuel tank tiedowns for properties in floodprone areas. Consider educational campaign in partnership with Vermont Fuel Dealers Association

Who: Town staff with public and private entities  
How: Estimated costs \$500-700/home

When: 2020-2022  
Priority: Medium

**2024 Update:**

**Planning/Mitigation**

Plan for long-term growth outside of the floodplain. Consider suitable areas for future village development.

Who: Planning Commission, Town, Village  
How: Plan update, Municipal grant

When: 2021-2023  
Priority:

**2024 Update:** The Planning Commission has finalized a complete update to the zoning regulations and is adopting in April 2024.

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Identify strategies and opportunities, including permanent easements, for protecting open space/undeveloped land in the floodplain and river corridor from future development, ID potential areas for easements and restoration.

Who: Town Selectboard, Village trustees, Friends of the Winooski River, Conservation Commission  
How: Municipal funds

When: Ongoing  
Priority:

**2024 Update:** The Planning Commission has finalized a complete update to the zoning regulations and is adopting in April 2024.

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Engage with State of Vermont and Duxbury to explore mitigation opportunities along state lands, farm lands and River Road.

Who: State of Vermont  
How: Grant funds

When: Ongoing  
Priority: Medium

**2024 Update:** Due to Duxbury landowner’s choice to not participate with largest piece of project, overall project did not proceed.

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Support state regulations, install signage to prohibit dumping in stream channels, riverbank areas, and wetlands.

Who: Town, Village Green-Up, ANR	When: 2019-2021
How: Municipal funds	Priority: Medium

**2024 Update:**

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Consider stormwater management regulations requiring that peak runoff from new development be no greater than pre-development runoff

Who: Planning Commission, Town, Village	When: 2022+
How: Municipal Planning Grant, Municipal funds	Priority: Medium

**2024 Update:**

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Consider regulations that require Erosion and Sedimentation Control on land that is disturbed during development. Utilize technical bulletins and research publications were available.

How: Planning Commission, Town, Village	When: 2022+
How: Municipal Planning Grant, Municipal funds	Priority: Low

**2024 Update:** State changed rules for this in 2022 that VT DEC mandates sedimentation controls on any disturbance larger than ½ acre.

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Consider mandatory use of connectors, brackets, and mobile home tie downs with new mobile home applications in and outside of flood prone areas. Utilize technical bulletins and research publications were available.

Who: Planning Commission, Town, Village  
How: Municipal funds

When: 2020-2021  
Priority: Low

**2024 Update:**

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Encourage and support use of public and private riparian buffers using the River Corridor Plan as guidance. Utilize technical bulletins and research publications were available.

Who: Conservation Commission  
How: Grant or municipal funds

When: 2020-2021  
Priority: Medium

**2024 Update:**

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Support educational campaign program for installation of sewer line valves on properties in 500-year floodplain. Utilize technical bulletins and research publications were available.

Who: Village Trustees/ Town Selectboard  
How: Public, private

When: 2020-2022  
Priority: Medium

**2024 Update:**

**Flooding, flash floods, fluvial erosion/Severe Storms, hurricane, tropical storms**

Utilize the Stream/Flume table as an educational tool at public events

Who: Friends of the Winooski, Planning commission  
How: Public, private

When: Ongoing  
Priority: Medium

**2024 Update:**

**Flooding- NFIP compliance.**

Promote NFIP/CRS compliance by continuous communication, training, and education. Utilize technical bulletins and research publications were available.

Who: Village Trustees/ Town Selectboard  
How: HMGP

When: Ongoing  
Priority: Medium

#### 2024 Update:

Vulnerability: Dams

#### Dam Safety/Emergency Preparedness

Public education for residents and communities downstream on evacuation and early notification procedures.

Who: ANR, Public Works, EMD  
How: Municipal/State Funds

When: Fall 2018  
Priority: High

#### 2024 Update:

#### Dam Safety

Coordinate with dam owner and community on Emergency Action Plan (EAP) contacts and information flow for dam safety and preparedness.

