

**Minutes of the Waterbury Select Board**  
**Monday, February 3, 2025 | 7:00 p.m.**  
**28 N. Main St. and via Zoom**

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

**Public attendance:** Billy Vigdor, Chris Viens, ORCA Media, Caleb Ainsworth, Lisa Scagliotti, Theresa Wood, Gary Eldred, Matt Dugan

**Zoom attendance:** Amy Marshall-Carney, ORCA Media, Elisabeth, Shawnee Perry, Tori T., Roy Schiff

CALL TO ORDER by A. Johnson at 7:05 p.m.

**Approval of agenda:** A. Johnson removed consent agenda item a) and added 4 liquor license applications to item b).

- **K. Sweeney moved to approve the agenda as amended, removing item a) and adding first class license application and outdoor consumption permit from Stowe St. Cafe, first class license application from Farmhouse Flowers, and second class license application from Woodstock Farmers' Market in the consent agenda. R. Clapp seconded.**
- No further discussion. **Motion approved unanimously, 5-0.**

**Approval of consent agenda:**

**K. Sweeney moved to approve the consent agenda as amended. M. Bard seconded.**

No further discussion. **Motion approved unanimously, 5-0.**

**Public comment:**

C. Ainsworth expressed concern about traffic at Brookside Primary School during pickup time in the afternoon. He reported his observations of dangerous, impatient driving and people blowing through stop signs to the state police, who said they would look into it. they would do their best to look into it.

- C. Ainsworth said he would just like a presence that keeps people in check and a police presence doesn't seem like a lot to ask for. He asked for clarification on what residents should expect out of the town's contract with the state police.
- A. Johnson thanked C. Ainsworth for the comment and referred the matter to the town manager. M. Bard expressed agreement about the traffic congestion challenges at Brookside.
- C. Viens asked about filling the open crossing guard role. T. Leitz said historically the school has taken on that task, but he doesn't know officially whose responsibility it is.
  - CV spoke to the larger problem of drivers running stop signs and speeding on residential streets.
  - K. Sweeney suggested speed cameras, but T. Leitz said there is a state constitutional issue regarding privacy with implementing speed cameras.
  - A. Johnson noted that some of the agenda items for the meeting will touch on these issues as well.

M. Bard thanked everyone from Winterfest, noting it was highly successful and well-attended.

### **Route 2 neighborhood public safety:**

R. Clapp thanked State Reps. Wood and Stevens for convening a meeting a couple of months ago in response to a number of complaints from residents along Rt. 2 about habitual disturbances.

- A lot of good testimony was collected and the state's attorney, who was at the meeting, suggested that victim impact statements would be helpful for her to achieve successful prosecution of the offenders.
- He stated that the Selectboard now wanted to follow up to offer support in gathering these statements from residents.

T. Leitz said the state's attorney's office was pressed for additional strategies, but they restated that victim impact statements would be the most useful way to address the problem, with the more documentation that could be gathered, the better. His office is happy to assist.

G. Eldred reported that activity seems to have slowed down a lot in the winter months and the problem individuals don't seem to be around.

- He expressed his concern for the spring when more people are out and about again.
- He has also documented a list of concerns and called state police on a number of occasions, but the response has been lacking. He has not placed any calls recently.

C. Ainsworth also has property in that neighborhood and phoned the police a few times on his tenants' behalf. He reported seeing a police vehicle at one of the problem homes on his way to tonight's meeting.

K. Sweeney said the Rt. 2 neighborhood isn't the only group wondering where the state police are and what our contract is supposed to cover. He acknowledged that the police are short-staffed and stretched thin, but suggested speaking with VSP leadership again to better understand when they plan on being in Waterbury.

R. Clapp said there is a path forward and the major task for the Selectboard is to encourage submission of victim impact statements.

C. Viens said that what troubles him the most about these issues is that they are so detrimental to our community because they involve drug activity, and state police should be taking this more seriously.

