

**Joint Meeting of the Waterbury Select Board,  
Village Trustees, and Library Commissioners  
July 22, 2013  
Main Street Fire Station**

Present: J. Grenier, Chair; R. Ellis, C. Nordle, C. Viens, and K. Miller, Select Board; P. H. Flanders, Village President; L. Sayah and N. Howell-Sherman, Trustees; M. Luce, M. Rivera, A. Durkin, F. Chaffee, and H. Grenier, Library Commissioners; B. Farr, Long Term Economic Recovery Director; W. Shepeluk, Municipal Manager; A. Imhoff, ORCA Media; K. Fountain, Waterbury Record; and C. Lawrence, Town Clerk.

Public: Frank Balco, Linda Parks, Carol Miller, Alfred and Gloria Commo, Mike Wood, Chris Palermo, John and Debra Thumann, John Callan, Chris Wood, Gina Callan, Mike Milne, Polly Sabin, David Luce, Herschell Murry, Don Schneider, Helen and Mike Bell, Everett Coffey, Pete Wood and several others.

The meeting of the Boards was called to order at 7:03pm.

**APPROVE AGENDA**

J. Grenier suggested changing the order of the agenda to hold the discussion of the Municipal Building Committee Guidelines, followed by the member selection process. **R. Ellis made a motion to approve the agenda with the suggested change. The motion was seconded by H. Grenier and passed unanimously.**

**PUBLIC**

C. Palermo, present on behalf of the Waterbury Historical Society, asked the Board to consider letting the Historical Society continue to represent themselves on the Board versus being an at large member. H. Murray stated that it is not the Boards job to get everyone to agree; rather it is to come up with a plan that is workable. It doesn't make sense to him to refurbish old houses. The real job is to solve the problem, and the Board has to consider quality. He asked the Boards not to forget all the hard work that was done on the first bond vote. F. Balco suggested that every option should be back on the table, and that options and designs should be explored.

D. Thumann stated that while it is a great idea to have the committee, the number of members might make the committee unproductive. She recommended that the Tri Board be disbanded, and that a new committee be started that could consist of a member from each of the Boards and the rest of the committee be comprised of 5 or 6 citizens, for a maximum of 8 or 9 members. She asked why the Tri Board was originally proposed. M. Luce stated that the Library has been trying to construct a new facility for over 20 years. They always have gone back to the public to hear what it is they want, so she is a stakeholder in the process. D. Thumann stated she is concerned that no one has addressed why the bond vote failed, and that there has been no attempt to find out why 742 people voted against the bond. Finding out the reasons could open up new dialogue.

J. Thumann asked why the Board went forward as they did, and asked about the cost of hiring Black River Design. P. Wood stated that some of the concern is about money for the project and expressed concern about failing infrastructure. C. Wood echoed concerns about the proposed number of members for the committee. He talked about when the fire stations were being researched and stated that this project is a matter of scale. He feels that the citizens should be able to tear town and rebuild, and do it on a scale that makes sense. A. Durkin understands the concerns, but indicated that it would take more than 4 or 5 people to look at sites and do an adequate review. There is some time urgency as costs will be increasing.

#### **MINUTES**

**K. Miller made a motion to approve the minutes of the July 1<sup>st</sup> Tri Board meeting. The motion was seconded by F. Chaffee and passed unanimously.**

#### **MUNICIPAL BUILDING COMMITTEE GUIDELINES**

K. Miller asked for a motion prior to discussion on the Waterbury Municipal Committee Guidelines. **R. Ellis made a motion to approve the Waterbury Building Committee Guidelines as follows:**

### **Waterbury Municipal Building Committee Guidelines**

**Goal:** To bond for the construction or renovation of space for the Waterbury Municipal Office, Library, Community Room, Historical Society, and Village Police.

**Meetings:** Meets the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month from 7:00 pm to 9:00 pm at the Main Street Fire Station.

#### **Members**

- Tri-board: Selectboard, Library Commissioner, and Village Trustees (13 members)
- The Tri-board will appoint 6 members of the public to the Building Committee, who must be registered voters of Waterbury. The appointments shall expire on March 4, 2014 unless extended by the Tri-board.