Who: Emergency Services, GMP, CVRPC, Town, Village  
How: EMPG, Municipal Funds

When: Spring 2019 ongoing  
Priority: High

#### 2024 Update:

Vulnerability: Winter Storms/ Severe Cold

Support LEAP members, Capstone and Efficiency Vermont to conduct outreach to residents on how to insulate homes (pipes, attics) for efficiency and extreme cold spells. Snow and ice loads are regulated by state building codes. Utilize technical bulletins and research publications were available.

Who: Town, Village, Planning Commission, Efficiency Vermont, Vermont Fuel Dealers, LEAP, Capstone

How: Efficiency Vermont, LEAP

When: Ongoing  
Priority: Low

#### 2024 Update:



**STATE OF VERMONT DEPARTMENT OF PUBLIC SAFETY  
POLICING SERVICES CONTRACT  
WITH THE ~~City of Burlington~~ Town of Waterbury  
VERMONT**

This agreement is made this 24th day of ~~Ma~~February, 2024~~1~~, by and between the State of Vermont, Department of Public Safety, Vermont State Police with the Town of Waterbury, Vermont. When referred to collectively, the Vermont Department of Public Safety, Vermont State Police and the Town of Waterbury are referred to as the "Parties."

This is a contract for services between the State of Vermont Department of Public Safety ("DPS") and the Town of Waterbury to provide Vermont State Police ("VSP") services to the Town of Waterbury in accordance with 20 V.S.A. §1871 described in the "Scope of Work" section below. DPS shall maintain control over the VSP troopers assigned to the Town of Waterbury. The assigned VSP troopers are and remain DPS personnel for the duration of this contract. DPS-owned equipment/facilities utilized by troopers assigned to complete these services shall remain under the control of DPS.

The pilot program and as such will not be available to any other town except at the sole discretion of the VSP.

DPS is committed to perform the scope of work in this agreement; therefore, in consideration of the terms set forth herein, the parties agree as follows:

**I. SCOPE OF WORK**

DPS/VSP will provide police services to the Town of Waterbury ("Waterbury").

**Overview:**

- Waterbury will fund two (2) limited-service sworn state police positions assigned to provide comprehensive police services for Waterbury.
- The VSP troopers assigned to the Town of Waterbury will remain state employees under the command authority of DPS and VSP. The VSP will have sole supervisory authority over the VSP trooper(s) and The VSP Station Commander who's area of operation includes Waterbury will have direct supervision over these assigned troopers. Waterbury, its officials and agents, will have no authority or control over the VSP trooper(s) assigned to provide services to the Town of Waterbury. The VSP Station Commander who's area of operation includes Waterbury will be the point of contact for performance matters that come to the attention of the Town of Waterbury and the Municipal Manager for the Town of Waterbury will be the official point of contact for the station commander on performance matters related to this agreement. As such, Waterbury's Municipal Manager and other employees of the Town of Waterbury must comply with the confidentiality rules applying to Vermont State Employees and Waterbury Town employees are subject to and must comply with the confidentiality statutes applying to members of the Vermont State Police.
- The VSP troopers assigned to the Town of Waterbury will provide full-service law enforcement and police services in accordance with Vermont law and VSP policies

and procedures. These services include: monitoring and enforcing motor vehicle laws to include DUI law enforcement, responding to calls for service and crime reports or suspicion of criminal activity, crash investigations in Waterbury, response to reports of violent crimes, citizen disputes, disorderly conduct, burglaries, and other violations of criminal law.

