

**Minutes of the Waterbury Select Board**  
**Monday, May 19, 2025 | 6:30 p.m.**  
**28 N. Main Street and via Zoom**

**Attendance:** Tom Leitz, Kane Sweeney, Alyssa Johnson, Cheryl Casey, Tori Taravella, Mike Bard

**Public attendance:** Valerie Rogers, Sandy Sabin, Chris Viens, Lisa Walton, Dan McKibbin, Tori Taravella, ORCA Media, Hayden Jones, Patrick Vooris, Evan Karl Hoffman, Lindsay Sullivan, Bill Shepeluk

**Zoom attendance:** ORCA Media, Amy Marshall-Carney, Evan Karl Hoffman, Dustin Spence

CALL TO ORDER, 6:30 p.m. by A. Johnson

**Agenda**

A. Johnson noted that the traffic ordinance (item H) is mistakenly listed twice and should not be part of the consent agenda.

**Motion by T. Taravella to approve the agenda with item H taken out of the consent agenda, and to add a brief update about flooding after the VSP report; seconded by R. Clapp.**

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

**Consent agenda**

**Motion by T. Taravella to approve the consent agenda; seconded by K. Sweeney.**

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

**Public comment**

S. Sabin requested that the meeting agendas be posted on Front Porch Forum and all attachments be PDF.

V. Rogers proposed that the local option tax policy require any decisions about appropriations of that funding by the select board be publicly warned and passed by the public. She would like a future select board agenda item for this discussion.

C. Viens asked about the repaving work on Kneeland Flats Rd.

- T. Leitz said the amount of asphalt to be added will be about the same, and it was about 12-13 years ago it was last repaved.
- C. Viens noted that it currently isn't draining the water appropriately because the shoulders aren't cut down.
- He also noticed a washout at the head of the culvert in the Shaw Mansion dip a little while ago and recommended some possible solutions to Public Works. With the last rainstorm, the situation has gotten worse.

M. Bard thanked all the people who participated in the community volunteer fair on Saturday, May 17. In hindsight, he recommended the fair happen earlier in the year, before folks are using their weekends for spring projects. T. Taravella added thanks to R. Clapp for spearheading the event.

### **Vermont State Police**

Troopers Mae Murdock and Alexis Marciniak gave a high-level report on how things are going.

- M. Murdock acknowledged that staffing remains an issue in the department, which affects how they can provide a presence in the town and ability to respond as they would wish.
- The Berlin barracks has received two trooper transfers from other barracks, one being A. Marciniak, and two new troopers coming from the academy at the end of next month. The staffing problems should be alleviated considerably.

### **Discussion**

T. Taravella stated concerns about safety at the intersection at Blush Hill and Route 100 and people speeding through to beat the red light.

- M. Murdock made a note to inform future patrols.

R. Clapp asked how much time VSP can spend patrolling the streets and sitting to watch for speeders, especially on Main St.

- M. Murdock said they are trying to implement parking in front of the firehouse instead of in back; the public appearance is important.
- The amount of time they can provide is based on call volume.
- Community input about specific areas to patrol is helpful.
- R. Clapp noted Maple Street and Kneeland Flats are two particular roads of concern.

K. Sweeney asked about stats on DUIs and concerns about B&Es (breaking and entering).

- M. Murdock did not come with specific numbers but can send them to T. Leitz and the select board.
- Regarding breaking & entering, some businesses don't report until a few days later, meaning evidence is lost and investigating the crime is hindered.
- K. Sweeney emphasized the importance of high visibility of the patrols in helping people feel safer.

M. Bard asked about drug issues in Waterbury.

- M. Murdock said it ebbs and flows, like anywhere. Route 2 was a concentrated area that seems to have dispersed at present.
- MB asked if neighborhood watch initiatives would be helpful.
- M. Murdock encouraged people to always be vigilant and call 911 if they see something; however, neighborhood watches sometimes encourage behavior that causes more problems.

