

Minutes of the Select Board
Monday, April 15, 2024
28 North Main Street and via zoom

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

Public Attendance: ORCA Media, Chris Viens, Ashley Metevier, Christina Griffith, Jackie Mills, Mal Culbertson, Eric Chittenden, Francine Chittenden, Linda Gravell, Billy Vigdor, Tom Gloor, Ginny Champney, Sandy Sabin, Linda Farr, Todd Volitis, Aaron Starmer, Monica Callan, Lisa Scagliotti Waterbury Roundabout, Scott Culver, Dona Culver, Evan Hoffman, Kati Gallagher, Dave Frothingham, Christopher Shenk, Nelson Lyford, Lisa Walton, Joe Camaratta, Ben Gernand, Diane Gildea, Mark Alberghini, Georgeanne Baker, Sibylle Kim

ZOOM: Mike Bard, Select Board; Brian Cooke, Pegeen Mulhern, Valerie Rogers, Cheryl Gloor, Amy Marshall-Carney, Andrew Rianhard, Robbie Adler, ORCA Media, Jenny, Wilda White, iPhone (299), 8029992025, Anne Imhoff, John Grenier, Nicole Grenier, Michelle Baker, Chris Parson and son, Whitney Aldrich, Eliza Novick-Smith

R. Clapp called the meeting to order at 7:00pm

Approve Agenda: A. Johnson moved to approve the agenda with the following changes: Move the minutes from April 1, 2024 to the open agenda. Place Forrest McDonald on the agenda to consider Natural Disaster Preparedness Committee and add a light display for National Stuttering Awareness Week after 9:30. K. Sweeney seconded the motion. A vote was held and passed unanimously.

K. Sweeney moved to approve the amended consent agenda. A. Johnson seconded the motion, a vote held and passed unanimously.

Public: L. Gravell thanked the Board and spoke briefly about her time as a delegate of CVFiber.

T. Gloor made a public announcement that Green Up Day is May 4th. He stated there is a shameless amount of dumping going on in town. He asked who is responsible for the underpass on Stowe Street. The graffiti is the responsibility of the State.

C. Viens asked for a brief comment on the Armory. T. Leitz stated that Children & Families Services has stated there is no immediate need to use the space but they have not withdrawn their change of use application.

A Johnson thanked the organizers of the LEAP Energy Fair which was a huge success this past weekend.

K. Petrovic stated there are two votes going on at this time; EFUD elected officials and School budget.

E. Chittenden stated the Stowe and Waterbury Conservation Commissions are meeting regarding the use of public waters on the reservoir. The Friends of the Waterbury Reservoir need to have their documents in as soon as possible. A discussion will be placed on the next meeting agenda.

Minutes of April 1, 2024

A Johnson moved to approve the minutes of April 1, 2024 with the addition to the minutes of a motion made by M. Bard and seconded by K. Sweeney to approve the consent agenda. A vote was held and passed unanimously.

Entertainment Permit Craft Fair: A. Metevier and C. Griffith have contacted the Waterbury Rotary and presented maps for the Board to consider for parking and pedestrian plans. 6 Food trucks in the parking

area. They currently have 5 additional porta potties; one being handicap accessible. Vendor parking in the rear of the field towards Winooski Street. Other vendors can use Municipal lot parking, post office and Brookside. There is no longer a dunk tank but they do plan to have a bouncy house near the swing set. K. Sweeney has some issues with closing off the entrance of Dac Rowe if it were to impact emergency vehicles. There will be a volunteer to open the gate if needed. 11-6pm is the scheduled time. I. Shea stated Dac Rowe is used by floats despite an email from Rotary stating otherwise. Organizers stated they can leave a space open for floats to come in and out as needed. R. Clapp has spoken to Dan McKibbin from the Rotary and confirmed the Rotarians do not need the field for NQID. A. Johnson asked what the plan for vendors overnight is. Organizers stated they will not be responsible for monitoring the field overnight; it's vendors' discretion to leave any goods. Volunteers will manage the bounce house and parking throughout the event. Currently there are 76 vendors committed. M. Bard stated he still has some concerns but he is willing to see how it goes with changes implemented as discovered. Parking is a concern. C. Gloor asked about liability issues; the organizers have had all vendors sign relief of liability forms supplied by the Town. The organizers have provided the Town with a COI and the food vendors all understand they are required to have Vendor Permits from the Town. **A. Johnson made a motion for preliminary approval based on a final floor plan and staff input. K. Sweeney seconded the motion.** S. Culver stated some concerns he has about the organization of this event. S. Culver asked if the fields are going to be used that weekend? CWLL is hoping to hold a tournament that weekend on the field. Uniform Traffic Control officer has to have credentials to close the gate limiting access to the field. Concerns spoken about the condition of the fields when this event is over. Organizers have reiterated the gate entrance at Dac Rowe will not be closed and locked; there will be an individual there to control traffic in whatever way is necessary. T. Lietz stated Winooski Street will be fixed long before this event. FEMA has promised \$14,000 for flood repairs at the Winooski Street Dac Rowe curb cut. **A vote was held and passed unanimously.**