- The VSP troopers assigned to the Town of Waterbury will provide consistent presence in Waterbury for deterring crime and for developing relationships within the community under circumstances not driven by crisis or crime response. At the discretion of VSP, these functions may include: attendance at community events and visiting local businesses and schools.
- As always, additional resources of the VSP such as specialized teams (for example, Search and Rescue Team, Crisis Negotiation Unit, Canine Team, Crash Reconstruction Unit); as well as the resources provided by VSP in partnership with other entities in Washington County (for example, the Special Investigations Unit) may be provided as needed in the discretion of VSP.
- Municipal ordinance violations with regard to moving violations shall be enforced, but parking violations and other municipal ordinances (barking dogs, etc.) shall be investigated at the discretion of the VSP troopers assigned to Waterbury. Notwithstanding this inclusion, the VSP troopers assigned to the Town of Waterbury are authorized as enforcement officers, as provided for by existing language in the Town of Waterbury ordinances, and may exercise their discretion in the enforcement of Town ordinances as deemed appropriate for the circumstances.
- When enforcing moving violations, the troopers preserve the discretion to exercise their law enforcement authority and all revenue generated from the issuance of tickets for moving violations shall be paid in accordance with state law and Judicial Bureau procedures.
- DPS and VSP maintain responsibility for the general supervision of the work of the assigned troopers and DPS and VSP are responsible for all procedures of its work.
- DPS and the Town agree, with the expressed written consent of both parties, the ~~parties may consider adding that~~ an additional trooper or troopers could be added at the same cost per trooper as specified in this agreement. Prior to executing this option, the Selectboard of the Town of Waterbury must first take an affirmative vote and must specify their desired periods of additional police coverage. The results of that vote will be conveyed by the Waterbury Municipal Manager to the Commissioner of Public Safety. The Commissioner has full authority to affirm or deny the request for an additional trooper or troopers for any reason. In the event the Commissioner affirms the Town's request for additional trooper(s), such modifications will be executed in accordance with Section III of this agreement.
- Written reports delivered under the terms of this agreement are to consist of the following:
  - a. DPS and VSP will provide a detailed activity report at the end of each

month and annually, covering the following information:

- Total number of policing hours
- Total number and types of cases assigned to VSP troopers assigned to the Town of Waterbury
- Total number and types of cases assigned to Middlesex troopers covering Waterbury complaints

- Total number of motor vehicle ("MV") complaints (ticketsNCVCs) issued
- Percentage of MV complaints issued for municipal ordinance violations
- Total amount of MV fines issued
- Total number of MV warnings issued
- Total number of vehicle searches conducted
- Total number of "other" MV cases
- Total number and type of community events attended
- Total number of assistance calls responded to by VSP troopers assigned to the Town of Waterbury troopers outside of the Town of Waterbury
- Quantified response time for the purpose of indicating and/or measuring the advantage of readily available troopers as compared to general coverage from Middlesex station.

- b. Upon request, DPS and VSP agree to provide Waterbury with copies of motor vehicle crash reports occurring within the Town of Waterbury.

Troopers selected for this program and under this agreement shall be and shall maintain their certifications, licensure and qualifications in all areas of law enforcement services to the state of Vermont.

Vehicles provided by VSP and used for the services set forth in this agreement shall be properly equipped for all types of public safety work.

**Office Space and Equipment:**

- Physical office space in the Town of Waterbury will be provided by the Town of Waterbury and is to be determined.
- The VSP Middlesex station or it's replacement office, the VSP Berlin station is the processing point for arrests, storage of evidence, as well as the VSP equipment depot to support the VSP troopers assigned to the Town of Waterbury.
- The Town of Waterbury will be responsible for all direct and indirect costs associated with the two full-time sworn state police positions, to include, but not limited to: salary, benefits, all guarantees provided by the Vermont Troopers Association collective bargaining agreement, two fully marked and equipped state police cruisers, equipment, gasoline, uniforms, insurance, and administrative costs.

**Hours and Scheduling:**

- Each trooper position will provide a minimum of 40 hours of active coverage each week (total of 80 hours per week).
- Commuting time to accommodate trooper residency requirements should be limited.