#### **Procedural Guidelines**

- Meetings shall be warned and minutes taken.
- Quorum shall consist of 11 members. Action may only be taken by a majority of the committee (10 members).
- Committee shall elect a chair, vice-chair, and secretary.
- Committee shall be governed by Robert's Rules of Order.
- Use existing defined space needs by function as narrowed down by BRD and committees (18,600).
- Building Committee members should endeavor to express their opinions and resolve differences at committee meetings rather than through the media.
- Public funds should not be used to review privately owned sites unless an agreement is secured in advance.

#### Ground Rules

- Start and end on time
- Come prepared and stay focused
- All voices are heard
- Listen to understand
- Let the speaker finish what she or he is saying
- Stay open and positive toward one another
- Allow for think time

**K. Miller made a motion to amend the first bullet under 'Members' by striking out "Select Board, Library Commissioners, and Village Trustees (13 Members)," and inserting "One Select Board member, one Village Trustee, one Library Commissioner, and one member of the Historical Society (4 Members)." The motion was seconded by C. Viens.** K. Miller expressed reasons why the Board should be restructured and stated that a committee of 19 members will be difficult to manage and reach consensus. Several members of the Tri-board as well as members from the community expressed that a committee of 19 members will be difficult to manage and reach consensus. The decision to bond is the Select Board's responsibility, but it is important to have input from the public, so there needs to be a diverse group on the board. Ultimately the voters have to pass the bond, so there should be more members of the public on the committee. It will send a message that public input is essential to the process. Other Board members can participate but not be voting members of the committee. R. Ellis asked how many years the fire study committee met. H. Grenier stated that the scope of the work is not yet known, and perhaps sub-committees should be assigned to do some of the work. F. Balco stated that the first fire study committee had over 20 sites studied in less than 5 months.

C. Viens expressed a concern about restricting the Select Board members down to one. He would like to attend every meeting, and asked what will be the charge of the committee, and what expertise will be needed from someone in the construction business. He would prefer to be part of a team to make as many meetings as he can. P. Flanders spoke on behalf of the Trustees and stated that the Trustees cannot delegate to one person the future of the Village police department. He stated that the Board members are not biased and can listen to other ideas and elicit the input of others. He feels it is important for elected members to be involved.

K. Miller asked if a Trustee is on the committee, why will their voice not be heard? What would be the confidence level of work done by subcommittees? G. Callan stated that the concept of subcommittees was shot down at the July 1<sup>st</sup> meeting. L. Parks expressed that there could be subcommittees, along with the smaller voting committee. E. Coffey challenged the Chair and the Board as to why the Library Commissioners have a vote as they did prior to the bond vote failing. J. Grenier responded that the Tri Board voted on aspects of the building, but that the bond was presented to the voters by the Select Board. M. Luce stated that Library Commissioners are elected and manage a trust fund and transfer money from the interest on the fund which goes into the Town operating budget. H. Grenier stated that the Library Commissioners are a part of the group to determine where the facilities will be located.

**C. Viens made a motion to amend the amendment proposed by K. Miller by striking "One" in front of "Select Board" so that the amended bullet would read "Select Board members, one Village Trustee, one Library Commissioner, and one member of the Historical Society (8 Members)." The amendment was seconded by K. Miller.**

W. Shepeluk asked who would be voting on the amendments, as questions have been raised as to the validity of the Tri Board.

Discussion continued that the Tri Board had agreed after the FEMA process to meet together to explore the municipal building project. Do the three Boards still wish to work together? K. Miller thought that the Tri Board would determine who might comprise the committee. C. Nordle stated that the question raised by B. Shepeluk has not come up so far but that the Boards were acting independently even though they were meeting together. To date, all Boards have had a majority voting in favor of taking an action. Had one of the Boards not had a majority vote in favor of a particular item, the item would not have been approved by that Board since separate voting is needed.

P. H. Flanders reiterated that one member of a Board cannot commit to anything and that the amendment is unfair to the other Boards. F. Chaffee agreed with comments from P. H. Flanders.

D. Thumann expressed that the Select Board is the deciding Board, and that this new committee could report to the Select Board. She suggested that the Tri Board should be dissolved, and that the elected Boards will be represented on the committee by having one person on the committee. F. Balco is concerned about the legal ramifications as to how the Tri Board was set up, not as an advisory group, but with the power to vote. He doesn't feel it is within the purview of the Select Board to add other entities with voting power that relates to the town budget. C. Nordle responded that every action of the Select Board that has taken place has been approved by a majority of the Select Board members, and there has been no dilution of the vote. No Select Board responsibilities have been given away. J. Grenier stated that they are trying to work on a project that meets the needs of all of the entities, so they have had equal rights as members of a building committee, but not on the vote for the bond.

