

Minutes of the Waterbury Selectboard
Monday, February 17, 2025 | 7:00 p.m.
28 N. Main St. and via Zoom

Attendance: Roger Clapp, Alyssa Johnson, Mike Bard, Ian Shea, Kane Sweeney, Tom Leitz, Cheryl Casey

Public attendance: ORCA Media, Chris Viens, Sandy Sabin, Lisa Walton, Rebecca Ellis

Zoom attendance: ORCA Media, Billy Vigdor, Evan Hoffman, Amy Marshall-Carney, Anne Imhoff, Nora Miller

CALL TO ORDER by A. Johnson at 7:01 p.m.

Approval of the agenda

Motion by K. Sweeney to approve the agenda as written; seconded by R. Clapp

No further discussion; **agenda approved unanimously**

Consent agenda

- Meeting Minutes of Special Meeting January 27, 2025, Special Meeting January 29, 2025, and Regular Meeting February 3, 2025
- First Class Restaurant/Bar, Third Class Restaurant/Bar, and Outside Consumption Permit for Blush Hill Golf Course, May 1st through October 31, 2025. 7:00 am to 10:00 pm

Motion by M. Bard to approve the consent agenda as presented; seconded by K. Sweeney

No further discussion; **consent agenda approved unanimously.**

Public comment

Sandy Sabin asked if the local options tax (LOT) has a restriction on allowable uses for spending.

T. Leitz responded -

- no unless the voters forced a restriction. 2024 was unique because the LOT was new and the revenue wasn't planned for; it's worth remembering that the budget isn't a contract, rather, it is just a plan.
- A section of the law discusses funding social service agencies, and his interpretation is that if the town gives money to those agencies, the funding must be unrestricted. However, LOT money is allocated for a specific purpose.

S. Sabin further commented that the description of the LOT allocation to WATA uses general language that doesn't clarify the trails are on state land.

L. Walton addressed the selectboard about the time limits placed on public comment, saying the change from 5 minutes to 3 minutes does not seem justified; she requested that the time limit be returned to 5 minutes. Selectboard members indicated they have no problem with this adjustment and will incorporate the 5-minute rule starting next meeting.

M. Bard thanked the Public Works staff for their work in the recent weather; roads, byways, and sidewalks are in amazingly good condition given the amount of snow that fell in the last three days. He said he would buy pizza for the department.

A. Johnson acknowledged this was I. Shea's last regular meeting as a selectboard member; his term concludes at the end of Town Meeting.

Flood resiliency updates and overview

T. Leitz summarized the updates:

- One property has been sold, and three properties are in the appraisal stage. Buyouts are based on the 2023 flood disaster.
- An offer was made to the owner of the Harvey farm property and a hazard mitigation grant was applied for; however, the funds for hazard mitigation projects were overprescribed, so that grant is unlikely.
- Dana Allen is pursuing an array of grant opportunities with some good progress. The town received a grant for widening Thatcher Brook.
- Having the Natural Disaster Preparedness Committee up and running is good progress. That committee will work with the new Preparedness Coordinator, and he is optimistic that position will officially be filled in the next couple of weeks.
- He had a meeting with the Central Vermont Regional Planning Commission last week to push for kickstarting the project on the cornfield behind Randall St. Rep. Wood put forth a proposal to transfer ownership of the cornfield to the town. UVM has submitted a detailed proposal for a study about turning a portion of the cornfield into natural wetlands; the project is to be completed this semester (by May).
- The BRIC grant will be submitted in the coming days. If that grant isn't funded, it might be time to consider town funds to advance the hydrology work.

Discussion

- A. Johnson clarified this summary is of *municipal* resiliency efforts and other groups are also contributing to recovery and resilience needs. It's worth also noting the input meetings with community members in July 2024 and the hazard mitigation plan approved by the selectboard in August 2024
- R. Clapp said CReW has set up a flood mitigation committee to focus on household resiliency.
- M. Bard asked how it would work if we needed to use municipal funds for the hydrology work.
 - T. Leitz said the sources of funding in the hydrology study's budget are still to be determined. The timing of when we hear about the BRIC grant will also play a role in how the study is funded, but this will all be decided over the next couple of years.
 - Federal government isn't always fast moving, and these projects can take years to wrap up. It's not yet time to make specific decisions about whether or how much municipal funds would be used.
- K. Sweeney recommended that the timeline of progress on flood resiliency actions should be loudly publicized and updates should be added and shared as well.
- In response to C. Viens' request for details about the disaster coordinator, T. Leitz said the person would lead the town's flood response effort on a stipend of \$5,000/year. A corps of volunteers

would report to this person and be ready for mobilization when a major weather event threatens to occur.