T. Leitz asked if VSP has had to respond to the armory.

- M. Murdock said there have been fire alarm/smoke alarm calls that might have brought law enforcement as a routine protocol in emergency response, but nothing related to disturbances or potential criminal activity.
- T. Leitz additionally noted that homeless encampments have not recently shown up in their typical spots and he wondered if the police are aware of homeless folks in Waterbury.
- M. Murdock said she is aware of some homeless encampments and she's spoken with several people living in them; she hasn't had to respond to any complaints.

A. Johnson asked if there was anything the select board could or should be doing to support the police presence in town.

- M. Murdock said their primary challenge is staffing, which is largely out of anyone's control.

R. Clapp asked about how they handle kids who get in trouble in town.

- M. Murdock said in the summer, there is an increase in runaways, delinquency, and general mischief. They call guardians if taking kids into custody and work with the state's attorney if criminal charges are involved.

S. Sabin asked about graffiti and if there is some kind of trend in common tags.

- M. Murdock said that without cameras, there isn't much they can do about graffiti happening. Local businesses and home security systems are their only recourse for following up.
- M. Murdock also noted that a lot of people call graffiti street art, and it's important to respect how people express themselves; nevertheless, the artists also can't deface someone else's property. It's a difficult line to tread.

V. Rogers asked if some of the graffiti might be used to send messages to others about places to gather.

- M. Murdock said those things do happen but she's not familiar with any graffiti in Waterbury showing that kind of purpose.

L. Walton said the public would like to know if the police see some patterns in the graffiti. She also asked about how incidents are made available to the public.

- M. Murdock said every interaction with the police generates an incident report, and once the report is closed, any member of the public can make a records request online. Arrests of adults are posted on the VSP blog.
- L. Walton asked what was the most common type of call she had to respond to. MM said on night shift, mostly family disturbances; day shift has been retail theft and fraud cases.

V. Rogers asked if the public could receive a summary of the number and types of incidents the police respond to in town.

- T. Leitz said he does receive those reports from Sally Dillon and puts them on the website.
- M. Murdock noted that the DMV handles crash reports, not VSP.

C. Viens asked about whether application forms for gun purchases come through the state police for verification.

- M. Murdock said the background checks for gun purchases do not go through the state police; some gun shops will notify the police about purchases, but that isn't a consistent practice.

R. Clapp welcomed Trooper Marciniak and stressed that the select board is here to support the police.

M. Murdock said there are two ways to report incidents: 911 if you're in danger, see an act of violence, or see a crime in progress; 802-229-9191 is the number to call for reporting other kinds of non-urgent incidents.

## **Flood updates**

T. Leitz said NOAA feels really confident in their forecasting.

- It takes a lot of precipitation to cause inundation flooding (from the Winooski), about 3 inches or more in a short amount of time.
- Unless there is a region-wide event where local precipitation can be so variable, their forecasting abilities have improved. But it also sounds like that federal agency is going to experience some reductions, which might affect forecasting work.

R. Clapp went to a conference discussing the Winooski Watershed, where they also talked about how their forecasting is improving through LIDAR imaging and the hydrology studies they have done.

- The general mood was positive about having more analysis and conducting more comprehensive assessment up and down the watershed.

T. Leitz reported that state emergency management met last week and made decisions about grant applications.

- Waterbury did not receive an advanced assistance grant for \$170,000.
- The Randall Meadow hazard mitigation application is high on their list, for a 3.5 million grant.
  - FEMA would pay for 75% of the project.
  - The remaining would be paid for by the town or clean water funding because the project would reduce phosphorus.
  - T. Leitz will complete all of the application paperwork this week.