C. Miller commented on Roberts Rules of order and that there needs to be a balance between people having their say and keeping the discussion moving. C. Viens stated he was not trying to dilute the Trustees voting ability; he is just trying to consolidate the group but include the Select Board in full numbers as they are the Board that decides on the bond.

P. H. Flanders called the question, to vote on C. Viens's motion to amend K. Miller's motion to amend R. Ellis's motion to approve the Municipal Building Guidelines. C. Nordle suggested that the Boards needed to vote separately given the apparent disagreement voiced between the Boards.

**The Select Board voted 4-0 in favor of the amendment to K. Miller's motion proposed by C. Viens.** The amendment to the amendment approved by the Select Board is "Select Board members, one Village Trustee, and one Library Commissioner, and one member of the Historical Society (8 Members). As a result of the positive vote on C. Viens' proposed amendment to K. Miller's proposed amendment, K. Miller's proposal has been amended, as to the Select Board's discussion, to read as follows: "Select Board members, one Village

Trustee, one Library Commissioner, and one member of the Historical Society (8 Members)."

**The Trustees voted 3-0 against the amendment to K. Miller's motion proposed by C. Viens.** As a result of the negative vote by the Trustees the first bullet of the Guidelines under consideration by the Trustees remains as follows: "Select Board, Library Commissioner, and Village Trustees (13 members)"

**The Library Commissioners voted 5-0 against the amendment to K. Miller's motion proposed by C. Viens.** As a result of the negative vote by the Commissioners the first bullet of the Guidelines under consideration by the Library Commissioners remains as follows: "Select Board, Library Commissioner, and Village Trustees (13 members)"

H. Grenier stated that this question is not a fiduciary question before the Town, and does the Select Board have the right to dismiss the other Boards. R. Ellis said the practical reality why they have been meeting together is they all have interests and fiduciary responsibilities in the project. As a matter of expediency, it was important for them to meet together. It is a matter of course in Waterbury to have bond votes fail, and to move forward and come up with new proposals.

C. Palermo suggested that the Tri Board was formed to get a consensus. The process of consensus has worked well over the past 18 months. R. Ellis further explained how the Municipal Building Committee would work in comparison to the Tri Board.

**On behalf of the Select Board, R. Ellis called the question on K. Miller's motion as it was amended by the Select Board's affirmative vote on the motion made by C. Viens - to strike "Select Board members, Village Trustees, and Library Commissioners (13 members)" and insert "Select Board members, one Village trustee, one library commissioner, and one member of the Historical Society (8 members)". The amendment failed by a vote of 2 in favor and 3 opposed, with Chris V. and K. Miller voting in the affirmative.** As a result of the negative vote on K. Miller's motion as amended, the original language as proposed in the motion made by R. Ellis is unchanged - "Select Board, Library Commissioners, and Village Trustees (13 Members)."

**K. Miller made a motion to amend the Procedural Guidelines by striking the fifth bullet "Use existing defined space needs by function as narrowed down by BRD and committees (18,600)." The motion was seconded by C. Viens.** K. Miller believes the square footage element should be reevaluated and that the committees should be free to look at all options.

C. Viens does not want to be handcuffed to a certain square footage. J. Grenier feels a lot of work went into defining square footage. R. Ellis stated that a design committee met very closely with BRD and that a lot of work went to designing space needs. P. H. Flanders said that the Board of Trustees should determine space needs for the police department. M. Luce mentioned economies of scale in having one building. C. Miller suggested that the bulk of the public might like to revisit the square footage issue. L. Parks feels the bullet is restrictive, and that the new committee will look at the work that has been done. J. Thumann stated that the same square footage equates to the same cost for the bond that was defeated.