A. Johnson summarized the current contract with the state police, which stipulates that they provide two officers at 40 hours/week; however, overriding concerns in the county will take them elsewhere.

- G. Eldred said the problems usually happen in the middle of the night when the officers are on call, but not on duty.
- T. Leitz was assigned point person for moving things to next steps.

### **Natural Disaster Preparedness Manual review:**

M. Dugan, secretary of the Natural Disaster Preparedness Committee, gave a summary of the manual's contents.

- The manual is written both for those experienced and those who have no experience at all in flood disaster response.
- Still considered a living document—content will be added and revised as expertise is gained and lessons are learned.
- This manual focuses on flooding for obvious reasons, but many of the lists and tasks will transfer to other kinds of natural disasters, which can be fleshed out in future iterations of the manual.
- The manual is written from the perspective of a volunteer who has done cleanup; a larger, trained volunteer corps needs to be recruited.

- CReW has provided their feedback on the manual's contents as well.
- Next steps include
  - orienting the new coordinator once that person is hired, and
  - undertaking tasks in the communication realm that are identified in the manual.
  - Committee sees its future role as advising and supporting the new coordinator, and equipping the volunteer corps.

**Discussion:**

- M. Bard commended the task force on the manual and expressed his concern that it is geared almost entirely to flooding while the potential for other disasters does exist. Wildfires, for example, might be a danger. Flooding just happens to be at the forefront of our minds these days.
- R. Clapp asked about the viability of undertaking a pre-flood assessment of the historically vulnerable households and businesses to collect data that can make the triage process more efficient during recovery—in other words, a kind of “status inventory.”
  - M. Dugan said part of the communication plan in the first place is to inform property owners about how they can be best prepared. Volunteer corps could be used to help people move things out of their basements and garages in dry times, for example.
  - M. Dugan added that CReW is interested in some of the same issues and that coordination will be important.
  - K. Sweeney said there is a discussion about where town responsibility ends and home/property owner responsibility begins. The manual is clear about what is feasible for the town to do.
- M. Bard wondered if there was some way the town could work with the solid waste management district to help people get rid of things; cost is often a deterrent. T. Leitz said there might be, but their budget is also limited, and assisting the residents also means using tax dollars.
- M. Dugan said the committee has given a lot of thought to priorities, and the top of their list is establishing and training the volunteer corps. K. Sweeney said the Selectboard should play a significant role in helping the committee build that volunteer corps.
- I. Shea asked about the process for updating the manual, and whether that would be the new coordinator's responsibility; further, given the overlapping responsibilities of the town and CReW, whether the manual does a sufficient job of articulating the distinctions between the roles.
  - M. Dugan said the committee hasn't yet addressed what the manual update process would look like but there is more to learn and more efficiencies to identify. The distinction between the two organizations is response (town) and recovery (CReW). Conversations with CReW have been useful, and both K. Sweeney and T. Leitz have been important supporters and resources.
- M. Bard referred to page 8 of the manual about “communication with the community in the event of a disaster” and emphasized the importance of access to broadcast radio. M. Dugan said the committee chair John Malter has spoken with WDEV and the station is very willing to be available. The committee will look to narrow the important channels of communication to reach the largest possible number of community members in the event of a disaster.
- A. Johnson summarized the next steps: the committee will continue its present path of developing communications and a volunteer corps, and the selectboard will continue providing support. T. Leitz is reviewing candidates for the coordinator position.

### **BRIC grant application:**

T. Leitz gave a summary of the grant application.

- The grant provides 80% federal funding to a 20% local match for a proposed project.
- In this case, the grant money would further a hydrology study that covers more ground than what was completed after Tropical Storm Irene. With much-improved technology now available, once the base hydrology modeling is done, it's possible to do plug-and-play scenarios for flood prediction and response.
- We were encouraged to apply by the State Department of Emergency Management; they used what data they had to fill out a large portion of the application for us.
- There has been chatter about federal spending, but if there are grants still on offer, the town should apply for them.

