

Minutes of the Select Board
Monday, January 20, 2025
28 N. Main St. and via Zoom

Attendance: Alyssa Johnson, Roger Clapp, Ian Shea, Kane Sweeney, Tom Leitz, Mike Bard

Public attendance: ORCA Media, Sandy Sabin, Chris Viens, Billy Vigdor, Martha Staskus, Evan Hoffman, Lisa ____

Zoom attendance: ORCA Media, Kati Gallagher, Amy Marshall-Carney, Lisa Scagliotti–Waterbury Roundabout

Call to order, 7:00 p.m. by A. Johnson.

Approval of agenda: R. Clapp motioned to approve the agenda with the exception of the consent agenda items because the minutes are not yet available. Seconded by K. Sweeney. No further discussion; **agenda was unanimously approved.**

Public comment:

Sandy Sabin, Waterbury Center:

- Regarding the town employees voting to unionize: She acknowledged how important employees are, as a former small business owner. A portion of the local options tax should go to the general fund in order to defray the cost of staffing, including the increased insurance deductible. The highly competitive marketplace at present means we risk losing valuable employees.
- S. Sabin expressed her concern that the town is in violation of the open meeting laws because minutes of the special and emergency meetings on Dec. 10-11 are still not posted on the website.
- She stated her position that I. Shea should have recused himself, per the conflict of interest rules and policies of procedures passed on March 18, 2024, from business and requests brought to the Select Board by WATA; the VP of the organization is I. Shea's partner. S. Sabin requested that an allocation previously approved for WATA be rescinded and re-distributed.
- A. Johnson replied that the issue would be put on the next meeting agenda. M. Bard noted that many folks on the select board and town committees are also members of other organizations, but being members alone doesn't create a conflict of interest. I. Shea responded that he didn't feel it necessary to recuse himself, but he is happy to take another look at the possibility of a conflict of interest.

Planning Commission Town Plan update:

M. Staskus, chair of the commission, reported:

- The commission is drawing on state resources, including a municipal planning manual, in order to understand this significant work. A plan empowers local decisions and guides town participation in state programs.
- The commission is using a phased process, starting with a community assessment that took place last August; it included a community survey and review of the current plan for current, missing, and outdated information. They are applying for a grant of \$30k from the Agency of Commerce

& Community Development (ACCD) Municipal Planning grant fund (\$3K town match); awards won't be announced until some time in April.

- The next phase will be “community visioning,” and the committee has drafted some target dates in March and April (one will be virtual, the others in person), after Town Meeting. They will work to get the word out at every public opportunity and gathering.
- By summer they hope to have their data and a consultant on board to move them through the final phases: identify goals and objectives, then finally map out a vision of the future.
- M. Staskus summarized that the scope of work is beyond what the current budget will cover but they are working to refine the budgetary needs. She concluded with an ask for guidance about how to fund immediate needs (printing supplies, etc.) while the grant process plays out.

Discussion and questions:

- M. Bard asked for clarification of the deadline as December 2026, per state requirements. M. Staskus confirmed Dec. but a draft needs to be completed well before so that there is time for public comment and revision; her goal is to have a draft some time in the first quarter of 2026.
- K. Sweeney noted the accelerated timeline and M. Staskus said they feel behind schedule after starting work in August, necessitating the acceleration of efforts. B. Vigdor said they are focused on being intentional but snappy in the work.
- R. Clapp asked, from his new role as executive director of Revitalizing Waterbury, to what extent the commission has taken on the economic development chapter and worked with Owen Sette-Ducati, town economic development director. M. Staskus replied that O. Sette-Ducati has been excellent and very responsive. R. Clapp followed up to ask how much money the commission thinks it needs, before the voters have a chance to vote on the budget; M. Staskus re-emphasized the immediate need for materials with which they can promote and implement community visioning workshops, estimating about \$1k. T. Leitz said there is a Professional Services line item for such needs.
- A. Johnson asked what are the important ways for the select board members to be engaged in this process. M. Staskus replied that the most important thing is to encourage people to participate at every opportunity; we need everybody. A. Johnson noted that on the town website, people can find all of the Planning Commission's information under Boards & Committees → Planning Commission. She also offered Town Meeting Day as an opportunity to announce or distribute information. M. Staskus said the commission hopes to table there. A. Johnson said they will follow up. M. Bard recommended contacting WDEV and asking for time to talk about the town plan process.
- I. Shea asked if the community survey is still open. M. Staskus replied that the survey is now closed because they need to start compiling the data; however, the visioning sessions will afford people further opportunity to weigh in. A community member asked how many surveys were completed; M. Staskus answered that 409 surveys were submitted, and the survey was open for about 3 months. Follow-up question: would the commission consider re-opening the survey for one more month? M. Staskus answered they would discuss the idea at their next meeting, but at some point they have to draw the line.
- C. Viens asked how the economic challenges are being accounted for in the visioning process; M. Staskus acknowledged how the different chapters (housing, education, economic development) overlap on that topic.

