

Waterbury Village Trustees
2nd Public Hearing on Proposed Charter Changes
June 14, 2017 at 7:00pm
Thatcher Brook Primary School

Present: P. Howard Flanders, Village President; L. Sayah and N. Sherman, Trustees; W. Shepeluk, Municipal Manager; and C. Lawrence, Village Clerk.

Public Attendees: Listed at the end of the minutes.

OPEN HEARING – WELCOME

P. Howard Flanders opened the public hearing at 7:00pm.

BACKGROUND

N. Sherman provided background on how the Village Trustees decided warn a Special Village Meeting vote on June 20th. She explained that at the 2016 Annual Village meeting, the Trustees were asked to consider disbanding the Village. Over the past year, the Trustees have received considerable interest in this concept and the Trustees thought it important to take the steps to vote on the changes. There was an informational meeting in February to present the changes and explain the effects.

At the 2017 Annual Village meeting, which had record attendance, there was a vote as to whether to draft charter changes which passed 79-13 showing strong interest in the concept of elimination of the Village. The vote was set for June 20th. There was a public hearing in May and at that meeting, concerns were expressed about the Village traffic ordinances so the Trustees met with the Select Board to discuss options. N. Sherman explained that the Trustees have held 14 meetings, with 4 public informational meetings, to discuss the topic.

CHARTER CHANGE TRANSITION TIMELINE AND RESPONSIBILITIES TO TRANSITION THE VILLAGE GOVERNMENT

P. H. Flanders distributed the proposed changes to the charter as drafted by Attorney Paul Giuliani. The new 2 page charter would replace the current 36 page charter. The new district will be called the Edward Farrar Utility District and will be limited in authority to operate and maintain the water and sewer utilities. P. H. Flanders gave a brief history on who Edward Farrar was and his importance in the history of Waterbury Village.

If the vote passes, the changes are proposed to be effective July 1, 2018, after approval by the Legislature in early 2018. P. H. Flanders then reviewed the proposed charter as handed out (see attached in its entirety). If passed, one Waterbury would be created with the exception of the utility district. The Trustees support the proposal. They also support a police department but believe it needs to be funded by the Town in order to have an adequate department.

CONSIDERATION OF EFFECTS OF CHARTER CHANGE

W. Shepeluk spoke to closing down the police department. All equipment would be turned back to the district and could be disposed of as the district sees fit. There is no expectation that the Town will immediately have a department, but the Trustees have expressed a willingness to turn the equipment over if a department is formed.

W. Shepeluk discussed the disposition of equipment that was purchased through a state or federal grants, which is more complicated. The Village would be able to give the equipment to another agency, or return it to the originator of the grant. Radar signs around the Village could be turned over to the Town.

W. Shepeluk has started re-writing Village Ordinances in the event that the Town wishes to adopt similar ordinances. The Village has traffic and parking ordinances which contain a lot of antiquity. Speed limits and parking ordinances are currently enforced by Village police, but can also be enforced by the State Police. W. Shepeluk stated that it will be prudent for Select Board to adopt a mirror image of the ordinances.

If passed, the Village Clerk will certify the election to the Secretary of States office and forward to the Legislature. The Village and general government functions would be dissolved. If the vote fails, the Village has the authority to have a police department but does not have to fund it.

VERMONT STATE POLICE

P. H. Flanders explained that Village police currently work Monday through Friday from 8:00am to 11:00pm and coverage in the off hours is provided by the VSP. N. Sherman handed out statistics compiled by the State Police. Lt. Nally and Sgt. LeBlanc were present to discuss State Police coverage. Lt. Nally explained that calls to Interstate 89 were removed from the statistics that were provided at the previous meeting. He then provided a snapshot of the services of the VSP and explained that all calls are triaged and they respond accordingly. They will not be able to satisfy all the things the Village police do as the staffing is limited. If they are able to respond to a call in the Village, they will. The VSP would most likely not be writing parking tickets, or respond to property crimes and nuisance complaints.

D. Schneider asked what would cause the State police force to expand. Lt. Nally responded that it could happen through a legislative process.

Lt. Nally explained that the VSP has one Town contract for VSP services for 40 hours per month. Sgt. LeBlanc explained how the coverage works. The idea is to have a dedicated trooper to assist with calls from that Town. The VSP only has one Town but could absorb another Town if requested.