R. Schiff, principal water resources engineer at SLR Consulting, which is conducting the study, added that the parameters around a number of areas used in the first, smaller study, have changed because of recent flooding events.

- He shared a map showing the region that would be included in the study: along the Winooski River from the Bolton Dam to the Ice Center, and then up to Kneeland Flats.
- Drone Lidar and on-the-ground surveying will be used to create a GIS map and update the modeling.
- Once the modeling is updated, it would be available for future use by the town, as well as for testing mitigation alternatives now. The final concept design for mitigation would then determine next steps.

### **Discussion:**

- R. Clapp asked whether SLR is working with other communities like Middlesex, Moretown, Bolton, which CReW is also serving right now. R. Schiff said they aren't specifically working on flood mitigation in these communities at present, but models eventually come together to cover a larger region. The current project is local to Waterbury.
- A. Johnson asked how this scope overlaps with the earlier study after Irene. R. Schiff responded that the previous model was more approximate and conceptual; the technology has improved to be more precise in its modeling.
- T. Leitz said the grant is due Feb. 8 and is substantially written. No clear timeline on when we would hear. The town's 20% responsibility is not worked into the budget this year because he does not expect the funding to come that quickly.
- In response to a question from A. Marshall-Carney, R. Schiff said the Thatcher and Graves Brooks are the primary tributaries included in the study.
- In response to a question from C. Viens, R. Schiff said that given the volatility of recent storms and their variability in severity for different locations, the modeling will be able to play out different scenarios to account for such variables; additionally, some gauge analysis is happening to gather data about increased intensity of storms. Examples of past projects can be provided, but the question of success of efforts can be complicated and outcomes also vary by town.
- B. Vigdor brought up three questions:
  - Will the study include where Thatcher Brook crosses Twin Peaks Rd off of Kneeland Flats? The damage last July in this area was significant. R. Schiff said he would make a note about that area.

- Is there any part of the study that would address the debris filling up the culverts? R. Schiff said the hydraulic model operates in clear flow; however, consideration of debris, especially in culverts, is incorporated into their simulations because that issue has come up a lot.
- To the selectboard: The planning commission's recent survey showed that people are frustrated by a perceived lack of action, especially with regards to the cornfield. At present, it appears that no action will begin until 2026, so communication needs to be done to get out in front of a potential backlash. Consider low-hanging fruit, secondary projects that could be done in the meantime.
- R. Clapp asked if projections are improving; they were far off in earlier floods but spot-on for the latest. R. Schiff answered that the variability in kinds of flooding presents a challenge; the July floods each behaved differently and predictions were jumping all over the place hour-to-hour. Predictive models are growing more sophisticated and better predictive models do better at sorting through this variability.

**Motion by K. Sweeney to approve the submission of the Waterbury BRIC grant application for the flood mitigation study; seconded by R. Clapp.**

- M. Bard made a friendly amendment to add the amount of the grant, \$166,560, to the motion.
- This amendment was accepted by K. Sweeney and R. Clapp.

**New motion: To approve the submission of the Waterbury BRIC grant application in the amount of \$166,560 for the flood mitigation study.**

No further discussion. **Motion passes unanimously, 5-0.**

**Downtown Transportation Fund application:**

T. Leitz summarized the application process and timeline

- He talked with Public Works about paving Bidwell Lane, replacing 5 lampposts to match the new ones in downtown, adding sidewalks on Foundry St., and adding a crosswalk (location still under consideration).
- With these projects, the budget comes to \$224,000, but that amount doesn't include wayfinding (signage for restaurants out of the way), which would run another \$3k - \$5k. The grant has a maximum of \$200k, so he will do a relatively quick triage on what to keep in the application and submit it by the deadline on Feb. 17.
- A 20% match will be necessary if the grant is awarded, but this did not to be accounted for in this year's because the work wouldn't begin until the following budget year. Typically, the match comes in Public Works hours. If the grant is awarded, the work would take place over a couple of years.

