

**Meeting of the Waterbury Select Board
Monday August 5, 2024**

**In Person: Steele Community Room
28 North Main Street**

Join Zoom Meeting
<https://www.zoom.us/join>
Meeting ID: 816 0912 2427
Passcode: 166551

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- 7:00pm Approve Agenda
- 7:05pm Consent Agenda Items:
a.) Minutes of Special Meeting July 29, 2024
b.) *OCP for Hill-Ford LLC (Blackback Pub) Lower Pub Patio: (9 seats, suitable for 2-3 season use. An estimated foot print of 5'x11'. Located on the Main Street side street level. The only means of access that customers have is to enter the business first then, enter the patio through a separate door. A railing that is about chest high surrounds the space. Upper Lounge Deck: Stowe St Deck, 5 Seats past the door that are available for outside dining and drinks. 4' x 10' approximate space past the entrance door that would be available for use. 1 Stowe Street Waterbury
- 7:10pm Public
- 7:15pm Leaf Peeper Traffic (initial discussion)
- 7:35pm Summary Flood Mitigation held on 7/29, and Flood Mitigation Grant Update
- 7:50pm * Alley Space located on Stowe Street; up to three special events per year contingent on Entertainment Permit approval and zoning compliance
- 8:10pm FEMA Buyouts
- 8:25pm Community Bike Share
- 8:50pm Road and Pedestrian Safety Plan
- 9:05pm Adopt changes to the Traffic Ordinance
- 9:25pm Approval of Loan for Public Works Truck
*approving the capital equipment note and awarding the bid to Union Bank
- 9:30pm Approval to Amend the Boundaries of Designated Downtown to include the Stanley Wasson parcel
- 9:40pm Next Meeting Agenda
- 9:55pm Executive Session (if needed)
- 10:15pm Adjourn

Next Meeting of the Select Board: Monday August 19, 2024

Parking Lot:

3 Year Budget Plan Change to Town Meeting format Parade and Event Permits
8/19 Agenda: Review of Statistics w/ Lieutenant Howard; Housing Trust Fund; Natural Disaster Preparedness Committee Handbook

Memo

Date: August 2, 2024

From: Tom Leitz

To: Selectboard

Re: FEMA Buyouts

As of the writing of this memo I do not have formal buyout paperwork for any property owners. However, at the 7/15 meeting a vote regarding the Kravitz property on Randall Street was tabled.

I have also confirmed that Howard and Catherine Flanders of 21 Elm Street are interested in a buyout. They have indicated they will sign the paperwork on Monday prior to the meeting.

I have had several conversations with the owner of 42 Union Street, but at the present time he has not affirmatively indicated his interest.

I have attached the listers card for all three potential applicants, which contain the grand list value and other relevant information.

Itemized Property Costs

From Table: MAIN Section 1

Record # 1642

Property ID: 958-0042V Span #: 696-221-10192 Last Inspected: 04/03/2012 Cost Update: 05/31/2016

Owner(s): GROSS ERIC S & ROBERT A

Sale Price: 95,000 Book: 423 Validity: No Data
 Sale Date: 06/28/2018 Page: 155-156
 Bldg Type: Single Quality: 3.00 AVERAGE
 Style: 2 Story Frame: Studded
 Area: 1600 Yr Built: 1900 Eff Age: 119
 # Rms: 9 # Bedrm: 4 # Ktchns: 2
 # 1/2 Bath: 0 # Baths: 2

Address:

City/St/Zip: WATERBURY VT 05676

Location: 42 UNION ST

Description: 0.08 AC & 2 APT BLDG

Tax Map #: 19-229.000

Item	Description	Percent	Quantity	Unit Cost	Total
BASE COST					
Exterior Wall #1:	Hardbrd / Ht=8	100.00		69.70	
ADJUSTMENTS					
Roof #1:	Metal-Chn	100.00			
Subfloor	Wood				
Floor cover #1:	Allowance	100.00		3.48	
Heat/cooling #1:	ForcAir	50.00			
Heat/cooling #2:	Space Htr	50.00		-0.88	
Energy Adjustment	Average				
ADJUSTED BASE COST			1,600.00	72.30	115,680
ADDITIONAL FEATURES					
Fixtures (beyond allowance of 8)			2.00	1,210.00	2,420
Roughins (beyond allowance of 1)			1.00	485.00	485
Porch #1:	WoodDck/NoWall/Roof/C		36.00	47.46	1,709
Porch #2:	WoodDck/Knee/Roof/Ceil		152.00	54.51	8,286
Porch #3:	WoodDck/Knee/Roof/Ceil		152.00	54.51	8,286
Basement	Stone		800.00	20.50	16,400
Finished Basement	Dirt Floor		820.00	-2.30	-1,886
Garage/Shed #1:	A/1S/Hardbrd/No		384.00	25.12	9,646
Subtotal					161,024
Local multiplier		1.00			
Current multiplier		1.00			
REPLACEMENT COST NEW					161,024
Condition	Fair/Avg	Percent			
Physical depreciation		35.00			-56,358
Functional depreciation		5.00			-8,051
Economic depreciation		15.00			-24,154
REPLACEMENT COST NEW LESS DEPRECIATION					72,500
Business or rental use		40.00			-29,000
ADJUSTED RCNLD					43,500
LAND PRICES	Size	Nbhd Mult	Grade	Depth/Rate	
SI Bldg Lot	0.08	0.90	0.90		56,700
Total	0.08				56,700
SITE IMPROVEMENTS	Hsite/Hstd	Quantity	Quality		
Water	y / y	Typical	Average		7,000
Sewer	y / y	Typical	Average		10,000
Landscape	y / y	Typical	Below Avg		3,000
Total					20,000
TOTAL PROPERTY VALUE					149,200
NOTES			HOUSESITE VALUE :		120,200
			HOMESTEAD VALUE :		120,200

SKETCH/AREA TABLE ADDENDUM

Parcel No 958-0042.V

Property Address 42 Union St

City Waterbury

County Washington

State VT

Zip

Owner

Client Waterbury Board of Listers

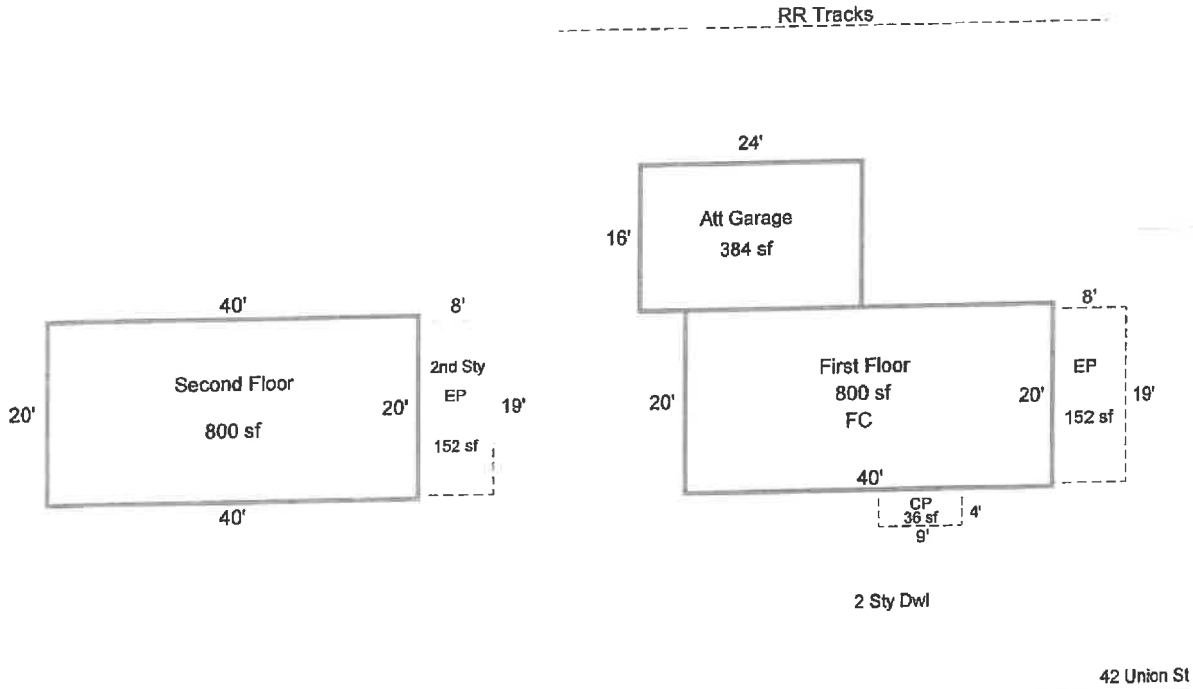
Client Address 51 South Main St

Appraiser Name 2008 Waterbury Reappraisal

Inspection Date Not to be used for other purposes

SUBJECT

IMPROVEMENTS SKETCH



AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
1FL1	First Floor	1.00	800	120	800
1FL2	Second Floor	1.00	800	120	800
1BS	FC	1.00	800	120	800
P/P11	CP	1.00	36	26	36
P/P12	EP	1.00	152	54	152
P/P13	2nd Sty EP	1.00	152	54	152
GAR11	Att Garage	1.00	384	80	384

Net BUILDING Area

(Rounded w/ Factors)

1600

AREA CALCULATIONS

Itemized Property Costs

From Table: MAIN Section 1

Record # 1493

Property ID: 918-0021V Span #: 696-221-10614 Last Inspected: 02/16/2008 Cost Update: 06/07/2018

Owner(s): FLANDERS P HOWARD	Sale Price: 0	Book:	Validity: No Data
FLANDERS CATHERINE W	Sale Date: / /	Page:	
Address: 21 ELM STREET	Bldg Type: Single	Quality: 3.25	AVG/GOOD
City/St/Zip: WATERBURY VT 05676	Style: 2 Story	Frame: Studded	
Location: 21 ELM ST	Area: 1812	Yr Built: 1890	Eff Age: 128
Description: 0.22 AC & DWL	# Rms: 8	# Bedrm: 3	# Ktchns: 1
Tax Map #: 19-310.000	# 1/2 Bath: 0	# Baths: 2	