A. Tuscany asked about the issuance of parking tickets. Lt. Nally explained that you do not need to be a sworn officer to issue a ticket.

QUESTIONS RAISED AT LAST MEETING

At the last meeting, a question as to Village ordinances between January 1, 2018 and July 31, 2018 was raised, and the enforcement thereof if there is no Village police department. W. Shepeluk explained that the Select Board could adopt and enforce ordinances.

It was also asked at the last meeting if the Trustees had met with the Select Board and discussed the future of police services. The Trustees met with Select Board on June 5th. C. Viens stated that the Select Board understands the desire to have police coverage and funding mechanisms were discussed at their most recent meeting. He stated that the Board is anticipating a draft of new Town ordinances and will make a decision on whether or not to adopt. The Town voters will at some point decide on whether or not to fund a Town wide force. There was also discussion about forming a committee to review options. C. Viens stated that the Select Board needs to have serious discussions with Town voters through public hearings or surveys and that he wants the Town voters outside of the Village to know that this discussion is coming.

M. Metayer emphasized the importance of making sure there is not a gap whereby there are no ordinances in place. The Select Board will have a discussion about establishing a committee to look at alternatives and get community input, and will encourage and utilize feedback from the community.

OTHER TOPICS

P. H. Flanders explained that the vote was moved up to June 20th to catch people before summer vacation and to give the Select Board more time for planning and discussion.

W. Shepeluk was asked to address municipal efficiencies if the vote passes. He explained that Waterbury has 5 elected Boards and if the vote passes, there will be fewer meetings as there will be no Village Trustee meetings. Most services previously included in the Village budget have been absorbed into the Town budget (e.g. highway and fire department). The only thing left in the Village budget is police and debt service related to police department. Currently, the budget has to be administered and personnel are involved. With no Village budget, the community will save money; however the issue is much bigger than efficiencies for staff.

W. Shepeluk stated that the Village has been bearing the burden of funding the police department. The Village tax rate is almost 16 cents, of which 14 cents is related to the police department. Expenditures would have to increase 3.5 times for the Town residents to pay what the Village is paying now, or a budget of \$1.1 million.

W. Hodge asked about any possible municipal inefficiencies if the vote passes. W. Shepeluk explained that the vote is not on a merger of the Town and Village, but rather dissolution of the Village. Waterbury will lose some money from the State in the form of Payment in Lieu of Tax payments to the Village, while the Town PILOT payment may increase a bit.

A. Tuscany asked about land currently owned by the Village, including land at the Ice Center used by the Town, Rusty Parker Park, 51 South Main, and land by the National Guard armory. He asked if the ownership of the land would be transferred to the Town. P. H. Flanders stated it would be cleaner to let the utility district make the choice to give up properties. W. Shepeluk added that the Village does generate revenue from some of these properties in the form of rent.

S. Dillon stated that she received information that the contract rate for the VSP is \$66 per hour, so for 80 hours per month the cost would be \$63,000 per year or less than a penny on the tax rate.

M. Moore suggested that an alternative is a local option tax to help fund a Town wide police department. W. Shepeluk stated that this option was discussed in the spring of 2011 but was sidetracked by Tropical Storm Irene. Local option taxes include rooms and meals, alcohol and sales. W. Shepeluk explained that the Town does not have a charter so it cannot impose a local option tax, and that pursuing this route may require the Town to go through the process of becoming a chartered community.

VOTING

C. Lawrence reported that early voting started 3 weeks ago and will continue through Monday June 19th during normal business hours. Voting will take place from 7:00am to 7:00pm at the Municipal Center on June 20th. The ballots will be counted when the polls close.

The public hearing ended at 8:30pm.

Respectfully submitted,

Carla Lawrence, Village Clerk

Approved on: _____

P. Howard Flanders

Natalie Sherman

Lawrence Sayah

Meeting Attendees:

Chris Viens
Marc Metayer
Don Schneider
Lt. Matt Nally
Sgt. Ray LeBlanc
John Sherman
Anne Imhoff
Bob Finucane
Pauline Martin
Virginia Martin
Whitney Aldrich
Wade Hodge
Sally Dillon
Gary Dillon
Brad Hodgdon
Pauline Hodgdon

Alec Tuscany
Jane Tuscany
Melissa Moore
Jane Willard
Paul Willard
Chief Joby Feccia
Cpl. Anthony Mazzilli
Everett Coffey
Mary Koen
Marie Andre-Gervais
Gordon Miller
Georgianna Birmingham
Lisa Scagliotti
Phoebe Pelkey
Marcella Pelkey