A. Johnson explained that the town qualifies for this grant as a designated downtown, but the next Selectboard meeting happens just after the application is due. Therefore, the board needs to pass a resolution empowering T. Leitz to finalize and submit the grant application based on this discussion.

**Municipal resolution:**

*WHEREAS, the Municipality of Waterbury is applying for funding as provided for in the State of Vermont FY 2025 Budget Act and may receive an award of funds under said provisions; and  
WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and*

*WHEREAS, the municipality has agreed to provide local funds for a downtown transportation grant.*  
*Now, THEREFORE, BE IT RESOLVED*

- 1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of the grant program including a commitment to match funds of 20% of total project cost;*
- 2. That the Municipal Planning Commission recommends applying for said Grant*

R. Clapp recused himself from discussion and voting as executive director of Revitalizing Waterbury  
**Motion by K. Sweeney to approve the resolution on downtown transportation grant funding; seconded by I. Shea.**

No further discussion. **Motion passed with 4 in favor and R. Clapp abstaining.** Those not abstaining signed the resolution. Martha Staskus, chair of the planning commission, will be asked to sign as well.

#### **Ethics policy:**

A. Johnson explained that the legislature passed a municipal code of ethics, effective Jan. 1, 2025, 24 V.S.A. §1991-1999. The first three sections (1991-1993), which cover definitions, conflicts of interests, and prohibited conduct, respectively, are under review at this meeting.

**Motion by R. Clapp to affirm 24 V.S.A. §1991-1993; seconded by K. Sweeney.**

#### **Discussion:**

- T. Leitz noted that this new law effectively supersedes the Selectboard's own policy; the two aren't dramatically different, but the statute's language is broad, which might create some challenges. He highlighted:
  - The conflict of interest section speaks to both the conflict and the appearance of conflict. It also gives a reasonable definition of what isn't a conflict.
  - Because the statute is new and unfamiliar, combined with its broad language, it will be difficult not to make an unforced error; he recommended the Selectboard members keep a copy close by for reference.
  - Training is required for the Selectboard and some other municipal officers, but it is not yet available.
- BV expressed concerns about the vagueness of much of the language in the conflict of interest part as compared to the policy adopted by the Selectboard.
- T. Leitz said that the Selectboard will have to adopt procedures for investigating claims of conflicts of interest.

No further discussion. **Motion passed unanimously, 5-0.**

#### **Board, Committee, and Manager updates:**

A. Johnson reminded the board members that their report for the Town Report needs to be submitted by Wednesday, Feb. 5; please submit feedback to her by tomorrow. She also reminded everyone that the first Building Better Waterbury workshop from the housing task force is Feb. 11, at 6 p.m. in the Library SAL Room; the topic is zoning and permitting requirements and state fire inspection requirements.

T. Leitz reported he had a second meeting with Bill Woodruff and UVM students doing a project related to the flood storage capacity of the cornfield if it was made into a natural wetland without losing the recreation path.

**Next meeting agenda:**

- K. Sweeney requested someone from VSP leadership attend to answer questions; T. Leitz will follow up.
- A. Johnson requested a general discussion about natural disaster recovery communication and plans.
- T. Leitz asked for moving the sidewalks discussion out of the agenda parking lot.
- A. Johnson proposed a review of committee liaisons and the function of that role.
- A. Johnson added the script review for Town Meeting, so that a meeting would not be needed the night before Town Meeting.

Parking lot addition: stage two of ethics policy from the state.

**K. Sweeney moved to enter executive session for discussion of real estate purchase options; seconded by R. Clapp. Motion passed unanimously, 5-0.**

**Selectboard moved to executive session at 9:12 p.m.**

*Minutes respectfully submitted by Cheryl A. Casey.*