### **Additional liquor permits and event approvals**

**Motion by T. Taravella to approve item A; seconded by K. Sweeney with the amendment that approval is contingent on the application for event permit. Friendly amendment accepted by T. Taravella.**

#### **Discussion:**

T. Leitz asked if Revitalizing Waterbury or Rotary have a financial interest in the Music in the Alleyway series. R. Clapp said only if the Jack's Alley steering committee is revived

No further discussion; **motion passed 4-0 with 1 (R. Clapp) abstention.**

### **Rotary alcohol application for NQID.**

M. Bard and T. Taravella recused themselves as members of Rotary.

**Motion by R. Clapp to approve; seconded by K. Sweeney.**

No further discussion; **motion passed 3-0 with 2 (M. Bard and T. Taravella) abstaining.**

### **Rotary application for live music at NQID.**

D. McKibbon said the rain date would be Sunday, June 29, in the event of dangerous weather being forecast.

R. Clapp asked about the difference between this and the regular concert series.

- D. McKibbon said it goes longer and later.

A. Johnson asked about road closures.

- DM said there is a state VTrans road closure permit.

T. Leitz said the event has historically been considered a town-sponsored event, so there are questions about whether they need to apply for a special events permit. He can work with Dan on the remaining permitting.

M. Bard added that Rotary has a comprehensive road closure procedure that they follow every year.

**Motion by R. Clapp to approve the application; seconded by K. Sweeney.**

No further discussion; **motion passed 3-0 with 2 (M. Bard and T. Taravella) abstaining.**

### **Special events permit for Waterbury Arts Fest.**

**Motion to approve the events permit by T. Taravella; seconded by K. Sweeney.**

No further discussion; **motion passed 4-0 with 1 (R. Clapp) abstaining.**

### **Town board and commission appointments**

A. Johnson followed up on a previous question about residency requirements to serve.

- For the Conservation Commission, there is a residency requirement in VT statute so there will need to be some changes to the current membership.

**Motion by T. Taravella to reappoint Nita Hulstrom to the Tree Board for a three-year term; seconded by K. Sweeney.**

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

### **Review and adopt ethics complaint procedure**

[Complaint form included in meeting docs.]

T. Leitz reviewed key points in the document:

- He recommended that anonymous complaints not be accepted.
- The form asks for as much specificity as possible and requires the complainant to familiarize themselves with the language of the policy itself.
- There is no process in Vermont for enforcement against elected officials, so the select board members are their own enforcers.
- At a recent VLCT meeting, he learned that the organization always opposed the “perceived conflict” element of the statute. They are also experiencing an increase in ethics complaints, observing that some people just want to make life difficult for good people.

**Motion by K. Sweeney to adopt the complaint form, including that anonymous complaints are not accepted and the correction of the spelling of Waterbury on page two; seconded by R. Clapp.**

### **Discussion**

S. Sabin said sections 3 and 4 seem repetitious.

- T. Leitz agreed they are to some extent, but 3 is requesting more of a narrative while 4 asks for the specific part of the code that has allegedly been violated.

S. Sabin asked if the form could be a fillable PDF on the website and an e-signature allowable.

- T. Taravella and T. Leitz both expressed agreement with this request and both R. Clapp and K. Sweeney accepted the **friendly amendment to remove the requirement for a hard copy signature.**

L. Walton said it feels like the onus is being put on the citizens to pursue a legal matter.

- T. Leitz said it is a legal matter because the ethics code is in state law.
- L. Walton countered that breaching ethics isn’t always breaking the law. We should act in such a way that encourages people to pay attention to what their elected officials are doing. This form is discriminating against people who don’t have the education to understand legal jargon.
- M. Bard assured that the select board members and other staff members are more than willing to help people address concerns and fill out the form.
- T. Leitz said people don’t need to be attorneys to fill out the form, but specificity is necessary to appropriately address the complaint. Behavior someone doesn’t like doesn’t make that behavior unethical.
- L. Watson suggested adding some language that helps walk people through the form.

T. Leitz said the state ethics commission website posted a notice that they will no longer handle municipal complaints or assist with investigations because they don’t have sufficient staff.