- M. Bard thanked K. Sweeney for his leadership in spearheading the town's resiliency efforts.

Selectboard liaison role to boards and committees

A. Johnson asked for a debrief from selectboard members about their experiences as liaison and what is worth keeping in mind about the role and the expectations.

- K. Sweeney said he acted in an advisory role to the Natural Disaster Preparedness Committee, providing context on how the selectboard has historically responded to relevant matters and the likelihood of public support for different ideas. It is a new committee, so having someone to communicate consistently and clearly between committee and selectboard was particularly critical.
- M. Bard suggested the liaison doesn't have to be at every committee meeting to still effectively communicate with the committee. Sometimes it's not possible to make all of the meetings. Mostly, the committees want consistency in information. The liaison role is important, but attendance is case-by-case. Committee chairs will tell you if they want something.
- I. Shea has been the liaison to the Recreation Committee and found it helpful to be put in the agenda, intentionally creating space for input from the selectboard perspective. He felt the role was otherwise very similar to what K. Sweeney described. Having liaisons just keeps the selectboard that much more connected to all of the different things going on in town.
- R. Clapp said one advantage of this system is to allow individual members of the selectboard to take leadership in areas of particular interest; a second advantage is improved communication between the selectboard and the committees.
- A. Johnson summarized key takeaways: having a liaison creates a helpful feedback loop; the liaison is a point of contact for elevating concerns; a liaison brings consistency to the communication between selectboard and committee; and it's important to have the conversation with the committee or committee chair about what expectations they have for the liaison.

Discussion

- K. Sweeney asked if liaisons should be changed to full-on members of their respective committee(s) with voting privileges.
 - A. Johnson explained that each committee or board designed its charter differently to meet its purposes, so that question should be determined on a case-by-case basis. Quorum challenges show up in situations where the number of voting members is changed.
 - C. Viens noted how a blanket change to make the liaisons voting members would change the balance of power and affect committee/board autonomy by giving selectboard members the opportunity to effectively vote twice on items. M. Bard and L. Walton expressed agreement.
- A. Marshall-Carney said direct communication with the selectboard is valuable especially around decision-making that is significant or time-sensitive. It would be good to have a planned/fixed time for a committee representative to come to the selectboard meeting to report out or ask questions.

Review of current liaison assignments

- Conservation Commission and DRB - M. Bard
- EFUD - currently vacant

- Housing Task Force - A. Johnson
- Library Commissioners - no liaison, but T. Leitz tries to go to every Library and Cemetery Commissioners meeting. R. Clapp noted the selectboard doesn't have any direct oversight of these commissions, which is why we didn't identify liaisons.
- Natural Disaster Planning Committee - K. Sweeney
- Planning Commission - A. Johnson
- Recreation Committee - I. Shea
- Tree Board - currently vacant

C. Casey asked about where the historical society fits in because it is listed as a Town Department on the website. T. Leitz said the website is clunky in this regard and the society is more of a partner organization as its own 501(c)3; like the library and cemeteries, the town has no direct oversight.

Proposed Ethics Investigation and Enforcement Ordinance

T. Leitz presented a proposed ethics investigation and enforcement ordinance for the town. Under 24 V.S.A. §1997, municipalities must now have such an ordinance.