- Scheduling is at the discretion of VSP.
- The day shift trooper works a permanent schedule (Monday - Friday 0800-1700 hours) periodically, an earlier start of shift may be agreed upon in writing by the Station Commander and the Municipal Manager, but no regularly scheduled shift shall begin earlier than 0600.
- The night shift trooper works a permanent schedule (Tuesday - Saturday 1700-0200 hours)
- Notwithstanding the permanent schedules described above, VSP and Waterbury agree the parties, through their respective points of contact, may agree to adjust the work schedule to provide coverage, from time to time, outside the scheduled work hours of the two troopers. I.E. Occasional daytime coverage on a Saturday.
- In the absence of the VSP trooper(s) assigned to provide services under the terms of this contract, The VSP Barracks whose area of operation includes Waterbury will provide shift coverage except in the following circumstances:
  - Shift coverage will not be provided if the scheduled trooper assigned to the Town of Waterbury is absent for reasons including, training related to normal law enforcement requirements and required court appearances.
  - Extended absences beyond 10 workdays (other than scheduled leave) will relieve the Town of Waterbury from payment obligations for such absent position(s), on a prorated basis, for the duration of the absence. In such cases the quarterly invoice will be reduced by the prorated amount.
- Shift coverage is provided when a VSP trooper assigned to the Town of Waterbury is utilized for VSP for events including, special team activations outside of Waterbury, major event details, special circumstances or emergencies outside of the normal course of business.
- VSP trooper(s) assigned to the Town of Waterbury will be used to supplement standard work shifts at the Middlesex station should staffing levels become unmanageable.
- Emergency support to The VSP Barracks whose area of operation includes Waterbury is permitted and expected.
- The VSP Station Commander whose area of operation includes Waterbury or designee provides day-to-day supervision of the VSP troopers assigned to the Town of Waterbury and is the official point of contact with Waterbury Municipal Manager, or designee.

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#### **Project Term Length:**

- Contract between DPS/VNSP and Waterbury is for a three (3) year term contingent upon the Town of Waterbury's funding approval and contingent upon the State's receipt of appropriation authority.

- Pilot project term allows for evaluation by both parties.
- Pilot project has the potential for successive three-year contract(s), upon written agreement by both parties.

## II. **SERVICES PROVIDED BY WATERBURY**

The Town of Waterbury agrees to make available for DPS's and VSP's use, all plans, maps and drawings as are presently on file with the Town of Waterbury, and any required information for billing purposes.

## III. **CHANGES OR ADDITIONAL WORK**

No changes or amendments of the agreement shall be effective unless written and signed by authorized representatives of the Department of Public Safety and Waterbury.

## IV. **BEGINNING OF WORK AND TERMINATION**

This agreement shall be effective upon July 1, 2024<sup>1</sup>, and shall be completed on, or after June 30, 2027<sup>4</sup>. This agreement may be terminated in accordance with the following provisions:

### a. **Terminate for Cause**

The Town of Waterbury reserves the right, with 30 days written notice to the Department of Public Safety, to terminate the agreement if the Department of Public Safety fails to complete the designated scope of work within the time schedule agreed upon. DPS may terminate the agreement immediately upon the expiration of existing appropriation authority. In the event the Town of Waterbury fails to obtain funding, DPS shall be compensated as indicated herein this agreement based on the work performed for the Town of Waterbury at the time this agreement is terminated. Otherwise, DPS reserves the right, with 30 days written notice to the Town of Waterbury, to terminate the agreement for cause.

### b. **Terminate for Convenience**

In addition to its rights and options to terminate this agreement as provided elsewhere herein, the Parties may, at any time prior to the completion of full performance, terminate the agreement by giving written notice not less than thirty (30) calendar days prior to the effective date by registered mail of its intention to do so. If the termination is for Waterbury's convenience, payment to DPS shall be made promptly for the amount of any earned fees to the date of the "Notice to Terminate", less any payments previously made.