Item	Description	Percent	Quantity	Unit Cost	Total
BASE COST					
Exterior Wall #1:	VnlSide / Ht=8	100.00		73.78	
ADJUSTMENTS					
Roof #1:	CompShg	100.00			
Subfloor	Wood				
Floor cover #1:	Allowance	100.00		3.48	
Heat/cooling #1:	HW BB/ST	100.00		1.78	
Energy Adjustment	Average				
ADJUSTED BASE COST			1,812.00	79.04	143,215
ADDITIONAL FEATURES					
Fixtures (beyond allowance of 8)			2.00	1,388.75	2,778
Roughins (beyond allowance of 1)				518.75	
Porch #1:	WoodDck/NoWall/Roof/C		132.00	35.70	4,712
Porch #2:	WoodDck/Screen/Roof/C		135.00	46.45	6,271
Porch #3:	WoodDck/NoWall/NoRo		180.00	16.41	2,954
Basement	Stone		908.00	20.84	18,923
Subtotal					178,852
Local multiplier		1.00			
Current multiplier		1.00			
REPLACEMENT COST NEW					178,852
Condition	Avg/Good	Percent			
Physical depreciation		25.00			-44,713
Functional depreciation					
Economic depreciation		15.00			-26,828
REPLACEMENT COST NEW LESS DEPRECIATION					107,300
LAND PRICES					
SI Bldg Lot	Size	Nbhd Mult	Grade	Depth/Rate	
	0.22	1.00	1.00		72,000
Total	0.22				72,000
SITE IMPROVEMENTS					
Water	Hsite/Hstd	Quantity	Quality		7,000
Sewer	y / y	Typical	Average		10,000
Landscape	y / y	Typical	Average		5,000
Total					22,000
TOTAL PROPERTY VALUE					201,300

NOTES HOUSESITE VALUE : 201,300
 HOMESTEAD VALUE : 201,300

Dwl shows deferred maintenance. 1 1/2 sty det shed needs major repair work.

2012: Repairs have been made since flood - new kitchen, 1st floor bath, dwl foundation fixed - now has cement floor, floors refinished - now has HW heat. Dwl now in better condition than in past - still some exterior work to be done - call dwl 97% complete. Back shed is in just disrepair that it should be demolished - no value. 2013:

Itemized Property Costs

From Table: MAIN Section 1

Record # 1493

Property ID: 918-0021V Span #: 696-221-10614 Last Inspected: 02/16/2008 Cost Update: 06/07/2018

Owner(s): FLANDERS P HOWARD Sale Price: 0 Book: Validity: No Data
 FLANDERS CATHERINE W Sale Date: / / Page:

Address: 21 ELM STREET Bldg Type: Single Quality: 3.25 AVG/GOOD
 City/St/Zip: WATERBURY VT 05676 Style: 2 Story Frame: Studded

Location: 21 ELM ST Area: 1812 Yr Built: 1890 Eff Age: 128
 Description: 0.22 AC & DWL # Rms: 8 # Bedrm: 3 # Ktchns: 1
 Tax Map #: 19-310.000 # 1/2 Bath: 0 # Baths: 2

Item	Description	Percent	Quantity	Unit Cost	Total
	Dwl finished after flood.				
	2014: NC to 1.0. Applied 30% economic for 100 year floodplain.				
	2016: Reduced economic to 15% on floodplain properties for equity purposes.				
	2018: Shed (no Value) removed and deck added				

SKETCH/AREA TABLE ADDENDUM

Parcel No 918-0021.V

Property Address 21 Elm Street

City Waterbury

County Washington

State VT

Zip 05676

Owner

Client Waterbury Board of Listers

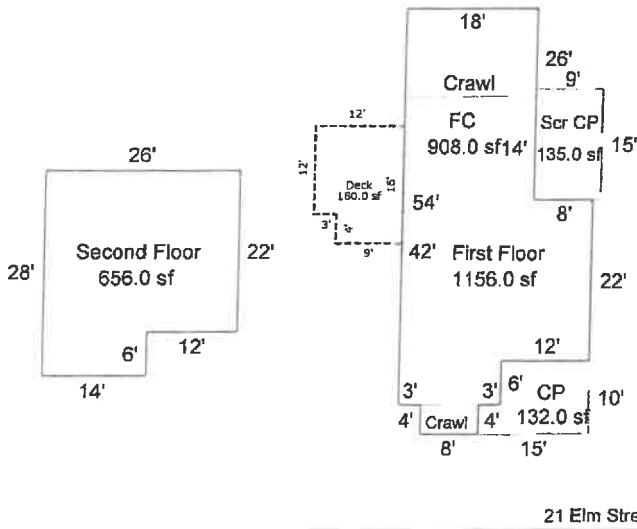
Client Address 51 South Main St

Appraiser Name 2008 Waterbury Reappraisal

Inspection Date Not to be used for other purposes

SUBJECT

IMPROVEMENTS SKETCH



21 Elm Street

Scale: 1" = 60'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
1FL1	First Floor	1.00	1156.00	168.0	1156.00
1FL2	Second Floor	1.00	656.00	108.0	656.00
1BS	FC	1.00	908.00	136.0	908.00
P/P11	CP	1.00	132.00	50.0	132.00
P/P12	Scr CP	1.00	135.00	48.0	135.00
P/P13	Deck	1.00	180.00	56.0	180.00

Comment Table 1

Comment Table 2 Comment Table 3

Net BUILDING Area (rounded w/ factors) 1812

AREA CALCULATIONS

Itemized Property Costs

From Table: MAIN Section 1

Record # 1504

Property ID: 920-0017V **Span #:** 696-221-10672 **Last Inspected:** 02/18/2008 **Cost Update:** 05/31/2016

Owner(s): KRAVITZ BRIAN

Sale Price: 189,900 **Book:** 214 **Validity:** Yes

Sale Date: 09/22/2003 **Page:** 319

Address: 17 RANDALL STREET
City/St/Zip: WATERBURY VT 05676

Bldg Type: Single **Quality:** 3.50 AVG/GOOD

Style: 2.5U (SF) **Frame:** Studded

Location: 15 RANDALL ST

Area: 2520 **Yr Built:** 1900 **Eff Age:** 116

Description: 0.18 AC & DUPLEX

Rms: 12 **# Bedrm:** 4 **# Ktchns:** 2

Tax Map #: 19-316.000

1/2 Bath: 0 **# Baths:** 3

Item	Description	Percent	Quantity	Unit Cost	Total
BASE COST					
Exterior Wall #1:	WdSidng / Ht=8	100.00		79.37	
ADJUSTMENTS					
Roof #1:	CompShg	100.00			
Subfloor	Wood				
Floor cover #1:	Allowance	100.00		3.48	
Heat/cooling #1:	HW BB/ST	100.00		1.77	
Energy Adjustment	Average				
ADJUSTED BASE COST			2,520.00	84.62	213,229

ADDITIONAL FEATURES					
Fixtures (beyond allowance of 16)			-2.00	1,567.50	-3,135
Roughins (beyond allowance of 2)			-1.00	552.50	-553
Porch #1:	WoodDck/NoWall/Roof/C		100.00	39.84	3,984
Porch #2:	WoodDck/NoWall/Roof/C		100.00	39.84	3,984
Porch #3:	WoodDck/Solid/Roof/Ceil		216.00	49.90	10,778
Basement	Stone		1,188.00	19.93	23,677
Subtotal					251,964
Local multiplier		1.00			
Current multiplier		1.00			
REPLACEMENT COST NEW					251,964

Condition	Avg/Good	Percent			
Physical depreciation		25.00			-62,991
Functional depreciation		10.00			-25,196
Economic depreciation		15.00			-37,795
REPLACEMENT COST NEW LESS DEPRECIATION					126,000
Business or rental use		50.00			-63,000
ADJUSTED RCNLD					63,000

LAND PRICES	Size	Nbhd Mult	Grade	Depth/Rate	
SI Bldg Lot	0.18	1.00	1.10		78,100
Total	0.18				78,100

SITE IMPROVEMENTS	Hsite/Hstd	Quantity	Quality		
Water	y / y	Typical	Average		7,000
Sewer	y / y	Typical	Average		10,000
Landscape	y / y	Typical	Average		5,000
Total					22,000

OUTBUILDINGS	Hsite/Hstd	% Good	Size	Rate.	Extras	
DGS 1S	y / y	25	160	8.75		1,400
Atriam Patio	n / n	0	160	2.00		300
Total						1,700

TOTAL PROPERTY VALUE 227,800

NOTES HOUSESITE VALUE 164,500

Itemized Property Costs

From Table: MAIN Section 1

Record # 1504

Property ID: 920-0017V Span #: 696-221-10672 Last Inspected: 02/18/2008 Cost Update: 05/31/2016

Owner(s): KRAVITZ BRIAN	Sale Price: 189,900	Book: 214	Validity: Yes
Address: 17 RANDALL STREET	Sale Date: 09/22/2003	Page: 319	
City/St/Zip: WATERBURY VT 05676	Bldg Type: Single	Quality: 3.50	AVG/GOOD
Location: 15 RANDALL ST	Style: 2.5U (SF)	Frame: Studded	
Description: 0.18 AC & DUPLEX	Area: 2520	Yr Built: 1900	Eff Age: 116
Tax Map #: 19-316.000	# Rms: 12	# Bedrm: 4	# Ktchns: 2
	# 1/2 Bath: 0	# Baths: 3	

Item	Description	Percent	Quantity	Unit Cost	Total
				HOMESTEAD VALUE :	164,500

FLOODPLAIN - 5% ECONOMIC. SIDE BY SIDE DUPLEX, OWNER LIVES IN #17, 2 BEDROOMS UP & BATH DOWN - 10% FUNC FOR SETUP & SIZE OF UNITS. EACH SIDE HAS ITS OWN FURNACE & STORAGE SHED. NO MODERNIZATION.

2012: REPAIRS DONE SINCE FLOOD - NOW HAS CEMENT FLOOR IN BSMT AND ADDED BATH - LOWER PHY DEP TO 27% - APPLY +15% ECONOMIC FOR FLOODPLAIN & LOWER NC.

2014 FLOODPLAIN PROPERTIES NOW AT 30% ECONOMIC.

2016: Reduced economic to 15% from 30% on floodplain properties for equity purposes.

