

**Waterbury Village Trustees**  
**Public Hearing on Proposed Charter Changes**  
**May 17, 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 arrived to warn a Special Village Meeting vote on June 20<sup>th</sup>. She explained that at the 2016 Annual Village meeting, the Trustees were asked to disband the Village. At the 2017 Annual Village meeting, there was a vote as to whether to draft charter changes which passed 79-13, showing strong interest in the elimination of the Village. The charter change is another attempt at getting to one Waterbury solely by the decision of Village voters. Several attempts to merge have been defeated.

**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 district will be called the Edward Farrar Utility District. P. H. Flanders gave a brief history on who Edward Farrar was and his importance in the history of Waterbury Village.

If passed, 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 changes as handed out (see attached in its entirety). P. H. Flanders believes this method is better than merger as the district will be able to keep its assets.

**CONSIDERATIONS OF EFFECTS OF CHARTER CHANGE**

W. Shepeluk explained important things to consider, including records retention and disposition of equipment. He stated that anything purchased with Village funds can be disposed of by the Village and reminded everyone that if the vote passes, the police will be disbanded on December 31, 2017. If equipment was purchased through a state or federal grant, it becomes more complicated. The Village would be able to give the equipment to another agency, or return it to the originator of the grant. The hard drives of any computers, or any sensitive material in equipment, must be removed or scrubbed. Firearms and ammunition can be sold, preferably to someone who deals with firearms. Items in the evidence locker may be turned over to another agency, but this is still being researched.

A. Tuscany asked about the effects on the Village budget if the vote passes. W. Shepeluk explained that the Village will still be in existence from January 1, 2018 through June 30, 2018 and will be a political entity with a need for a budget. The Trustees could decide to set a tax rate to meet that budget, if necessary. The Village has a Tax Stabilization Fund and it is conceivable that at next year's Village meeting, the Trustees could recommend funding the budget by a transfer from the Tax Stabilization Fund. There will be some residual expenses, for example the lease on the police station.

A. Tuscany asked if Village could contract to provide some services between January 1, 2018 and June 30, 2018. W. Shepeluk responded that the Village has authority to stay in existence until June 30, 2018, and the Trustees could contract with another agency to provide services. The Farrar District will not have the ability to do any general government services after July 30, 2018, including police services.

P. Householder asked about Village assets. W. Shepeluk responded that the assets include police equipment, land, and property. The Farrar District could lease or sell some of the real property of the Village with proceeds used to support the water and sewer systems going forward.

P. H. Flanders stated that one of the biggest changes in the proposed charter is the disbandment the Village police department. The hope is that the Town will start a discussion of a Town wide police department. Current coverage in the Village is 5 days a week from 8:00am to 11:00pm.

Members of the Vermont State Police were invited to talk about the coverage they are able to offer. Sgt. Ray LeBlanc stated that parking tickets can be enforced by someone other than a sworn officer. Information was distributed showing statistics for 2016 and 2017 year to date for the Village police department, and responses from the VSP in the Village and Town for those two years (see attached).

S. Stockwell asked how quickly the VSP can respond if there is serious crime occurring. Sgt. LeBlanc stated it all depends on where they are located and what they are doing at the time. Three personnel cover 18 Towns, and they need to prioritize calls. The worst case scenarios would be a half hour, if they are on the other side of the county. The VSP goes off duty at 2:00am. After hours, a determination is made as to whether to respond to the call or hold it. If the decision is made to respond and the on-call Trooper is activated, the response time will be longer.

Sgt. LeBlanc explained that the Washington County Sheriff's office contracts with some Towns, and the VSP can also contract with Towns for services. Directed patrol for so many hours per month requires a contract and then full service applies. With no contract, they respond as they can. The VSP currently has only one Town contract, and with 3 or 4 other different contracts they are tapped out.

S. Stockwell asked if the VSP uses Village police for agency assist calls in the Town, and how many of those calls occur. Sgt. LeBlanc responded that he did not have those numbers, and the VSP only uses Village Police as backup in critical situations. If this occurs, the Village Police assist the VSP, versus going in lieu of them.

D. Cedeno expressed concern that speeding in the Village is out of control, and she assumes the VSP would not be able to assist with this issue. Sgt. LeBlanc reiterated that it is a juggling act on where they can go and when.

A. Tuscany expressed concerns with quality of life issues, for example vandalism in Rusty Parker Park and asked how the VSP would deal with it. Sgt. LeBlanc responded that if it was actually in progress, they would try to catch the vandals in the act. If damage is discovered at a later date, it will get held for the next shift. Sgt. LeBlanc explained that response from the VSP depends on when the crime happens, and a lot of cases go to the State's Attorney's office and nothing happens.