## V. PAYMENT PROVISIONS

### a. Included costs

Costs incurred under this agreement shall include the following:

LINE ITEM	Year one	Year two	Year three	Total Cost
Vehicles	37,705	37,705	37,705	113,115
Vehicle Operating cost	20,566	20,566	20,566	61,698
Uniforms and Gear	7,999	7,999	7,999	23,997
Training	7,613	7,613	7,613	22,839
IT Equipment	5,303	5,303	5,303	15,909
Salary	173,567	173,567	173,567	520,701
Benefits Package	94,858	94,858	94,858	284,574
Leave Coverage	34,095	34,095	34,095	102,285
Workers Comp	18,637	18,637	18,637	55,911
Indirect Rate	76,879	76,879	76,879	230,637
<b>TOTAL</b>	<b>477,222</b>	<b>477,222</b>	<b>477,222</b>	<b>1,431,666</b>
Quarterly Payment	119,305.50	119,305.50	119,305.50	

LINE ITEM	Year one	Year two	Year three	Total Cost
Vehicles	Vehicles in program will last 3 more years			
Vehicle Operating cost	13,698	15,020	17,512	46,560
Uniforms and Gear	7,336	7,336	7,336	22,008
Training	7,613	7,613	7,613	22,839
IT Equipment	5,303	5,303	5,303	15,909
Salary	159,498	159,498	159,498	478,494
Benefits Package	74,520	74,520	74,520	223,560
Leave Coverage	30,254	30,254	30,254	90,762
Workers Comp	18,637	18,637	18,637	55,911
Indirect Rate	66,540	66,818	67,411	200,769
<b>TOTAL</b>	<b>383,309</b>	<b>384,999</b>	<b>388,414</b>	<b>1,156,812</b>
Quarterly Payments	95,849.75	96,249.75	97,103.50	

As stated above, administrative management and direct supervision of the VSP trooper(s) assigned to the Town of Waterbury shall be the responsibility of the designated supervisor(s) from The VSP Station Commander who's area of

operation includes Waterbury for supervising, reviewing, and approving all aspects of the work of the assigned troopers, including but not limited to written reports to the Town of Waterbury. This administrative management and supervision shall be at no cost to the Town of Waterbury.

**b. Payment Procedures**

DPS shall invoice the Town of Waterbury at 28 North Main Street, Suite #1, Waterbury, VT 05676 the end of each quarter during the term of this agreement. The Town of Waterbury shall pay, or cause to be paid, DPS, payments which must occur quarterly at the end of each quarter in the amount of \$96,849.75 ~~119,305.50 for year one, 96,249.75 for year two and 97,103.50 for year three.~~ Payment is required within thirty (30) days from receipt of invoice.

**VI. PERSONNEL REQUIREMENTS AND CONDITIONS**

DPS reserves the right to remove from this project any member of VSP for improper conduct or misconduct, in the due and proper performance of their duties or who neglects or refuses to comply with the requirements of these specifications.

If DPS/VSP, for any reason, removes from service or reassigns a VSP trooper assigned to the Town of Waterbury, DPS/VSP shall fill the vacancy with a permanently assigned

trooper as soon as practicable. If a vacancy extends beyond 10 working days in duration, the Town of Waterbury shall be relieved of its payment obligation for the vacant position as described in Section I Hours and Scheduling of this agreement. All other payment obligations remain enforceable.

**VII. SETTLEMENT OF MISUNDERSTANDING**

Commissioner of Public Safety, in consultation with the Municipal Manager of the Town of Waterbury, shall make a good faith effort to resolve disagreements between the VSP and the Town of Waterbury in the performance of this agreement.

**VIII. GENERAL COMPLIANCE WITH LAWS**

DPS and the Town of Waterbury agree to comply with Federal, State and local laws and ordinances applicable to the work involved under this agreement.

This agreement shall be governed by the laws of the State of Vermont.