**The amendment failed by a vote of 2 in favor and 3 opposed, with K. Miller and C. Viens voting in the affirmative.** As a result of the negative vote on the amendment by the Select Board the original language as proposed in the motion made by R. Ellis is unchanged: **“Use existing defined space needs by function as narrowed down by BRD and committees (18,600).”**

**C. Nordle made a motion to amend the fifth bullet as follows: “Use as a starting point for design discussions the existing defined space needs by function as narrowed down by BRD and committees (18,600).”** The motion was seconded by R. Ellis. A discussion was held about what square footage to start the process out with. **The motion to amend the fifth bullet passed unanimously.** As a result of the positive vote by the Select Board on the amendment the original language as proposed in the motion made by R. Ellis is changed to: **“Use as a starting point for design discussions the existing defined space needs by function as narrowed down by BRD and committees (18,600).”**

**K. Miller made a motion to strike the 6<sup>th</sup> bullet “Building Committee members should endeavor to express their opinions and resolve differences at committee meetings rather than through the media.”** C. Viens seconded the motion. K. Miller spoke to the amendment describing freedom of speech. P. H. Flanders suggested that this bullet is a code of operation for the committee. Discussion followed. R. Ellis called the question. **The motion passed unanimously.** As a result of the positive vote by the Select Board, the following language is deleted: **“Building Committee members should endeavor to express their opinions and resolve differences at committee meetings rather than through the media.”**

**K. Miller made a motion to strike the 7<sup>th</sup> bullet “Public funds should not be used to review privately owned sites unless an agreement is secured in advance.”** C. Viens seconded the motion. K. Miller stated that all feasible options need to be explored and historically, the Board has used tax payer dollars to explore other sites. C. Nordle suggested keeping feasible options on the table and the Town should not spend money on options that are not feasible if a property is not available for sale. **K. Miller withdrew her motion to strike the 7<sup>th</sup> bullet under procedural guidelines.**

Discussion followed as to how the 7<sup>th</sup> bullet should be worded, or if there should even be a bullet. **C. Nordle made a motion to amend the 7<sup>th</sup> bullet as follows: “Public funds should not be used to review privately or publicly owned sites unless an asking price has been tended by the owner to the Town that permits the Town to purchase the property at least through the period of the bond vote.”** The motion was seconded by **K. Miller and passed unanimously.** As a result of the positive vote by the Select Board on the amendment the original language as proposed in the motion made by R. Ellis is changed to: **“Public funds should not be used to review privately or publicly owned sites unless an asking price has been tended by the owner to the Town that permits the Town to purchase the property at least through the period of the bond vote.”**

J. Grenier reviewed all amendments to the Waterbury Municipal Building Committee Guidelines. R. Ellis' motion as amended by affirmative votes on a series of motions to amend is as follows:

## **Waterbury Municipal Building Committee Guidelines**

**Goal:** To bond for the construction or renovation of space for the Waterbury Municipal Office, Library, Community Room, Historical Society, and Village Police.

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### **Members**

- Tri-board: Selectboard, Library Commissioner, and Village Trustees (13 members)
- The Tri-board will appoint 6 members of the public to the Building Committee, who must be registered voters of Waterbury. The appointments shall expire on March 4, 2014 unless extended by the Tri-board.

### **Procedural Guidelines**

- Meetings shall be warned and minutes taken.
- Quorum shall consist of 11 members. Action may only be taken by a majority of the committee (10 members).
- Committee shall elect a chair, vice-chair, and secretary.
- Committee shall be governed by Robert's Rules of Order.
- Use as a starting point for design discussions the existing defined space needs by function as narrowed down by BRD and committees (18,600).
- Public funds should not be used to review privately or publicly owned sites unless an asking price has been tendered by the owner to the Town that permits the Town to purchase the property at least through the period of the bond vote.

### **Ground Rules**

- Start and end on time
- Come prepared and stay focused
- All voices are heard
- Listen to understand
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- Stay open and positive toward one another
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**The Waterbury Municipal Building Guidelines, as amended, as set forth above, passed by a vote of 4 -1 of the Select Board with K. Miller voting in the negative.**

The Trustees discussed the Members portion of the Waterbury Municipal Building Committee Guidelines. P. H. Flanders asked the Trustees if they would like to amend the membership to include a member of the Historical Society. **On behalf of the Trustees, N. Howell-Sherman made a motion to amend the membership to include a member of the Historical Society. The motion was seconded by L. Sayah and passed unanimously.**

**On behalf of the Trustees, N. Howell-Sherman made a motion that the Tri Board appoint 6 members of the public to the Building Committee. The motion was seconded by L. Sayah and passed unanimously.**

**On behalf of the Trustees, N. Howell-Sherman made a motion to amend a portion of the second bullet "Action may only be taken by a majority of the committee (10 members)" to "Action may only be taken by a majority of the committee (11 members)." The motion was seconded by L. Sayah and passed unanimously.**

