

Waterbury Select Board
October 18, 2021
Minutes

Present: M. Frier, C. Viens, D. Kehlmann, M. Bard, K. Martin, Select Board; W. Shepeluk, staff;

Public: Linda Gravel, Jeremy Hansen, Chiyomi McKibbin, Tessa Yip, Mal Culbertson, Maroni Minter, Jerome Lispanic (ORCA), Laura Hardie, Ashley Laporte, Caitlin Fraiton, Tom Scribner, Dana Allen, Bill Minter, Travis Beto, Amy Kinsell, Teri Maher, Christopher Shenk, Barbara Walton, Amy Hoskins, Elizabeth Walton; Via Zoom: Karen Petrovic, Alysia Backman, Damien Garcia, Dan Levy, Erin Hurley, Kate O'Farrell, Life LeGeros, "Mckibbikawa2", ORCA, Meg Baldor, Angela Wells, Ariel Mondlak, Joan DePaolis, Jacob Budin, Andrew Emrich, Lisa Scagliotti, Noah Derman, David Rye.

M. Frier called the meeting to order at 7:00 p.m. The meeting was conducted in a hybrid format. All board members and staff along with about 20 members of the public were present in person in the Steele Room and several other members of the public and the media watched or participated through ZOOM. (See attached list, which may not be complete, of in-person attendees and ZOOM participants).

Consent Agenda: M. Bard moved to approve the consent agenda, but asked to switch items B and D that appear under Select Board items. C. Viens seconded the motion. The motion was approved unanimously.

Chairperson Frier asked if there were any public comments about issues not already listed on the agenda. There were none. Frier took the opportunity to instruct the public present in person and on ZOOM to try to keep comments, whenever made, to 2 minutes or less.

Update from CVFiber Representatives: Jeremy Hanson, Chair of CVFiber and Linda Gravel, Waterbury Representative to CVFiber appeared to update the board on the activity of the organization. Hanson explained that CVFiber has been formed as a special service municipality by the Vermont General Assembly. Its board of directors is comprised of persons appointed by the legislative bodies of twenty-one (21) cities and towns, which comprise its membership. The mission of CVFiber is to provide, fast, dependable, and affordable internet to the residents and businesses located within its member cities and towns. A short-term goal and its first priority is to provide internet access and service to 50% of the "underserved" in their service area by the end of 2022. The presentation continued for some time and Hanson addressed issues as engineering, arrangements with supplies, contractors, funding and the structure of user fees, among other things. There was a good exchange of information as the Select Board and the two representatives of CVFiber asked and answered questions. Hanson assured the Select Board CVFiber had no taxing authority and it could not compel tax appropriations from member towns as a funding source. Grants will be a major source of funding and it is hoped appropriations of ARPA Funds might be agreed to by member towns. Some ARPA money has already been appropriated from the "state's share" directly by the state legislature. Linda Gravel discussed how the board and related committee meetings functioned, as well as the time commitment involved. The Select Board thanked both members and the alternate, Christopher Shenk for their time and efforts.

Consider appointment to the Cemetery Commission: Amy Kinsell appeared to express her interest in serving on the Cemetery Commission. W. Shepeluk reminded the Board a vacancy occurred on the Commission when Jack Carter passed away earlier in 2021. The Select Board is charged with appointing a replacement Commissioner to serve through town meeting day. An election will be held on town meeting day to fill the unexpired term. In this case the term will run two more years. Kinsell introduced herself to the board and explained her interest in serving. Shepeluk stated she had already attended a

Cemetery Commission meeting to express interest and the Commissioners have recommended her appointment to the Commission. **A motion was made and duly seconded (Bard/Kehlmann)** to appoint Amy Kinsell as a Cemetery Commissioner through March 1st, when the vacant unexpired term shall be filled by vote of electorate. The board voted in favor, 5-0.

Banner Policy: Shepeluk reintroduced this subject to the Board, explaining the legal opinion received from Joe McLean about the banner policy and possible amendment to it. If the Board sticks to its policy of allowing banners to be displayed, advertising up-coming events in the community, all groups need be allowed to display banners for all legal events. If the Board decides to allow statements -whether political or philosophical- to be displayed on the banner poles, two broad options exist: First, if an organization is allowed to display speech on the banner pole, all groups then must be allowed to display banners containing their political or philosophical speech. Second, in the name of the Town, the Select Board could display its own speech. As the Select Board would be speaking for the Town, it would be under no obligation to display speech espoused by other individuals or groups that offered a contrary message.

The Select Board and several members of the public, appearing in person and on ZOOM, engaged in a vigorous discussion about the request from the Waterbury Area Anti-Racism Coalition to allow it to display a banner that stated “Waterbury Stands with Black Lives Matter”. Many comments were made by members of the public, appearing in person or by ZOOM. Two residents of other towns were allowed to speak. The comments from the public were both in favor and against displaying the Black Lives Matter Banner. Select Board members talked about displaying an excerpt from the Town’s adopted Statement of Inclusion, some as an alternative and some in addition to displaying the Black Lives Matter banner.

D. Kehlmann made a motion, seconded by K. Martin, to adopt language at a future meeting, using the Statement of Inclusion as a guide, to create a banner that can be displayed by the Town from December to Town Meeting Day in March of 2022. After some discussion the motion was approved unanimously.

The discussion continued. Mark Frier stated a decision should be made by the Board about the request made at the last meeting by WAARC to be allowed to display a banner that states: “Waterbury Stands with Black Lives Matter”. Some members of the public continued to suggest the language “Waterbury stands with” is objectionable. Maroni Minter, a member of the public and of WAARC told the Board he had no personal objection to the town displaying a banner that simply said “Black Lives Matter”. He noted he could not speak for WAARC, but suggested it would likely not object to that language.

M. Frier made a motion, seconded by M. Bard, for the town to display a banner stating “Black Lives Matter” on its banner poles. Several Board members made statements about their own feelings about the display of this banner. Pro and Con statements were made by the members of the Board. Upon vote, the motion failed 2-3. Frier and Kehlmann voted in favor, Bard, Martin and Viens voted against.

Randall Street Closure for Halloween: The Board considered requests made to the Manager from several residents of Randall and Elm Streets to close those streets for trick or treating as has been done in the past. **A motion duly made and seconded (Bard/Kehlmann)** to close the streets as requested passed unanimously.

Entertainment Ordinance: The Board reviewed the existing entertainment ordinance to determine whether it was still reasonable and necessary. After a discussion, and while acknowledging enforcement of the ordinance was not always efficient, the board took no action, deciding to leave it as is for the time being.

Staffing Issues: W. Shepeluk reported the newly hired Zoning Administrator resigned and left the employ of the town on October 13th, after 5 days on the job to take a position in his chosen field of renewable energy. Recruitment for a replacement will commence soon. M. Frier suggested some additional discussion about the transition planning for the department may be warranted. The Manager agreed to seek some input from the Planning Commission about that.

Diversity, Equity, Inclusion Training: Shepeluk reported he was still trying to schedule one more training session with Mary Gannon. The Board agreed it could meet in December and is willing to consider a special session during an afternoon rather than using up all the time of a regularly scheduled Select Board meeting. The Manager will work with the consultant to schedule the date for training.

D. Kehlmann made a motion to adjourn and C. Viens provided the second. The Board voted unanimously to adjourn at 10:01pm.

Respectfully Submitted,

William Shepeluk
Municipal Manager

Approved on: November 1, 2021