SKETCH/AREA TABLE ADDENDUM

Parcel No 920-0017.V

Property Address 15 - 17 Randall St

City Waterbury

County Washington

State VT

Zip

Owner

Client Waterbury Board of Listers

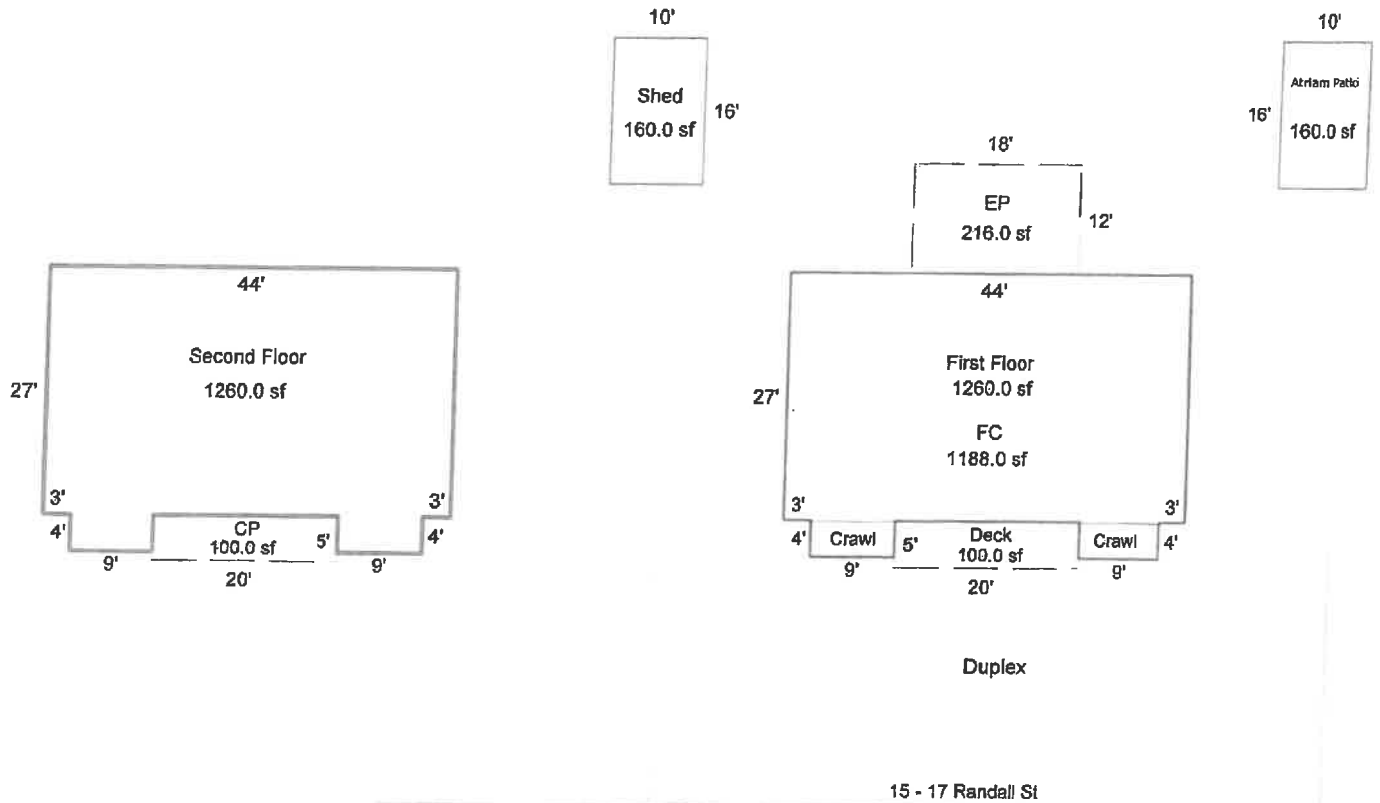
Client Address 51 South Main St

Appraiser Name 2008 Waterbury Reappraisal

Inspection Date Not to be used for other purposes

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 25'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
1FL1	First Floor	1.00	1260.00	158.0	1260.00
1FL2	Second Floor	1.00	1260.00	158.0	1260.00
1BS	FC	1.00	1188.00	142.0	1188.00
P/P11	Deck	1.00	100.00	50.0	100.00
P/P12	CP	1.00	100.00	50.0	100.00
P/P13	EP	1.00	216.00	60.0	216.00
OTH	Shed	1.00	160.00	52.0	160.00
	Shed	1.00	160.00	52.0	320.00

Net BUILDING Area (rounded w/ factors) 2520

AREA CALCULATIONS

1. Overview:

A scoping study to guide development of a locally owned community-based bike share. Technical expertise and community initiatives are intended to co-create a 'hub and spoke' model of bike share in the capital city corridor (Barre-Montpelier-Waterbury). The municipalities will be engaged through contributions for local match and formulation of deliverables. The goal is to produce a novel design that meets local needs; aligns with existing plans and bike infrastructure; while being replicable in other rural or less dense locations.

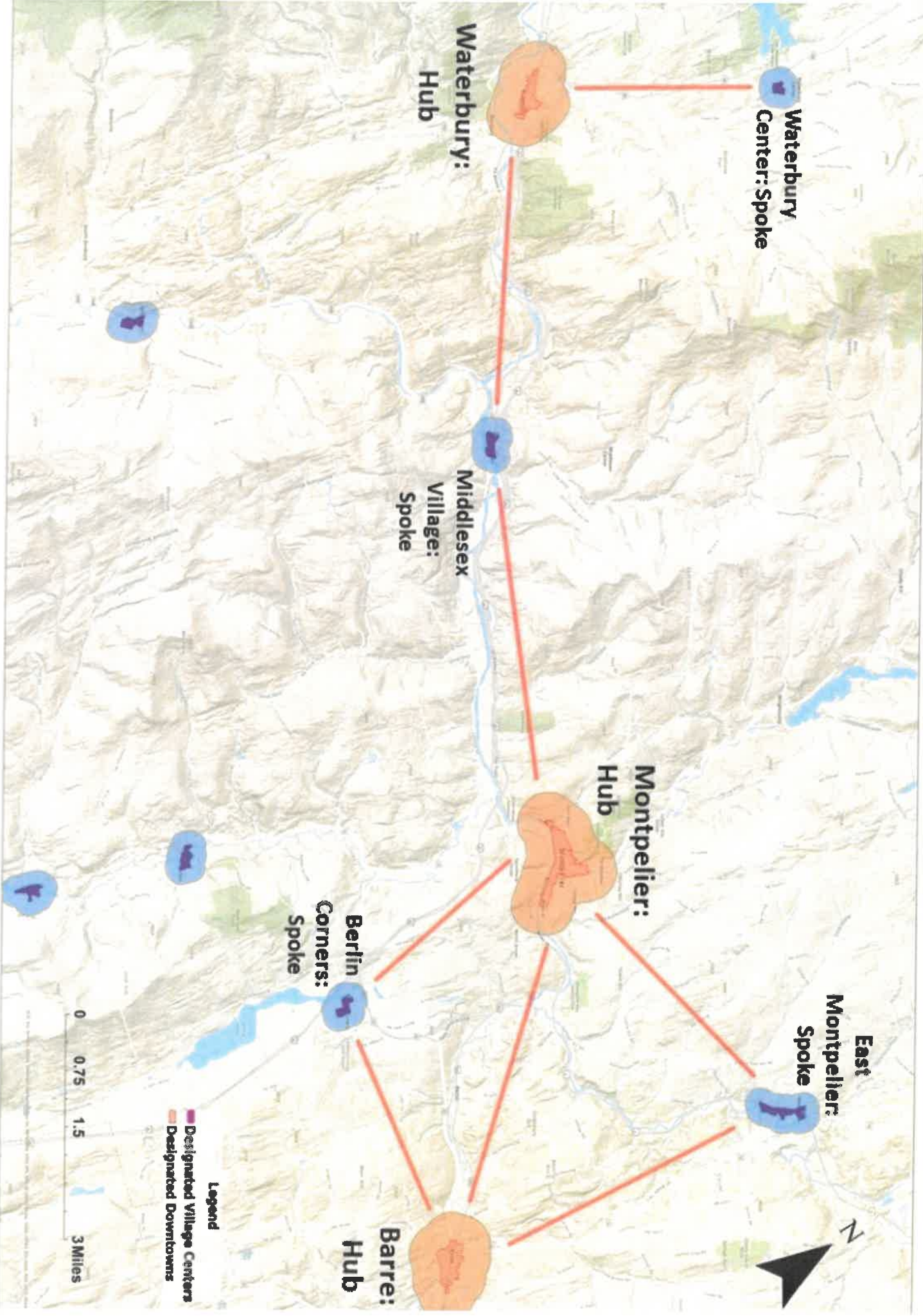
2. Community Need

The project goal is a novel bike share model that differs from conventional turnkey, dockless bike share offered by corporate operators. Communities in Central Vermont have been left behind as electric-assist bicycles are integrated into existing bike share fleets in other, more urban settings. Whereas corporate operators may charge 50 cents per minute, community-oriented bike share models, and public-private partnerships such as Blue Bikes in the Greater Boston Area achieve much lower charges of 15-20 cents per minute on average. Through alternative business models there can be tiered rates for bike share membership, employer sponsorship, and cross-subsidization that ensures inclusion.

Our bike share is intended to serve a cross-section of our community who live, work, study, or visit 'hubs' for services and/or recreation. The proposal for bike share emerged after experience over several years operating an e-bike lending library. Patrons showed growing interest in shared mobility as an alternative to ownership. Our aim is to have a variety of bike types available at fixed locations in a hub-and-spoke pattern that links downtown hubs to surrounding communities by means of strategic locations at village centers, park & ride lots, and transit stops. This 'hub and spoke' model of bike share will be implemented in the capital city corridor (Barre-Montpelier-Waterbury), while being replicable in other rural or less dense locations.

Our immediate need is for technical assistance to enable community-led design of bike share that is locally owned and affordable, and based on specific travel and mobility needs of our community. The scoping study will identify and cost alternatives for locations, design types for bike stations and battery charging facilities; appraise bike types, smart devices and platforms to determine the most robust solutions and best fit for our model of bike share. Close collaboration between consultants and community representatives from each of the hub municipalities will be essential for meaningful public engagement and project deliverables. The scoping study deliverables will include alignment with transportation plans and network development; and multimodal integration to increase cycling mode share.

CVRPC will contract a consulting firm that has current experience in this field to help us design for success and sustainability.





How do I get a “No Engine Brakes” sign?

While some towns do install such signs on roads under their jurisdiction, we do not install engine brake prohibition signs on state highways, and discourage towns from doing so on their highways. Engine brakes are a legal and necessary safety device.