Board Appointments:

Development Review Board

T. Kinley is not in attendance this evening. His desire to be reappointed was considered.

M. Callan spoke of her interests in the housing crisis and conservation issues, executing the plans as set forth by the Planning Commission and other boards. She is a member of the Waterbury Area Development Committee and is also a real estate agent.

T. Volitis feels there is still a stereotype over the review and approval process. He would like to lend his life experience to streamline the process. He has experience with vendors, blueprints and plans.

Applicant stated he does not have much experience with local government. He is capable of applying a standard but has a personal opinion about some projects that he is able to vocalize.

Conservation Commission

M. Johansen was not in attendance this evening. His desire to be reappointed was considered.

Natural Disaster Preparedness Committee

F. MacDonald was not in attendance this evening. His desire to be reappointed was considered.

Planning Commission

M. Staskus was not in attendance this evening. Her desire to be reappointed was considered.

K. Gallagher spoke of the work she has accomplished on the Board already and as a liaison to the Housing Task Force.

R. Adler has attended meetings and spoken to D. Allen who is a member of the Commission. He participated in the walk around for the new bylaws this past year. Hoping to balance housing with flooding and other factors impacting our community.

Recreation Committee

P. Lawson was not in attendance this evening. His desire to be reappointed was considered.

B. Cooke lives in Moretown but has worked with local organizations WATA and the Green Mountain Club, very familiar with the Town of Waterbury resources such as parks and programs. He would like to be more involved in the community that has given so much to his family. One observation is that the number of playgrounds is great but parts of the playgrounds seem out of reach to 2-year-olds.

A. Starmer from Waterbury Center lives near Hope Davey. Has a strong connection to the school community with two middle school age children and a children's book author. Feels fields and facilities need some upgrades. Has a desire to meet a standard like Essex Vermont. Wants to see our town capitalize on the opportunities when the reservoir closes for repairs.

Tree Board

M. LoSchiavo was not in attendance this evening. His desire to be reappointed was considered.

Delegate to CVFiber

C. Shenk spoke of his work on the board thus far. Costs have been one of the biggest hurdles for them to overcome.

Cemetery Commission

K. Cavender was not in attendance this evening. Her desire to be appointed was considered.

Tree Warden

M. LoSchiavo was not in attendance this evening. His desire to be reappointed was considered.

Representative to Mad River Resource Management Alliance

A. Tuscany was not in attendance this evening. His desire to be reappointed was considered.

A Johnson made a motion to appoint T. Kinley to the Development Review Board for a term ending April 30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

M. Bard made a motion to appoint M. Callan to the Development Review Board as an alternate for a term ending April 30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

M. Bard made a motion to appoint T. Volitis to the Development Review Board as an alternate for a term ending April 30, 2027. The motion was not seconded. No action was taken.

A Johnson made a motion to appoint M. Johansen to the Conservation Commission for a term ending April 30, 2028. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

A Johnson made a motion to appoint F. MacDonald to the Natural Disaster Preparedness Committee for a term ending April 30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

A Johnson made a motion to appoint M. Staskus to the Planning Commission for a term ending April 30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

A Johnson made a motion to appoint K. Gallagher to the Planning Commission for a term ending April

30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously. A Johnson made a motion to appoint R. Adler to the Planning Commission for a term ending April 30, 2025. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

Recreation Appointments were delayed for one candidate to appear in person.

K. Sweeney made a motion to appoint M. LoSchiavo to the Tree Board for a term ending April 30, 2027. The motion was seconded by M. Bard, a vote was held and passed unanimously.