Review draft warning for Town Meeting:

A. Johnson reminded the selectboard that the draft warning to be reviewed tonight is Jan. 20, and the warning period is Jan. 23-Feb. 2. The selectboard will not be approving anything formally tonight because it will not be legal for Town Meeting. The board needs to find another special meeting time to finalize the warning.

- A. Johnson suggested moving Articles 4 and 5 because it is important to address these articles at a time when attendance is often strongest. K. Sweeney asked why these articles can't be combined. T. Leitz said he would check with counsel; it's likely perfectly legal, but encouraged the board to think about specificity and whether they want to combine them. M. Bard recommended adding clarifying language that these articles are asking to replace the practice of voting from the floor at Town Meeting. A. Marshall-Carney supported M. Bard's suggestion that the language explicitly state how adoption of these articles would change the function of Town Meeting. A. Johnson noted that the legal warning does have particular specifications, so perhaps there might be other ways to convey the information more clearly.
- R. Clapp added that a member of the select board is expected to provide explanation and context before the voters discuss and vote. C. Viens expressed surprise that these articles are still on the table because if people vote without gaining understanding of what they are voting on through Town Meeting discussions, the results could be catastrophic. Lisa Walton further encouraged a reminder about tradition in the selectboard's presentation of the article.
- Article 7, on claims of officers: A. Johnson will be prorating her selectboard compensation to R. Clapp for his many months of service.
- Article 8, on setting the date for tax rates: T. Leitz said counsel recommended embedding the dates and rates in the article. Preferred dates for staff are Aug. 8 and Nov. 7, due to how dates align with EFUD billing and the workload necessary to complete all tasks. A. Johnson asked about how dates have been adjusted in the past because it has been difficult to get the school tax rates. T. Leitz acknowledged it does always feel like we're under the gun to get those rates; we shouldn't plan on the school rates not being available. R. Clapp wondered if it would be better to move at least the August date back to make more time for receiving the school tax rate (Aug. 22). A. Johnson confirmed that all board members were in agreement with both specifying the dates and rates in article 8, and moving the first date to Aug. 22.
- Article 9, for general government highway and library expenses: T. Leitz said counsel again recommended putting the actual amounts or estimated rate in the warning. He recommended specifying dollar amounts because they are already embedded in the budget, as well as the wording "estimated" rate. A. Johnson asked T. Leitz to clarify with counsel whether "estimated" is allowed in the legal warning.
- Article 10 on purchase of a fire vehicle: T. Leitz reported that counsel suggested using "repaid" instead of "transferred." Same with Article 11. T. Leitz also clarified that authorization of funds is not the same as actually borrowing/acquiring the funds; the latter depends on the amount in the town's overall cash and in the local option tax fund. The funds authorized in articles 10 and 11 are the maximum, and won't be needed in full for another 18 months. M. Bard asked if moving the tax due date back to Aug. 22 negatively affects our liquidity. T. Leitz said yes, but only for a week or two; additionally, we have borrowed from ourselves in the past to cover a short period.
- Article 12 for spending money from capital funds for capital projects. T. Leitz repeated counsel's recommendation that the amount of money be specified. He also noted there is no legal

requirement for article 13 to exist because the amounts are already embedded in the town budget (article 9). The other option is to separate out as different articles the town budget, the capital budget, and the local tax allocations. R. Clapp and M. Bard supported having the three separate votes and keeping articles 12 and 13.