- This proposed ordinance is based on a model ordinance put together by the Vermont League of Cities and Towns, with a few adjustments to make it specific to Waterbury.
- In Section 3.D.2, the Development Review Board would be considered a quasi-judicial board.
- Section 3.D.3.e - Someone other than the Municipal Manager can be the collector of delinquent taxes.
- Section 4 on complaints:
 - In this proposal, T. Leitz identified the municipal manager as the designated recipient of complaints, but said this designation should be temporary. The town is better served if this person isn't the manager, a selectboard member, or a member of the staff. A neutral party, such as a retired attorney, would be the appropriate person for the long-term.
 - The new ethics law doesn't specify a whole lot in terms of enforcement. There are no felony or misdemeanor ethics counts. The selectboard must do its own enforcement, which might be against one of its own members at some point. In such a case, there is no legal process for removing a member. It is up to the selectboard to determine sanctions.
 - The situation is different if the complaint is against the municipal manager or town staff.
 - There is no law outlining enforcement and sanctions, but once sanctioned, an individual can appeal in court to have the sanction reversed.
 - T. Leitz recommended that until a neutral third party can be identified to serve as the complaint recipient, this section be modified so that if a complaint is registered against the Municipal Manager, the selectboard chair becomes the complaint recipient.
 - The complaint form itself is fairly simple; the one decision to be made is whether anonymous complaints will be allowed. T. Leitz advised that the selectboard adopt the same standard as when reporting a crime—that is, no anonymous reports.
 - K. Sweeney and M. Bard supported people's right to face their accuser.
 - I. Shea acknowledged he could think of instances where complainants might be very reluctant to put their name out there because of the shame that might be involved in the alleged incident; however, he sees the other side as well.

- R. Clapp asked whether the whistleblower policy allows for anonymous reports. T. Leitz wasn't sure offhand but said that policy will need to be reviewed anyway now that there is a law governing such policies.
 - T. Leitz thinks this vote can wait until March if there are changes the selectboard wants to consider.
- **Discussion**
 - S. Sabin asked if the complaint would be public knowledge. T. Leitz said the complaint and investigation are a private process; if a complaint goes to the selectboard about one of their own members, it would be a valid executive session item. An outcome/sanction would have to be voted on in the public portion of the meeting.
 - LW urged the selectboard not to allow anonymous complaints, for accountability's sake.
 - K. Sweeney suggested leaving the wording as is and plan to come back to the table on this after Town Meeting Day, to ensure due diligence. EFUD should also be consulted.
 - A. Marshall-Carney asked if the town lawyer would be an appropriate complaint recipient. A. Johnson replied that it already takes time to get standard legal advice, so an ethics complaint might not be addressed in a timely fashion. T. Leitz added another challenge is that general counsel works on behalf of the town; making the attorney have to possibly investigate the board that employs him creates a conflict of interest.
 - A. Johnson asked for a position description for the designated complaint recipient to be written up and advertised; it would be ideal to have someone in place before the ordinance is adopted.
 - R. Clapp said there are some newly-retired attorneys in town and inquiries can be made.
 - L. Walton suggested someone with an HR background or any person with an understanding of ethics would be preferable to a lawyer.

Better Connections grant application draft

T. Leitz summarized:

- The grant is for hiring a consultant that would study the feasibility of accommodations for pedestrians in Waterbury Center, which is designated as Waterbury Center Village Center.
- The State is interested in expanding the geographic boundaries of the area described in the application in order to connect the area to Waterbury Center State Park as well.

Discussion

- K. Sweeney inquired if he had a conflict of interest as a resident on the Waterbury Center triangle. T. Leitz said no because he would not benefit any more than any other member of the public.
- K. Sweeney said the area is partly walkable and partly not; it is sometimes even dangerous for pedestrians.
- R. Clapp disclosed that Revitalizing Waterbury has a stake in this project with their focus on connecting Waterbury Center to the downtown and he was asked to submit a letter of support for this project as RW executive director; R. Clapp recused himself from the discussion and any voting item.
- A. Johnson clarified that this application is for grant money to conduct a study; if the grant is received and the study conducted, the town still isn't obligated to do anything.

Motion by K. Sweeney to authorize the selectboard signature of the Municipal resolution for Better Connections Grant for the Town of Waterbury, and name Municipal Manager Tom Leitz as project manager; seconded by M. Bard

No further discussion; motion passes 4-0 with R. Clapp abstaining.