Diesel engine powered trucks are not able to simply release the accelerator to slow down on hills in the same way that gas powered cars can, because the diesel engine turns freely similar to a car with its clutch engaged; the engine brake is what allows the truck to use engine compression to slow the vehicle. The Vermont Commercial Driver’s License Manual, in section 2.6.6 (Speed on Down Grades) states, “you must use the braking effect of the engine as the principle way of controlling your speed on downgrades.” It goes on to explain that use of the friction brakes alone on long hills can cause the brakes to overheat and fatigue, causing reduction in braking power.

How do I get a “Children at Play” sign?

The Agency of Transportation does not allow the use of “Children at Play” signs on state highways, and discourages towns from doing so on roads under local jurisdiction. Such signs may imply that the involved jurisdiction approves streets as playgrounds. Traffic control signs are standardized nationally through the federal Manual on Uniform Traffic Control Devices (MUTCD), which has been adopted by Vermont Statute for use on all public roads in Vermont. If there is significant pedestrian activity along your road, we could consider installation of pedestrian warning signs, or if there is a public playground adjacent to the road, there is an MUTCD standard playground warning sign that could be considered.

How do I get a crosswalk?

There are several criteria we look at to determine whether a crosswalk is warranted, including traffic volume, pedestrian volume, speed limit, sight distance, and presence of existing pedestrian facilities.

For more details, see our [Pedestrian Crossing Treatment Guidelines](#).

A town’s governing body (typically the select board) may request that VTrans conduct a crosswalk study for a proposed location on a state highway if they think that the criteria will be met.

Even if a crosswalk is not warranted, we may install pedestrian warning signs to alert drivers of pedestrian activity along or crossing the road.

How do I get a blind or deaf person warning sign?

Karen Petrovic

From: Bill Woodruff
Sent: Monday, July 1, 2024 2:16 PM
To: Thomas Leitz
Cc: Karen Petrovic
Subject: Congo

Follow Up Flag: Follow up
Flag Status: Flagged

Tom,

Last week I had the handicap parking sign and associated line striping done on the first space in the Congregational Church parking lot. While it doesn't exactly meet the minimum requirements it will serve the purpose for now. The board should adopt this space and have our traffic ordinance amended as such.

Woody

Bill Woodruff
Waterbury Public Works Director
(802) 839-6199



\$155,000.00

#5701005517

CAPITAL EQUIPMENT NOTE
TOWN OF WATERBURY
WATERBURY, VERMONT
August 6, 2024

FOR VALUE RECEIVED, the Town of Waterbury, Vermont, a municipal corporation, (the Borrower) promises to pay to the order of the Union Bank or its registered assigns (the Lender) at its place of business in Morristown, Vermont the principal sum of ONE HUNDRED FIFTY-FIVE THOUSAND and 00/100** DOLLARS (\$155,000.00) with interest at the rate of 5.375% per annum, calculated on an actual 365 day basis or, if applicable, 366 days set forth to mature on August 6, 2029.

We agree to pay quarterly payments of principal and interest in the amount of \$8,889.71 on the 6th day of each quarter beginning November 6, 2024 and continuing quarterly thereafter until August 6, 2029 when any unpaid principal balance and accrued interest shall be due and payable.

Borrower may prepay this Note in full or in part without premium or penalty.

This Note is issued to defray the cost of capital equipment authorized by vote of the Town of Waterbury held on March 7, 2023 and pursuant to a resolution adopted by the Selectboard of Town of Waterbury at a meeting thereof duly noticed, called and held on August 5, 2024.

The interest rate on this Note shall be subject to adjustment according to the following formula in the event there is a change in the Federal Corporate Tax Rate applicable to Union Bank with respect to a period during which the Note is outstanding. The purpose and intent of this formula is to maintain for Union Bank the same yield on the note which was applicable immediately prior to such change in Federal Corporate Tax Rates.

$$R2 = R1 (1 + \frac{T1 - T2}{1 - T1})$$

Where R1 = the interest rate stated in this note

R2 = new adjusted interest rate

T1 = the corporate tax rate applicable to Union Bank in effect immediately prior to the change requiring an adjustment hereunder (such rate being 21% upon execution hereof)

T2 = the new corporate tax rate applicable to Union Bank

Demand, presentment for payment, protest and notice of protest hereof are waived.

It is hereby recited that all acts, conditions and things required to be done precedent to and in the issuing of this Note have been done, have happened, and have been performed in regular and due form, as required by law, and for the assessment, collection and payment hereon of a tax to pay all sums due hereunder when due, if necessary, the full faith and credit of the Borrower are hereby irrevocably pledged.

Purpose: To finance the purchase of a
public works truck

TOWN OF WATERBURY

Michael Bard

Roger Clapp

Alyssa Johnson

Ian Shea

Kane Sweeney

All or a Majority of Its Selectboard

And Karen Petrovic, Its Duly Authorized
Treasurer

TOWN OF WATERBURY
RESOLUTION
CAPITAL EQUIPMENT BORROWING

WHEREAS, the Selectboard are duly authorized and empowered to borrow money on the credit of the Town of Waterbury in anticipation of the collection of taxes and the receipt of other revenues; and

WHEREAS, the said Selectboard finds it expedient and it is necessary for the Town of Waterbury to borrow funds in anticipation of the collection of taxes and receipt of other revenues for the year 2024; and

WHEREAS, the Selectboard has been and is now providing essential governmental services and funds are needed to meet expenses relating to the delivery of said essential governmental services; and

WHEREAS, in order to have funds to meet expenses as aforesaid, the Selectboard has arranged to borrow \$155,000.00 from Union Bank, with such borrowing evidenced by a single Capital Equipment Note (the "Note"), as hereinafter set forth, which Note does not refund or replace an obligation previously issued for the same purpose.

THEREFORE, BE IT RESOLVED, that the Selectboard and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the Town of Waterbury payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said Town of Waterbury, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Town of Waterbury and its Selectboard in, about, or concerning the expenditure of proceeds of the note evidencing the borrowing and the issuance thereof are hereby ratified and confirmed; and

We, the undersigned Selectboard and Treasurer of the Town of Waterbury hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described Note or the expenditures being financed by the proceeds of the same.

We certify also that no litigation is pending or threatened affecting the validity of the Note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town of Waterbury, nor the title of any of us to our respective offices, is being questioned or contested.

Further, we hereby certify to and covenant with UNION BANK, its successors and assigns, including specifically the transferees, assigns, holders and owners of the above-described Note that:

1. No proceeds of the Note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the Town of Waterbury nor used to make or finance loans to any person.
2. During the current calendar year, neither the Town of Waterbury nor any subordinate agency thereof will issue debt of any sort aggregating \$10,000,000 or more.
3. The Town of Waterbury will file when and as required with the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Note and all other obligations of the Town of Waterbury.
4. The Town of Waterbury will comply with, perform, maintain and keep each and every covenant, representation, certification, and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

Dated this 5th day of August, 2024.

TOWN OF WATERBURY

Michael Bard

Roger Clapp

Alyssa Johnson

Ian Shea

Kane Sweeney

All or a Majority of Its Selectboard

Attest:

Karen Petrovic, Clerk

And Karen Petrovic, Its Duly Authorized
Treasurer

TOWN OF WATERBURY
TAX CERTIFICATE
CAPITAL EQUIPMENT NOTE
AUGUST 6, 2024

We, the Treasurer and at least a majority of the Selectboard of the Town of Waterbury, Vermont (the "Municipality"), HEREBY CERTIFY and reasonably expect with respect to the issuance and the use of proceeds of the \$155,000.00 Capital Equipment Note (the "Note") of the Municipality, dated August 6, 2024 as follows:

1. We are the officers of the Municipality duly charged and responsible for issuing the Note. The certifications and expectations set forth in this document are being given pursuant to Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, (the "Code"), and the Treasury Regulations promulgated thereunder.
2. The dates, maturities, denominations and rates of interest of the Note are as shown on the copy thereof appended as Schedule D, and its issuance has been reported to the Internal Revenue Service on IRS Form 8038-G, a copy of which is attached as Schedule B.
3. The proceeds of the Municipal Bond will be used to provide funds for the purpose of financing the acquisition of a public works truck located within the Municipality (the "Project). There are no other funds available to the Municipality under the provisions and within the meaning of Regulation Section 1.148-6(d) (3), other than grants-in-aid and capital reserve funds of the Municipality dedicated to the Project. The weighted average maturity of the Municipal Bond is less than 120% of the useful life of the Project.
4. The Municipality will use the proceeds of the Municipal Bond within thirty (30) days of the date hereof to retire any obligations in the nature of short-term bond anticipation notes (the "Prior Obligations") which originally financed the Project or to reimburse itself for Project costs advanced under a duly adopted notice of official intent. The proceeds of the Municipal Bond may be invested in the interim at a yield in excess of the yield on the Municipal Bond. To the extent there remain any unspent proceeds of the Prior Obligations, any and all of such proceeds shall be invested at a yield not in excess of the yield on the Municipal Bond.
5. The proceeds of the sale of the Municipal Bond do not exceed the amount necessary to retire the Prior Obligations and to complete the Project. The proceeds of the Municipal Bond will not be used to affect a tax increment financing loan or a tax assessment loan under Regulation Section 1.141-5 (c)(3) and (d).

6. The Municipality has entered into (or will enter into within six months from the date hereof or the issue date of the Prior Obligations, whichever is earlier) a binding commitment for the acquisition, construction or accomplishment of the Project. The amount of such commitment(s) with respect to the Project exceeds an amount equal to five percent (5%) of the greater of the Municipal Bond, the Prior Obligations, or the aggregate amount of obligations issued for the Project. Work on the acquisition, construction or accomplishment of the Project will proceed with due diligence to the completion thereof. The Municipal Bond proceeds will be invested temporarily and expended in compliance with the rebate requirements of Section 148(f) of the Code, so as to maintain the interest on the Municipal Bond excludable from the gross income of the recipient thereof.
7. The total proceeds received from the sale of the Municipal Bond and the Prior Obligations with respect to the Project do not exceed the total cost of the Project. All unexpended proceeds will be deposited and maintained in a segregated fund and not commingled with amounts from other sources such as state or federal grants-in-aid, Municipal capital reserve funds or project appropriations, or private Project donations.
8. It is not expected that the Project will be sold or otherwise disposed of in whole or in part. Public use of the Project will continue for so long as the Municipal Bond remains outstanding. In the event an unanticipated change in private use or disposition of the Project occurs, the Municipality will undertake remediation measures under Regulation Section 1.141-12 at the earliest opportunity so as to preserve the tax exempt character of the Municipal Bond.
9. Principal of and interest on the Municipal Bond will be paid from taxes and other revenues of the Municipality. There are no private payments for the use of the Project other than payments made by members of the general public. The funds used to pay principal and interest on the Municipal Bond, whether or not deposited into a segregated debt service fund, will be expended within thirteen (13) months of the date of deposit in such fund on the payment of debt service on the Municipal Bond. Any amounts received from the investment of such fund will be used to pay debt service on the Municipal Bond within one (1) year of the date of receipt. The debt service fund, if any, will be used to achieve a proper matching of revenues with principal and interest payments within each bond year and will be depleted at least once each bond year except for a reasonable carryover amount not to exceed the greater of (i) the earnings on the fund for the immediately preceding bond year or (ii) one-half of principal and

interest payments on the issue for the immediately preceding bond year. Amounts deposited into such a debt service fund, if any, may be invested at a yield in excess of the yield on the Municipal Bond.