- Revisiting the placement of articles 4 and 5 in the warning, K. Sweeney proposed reversing the order of articles 4 and 5 with articles 6 and 7. M. Bard proposed moving articles 4 and 5 to after article 8. C. Viens asked K. Sweeney why he is a proponent of Australian ballot; K. Sweeney responded that the data shows the Australian ballot to be an inherently more democratic process. A. Johnson confirmed board agreement that articles 4 and 5 would remain in the warning and be placed after article 8.
- Articles 14 and 15 cover requests for funds under \$2k from external organizations, and article 16 covers requests above \$2k. K. Sweeney recommended combining articles 14 and 15 because they are all requests under \$2k; as written, article 14 refers to “same request as last year” and article 15 refers to “different amount requested this year.” R. Clapp said having increased requests as separate articles is important for transparency. M. Bard stated that a representative from each of the requesting organizations should be in attendance at Town Meeting to answer questions and advocate for the funding, especially if requesting over \$2k.
- A. Johnson reminded the board that there isn’t anything about 2024 local option tax funding on the warning. K. Sweeney said even if we held that vote again about the 2024 LOT, the motion would likely pass again. S. Sabin said I. Shea’s strong points in the meeting at which WATA was allocated funds tainted the vote. A. Johnson clarified that everything on the warning is framed as the 2025 budget and these articles don’t account for the full amount that the town has.
- C. Viens asked if Town Meeting is gutted if articles 4 and 5 pass. T. Leitz answered that everything would move to Australian ballot in 2026 if those articles are approved.
- C. Viens asked about the process if the budget is rejected. T. Leitz answered that the board would go back to the drawing board just like the school districts. The meeting for a vote would have to be warned again and any spending during that time would be discretionary; the process would take about a month. He supported the town moving to a fiscal year budget for these very reasons.
- A. Marshall-Carney asked if there was a plan to improve communication around these kinds of issues. She also said that in the name of full transparency, there doesn’t seem to be a drawback to including the 2024 LOT allocations in the warning since the money is already spent. A. Johnson confirmed that this information will definitely be included in the town report; she also noted some steps being taken to increase communication, but it’s something to keep thinking about. The selectboard will further discuss this topic before finalizing the warning.
- M. Bard asked why we didn’t have an article for other business since we can only have discussion about what is legally warned. T. Leitz said there can be such an article, but the conversation itself wouldn’t be legally binding. M. Bard would like an opportunity to hear from voters about whether “Have Your Say Day” was a valid exercise. K. Sweeney suggested a non-binding resolution expressing the board commitment to the day as another informational event. R. Clapp also noted that the option of changing the time of Town Meeting isn’t on this agenda warning.

A. Johnson summarized the work that needs to be done on the draft warning: articles 2 and 3 to be finalized; articles 4 and 5 go after article 8 and clarifying clauses added; minor wording changes to articles 10 and 11; minor wording changes to article 13; articles 14-25 will be kept as drafted, with the

possible omission of article 15 after further review; budget numbers will also added to the relevant articles. R. Clapp said the moderator has jurisdiction to insert legislative reports and Keith Wallace Award.

Wesley United Methodist Church parking agreement:

T. Leitz met with Skip Flanders about minor changes, including appropriate insurance language. Counsel has reviewed the agreement. R. Clapp asked how the town would enforce parking restrictions. T. Leitz said in the same way as currently, using a private towing service. There will be 15-20 spaces and one handicap space. T. Leitz would address the selectboard about amending the town parking ordinance at a later date if the board adopts this agreement and the church also signs it.

- **R. Clapp moved to accept the proposed agreement for parking at the church, 56 S. Main St., seconded by K. Sweeney.**
- I. Shea asked how the town would inform the public when the church parking lot needs to be closed to public parking. T. Leitz answered signs and cones.
- A. Johnson called for a vote and **the motion passed unanimously.**

Municipal ethics, Act 171:

T. Leitz reviewed the state's website for the new ethics laws at www.vlct.org/topics-all/ethics-and-conflicts-interest.

- He will draft a code of ethics for the selectboard, which is now required to be posted on the town website. The code would include a process for investigating any complaints. Whistleblower protections have been extended to municipal employees.
- Another new requirement is to appoint a liaison to the state ethics commission. T. Leitz suggested he be that person, given his particular role and direct access to counsel. K. Sweeney expressed concern that the ethics liaison is also a member of the selectboard or the municipal manager, as that could present a chilling effect or conflict of interest. T. Leitz said the code of ethics and investigation procedures should account for that.
 - **R. Clapp moved to nominate T. Leitz as the town's ethics liaison; seconded by I. Shea.** A. Johnson said a letter from the state ethics commission said the liaison should be an employee; there is some lack of clarity on what it means to be a liaison in this capacity.
 - **Friendly amendment from M. Bard to include that the selectboard chair be the backup liaison; accepted by both R. Clapp and I. Shea.**
 - **Motion as amended: To designate the town manager as the town's liaison to the state ethics commission, with the selectboard chair designated as backup.**
 - A. Johnson called for a vote and **motion passed with 4 in favor; A. Johnson abstained as selectboard chair.**

T. Leitz requested a motion to designate the town manager as the person to whom ethics complaints should be reported.

- **R. Clapp moved to designate T. Leitz as recipient of ethics violations complaints. K. Sweeney seconded with an amendment to name town manager and not T. Leitz specifically. R. Clapp accepted the amendment.**

- **Motion as amended: To designate the town manager as the officer to receive complaints alleging ethics violations.**
 - Question about whether someone else should be notified besides the town manager as a check.
 - T. Leitz said that from a practical perspective, that's something to be addressed in the full policy; those complaints could go to a designated email that can be viewed by the selectboard as well.
 - R. Clapp amended his motion again to address this concern.
- **Motion as amended a second time: To designate the town manager as the officer to receive complaints alleging ethics violations, with a copy going to the selectboard chair. K. Sweeney seconded this amended motion.**
- A. Johnson called for a vote and **motion passed with 4 in favor; A. Johnson abstained as selectboard chair.**

T. Leitz also noted that he along with several other town officers serving on policy and legislative bodies will be required to take an online ethics training before September. R. Clapp said S. Sabin did note an infraction during the public comment period and it should be explicitly addressed at a meeting in the near future.

Board, committee, and manager updates:

A Johnson, Housing Task Force update: The task force received a grant to run a series of educational workshops on increasing housing capacity, in partnership with the Library and their adult education series. The first workshop is Feb. 11, on zoning and permitting. Subsequent workshops on Mar. 18 (design and construction), Apr. 15 (financing), and May 13 (property management). All workshops will take place in the S.A.L. Room in the Library and on Zoom. Cheryl Casey has been hired via the grant to be project manager for these workshops.

T. Leitz, Manager Report:

- Another piece of flood damage was found in late Nov. on Barnes Hill Rd. (a chunk of the shoulder that can't be seen from the road was lost) and FEMA will pay that claim; he is hoping the work can be done in the next month. Another spot at the Loomis Hill bridge experienced some washout. This project isn't yet FEMA-approved; the town needs to provide a pre-storm inspection report. The bridge is safe and the project isn't a very large one, but it would still be good to have it paid for.
- Stanley Wasson subdivision and sale update: He hopes to have a draft option agreement at the Feb. 3 selectboard meeting for the town to put a down payment and secure an option to the site.

Next meeting agenda:

Special meeting is needed to finalize and warn Town Meeting agenda since the next regular meeting on Feb. 3 is too late. The selectboard agreed to January 27 at 7:00 p.m. in the Steele Room. Discussion of the 2024 LOT allocation and the WATA funding will also be on the agenda.

Other agenda items to be addressed on Feb. 3: ethics policy; Wasson agreement. R. Clapp added an invite to state reps. Wood and to discuss public safety in route 2 neighborhood and an impact statement that would help improve safety there.

Parking lot: Church parking agreement.

Next meetings: January 27, 2025 at 7:00 p.m. special meeting; February 3, 2025 at 7:00 p.m. regular meeting

Executive session:

K. Sweeney moved to find that premature public knowledge of a labor relations agreement would place the Town of Waterbury at a substantial disadvantage. R. Clapp seconded. Motion passed unanimously.

K. Sweeney moved to enter executive session and invite the town manager; seconded by I. Shea. Motion passed unanimously.

The selectboard moved into executive session at 9:24 p.m.