Selectboard and Manager Informational Updates

- A. Johnson announced the VLCT “Municipal Mornings” series on various topics with Kathleen Ramsay, municipal operations specialist; the next Housing Task Force workshop is March 18 at 6pm.
- I. Shea reported from the Rec Committee:
 - Summer camp registration is going really well and almost every spot is filled so far. There are just a couple of weekly slots left open.
 - Katie is doing drop-in workout classes at the Rec building; Wed. and Fri. classes are popular.
 - Kids’ Night Out is popular with the kids in attendance, but there isn’t yet a critical mass of kids to guarantee they will keep running it.
 - The Christmas Tree Bonfire was a great success with 75 attendees.
 - Winterfest events were successful, especially the Ice Skate Disco. The Rec Department raised money for the summer rec program sponsorship as well as 300-some pounds of donations for the food shelf.
 - M. Bard asked if there were enough counselors for the summer camps; I. Shea responded the department is doing counselor interviews until the end of March, but they are hopeful.
- T. Leitz had a meeting with Owen Sette-Ducati and Joe Camaratta, of the Housing Task Force, about their draft of a Waterbury version of the VHIP program.

Motion by K. Sweeney to find that premature general public knowledge of labor relations agreements would clearly place the Town of Waterbury at a substantial disadvantage; seconded by M. Bard.

No further discussion; **motion approved unanimously.**

Motion by K. Sweeney to enter executive session; seconded by M. Bard.

No further discussion; **motion approved unanimously.**

The selectboard entered executive session at 8:35 p.m.

The selectboard returned from executive session at 8:52 p.m.

Review of Warning and logistics for Town Meeting

Town Moderator R. Ellis joined the selectboard at the table for the discussion and gave some broad guidelines:

- The new bill passed in the legislature this year confirmed that the moderator can be elected from the floor, and other officials elected by Australian ballot.
- The person designated to present each motion needs to be able to explain its purpose without advocating for or against.

- There is a chance she will need to call for a division of the house if she can't call a voice vote; this would mean first asking people to stand for a count of the ayes and nays, moving next to a paper ballot if needed. Someone might call for a paper ballot first, which is permissible at any time. In the event of a paper ballot, voters must confirm they are Waterbury residents before they can receive the ballot.

The selectboard reviewed the assignments for presentation of each article. These assignments remain as determined at the Special Meeting of the Selectboard on January 27, 2025, with the following changes and clarifications:

- R. Clapp said Skip Flanders will present Article 5.
- For Article 6, K. Sweeney confirmed that the August date was changed from last year to avoid EFUD dates.
- Article 8 and Article 9 - if it comes to a paper ballot, K. Sweeney asked if the meeting can continue while people are voting. R. Ellis responded that she can't move on while people are actually voting, but can continue with the meeting while paper ballots are being counted. She recommended that while the count is being made on Article 8, she suspend the rules and move to article 16, then back to article 9 after the votes are counted. Repeat for Article 9 if needed.
- R. Ellis recommended that K. Sweeney call on the Fire Chief to speak to the need for the fire vehicle in Article 11. T. Leitz can answer questions about how cash is managed for this article and Article 12.
- For Article 13, I. Shea will clarify that the tax rate of up to .55 includes funding this article.
- Article 15 will be presented by John Malter.
- Articles 16-26 traditionally come from the floor.
- R. Ellis will include "other business" at the end of the meeting.
- There will be lunch available from the Senior Center, but people can retrieve it at their leisure if the meeting is going long. R. Ellis emphasized that her role is to help people participate and she is happy to explain what the options are for asking questions or amending the process during short breaks.
- Free childcare will also be available.
- C. Viens asked if the Keith Wallace Award will be given, and T. Leitz confirmed it will.
- T. Leitz has not yet asked department heads about speaking about budget lines for Article 10.
- R. Ellis will remind nonresidents that they can't vote, but if the rules are suspended they can speak to an article.
- March 4, 9:00 a.m. Brookside Primary School

Next regular meeting agenda

General housekeeping, sidewalks, Vermont State Policy rep to answer questions about policing schedule in town

Motion by K. Sweeney to adjourn this regular meeting of the Waterbury Selectboard; seconded by I. Shea.

No further discussion; **motion approved unanimously.**

ADJOURNMENT 9:31 p.m.

Minutes respectfully submitted by Cheryl A. Casey.