10. Except for the debt service fund described herein, if any, the Municipality has not created or established, and does not expect to create or establish, any sinking fund or other similar fund which the Municipality reasonably expects to use to pay principal or interest on the Municipal Bond, or from which there is a reasonable assurance that amounts therein will be available to pay debt service on the Municipal Bond.
11. No portion of the proceeds of the Municipal Bond will be invested, directly or indirectly, in federally insured deposits or accounts other than (a) investments of unexpended Municipal Bond proceeds for an initial temporary period until the proceeds are needed for the Project; and (b) investment of moneys on deposit in a bonafide debt service fund. No portion of the proceeds of the Municipal Bond will be loaned or otherwise made available to any private person, nor shall any of such proceeds be expended or invested in a manner which will result in the Municipal Bond being classified as a "hedge bond" under Section 149(g) of the Code.
12. The Municipality is a political subdivision of the State of Vermont and is an entity with general taxing powers, the power to incur debt, the power of eminent domain, and the power to enact and enforce police power measures. The Municipal Bond is not a "private activity bond" (as defined in Section 141 of the Code). At least 95% of the proceeds of the Municipal Bond are to be used for local governmental activities of the Municipality. Neither the Municipality nor any agency, instrumentality or political subdivision of the Municipality has issued or expects to issue any tax-exempt bonds or notes during the current calendar year other than: (i) the Municipal Bond; (ii) short-term notes in an aggregate amount not to exceed the Municipality's maximum anticipated cumulative cash flow deficit, to be issued in anticipation of the receipt of taxes and other revenues of the Municipality; (iii) current refunding bonds in an amount not to exceed the amount of bonds to be refunded; and (iv) short-term notes issued in anticipation of receipt of federal or state capital equipment grants-in-aid. In the event the aggregate face amount of all tax-exempt obligations (including the Municipal Bond) issued or to be issued by the Municipality (and all agencies, instrumentalities and other political subdivisions of the Municipality) during the current calendar year exceeds \$5,000,000, except for private activity bonds and additional obligations aggregating no more than \$10,000,000 or such lesser amount attributable to the financing of the construction of public school capital facilities, the proceeds of each issue of such

obligations shall be invested temporarily and expended in compliance with the rebate requirements of Section 148(f)(2) and (3) and the Regulations thereunder, as applicable, so as to assure that the interest paid on such obligations remains excludable from the gross income of the recipient thereof. The Municipality will expend at least 85% of the Municipal Bond proceeds, and all of the net income derived from the temporary investment thereof, within a three-year period calculated from the earlier of the date of issuance of the Municipal Bond or date of issuance of the Prior Obligations. Proceeds not expended within three years shall be invested at a yield not in excess of the yield on the Municipal Bond.

13. The Project is and will be owned by the Municipality and will not be leased to any person which is not a state or local government unit. In addition, the Municipality will not enter into any contracts or other arrangements, including without limitation, management contracts, capacity guarantee contracts, take or pay contracts, or put or pay contracts, pursuant to which such persons have a right to use or make use of the Project on a basis not available to members of the general public or which confers special economic benefits on any private person. No private business use of the Project will be made without an opinion of nationally recognized bond counsel that such use will not have an adverse effect on the tax-exempt status of the Municipal Bond.
14. Any reimbursement of an expenditure made prior to the issue date of the Municipal Bond or earlier short term financing is pursuant to a declaration of intent. In addition, any declaration of official intent of the Municipality to reimburse itself out of Municipal Bond proceeds for prior Project expenditures incurred before the issuance of the Municipal Bond or short term financing, if earlier, was adopted not later than 60 days after the date of such expenditures. The Project has not been in service for more than 18 months after the date of original expenditure, and such expenditures being reimbursed out of Municipal Bond proceeds are not more than three years old.
15. The Municipality will do and perform all acts and things necessary or desirable in order to assure that interest paid on the Municipal Bond shall, for purposes of federal income taxation, be excludable from the gross income of the recipients thereof, or, if applicable, preserve the Municipal Bond's tax advantages in the form of tax credits or interest payment subsidies.
16. In addition to the record-retention requirements of Section 6001 of the Code, and the Regulations now or hereafter promulgated thereunder, the Municipality commits to implement procedures which are intended to provide the following;

- a. Assignment of tax-exempt and tax credit bond, if applicable, compliance responsibilities to appropriate departments, officers, or employees.
 - b. Establishment and maintenance of books and records for each issue of obligations of the Municipality.
 - c. Code Section 148 compliant procedures for the investment of gross proceeds for each issue of the Municipality's obligations.
 - d. Maintenance of records relating to all allocations of expenditures of proceeds of each issue of the Municipality's obligations.
 - e. Periodic monitoring of use of proceeds of each issue of the Municipality's obligations, the investment and reinvestment of proceeds from the temporary investments thereof and the use of property acquired or financed by the proceeds of such obligations.
 - f. Verification of the foregoing.
17. This certification has been delivered as part of the record of proceedings and accompanying certificates with respect to the issuance of the Municipal Bond.
18. On the basis of the foregoing, it is not expected that the proceeds of the Municipal Bond will be used in a manner which would cause the Municipal Bond to be an "arbitrage bond" or "private activity bond" under Sections 103, 141 and 148 of the Code and the Treasury Regulations promulgated thereunder. To the best of our knowledge and belief, there are no other facts, estimates or circumstances that would materially change the foregoing conclusions.
19. No other obligations of the Municipality are:
- a. being sold within fifteen (15) days of the date of this Tax Certificate;
 - b. being sold pursuant to a common plan of financing as was employed in the sale of the Municipal Bond; or
 - c. expected to be paid from substantially the same source of funds.
20. The Municipality hereby designates the Municipal Bond a "bank-qualified obligation" under Section 265(b) of the Code.
21. The Municipality reasonably expects, as of the issue date, that the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by it during that calendar year will not exceed \$5,000,000.00.

22. During the current calendar year, the Municipality will not issue debt of any sort aggregating \$10,000,000.00 or more.

IN WITNESS WHEREOF, we have hereunto set our hands effective the date first above written.

TOWN OF WATERBURY

Michael Bard

Roger Clapp

Alyssa Johnson

Ian Shea

Kane Sweeney

All or a Majority of Its Selectboard

And Karen Petrovic, Its Duly Authorized
Treasurer

SCHEDULE D

MUNICIPAL BOND POST-ISSUANCE COMPLIANCE PROCEDURES

The following procedures have been adopted by the Issuer, effective as of the date of issue of the Note. These procedures shall be implemented immediately and shall relate to the Note and all currently outstanding and future debt obligations and financing leases. These procedures are intended to assist the Issuer in complying with those provisions of the Internal Revenue Code of 1986, as amended (the "Code") relating to (a) the qualified use of proceeds of the Issuer's tax-exempt and other tax advantaged bonds and notes and equipment financed by such proceeds; (b) arbitrage yield restrictions and rebate; (c) remediation of the effects of "deliberate action" of the Issuer which results in the disposition, abandonment or other change in use of property financed by the Issuer's debt obligation; and (d) the resolution of matters raised in connection with an audit or examination of the Issuer's tax-exempt or tax-advantaged obligations. These procedures are intended to furnish guidance in matters of Code compliance, and are subject to revision, modifications and enlargement from time to time.

- (1) The municipal official or employee possessing the statutory or contractual powers, functions and responsibilities of a Chief Financial Officer (to the extent the same are not exercised by the Treasurer) shall be responsible for monitoring Note post-issuance compliance (the "Compliance Official").
- (2) The Compliance Official shall review and implement these procedures in the manner necessary to ensure ongoing compliance with the provisions of the Tax Certificate. In connection therewith such official will become knowledgeable or consult an advisor experienced in post issuance compliance and will review and monitor notices, advice and directives as may be received by the Issuer from its bond counsel, accountants, financial advisors, and governmental sources.
- (3) On or before the first day of June in each year, the Compliance Official shall confirm that all Issuer property financed by the proceeds of the Issuer's obligations continues to be used in the same manner as existed when such property was first placed into service. Such confirmation shall be based upon a visual inspection and representations of the public officials under whose care, custody and control the property is placed.
- (4) For so long as the proceeds of any debt obligation of the Issuer remains unexpended, the Compliance Official shall confirm on the first day of June and the first day of December in each year that such proceeds are deposited or invested for a "temporary period" as established under Section 148 of the Code, and the Regulations thereunder.

Following the third anniversary of the issuance of an Issuer obligation, all unexpended proceeds shall be invested so as to generate a yield no greater than the yield on the corresponding obligation.