**On behalf of the Trustees, N. Howell-Sherman made a motion to accept the procedural guidelines as amended by the Select Board as further amended by the Trustees to add a member of the Historical Society and to change the majority number to 11 from 10. The motion was seconded by L. Sayah and passed unanimously.**

**On behalf of the Trustees, N. Howell-Sherman made a motion to accept the ground rules as approved by the Select Board. The motion was seconded by L. Sayah and passed unanimously.** As a result of the foregoing positive votes of the Trustees, the Trustees adopted the Guidelines approved by the Select Board with the following two amendments: add a member of the Historical Society and change the majority number to 11 from 10.

**On behalf of the Library Commissioners, A. Durkin made a motion to accept the Waterbury Municipal Committee Guidelines as approved by the Select Board with the additional changes approved by the Trustees: add a member of the Historical Society and change the majority number to 11 from 10. The motion was seconded by M. Rivera and passed unanimously.**

**On behalf of the Select Board, R. Ellis made a motion to adopt the changes to Waterbury Municipal Committee Guidelines as approved by the Trustees and Library Commissioners: add a member of the Historical Society and to change the majority number to 11 from 10. The motion was seconded by C. Nordle and passed by a vote of 4 -1, with K. Miller voting in the negative.**

#### **REVIEW LETTERS OF INTEREST FROM COMMUNITY MEMBERS**

There were 22 letters of interest from the community to serve on the committee. C. Viens suggested that the members be picked from a hat. J. Grenier suggested picking out 8 letters of interest, to be posted in a spreadsheet. A discussion was held as to the selection criteria and how people should be picked. H. Grenier suggested that anonymity was necessary because of a wish for balance. C. Nordle suggested it is about whether they can contribute to the process. E. Coffey stated additional qualifications that were not included in his letter. C. Nordle made a point of order that if one applicant is allowed to express additional



qualifications during the meeting, then all applicants should have the same opportunity. Other methods of choosing applicants were discussed.

The Board members listed their top 8 choices. The field was then narrowed to 6, and the community members at large were chosen and included Scott Mackey, Theresa Wood, John Wulff, Roy Lloyd, Peter Hack, and Michael Griffith.

**PARAMETERS FOR NON MUNICIPAL BUSINESS DURING MUNICIPAL AT BUILDING COMMITTEE MEETINGS**

A brief discussion was held about refraining from introducing Select Board business at future Municipal Building Committee meetings.

The Library Commissioners and Village Trustees adjourned 10:10pm.

**SELECT BOARD BUSINESS**

Hiata Defeo of Bridgeside Books has requested approval of an Event Permit Application for an expansion party on Wednesday July 31<sup>st</sup> to serve wine from 5:00pm to 8:00pm. C. Nordle made a motion to approve the permit. The motion was seconded by R. Ellis and passed unanimously.

W. Shepeluk gave a recommendation on a request for a Master Swim at the pool. One life guard will be on duty from 5:30am to 7:00am. The swim will be on Tuesdays and Thursdays for the rest of the season. The cost for a life guard is approximately \$208 for the eight days. There are currently 4 interested people, and all must have a pool pass.

**C. Nordle made a motion to approve the Masters Swim with the understanding it will cost about \$210 for the rest of the summer, participants have pool passes, and a suggestion is made that the people using the pool will make a donation roughly the equivalent of the cost. The motion was seconded by R. Ellis. A discussion was held about whether to ask for a donation or charge a per person fee. The motion passed unanimously.**

W. Shepeluk discussed some bids for repairs to Shaw Mansion Road. Bids were sent to 4 local contractors and two responded - Viens at \$6,950 and Kingsbury at \$6,952. A brief discussion was held about conflict of interest, and Board members providing services to the Town. It was decided that Select Board members can bid on Town projects and recuse themselves from the discussions involving the projects.

W. Shepeluk recommended giving the bid to Viens. **K. Miller made a motion to enter into a contract with Viens for \$6,950 for repairing of Shaw Mansion Road. The motion was seconded by R. Ellis and passed unanimously with C. Viens recusing himself.**

There being no further business, the meeting was adjourned at 10:20pm.

Respectfully submitted,

Carla Lawrence  
Town Clerk

Approved on: August 26, 2013