K. Sweeney made a motion to appoint C. Sherk as Delegate to CVFiber for a one-year term. The motion was seconded by M. Bard, a vote was held and passed unanimously.

K. Sweeney made a motion to appoint K. Cavender to the Cemetery Commission for a term ending March 4, 2025. The motion was seconded by A. Johnson, a vote was held and passed unanimously.

K. Sweeney made a motion to appoint M. LoSchiavo as the Tree Warden for a one-year term. The motion was seconded by A. Johnson, a vote was held and passed unanimously.

K. Sweeney made a motion to appoint A. Tuscany to the Mad River Resource Management Alliance for a one-year term. The motion was seconded by I. Shea, a vote was held and passed unanimously.

Policy for Special Article Payments

M. Bard stated he believes there should be a policy in place for the payment of Special Articles at Town Meeting. **A. Johnson moved to establish a payment policy; the Town Clerk will notify individuals following Town Meeting Day if they have been approved for funding and inform them an invoice needs to be received by November 30th of the same year. If an invoice is not received the Town will make the payment per voter authorization, however the organization will need to re-petition to be on the next ballot. K. Sweeney seconded the motion, a vote was held and passed unanimously.**

Rental Property Ordinance

A. Johnson confirmed the draft this evening is the same as April 1, 2024 without the Manager's comments. A. Johnson gave an overview on feedback the board received at the last meeting as well as reviewing the initial request from the Housing Task Force. A. Johnson voiced her support of the rental registry to gain knowledge acknowledging it will require a lot of outreach to get the registry going. She would accept this proposal without the lock box and security deposit.

T. Volitis noted the penalties on the ordinance which would impact affordable housing. There was a typo in the first draft that has been corrected from Stowe to Waterbury.

N. Lyford, tenant landlord advocate stated an objection to providing a key to access private property to someone that is not on the lease. Numerous people would have access to that key. The liability of this should be a considered. Will these individuals be bonded? He also takes issue of the 45-minute response time.

G. Baker, landlord. Has apprehensions about the lock boxes. She isn't comfortable with the lock box obligation. If this is about safety then lock boxes should be considered on all properties in town. Is this ordinance about gathering information or is it about another agenda? She and her husband have converted from long to short term rental about 5 years ago for flexibility. It's a financial burden to have a long-term rental and they find a short-term rental more profitable.

K. Sweeney moved to strike the lock box section of the draft ordinance. I. Shea seconded the motion.

A vote was held and passed unanimously.

V. Rogers asked if there was an event that happened that required this ordinance. The Planning Commission and the Housing Task Force have each asked for guidance on long- and short-term rentals. There is insufficient data using existing platforms.

T. Gloor asked if it would be easier if the topic of discussion were Rental Registry opposed to Rental Property Ordinance if that is what the town is hoping to gain. Spoke of intrusiveness of having a 45-minute recall for landlords.

W. Aldrich has a STR with a large percentage of guests here looking for real estate to purchase. She thanked the Housing Task Force for their efforts. Is there a fee to be on the registry?

B. Gernand has been here for over an hour with his phone on silent out of respect for the room. This means he's in violation of the ordinance as a landlord in Waterbury.

S. Kim of Massachusetts with a local STR has been on the board of Vermont Short Term Board Alliance since 2005. VSTBA is in support of a registry on a state level. Lock boxes are an outdated concept. VSTBA has been trying to connect with Mr. Desrochers (Executive Director Division of Fire Safety) to have a discussion regarding how far smart homes have evolved to make homes safer. The State requires STR homes to have contact information in the event of an emergency posted in the rental unit.

N. & J. Grenier are reluctant landlords by way of purchasing a building that had short- and long-term rentals that their business was located in. The STR allows them to alter the fees when things get tight in order to keep the long-term rental fees lower. They support a registry and thank the board for striking the lock box. Any type of fees will end up being passed to tenants in some capacity.

C. Viens expressed his condolences to the board for coping with what seems like a lot of frustration.

L. Walton would love to see more long term and less short-term rentals. How does having a registry help to solve the problem of rental shortages? T. Leitz stated the first step is data collection; there is an assumption that the increase of STR has led to fewer LTR's. Woodstock put forth a series of incentives to promote LTR.