- (5) The Compliance Official shall confirm, at least annually while there are unexpended proceeds, that the proceeds of each Issuer obligation shall be expended in such amounts, at such frequency, and in such intervals to ensure that the Issuer avails itself of one or more arbitrage rebate exception allowed under Section 148 of the Code, and the Regulations promulgated thereunder. Alternatively, if rebate is due, the Compliance Official will engage a consultant to prepare a Report to determine any rebate due.
- (6) With respect to the acquisition and construction of capital equipment financed with the proceeds of the Issuer's debt obligations, the Issuer hereby declares that such proceeds shall be allocated to acquisition and construction expenditures prior to the expenditure and application of funds from any other public or private source. A final expenditure report accounting for the use of all Issuer obligation proceeds and earnings shall be completed no later than 18 months after the Project(s) financed by the Issuer obligation is placed in service.
- (7) In the event there is a change of use, abandonment or disposition of property financed by the proceeds of an Issuer obligation, the Compliance Official shall immediately consult with the Issuer's bond counsel and accountants regarding remedial action. The Issuer thereafter shall endeavor to call and redeem all or a portion of outstanding debt obligations, the proceeds of which were expended to finance such property. The proceeds derived from the sale or other disposition of the financed property shall not be commingled with other funds of the Issuer, but shall be used to effect the redemption of obligations, if necessary, the proceeds of which financed such property. Pending redemption as called for in this section, such proceeds shall be invested at a yield no greater than the yield on the obligations to be redeemed.
- (8) The Compliance Official shall create and preserve records for the term of all Issuer obligation and any refunding thereof plus three years documenting the procedures incident to the authorization and issuance and identifying the proceeds of each issue of the Issuer's obligations, the deposit and investment thereof, the income derived from such deposit and investment, the expenditure of such proceeds and investment income (containing at a minimum the date, amount and recipient of each expenditure), payment requisitions, and all rate, fee, charge and assessment schedules relating to property financed by the Issuer's obligations. Such records shall include copies of loan

agreements, escrow agreements, tax certificates, project bid documents, construction and acquisition contracts, project invoices, project-related bank statements, and documents related to anticipatory bond financing.

- (9) The Compliance Official shall retain all contracts or arrangements with non-governmental persons relating to the use, control and management of the Project(s) financed an Issuer obligation.
- (10) In the event there remain on hand any excess proceeds from an Issuer obligation, following acquisition or completion of the equipment for which such obligation was issued, the Compliance Official shall consult with the Issuer's bond counsel regarding the use of such proceeds.

TOWN OF WATERBURY
5.375% REGISTERED CAPITAL EQUIPMENT
LOAN #5701005517
DATED August 6, 2024
IN THE AMOUNT OF \$155,000.00
DUE August 6, 2029

CERTIFICATE OF REGISTRATION

It is hereby certified that the within note is hereby declared to be a fully registered bond with the principal and interest payable quarterly, and that such interest, as well as the principal, is payable to the registered holder thereof, its legal representatives, successors or assigns at the time and place expressed on the face of this Note.

The within Note is transferable only upon the books of the Treasurer of the Town of Waterbury upon presentation to the Treasurer with a written assignment duly acknowledged or proved.

Date of Registration: August 6, 2024

Name and Address of Registered Holder:

Union Bank
P.O. Box 667
Morrisville, VT 05661

TOWN OF WATERBURY

By: _____
Karen Petrovic, Treasurer/Transfer Agent

Information Return for Tax-Exempt Governmental Bonds

Under Internal Revenue Code section 149(e)

See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

Go to www.irs.gov/F8038G for instructions and the latest information.

Part I Reporting Authority

Check box if Amended Return

1 Issuer's name Town of Waterbury		2 Issuer's employer identification number (EIN) 03-6000739
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions) Karen Petrovic, Treasurer		3b Telephone number of other person shown on 3a 802-244-4300
4 Number and street (or P.O. box if mail is not delivered to street address) 28 North Main Street, Suite 1	Room/suite	5 Report number (For IRS Use Only) 3
6 City, town, or post office, state, and ZIP code Waterbury, VT 05676		7 Date of issue 8/6/24
8 Name of issue Capital Equipment Note		9 CUSIP number
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information Karen Petrovic, Treasurer		10b Telephone number of officer or other employee shown on 10a 802-244-4300

Part II Type of Issue (Enter the issue price.) See the instructions and attach schedule.

11 Education	11
12 Health and hospital	12
13 Transportation	13
14 Public safety	14
15 Environment (including sewage bonds)	15
16 Housing	16
17 Utilities	17
18 Other. Describe Capital Equipment Note	18 155,000.00
19a If bonds are TANs or RANs, check only box 19a <input type="checkbox"/>	
b If bonds are BANs, check only box 19b <input type="checkbox"/>	
20 If bonds are in the form of a lease or installment sale, check box <input type="checkbox"/>	

Part III Description of Bonds. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	8/6/2029	\$ 155,000.00	\$ 155,000.00	5 years	5.375 %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22 Proceeds used for accrued interest	22
23 Issue price of entire issue (enter amount from line 21, column (b))	23 155,000.00
24 Proceeds used for bond issuance costs (including underwriters' discount)	24
25 Proceeds used for credit enhancement	25
26 Proceeds allocated to reasonably required reserve or replacement fund	26
27 Proceeds used to refund prior tax-exempt bonds. Complete Part V	27
28 Proceeds used to refund prior taxable bonds. Complete Part V	28
29 Total (add lines 24 through 28)	29 0.00
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30 155,000.00

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.

31 Enter the remaining weighted average maturity of the tax-exempt bonds to be refunded	years
32 Enter the remaining weighted average maturity of the taxable bonds to be refunded	years
33 Enter the last date on which the refunded tax-exempt bonds will be called (MM/DD/YYYY)	
34 Enter the date(s) the refunded bonds were issued (MM/DD/YYYY)	

Part VI Miscellaneous

- | | | |
|---|------------|--|
| 35 Enter the amount of the state volume cap allocated to the issue under section 141(b)(5) | 35 | |
| 36a Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC). See instructions | 36a | |
| b Enter the final maturity date of the GIC ▶ (MM/DD/YYYY) _____ | | |
| c Enter the name of the GIC provider ▶ _____ | | |
| 37 Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units | 37 | |
| 38a If this issue is a loan made from the proceeds of another tax-exempt issue, check box ▶ <input type="checkbox"/> and enter the following information: | | |
| b Enter the date of the master pool bond ▶ (MM/DD/YYYY) _____ | | |
| c Enter the EIN of the issuer of the master pool bond ▶ _____ | | |
| d Enter the name of the issuer of the master pool bond ▶ _____ | | |
| 39 If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ▶ <input checked="" type="checkbox"/> | | |
| 40 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ▶ <input type="checkbox"/> | | |
| 41a If the issuer has identified a hedge, check here ▶ <input type="checkbox"/> and enter the following information: | | |
| b Name of hedge provider ▶ _____ | | |
| c Type of hedge ▶ _____ | | |
| d Term of hedge ▶ _____ | | |
| 42 If the issuer has superintegrated the hedge, check box ▶ <input type="checkbox"/> | | |
| 43 If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box ▶ <input type="checkbox"/> | | |
| 44 If the issuer has established written procedures to monitor the requirements of section 148, check box ▶ <input type="checkbox"/> | | |
| 45a If some portion of the proceeds was used to reimburse expenditures, check here ▶ <input type="checkbox"/> and enter the amount of reimbursement ▶ _____ | | |
| b Enter the date the official intent was adopted ▶ (MM/DD/YYYY) _____ | | |

Signature and Consent Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

Signature of issuer's authorized representative _____	Date _____	▶ Karen Petrovic, Treasurer Type or print name and title
---	------------	--

Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
	Firm's name ▶	Firm's EIN ▶			
	Firm's address ▶	Phone no.			

Instructions for Form 8038-G

(Rev. October 2021)



Department of the Treasury
Internal Revenue Service

Information Return for Tax-Exempt Governmental Bonds

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 8038-G and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form8038G](https://www.irs.gov/Form8038G).

General Instructions

Purpose of Form

Form 8038-G is used by issuers of tax-exempt governmental bonds to provide the IRS with the information required by section 149(e) and to monitor compliance with the requirements of sections 141 through 150.

Who Must File

IF the issue price (line 21, column (b)) is...	THEN, for tax-exempt governmental bonds issued after December 31, 1986, issuers must file...
\$100,000 or more	a separate Form 8038-G for each issue.
less than \$100,000	Form 8038-GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales.

When To File

File Form 8038-G on or before the 15th day of the 2nd calendar month after the close of the calendar quarter in which the bond is issued. Form 8038-G may not be filed before the issue date and must be completed based on the facts as of the issue date.

Late filing. An issuer may be granted an extension of time to file Form 8038-G under section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file timely is not due to willful neglect. Type or print at the top of the form "Request for Relief under section 3 of Rev. Proc. 2002-48" and attach a letter explaining why Form 8038-G was not submitted to the IRS on time. Also indicate whether the bond issue in question is under examination by the IRS. Do not submit copies of the trust indenture or other bond documents. See *Where To File* next.

Where To File

File Form 8038-G and any attachments at the following address.

Department of the Treasury
Internal Revenue Service Center
Ogden, UT 84201

Private delivery services. You can use certain private delivery services (PDS) designated by the IRS to meet the "timely mailing as timely filing" rule for tax returns. Go to [IRS.gov/PDS](https://www.irs.gov/PDS) for the current list of designated services.

The PDS can tell you how to get written proof of the mailing date.

For the IRS mailing address to use if you're using PDS, go to [IRS.gov/PDSstreetAddresses](https://www.irs.gov/PDSstreetAddresses).



PDS can't deliver items to P.O. boxes. You must use the U.S. Postal Service to mail any item to an IRS P.O. box address.

Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the federal government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate.

For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

Rounding to Whole Dollars

You may show the money items on this return as whole-dollar amounts. To round, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar (for example, \$1.39 becomes \$1 and \$2.50 becomes \$3).

If two or more amounts must be added to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

Definitions

Bond. This is any obligation, including bond, note, commercial paper, installment purchase agreement, or financing lease.

Taxable bond. This is any bond the interest on which is not excludable from gross income under section 103. Taxable bonds include tax credit bonds and direct pay bonds.

Tax-exempt bond. This is any obligation, including a bond, installment purchase

agreement, or financial lease, on which the interest is excluded from income under section 103.

Tax-exempt governmental bond. A tax-exempt bond that is not a private activity bond (see next) is a tax-exempt governmental bond. This includes a bond issued by a qualified volunteer fire department under section 150(e).

Private activity bond. This includes a bond issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use; **and**
- More than 10% of the payment of principal or interest of the issue is **either (a)** secured by an interest in property to be used for a private business use (or payments for such property), **or (b)** to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which **(a)** are to be used directly or indirectly to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units, and **(b)** exceeds the lesser of 5% of the proceeds **or** \$5 million.

Issue price. The issue price of bonds is generally determined under Regulations section 1.148-1(f). Thus, when issued for cash, the issue price is the first price at which a substantial amount of the bonds are sold to the public. To determine the issue price of a bond issued for property, see sections 1273 and 1274 and the related regulations.