J. Casey asked if there has been an increase in opioid cases over the years. Sgt. LeBlanc stated there has been an increase in crime as some people with substance abuse issues turn to stealing and other crimes.

J. Willard stated that she serves on the restorative justice panel. She understands that it is possible that the Vermont State Police can do direct referrals to the panel versus sending cases to State's Attorney.

S. Stockwell asked if the VSP is maxed out and short on staff. Sgt. LeBlanc stated they are trying to get new troopers hired. They are constantly dealing with situations that require a lot of time. The VSP is slotted for 325 troopers in the state which is what it has been in the past, but the case load has doubled or tripled.

C. Parks thanked the VSP for their service.

### **VOTING**

C. Lawrence reported that early voting will commence on Monday May 22<sup>nd</sup>. Early voting will take place during normal office hours through June 19<sup>th</sup>. On Tuesday June 20<sup>th</sup>, voting will take place at the Waterbury Municipal Office from 7:00am to 7:00pm. The ballot will be very similar to the charter change document that was handed out earlier in the meeting, with yes and no blocks at the bottom; if in favor of the proposed charter change check yes; if opposed, check no. At the close of polls, the ballots will be hand counted and results announced.

W. Shepeluk explained that Vermont is one of the few Dillon's Rule states, in that we can only do what the legislature says. If the vote passes, information will be sent to the Secretary of State's office who will work with Legislature to have the charter changes introduced next January to go through the legislative process and ultimately signed by the Governor. Most charter changes go through the process without much trouble and the expectation is that the legislature will not have much issue with these charter changes.

It was asked if the Trustees have made any decisions about the police department in the event the charter changes do not pass. P. H. Flanders responded that no decisions have been made.

A. Tuscany presented a scenario. Assuming the vote passes the Town may be slow to act, so the Village could fund parking or speed enforcement for a period of time during the first half of 2018. The Select Board will know of the Village's actions long before December 31<sup>st</sup> and can plan accordingly. He expressed concern that the Trustees and Select Board have not had discussions about the future of police services. P. H. Flanders responded that the Trustees attempted to engage the Select Board, but the Select Board was hesitant to discuss the issue while the Village still has a formal police department. The Town of Waterbury, under State Statutes, has the authority to have a police department but has never had one. The Village has the authority also, but can choose to not budget for a department. The issue will most likely appear on a future Select Board agenda, after the vote in June.

M. Moore, General Manager of Best Western stated that the frustration is with the existing police department. She has been to some Select Board meetings and reiterated that the Select Board is waiting to see what the Village action will be. Her assumption is that the Village wants something better and the vote is the means to start communication channels with the Town to get a more effective police department in the future.

N. Sherman explained that at Town meeting, a Town resident asked to have a discussion about the police department and it was not addressed at that point in time. The Village Trustees had already decided to take action on their own, by placing an article on the Annual Meeting warning whereby voters directed the Trustees to begin the process of developing amendments to the Village charter.

S. Stockwell feels it is irresponsible to get rid of the police department without something else lined up. P. H. Flanders emphasized that the Village voters approved moving forward with the charter changes and vote in June.

A. Tuscany stated that on November 6, 2012, there was a Village vote asking if the police department should be abolished. The vote failed with 536 votes in the negative, or 67% of the votes.

The public hearing ended at 8:28pm.

Respectfully submitted,

Carla Lawrence, Village Clerk

Approved on: June 28, 2017

  
P. Howard Flanders

  
Natalie Sherman

  
Lawrence Sayah

Meeting Attendees:

Lt. Matt McNally  
Sgt. Ray LeBlanc  
Lovell Beaulieu  
Melvin Quesnel  
Jim King  
Cindy Parks  
Alec & Jane Tuscany  
Scott Stockwell  
Joby Feccia  
Anthony Mazzilli  
Riley Lessor  
Stan Morse  
Jan Gendreau  
Jane Willard  
Everett Coffey

Jim & Catherine Casey  
Patrick Householder  
Melissa Moore  
Marcella Pelkey  
Phoebe Pelkey  
Linda Willis-Pendo  
Stephen Pendo  
Gary & Sally Dillon  
Dorienne Cedeno  
Marc Metayer  
Marie Andre-Gervais  
Cammie Mason  
John & Carolyn Ritter  
Chris Wood