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF WATERBURY AND TO ESTABLISH THE EDWARD FARRAR UTILITY DISTRICT

Sec. 1. On July 1, 2018, the Village of Waterbury, as presently constituted under No. 205 of the Acts of 1882, as amended, shall cease to exist, at which time

- (a) Village tangible and intangible assets and liabilities of every type, nature, description and location will become the assets and liabilities of the Edward Farrar Utility District (the "District") established under Section 2 hereof;
- (b) Village ordinances, regulations and by-laws shall be deemed to be repealed and shall no longer be operative, except those enactments relating to the ownership, management and control of its public water supply and sewage systems;
- (c) Village personnel and employees, except Police Department employees, shall become employees of the District, together with such vested rights, benefits and entitlements as may then exist; and
- (d) Except as provided otherwise in this charter, all Village departments, franchises, enterprises and regulatory exercises shall cease.

Sec. 2. Effective July 1, 2018, there is hereby established a body politic and corporate known as the Edward Farrar Utility District whose inhabitants shall be those of the Village of Waterbury.

Sec. 3. The legislative body of the Edward Farrar Utility District shall be a Board of Utility Commissioners consisting of five persons. The initial Board of Utility Commissioners shall be constituted by three incumbent Village Water and Sewer Commissioners and two incumbent Village Trustees on July 1, 2018. The incumbent Village Water and Sewer Commissioners shall serve as Utility Commissioners for the remainder of their respective terms as Village Water and Sewer, and the incumbent Village Trustees shall serve as Utility Commissioners, each for a term of one year. Upon the expiration of the terms of the members of the initial Board of Utility Commissioners, there shall be elected by Australian ballot from the legal voters of the District five Utility Commissioners, whose terms shall commence upon election as follows: one for a term of three years, one for an initial term of two years, converted to a term of three years upon expiration of the initial term, two for a term of one year each, and one for an initial term of one year, converted to a term of three years upon expiration of the initial term.

Sec. 4. The grand list of the District shall be the grand list of the Town of Waterbury of property within the District.

Sec. 5. The checklist of legal voters of the Town of Waterbury shall be the checklist of legal voters residing within the District.

Sec. 6. The District shall have the power and authority to:

- (a) own, operate, maintain, improve and extend public water supply systems and sewerage collection, treatment and disposal systems, all as provided by and with the benefit of the general laws of the state, currently existing and as may be amended and supplemented;
- (b) levy taxes upon its grand list, establish rates, charges and fees, and impose such assessments as allowed by law for any purpose for which it is authorized under this charter;
- (c) hold, manage, purchase and sell real estate, deposits, accounts, contract rights, investments, reserve funds, loan funds and loan programs as it may acquire from the Village of Waterbury or otherwise; and
- (d) incur debt for the purposes of and in the manner provided by general law.

Sec. 7. At the election of the Board of Utility Commissioners, the District may engage and employ a manager and such additional personnel as it deems necessary. The Board of Utility Commissioners shall appoint a District Clerk and a District Treasurer who shall serve at the pleasure of the Board of Utility Commissioners.

Sec. 8. The boundaries of the District are co-extensive with the current boundaries of the Village of Waterbury, may be extended in the same manner as the general law provides for annexation by villages. Extraterritorial water and sewer service may be provided under such terms as the Board of Utility Commissioners deem advisable.

Sec. 9. Until changed in the manner provided by law, the annual meeting of the District shall be held on the second Wednesday of May, commencing May 14, 2019, The annual meeting and special meetings shall be warned in the same manner as for annual and special town meetings. Unless provided for otherwise by vote of the District, the general laws of the state shall control in all matters relating to the call, notice and conduct of annual and special District meetings. Justices residing within the District shall constitute election officials for all purposes.

	WATERBURY PD 2016	VSP 2016 Village	VSP 2016 Town No Interstate 89	WATERBURY PD 2017 through 05/15	VSP 2017 through 05/15 Village	VSP 2017 through 05/15 Town No Interstate 89
TOTAL CASES	969	143	455	234	43	171
TICKETS	96	68	193	30	15	49
WARNINGS	26	93	266	5	19	48
ARRESTS	16	20	37	1	3	6
DUI	2	11	9	0	1	5