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

## **Ethics and Conflict of Interest Ordinance**

M. Bard asked who in the municipality wouldn't be subject to section D in the ordinance.

- T. Leitz said certain people are not in decision-making positions of real significance. What's listed pertains to decision-making and quasi-judicial bodies.
- T. Taravella pointed out that section D is just the definition section, but section 4(a) might address M. Bard's concerns about what he finds missing. M. Bard agreed.

A. Johnson said we need to warn the ordinance on the agenda for the next meeting.

T. Leitz said he would like to advertise for someone besides him to be appointed as the designated complaint recipient.

- T. Taravella requested he draft a formal proposal for the role before it is advertised.

KS suggested that complaints about the select board go to EFUD, and complaints about EFUD come to the select board.

A. Johnson said the stipend model like what the public health officer receives might be useful for the ethics complaint officer.

- T. Leitz said someone might want to do this for a fairly professional rate, and some specialized knowledge is required.
- M. Bard cautioned against a slippery slope of paying stipends for things that might be covered by volunteers.

S. Sabin asked if a lot of complaints had been submitted.

- T. Leitz said he has had several complaints, but the challenge is to respond thoughtfully and seriously by explaining in layman's terms and with an understanding of the law. The town attorney would also need to review.
- S. Sabin asked if we can use the free VLCT legal resources.
- T. Leitz answered they are really good with advising on procedural matters; however, when it comes to more sophisticated legal advice, their tendency is to give the most conservative answer as possible and recommend going to the town attorney.
- The challenge with a conflict of interest complaint is that it tends to fall in the gray areas, and explaining the issue and the law is a matter of communication with the community members.

T. Leitz added that it isn't appropriate for him to handle the complaints because it puts him in an inherent conflict; he also refuted S. Sabin's claim that at least one of the recent complaints was brushed under the rug.

- L. Walton encouraged T. Leitz to put out an ad for a volunteer or a small board of volunteers.
- R. Clapp agreed with L. Walton
- T. Leitz said he is concerned with people serving in volunteer positions for the town because of matters pertaining to accountability and responsibility. Volunteering can be used just as much for bad as for good. Complaints deserve a really good professional response.
- M. Bard said maybe we should try to find volunteers first.

The select board tasked T. Leitz with writing a position description and suggesting a pay scale, but the search should start by seeking a volunteer.

The ordinance will be warned on the next agenda.

**Stanley-Wasson Hall - Debrief from public discussion on 05/05**

R. Clapp said it was good to get the discussion out on the table. There is interest and some concerns in the community; people brought up good questions about building in the floodplain and the possibility of putting in very small starter homes as opposed to a large, multi-unit building. K. Sweeney and M. Bard added agreement about the usefulness of talking publicly about options.

A. Johnson indicated that Housing Task Force chair Joe Camaratta has some suggestions for the site that prioritize affordability and offered task force assistance.

- M. Bard supported having a component of affordability, but any project on that site shouldn't be limited to one income range. Mixed-income development will attract developers.
- R. Clapp would like to explore the feasibility of doing small starter homes on that property, and the benefits or drawbacks of that approach over a large building.
- According to T. Leitz, 2.4 acres of flat buildable land is rare, floodplain or not, so this is the opportunity for density. Single-family homes in the floodplain aren't likely to happen.
- R. Clapp said one potential is building condos, which could be starter homes.
- M. Bard noted that "affordable" is calculated by county-wide median incomes, but he thinks the median income in Waterbury doesn't quite match the county-wide data.

### **Discussion**

C. Viens emphasized that affordable housing isn't the same thing as subsidized housing, and the latter is hard to accept for a lot of people because someone is paying that bill.

- The concern is the continual pressure on taxes to keep propelling these types of projects forward.
- We also likely haven't seen the worst of the rainstorms, so the floodplain issue is a significant concern.
- The state constitution doesn't require the government to provide housing for its citizens.

### **Town meeting format - Debrief from public discussion and vote at Town Meeting**

A. Johnson spoke to Susan Clark, the moderator from Middlesex, who received grant funding to study town meeting and democratic participation. S. Clark has offered to come to a select board meeting to give a presentation about her findings. She is an experienced practitioner, has published a book, and could be a valuable resource.