**IX. COMPLETION AND ACCEPTANCE**

Upon completion of all services encompassed herein and payment of the agreed upon fee, this agreement with its mutual obligations shall be terminated.

**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be executed as of the day and year first above written.

STATE OF VERMONT DEPARTMENT OF PUBLIC SAFETY WATERBURY, VERMONT.

\_\_\_\_\_  
Jennifer Morrison

Commissioner  
Vermont Department of Public Safety

Date: \_\_\_\_\_

\_\_\_\_\_  
~~William Shepeluk~~ Thomas Leitz

Municipal Manager  
Town of Waterbury

Date: \_\_\_\_\_



## **Memo**

**Date:** 5/31/24  
**From:** Tom Leitz, Manager  
**To:** Selectboard  
**Re:** Technology Investments

I wanted to send a short update about some minor investments in technology that I believe will make town operations more efficient. While I don't necessarily require board approval to enter into a contract, some of these items are unbudgeted and substantial enough that we would need to utilize reserves, or delay the investment. I would be happy to have a conversation to gauge your level of interest in the items below.

### **Public Works - GPS**

First, while the Town has a number of pieces of heavy equipment, our primary fleet contains 8 dump trucks. I am planning to have GPS devices installed on our main fleet. The cost is \$18.95 per month per vehicle (there is no installation fee). In addition to vehicle tracking the software allows for the Town to see idle times, speeding infractions, and harsh driving (fast acceleration and braking). Finally, this system would provide a management safeguard for the foreperson. GPS has become the standard for the private sector, and I believe it should be added to the town fleet this year. I suspect we will also reach a point within the next several years where our insurer will recommend both GPS and forward-facing cameras on all municipal vehicles. Given the annual cost for this system is \$1,819.12, and the cost this calendar year would be roughly half that amount, I recommend we implement this system and absorb the cost into the existing budget.

### **Accounts Payable Software**

I have received a quote from Tungsten automation to move the Town towards an electronic/web based accounts payable system. The software is highly programmable, and all of our invoices would be approved by staff and the selectboard within the online platform, thereby removing us from a paper process.

We can create a login and password that has read only access to approved invoices. This login and password can be shared publicly, meaning interested individuals and parties could see not just our town expenses, but also the underlying invoices. The system is clear and user friendly, and individuals seeking to view our expenses could search by date, amount, or vendor name to view specific invoices. While the software would improve our business functions, a major benefit is increased transparency related to town expenditures.

The cost for this software is \$4,190 per year, with an installation fee of \$10,000 that the vendor has agreed to spread over two-years. I do think this software has benefits that justify the cost. While our

budget does have lines items related to professional services, we would likely have minor over-expenditures in those line items if this was purchased this calendar year. I note this would be a shared expenses with EFUD: using a comparison of the number of invoices each municipality processes the Town would bear 70% of this cost, and EFUD would bear 30%. The final cost to the Town would be \$6,423 and the cost to EFUD would be \$2,757. I would appreciate your thoughts on this purchase and can show a few screen shots to show the product. I will also discuss this purchase with the EFUD Commissioners.

### **Town Hall Card Access System**

Town staff have concerns about the safety of town hall, and we had a recent incident where a hypodermic needle was found in one of our bathrooms. We have also had occasional instances where staff arriving over the weekend or in the morning have found unlocked doors. This is quite understandable given meetings often run late, and we have groups who rent the Steele Room and may not prioritize building security in the same manner as staff.

I have received an estimate for an electronic card/password access system for roughly \$20,000. Historically, the Town has absorbed all costs for the municipal office building. I don't reflexively agree with this methodology given there are shared employees and office space comes at a price. My analysis suggests EFUD should be responsible for 10% of the total cost, and I will review this proposal with the Commissioners.

If desired, this could be purchased and installed in 2024 with the cost coming from the local option tax. This can also be delayed and can be included in the draft 2025 budget for future consideration.