Issue. Generally, bonds are treated as part of the same issue if they are issued by the same issuer, on the same date, and in a single transaction, or a series of related transactions (see Regulations section 1.149(e)-1(e)(2)). However, bonds issued during the same calendar year **(a)** under a loan agreement under which amounts are to be advanced periodically (a "draw-down loan"), or **(b)** with a term not exceeding 270 days, may be treated as part of the same issue if the bonds are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for bonds issued under a draw-down loan that meet the requirements of the preceding

sentence, bonds issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first bond. Likewise, bonds (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first bond.

Arbitrage rebate. Generally, interest on a state or local bond is not tax exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

Construction issue. This is an issue of tax-exempt bonds that meets **both** of the following conditions.

1. At least 75% of the available construction proceeds are to be used for construction expenditures with respect to property to be owned by a governmental unit or a section 501(c)(3) organization.
2. All the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a section 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1 $\frac{1}{2}$ % of the amount of the available construction proceeds of the issue that do not meet certain spending requirements as of the close of each 6-month period after the date the bonds were issued. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

Pooled financing issue. This is an issue of tax-exempt bonds, the proceeds of which are to be used to finance purpose investments representing conduit loans to two or more conduit borrowers, unless those conduit loans are to be used to finance a single capital project.

Specific Instructions

Part I—Reporting Authority

Amended return. An issuer may file an amended return to change or add to the information reported on a previously filed return for the same date of issue. If you

are filing to correct errors or change a previously filed return, check the *Amended Return* box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new or corrected information. Attach an explanation of the reason for the amended return and write across the top, "Amended Return Explanation." Failure to attach an explanation may result in a delay in processing the form.

Line 1. The issuer's name is the name of the entity issuing the bonds, not the name of the entity receiving the benefit of the financing. For a lease or installment sale, the issuer is the lessee or the purchaser.

Line 2. An issuer that does not have an employer identification number (EIN) should apply online by visiting the IRS website at [IRS.gov/EIN](https://www.irs.gov/EIN). The organization may also apply for an EIN by faxing or mailing Form SS-4 to the IRS.

Line 3a. If the issuer wishes to authorize a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) to communicate with the IRS and whom the IRS may contact about this return (including in writing or by telephone), enter the name of such person here. The person listed on line 3a must be an individual. Do not enter the name and title of an officer or other employee of the issuer here (use line 10a for that purpose).

Note. By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual entered on line 3a and consents to disclose the issuer's return information to that individual, as necessary, to process this return.

Lines 4 and 6. If you listed an individual on line 3a to communicate with the IRS and whom the IRS may contact about this return, enter the number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code of that person. Otherwise, enter the issuer's number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code.

Note. The address entered on lines 4 and 6 is the address the IRS will use for all written communications regarding the processing of this return, including any notices.

Line 5. This line is for IRS use only. Do not make any entries in this box.

Line 7. The date of issue is generally the first date on which the issuer physically exchanges any bond included in the issue for the underwriter's (or other purchaser's) funds. For a lease or installment sale, enter the date interest starts to accrue in an MM/DD/YYYY format.

Line 8. If there is no name of the issue, please provide other identification of the issue.

Line 9. Enter the CUSIP (Committee on Uniform Securities Identification Procedures) number of the bond with the latest maturity. If the issue does not have a CUSIP number, write "None."

Line 10a. Enter the name and title of the officer or other employee of the issuer whom the IRS may call for more information. If the issuer wishes to designate a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) whom the IRS may call for more information about the return, enter the name, title, and telephone number of such person on lines 3a and 3b.



Complete lines 10a and 10b even if you complete lines 3a and 3b.

Part II—Type of Issue



Elections referred to in Part II are made on the original bond documents, not on this form.

Identify the type of bonds issued by entering the issue price in the box corresponding to the type of bond (see *Issue price* under *Definitions*, earlier). Attach a schedule listing names and EINS of organizations that are to use proceeds of these bonds, if different from those of the issuer, include a brief summary of the use and indicate whether or not such user is a governmental or nongovernmental entity.

Line 18. Enter a description of the issue in the space provided.

Line 19. If the bonds are short-term tax anticipation notes or warrants (TANs) or short-term revenue anticipation notes or warrants (RANs), check box 19a. If the bonds are short-term bond anticipation notes (BANs), issued with the expectation that they will be refunded with the proceeds of long-term bonds at some future date, check box 19b. **Do not** check both boxes.

Line 20. Check this box if property other than cash is exchanged for the bond, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of bond is sometimes referred to as a "municipal lease.") Also check this box if real property is directly acquired in

exchange for a bond to make periodic payments of interest and principal. **Do not** check this box if the proceeds of the bond are received in the form of cash, even if the term "lease" is used in the title of the issue.

Part III—Description of Bonds

Line 21. For column (a), the final maturity date is the last date the issuer must redeem the entire issue.

For column (b), see *Issue price* under *Definitions*, earlier.

For column (c), the stated redemption price at maturity of the entire issue is the sum of the stated redemption prices at maturity of each bond issued as part of the issue. For a lease or installment sale, write "N/A" in column (c).

For column (d), the weighted average maturity is the sum of the products of the issue price of each maturity and the number of years to maturity (determined separately for each maturity and by taking into account mandatory redemptions), divided by the issue price of the entire issue (from line 21, column (b)). For a lease or installment sale, enter instead the total number of years the lease or installment sale will be outstanding.

For column (e), the yield, as defined in section 148(h), is the discount rate that, when used to figure the present value of all payments of principal and interest to be paid on the bond, produces an amount equal to the purchase price, including accrued interest. See Regulations section 1.148-4 for specific rules to figure the yield on an issue. If the issue is a variable rate issue, write "VR" as the yield of the issue. For other than variable rate issues, carry the yield out to four decimal places (for example, 5.3125%). If the issue is a lease or installment sale, enter the effective rate of interest being paid.

Part IV—Uses of Proceeds of Bond Issue

For a lease or installment sale, write "N/A" in the space to the right of the title for Part IV.

Line 22. Enter the amount of proceeds that will be used to pay interest on the issue accruing prior to the date of issue. For definition of date of issue, see these instructions, line 7.

Line 24. Enter the amount of the proceeds that will be used to pay bond issuance costs, including fees for trustees and bond counsel. If no bond proceeds will be used to pay bond issuance costs, enter zero. Do not leave this line blank.

Line 25. Enter the amount of the proceeds that will be used to pay fees for credit enhancement that are taken into account in determining the yield on the issue for purposes of section 148(h) (for

example, bond insurance premiums and certain fees for letters of credit).

Line 26. Enter the amount of proceeds that will be allocated to such a fund.

Line 27. Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any tax-exempt bonds, including proceeds that will be used to fund an escrow account for this purpose.

Line 28. Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any taxable bonds, including proceeds that will be used to fund an escrow account for this purpose.

Part V—Description of Refunded Bonds

Complete this part only if the bonds are to be used to refund a prior issue of tax-exempt bonds or taxable bonds. For a lease or installment sale, write "N/A" in the space to the right of the title for Part V.

Lines 31 and 32. The remaining weighted average maturity is determined without regard to the refunding. The weighted average maturity is determined in the same manner as on line 21, column (d).

Line 34. If more than a single issue of tax-exempt bonds or taxable bonds will be refunded, enter the date of issue for each refunded issue. Enter the date in an MM/DD/YYYY format.

Part VI—Miscellaneous

Line 35. An allocation of volume cap is required if the nonqualified amount for the issue is more than \$15 million but is not more than the amount that would cause the issue to be private activity bonds.

Line 36. If any portion of the gross proceeds of the issue is or will be invested in a guaranteed investment contract (GIC), as defined in Regulations section 1.148-1(b), enter the amount of the gross proceeds so invested, as well as the final maturity date of the GIC and the name of the provider of such contract.

Line 37. If the issue is a pooled financing issue (as defined under *Pooled financing issue* in *Definitions*, earlier), enter the amount of the proceeds used to make loans to other governmental units, the interest on which is tax exempt.

Line 38. If the issue is a loan of proceeds from a pooled financing issue (as defined under *Pooled financing issue* in *Definitions*, earlier), check the box and where asked for the date of issue, EIN, and name of the issuer of the master pool bond, enter the date of issue, EIN, and name of the issuer of the pooled financing issue.

Line 40. Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitrage rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of arbitrage rebate with this form. See Rev. Proc. 92-22, 1992-1 C.B. 736, for rules regarding the "election document."

Line 41a. Check this box if the issuer has identified a hedge on its books and records according to Regulations sections 1.148-4(h)(2)(viii) and 1.148-4(h)(5)(iv) that permit an issuer of tax-exempt bonds to identify a hedge for it to be included in yield calculations for figuring arbitrage.

Line 42. In determining if the issuer has super-integrated a hedge, apply the rules of Regulations section 1.148-4(h)(4). If the hedge is super-integrated, check the box.

Line 43. If the issuer takes a "deliberate action" after the issue date that causes the conditions of the private business tests or the private loan financing test to be met, then such issue is also an issue of private activity bonds. Regulations section 1.141-2(d)(3) defines a deliberate action as any action taken by the issuer that is within its control regardless of whether there is intent to violate such tests. Regulations section 1.141-12 explains the conditions to taking remedial action that prevent an action that causes an issue to meet the private business tests or private loan financing test from being treated as a deliberate action. Check the box if the issuer has established written procedures to ensure timely remedial action for all nonqualified bonds according to Regulations section 1.141-12 or other remedial actions authorized by the Commissioner under Regulations section 1.141-12(h).

Line 44. Check the box if the issuer has established written procedures to monitor compliance with the arbitrage, yield restriction, and rebate requirements of section 148.

Line 45a. Check the box if some part of the proceeds was used to reimburse expenditures. Figure and then enter the amount of proceeds that are used to reimburse the issuer for amounts paid for a qualified purpose prior to the issuance of the bonds. See Regulations section 1.150-2.

Line 45b. Subject to certain exceptions under Regulations section 1.150-2(f), an issuer must adopt an official intent, as described in Regulations section 1.150-2(e), to reimburse itself for preissuance expenditures within 60 days after payment of the original expenditure.

Enter the date the official intent was adopted.

Signature and Consent

An authorized representative of the issuer must sign Form 8038-G and any applicable certification. Also print the name and title of the person signing Form 8038-G. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that have been designated in Form 8038-G.