- R. Clapp said we had a lot of engagement at the last town meeting, mostly because we brought this topic up. In essence, the proposal was to move the budget decision to Australian ballot, not get rid of the opportunity for community engagement. He likes the idea of hearing what Susan Clark has to say.
- T. Leitz encouraged members of the public to Google her and get a sense of her experience.

### **Discussion**

C. Viens wondered what it takes to bring people to Town Meeting, when so few people came to the VTrans presentation about the Stowe Street bridge project, and even fewer for the Stanley-Wasson site discussion.

B. Shepeluk said the Have Your Say Days were a lot of work for the select board with very little payoff since so few people showed up, but people came out for a great discussion at Town Meeting.

- He recommended putting more substantial decisions on the warning to draw people out. Typical voter turnout for Australian ballot still only represents a small percentage of the grand list.
- T. Leitz asked if he feels differently about Australian ballot when it's budget v public questions.

- B. Shepeluk thinks Australian ballot is problematic more generally because discussion, opportunities to amend items, and making motions are important parts of the decision-making process.

L. Walton wanted to confirm with R. Clapp that he and the select board are only trying to accomplish the goal of maximizing participation in the municipal democratic process, not move to Australian ballot for the budget.

- She's not clear on why the select board is still talking about this.
- R. Clapp said his only goal is maximizing participation.
- K. Sweeney said we should always be striving to strengthen our democracy - we tried one way and it didn't work, but it shouldn't stop us from trying another way.

A. Johnson will reach out to S. Clark to schedule a presentation.

### **Traffic ordinance**

T. Leitz said it doesn't need to be readopted, just affirmed because a signed copy couldn't be located.

**Motion by K. Sweeney to affirm the Town Of Waterbury ordinance regulating motor vehicles and traffic; seconded by M. Bard.**

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

### **Select Board and manager information updates**

A. Johnson gave a reminder about the Steve Lostpiech memorial tree planting on May 24.

K. Sweeney finished looking into the local policing and reported that it would be viciously unaffordable.

M. Bard reported a fairly lively meeting at the Conservation Commission, with conversation about the wildlife corridor and their concerns about their participation in the new Town Plan because their funding for that participation was zeroed out (grant not received).

A. Johnson reported the Housing Task Force did a debrief of the education series; the resources are now posted on the website, and the task force is talking about next steps.

T. Leitz:

- He signed the grant contract for downtown improvement; some of the work can happen this summer but the bulk of the work is planned for the fall. Paving has been moved up, so that might be done this year.
- For the Better Connections grant, spearheaded by Duncan MacDougall and Katie Gallagher, the state has suggested a steering committee of about 10 people. He will publicly advertise for committee members and asked if the board would rather appoint a committee or leave those decisions up to Duncan and Katie.
  - A. Johnson supported advertising for members.
  - A. Marshall-Carney asked for the Conservation Commission to be looped in on the steering committee.
- He had a meeting with Sheriff Poulin and he is available to help augment shifts, on a fee-for-service basis, if there was a desire to work with the sheriff more closely.
  - Like everyone else, he's got challenges with staffing.
  - The VSP contract works out to about \$115/hour; the sheriff's rate is lower but he charges mileage at higher than the IRS rate.
  - There's probably some savings by going to the sheriff entirely, but it won't cut the budget in half.



- The Sheriff said his model for Waterbury would be an FTE model - commitment of hours, not a commitment of shifts.

M. Bard asked about the Stowe Street bridge closing date. T. Leitz confirmed June 16.

**Next meeting agenda to include:**

Housing Task Force

Police statistics from VSP

Police services - report from K. Sweeney's research

Capital plan

Bridge project

**Motion by K. Sweeney to adjourn this regular meeting of the Waterbury Select Board; seconded by M. Bard. Motion passed unanimously.**

MEETING ADJOURNED at 8:52 p.m.

*Minutes respectfully submitted by Cheryl Casey.*