J. Camaratta spoke to why we need the data. An example he made was a Town owned property, the Town comes to the Housing Task Force asking what they would like to develop. There are new zoning bylaws that provide for infill development. The Town does not know if it needs more ADU's one bedroom, two bedroom or single-family homes. There are opportunities to advocate to the state; there are programs available now but Waterbury doesn't know if we meet the criteria.

K. Sweeney moved to strike the 45-minute response time from the draft ordinance. M. Bard seconded the motion. A vote was held and passed unanimously.

E. Hoffman asked if the version we are using tonight is available online now? No, it is not but will be. He would like to know who will have access to the rental registry data once collected? The board stated landowners names are already available on the Grand List which is public. T. Leitz will confirm with counsel if phone numbers and emails are considered public once collected. E. Hoffman wonders why the cost per unit isn't being asked for in the data collection. T. Leitz stated it is a private transaction between private individuals and likely not for the public data collection.

A. Johnson moved to strike the security deposit regulations from the draft ordinance. I. Shea seconded the motion. K. Sweeney wishes to explore the idea of a trust using Local Options Tax. A. Johnson proposes the May 20th meeting the Board create a more detailed presentation about how intended uses for the registry and why the Town believes this information is necessary. **A vote was held and passed 4-1 with K. Sweeney abstaining.** T. Leitz clarified with the board their desire to have no fee to begin the registry for the first year.

Recreation Committee Appointment: I. Shea made a motion to appoint P. Lawson, A. Starmer and B. Cooke to the Recreation Commission for a term ending April 30, 2027. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

I Shea made a motion to appoint E. Lenchner to the Recreation Commission for a term ending April 30, 2025. The motion was seconded by K. Sweeney, a vote was held and passed unanimously.

Emergency Management

T. Leitz gave a brief overview of the LEMP, the information required on the plan and what it is used for. He has made minor changes to the previous LEMP adding CVDart, they can take care of pets during an emergency. Hazard Mitigation Plan with a focus on natural resources. **A. Johnson moved to adopt the 2024 LEMP plan with staff updates, and CVDart. K. Sweeney seconded the motion, a vote was held and passed unanimously.** M. Bard asked to please inform the Natural Disaster Preparedness Committee to ensure they are aware.

Cell Tower on Campus District

B. Vigdor (not speaking from the Planning Commission) but stating the Board created a list of questions to pose to Verizon. K. Gallagher stated the tower does not comply to local zoning ordinances. There is a 60-day comment period. They have applied for a Certificate of Public Good.

W. Aldrich received the letter as an abutter. She is concerned about the noise from the generator once a week and the addition of another 80-foot-tall structure to our landscape. She would not be as opposed if they attach the tower to something that already exists.

A. Johnson made a motion to submit comments based on Aldrich concerns, Planning Commission concerns and staff concerns. I. Shea seconded the motion, a vote was held and passed unanimously.

Handicap Parking in the business District

M. Bard stated the memo did not address specific parking in the area where the credit union is. There was a question if the two handicap spots at the old TD Bank are available without charge. As a private lot, no one on the Board can speak to whether those spots are available free of charge. W. Aldrich stated in her new location she spoke to the business owner next to her and asked about a handicap parking spot and he was amenable to that. She will share that contact information in order for the Town to do outreach.

Lights in the roundabout for National Stuttering Awareness Week

K. Sweeney moved to allow for a green light display to be placed in the roundabout and a banner be placed on the banner posts by the main office. Details to be approved by the PWD. A. Johnson seconded the motion, a vote was held and passed unanimously.

Next Meeting Agenda

*Friends of the Waterbury Reservoir

*Entertainment Permit Craft Fair

*Animal Control Ordinance

*Housing Trust

May 20th

*Rental Registry Ordinance

*Hazard Mitigation Plan

Executive Session

A Johnson moved to find that premature public knowledge of a pending real estate matter would clearly place the Town at a disadvantage. K. Sweeney seconded the motion. A vote was held and passed unanimously.

A Johnson moved to enter Executive Session to discuss a real estate transaction. K. Sweeney seconded the motion. A vote was held and passed unanimously.

The board exited Executive Session at 10:58pm having taken no action. A motion to adjourn was made and duly seconded. The meeting was adjourned at 10:58pm.

DRAFT