Note. If the issuer in Part I, lines 3a and 3b, authorizes the IRS to communicate (including in writing and by telephone) with a person other than an officer or other employee of the issuer, by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

Paid Preparer

If an authorized officer of the issuer filled in this return, the paid preparer's space should remain blank. Anyone who

prepares the return but does not charge the organization should not sign the return. Certain others who prepare the return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature (a facsimile signature is acceptable),
- Enter the preparer information, and
- Give a copy of the return to the issuer.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating

to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on the individual circumstances. The estimated burden for tax-exempt organizations filing this form is approved under OMB control number 1545-0047 and is included in the estimates shown in the instructions for their information return.

If you have suggestions for making this form simpler, we would be happy to hear from you. You can send us comments through [IRS.gov/FormComments](https://www.irs.gov/FormComments).

Or you can write to:

Internal Revenue Service
Tax Forms and Publications
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where To File*, earlier.

Memo

Date: August 2, 2024
To: Selectboard
From: Tom Leitz
Re: Designated Downtown Program

A portion of Waterbury's downtown is a "Designated Downtown," of which there are twenty-four in the State of Vermont. This designation allows for specific tax credits and financial incentives that can provide an array of assistance to property owners. One such benefit is that development projects within a designated downtown are generally exempt from Act 250 review, which adds time, costs and uncertainty to any project.

In speaking with Gary Holloway, the State's Downtown Program Manager, he supports adding the Stanley Wasson site to our designated downtown. Gary understands the Town's desire to bring multi-family housing to the site, and further knows the importance of adding more housing generally, but specific housing within walking distance of our downtown amenities. Revitalizing Waterbury manages the program on behalf of the Town, and Karen Nevin supports the amendment.

As part of the zoning bylaws update this parcel was added to the Design Review Overlay District, providing the Development Review Board with an opportunity to conduct a detailed review. I have attached that section of our bylaws for your reference. The parcel is also within the historic district, so any proposed development would be reviewed by the State Historic Preservation Office. Between these two reviews I am hopeful any new development would be reasonably consistent with the existing built environment.

This designation would not impact the ability of the selectboard to negotiate a development agreement with a partner, and that agreement could involve specific requirements the board deems necessary to ensure a project is compatible with broader community needs and desires. In short, this request would forego a state review in favor of a local review.

Section 1608 Design Review Overlay District

A. Purpose

The Design Review Overlay District (DROD) establishes specific building form, design standards, and a higher level of review for proposed development for those areas of Waterbury recognized as having particular historical, architectural or cultural value in order to:

1. Protect and enhance architectural and historic resources;
2. Encourage a consistently high standard of design in new construction and renovations;
3. Support and sustain a pedestrian-oriented downtown;
4. Strengthen the community's vitality and the Downtown, Mixed-Use and Campus Districts' historic function as a center for commerce, industry, government, and housing; and
5. Encourage new construction that will reinforce the qualities of the existing physical character while allowing freedom of expression compatible with the architectural vernacular of the community.

B. Applicability

The boundaries of the DROD are depicted on the UDB-P1 Zoning District Map in Section 1612. The following will be subject to design review under this section unless exempted below:

1. Construction of a new structure;
2. Additions to or demolition (in whole or part) of existing structures;
3. Relocation of existing structures; and
4. Any other external modification to an existing site or structure.

C. Exemptions

The following will not be subject to design review under this section:

1. A change in use or occupancy that does not involve any permanent alteration to the exterior of a site or structure;
2. Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements;
3. Demolition or relocation of an accessory structure provided that it is not a historic structure;
4. Construction of an accessory structure such as a ramp or fire escape required to meet state or federal code provided that the building is not a historic structure;
5. Routine maintenance of existing structures including repairs and changes to paint color, siding or roofing, provided that there is no change in design, dimension or location.
6. Replacement or reconstruction of a porch, entryway, ramp or landing, provided that there is no change in design, dimension or location.
7. Replacement or reconstruction of sidewalks and walkways within the same footprint as the original.

8. Replacement or reconstruction of an existing fence or wall provided there is no change in materials, height or location.

D. Review Procedure

Applications for development within the Design Review Overlay District shall be reviewed concurrently with applications for site plan review in accordance with Section 301 of the 2016 Zoning Regulations. In the event the proposed development does not require site plan approval, the Development Review Board shall approve or disapprove an application of a project within forty-five (45) days from the close of the hearing.

E. Application Requirements

In addition to the information required under Section 301(b) of the 2016 Zoning Regulations, applications for design review approval shall include the following:

1. Proposed architectural elevations (for each exterior wall) showing door and window types and placement, and other exterior details;
2. A description of all materials to be used on the exterior of any building and, upon Development Review Board request, samples of materials;
3. Photographs of the existing building(s) on the site and of buildings on adjacent and facing parcels;
4. A brief narrative describing the project;
5. Other information as required by the Development Review Board.
6. For minor changes to the exterior of the structure, the Development Review Board may waive one or more of the application requirements set forth above.

F. Allowed Uses and Dimensional Standards

The DROD contains special regulations to be added to those of the underlying district and does not affect the zoning regulations governing the use of the properties within such district. If the regulations of the DROD and of the underlying district conflict, the more restrictive provision(s) shall apply.

G. Site Design Standards

The standards below apply to site design in the DROD:

1. **Neighborhood Compatibility.** Site designs shall be integrated and compatible with the surrounding neighborhood including connecting to and extending vehicular and pedestrian networks and greenways.
2. **Accessory Structures.** Accessory structures shall be sited and designed to be compatible in terms of architectural character, materials, colors with the associated street-facing structure.
3. **Off-Street Parking.** Off-street parking shall be located to the side, rear or under the street-facing structure on the lot. Lots devoted entirely to surface parking, and to the maximum extent

feasible any pre-existing parking between the building and the street, must be screened with landscaping and/or decorative fencing.

4. **Utilities and Mechanical Equipment.** Utilities shall be buried unless the applicant demonstrates that it is not feasible to do so because of limitations on the site. Mechanical equipment, electrical meter and service components, and similar devices, shall be located to the side or rear of the street-facing structure. Access to utilities and mechanical equipment shall not require access from abutting properties. See Development Standards for guidelines regarding screening. Energy efficient devices or renewable energy generation are exempt.
5. **Rain, Snow, Ice.** Applicants shall demonstrate how rain, snow, and ice that may affect neighboring properties or public improvements will be addressed.

H. General Building Design Standards

The standards below apply to the design and construction of principal buildings, including additions to and renovations of existing buildings, and accessory structures with a footprint greater than 500 square feet in the DROD:

1. **Building Placement.** Buildings shall be placed and designed to reinforce traditional, pedestrian-oriented streetscape patterns and in a manner that is integrated and compatible with neighboring buildings and properties. Buildings must be oriented to and relate both functionally and visually to the street and/or common greens, parks, or plazas.
2. **Building Design.** New buildings or renovations shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.
3. **Building Additions.** New additions shall be designed to complement and be compatible with, rather than detract from or obscure, the original structure.
4. **Roof Types.** Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Development Review Board determines that another roof type is appropriate.
5. **Materials.** Materials shall be selected to enhance streetscape and pedestrian view. Materials that are durable and attractive over time should be encouraged.
6. **Architectural Features.** Architectural features including but not limited to cornices, railings, windows, shutters, fanlights, and entablature prevailing in the immediate area should be considered- in the construction or alteration of a building. It is not intended that the details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. The preservation of distinctive materials, features, and construction techniques or examples of craftsmanship that characterize a property is encouraged.

I. Demolition of Historic Buildings

1. Development Review Board (DRB) approval is required for the demolition of any historic structure (including residential) in the Historic Overlay District that is listed on the State or National Register of Historic Places or is a contributing structure within the expanded Waterbury Village Historic District. For applications involving the demolition of a structure listed on the National Register of Historic Places, a report that includes a structural assessment of the building, including estimated costs for stabilization and renovation, and

which documents that the applicant and/or landowner has explored available alternatives to the proposed demolition and found such alternatives to be infeasible.

2. “Demolition” shall mean the act of deliberately destroying all or a portion of a structure. The DRB shall conduct a public hearing to review the application. The DRB shall approve the demolition if it finds that the demolition will satisfy the following:
 - a. The condition of the structure has deteriorated to such a degree that rehabilitation and use of the building is not feasible due to structural or building code issues. The structural or building code issues shall be significant enough to make rehabilitation not possible. It is the responsibility of the property owner to demonstrate to the DRB's satisfaction that rehabilitation is not feasible,
 - b. The retention of the structure would create or pose a risk to the health, safety, or welfare of the structure's occupant(s) or the general public. It shall be demonstrated that the condition of the structure has deteriorated to such a degree that it poses a threat to public safety as determined by the town or state officials and cannot be restored or repaired without causing undue financial hardship to the owner. The burden of proving this hardship is on the owner,
 - c. The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the municipality. This determination of substantial benefit will be made by the DRB, and,
 - d. The retention of the structure would cause undue financial burden to the owner (the owner bearing the burden of proof). A determination of undue financial hardship may be granted only if the project complies with one of the following requirements:
 - e. For income-producing properties, the building or site cannot be used or rented at a reasonable rate of return in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This may include such items as:
 - iii) a report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure, or
 - iv) a report prepared by an appraiser on the fair market value of the property with and without approval of the demolition.
 - v) For non-income -producing properties, the building or site has no beneficial use as a residential dwelling or as a non-commercial use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This may include such items as:
 - vi) a report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure, or
 - vii) a report prepared by an appraiser on the fair market value of the property with and without approval of the demolition.
 - f. In approving a proposed demolition, the Development Review Board may require that the applicant provide, prior to demolition, detailed documentation of the structure's historic and architectural features, such documentation to be part of the permanent zoning records. Such documentation should meet the requirements of the Vermont Division for Historic Preservation for documenting historic buildings.
 - i) Demolition Timing and Delay: Within six months after a permanent or temporary building or structure has been destroyed or demolished, all evidence of that structure shall be removed from the site, and excavation thus remaining shall be covered over or filled to the normal grade with suitable fill. An abandoned structure must be safely enclosed.

- ii) If the DRB finds that the proposed demolition does not meet any of the above criteria, it may deny the application or impose up to a six (6) month delay period. The DRB shall direct the applicant to participate in an investigation of alternatives to demolition during the six (6) month delay period. The Demolition Delay decision shall be publicly posted.
- iii) After the six (6) month delay period, one additional public hearing shall be held to review the proposed demolition. If the DRB is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to find or accept alternatives to preserve, rehabilitate, relocate or restore the building or structure, the DRB may approve the demolition of the structure. If the applicant has not demonstrated that a reasonable effort has been made, the DRB shall deny the demolition.