

Minutes of the Special Meeting of the Waterbury Selectboard
Monday, January 27, 2025 | 7:00 p.m.
28 N. Main St. and via Zoom
APPROVED

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

Public attendance: ORCA Media, Chris Viens, Lisa Walton, Tom Gloor, Sandy Sabin, Evan Hoffman

Zoom attendance: ORCA Media, Karen Dean, Michelle Ryan

CALL TO ORDER, 7:04 p.m. by A. Johnson

Approval of agenda:

Motion by R. Clapp with correction in consent agenda item c) - that all words after “Winterfest” be struck. K. Sweeney seconded.

- Discussion: K. Sweeney asked for item c) to be removed from the consent agenda because he has a conflict of interest on that one item. Selectboard agreed to move item c) to after public comment.
- **Agenda approved unanimously.**

Approval of consent agenda:

Motion by K. Sweeney to approve consent agenda as amended. M. Bard seconded. Consent agenda approved with R. Clapp abstaining.

Public comment:

Tom Gloor, Waterbury, asked if there was a plan to upgrade sidewalks that are now falling apart. He wondered about the long term strategy for maintaining and repairing.

- T. Leitz responded that there have been a number of internal conversations and he suggested that when we do sidewalks, we should do them all because it would be a better price per square foot. The project isn't included in this year's budget. The sidewalk work also monopolizes a couple of members of the crew for quite a while, which isn't ideal. The final piece is the likelihood of the town applying for a grant from the downtown transportation fund to add sidewalks along Bidwell Lane.
- Chris Viens recommended that sidewalks have foam placed underneath when they are upgraded or added; it made a significant difference with the sidewalks at the Municipal Complex.
- M. Bard cautioned against reinvesting in sidewalks that are in good shape just because we're trying to do them all at the same time.

Special events permit: —former item c) in consent agenda

Motion by M. Bard to approve special events permit for WYC LLC to pour samples in Rusty Parker Park in support of Winterfest events. **Seconded by I. Shea. Motion passes with K. Sweeney and R. Clapp abstaining.**

Warning for Town Meeting:

The selectboard reviewed the draft articles to finalize them for public warning. They additionally determined the order of presentation and who would introduce each motion on the floor.

- Article 1 - no further discussion; R. Clapp will introduce.
- Articles 2 and 3 will be voted on by Australian ballot.
- Article 4 - no further discussion; A. Johnson will introduce.
- Article 5 - no further discussion, but because it pertains to the board specifically, R. Clapp will recruit a non-selectboard member to introduce this motion.
- Article 6 - this article has been amended since the last meeting to specify Aug. 15, 2025 as the first due date for taxes, and Nov. 7, 2025 as the second. No further discussion; K. Sweeney will introduce.
- Article 7 - T. Leitz noted that the tax day due time has been moved later than routine municipal office hours in response to citizen feedback and requests.
 - M. Ryan confirmed that last year the due time was 5:30 p.m.
 - T. Leitz said people came in no later than 5:30 p.m. last year, and it was only two people.
 - General agreement that 5:30 p.m. is appropriate for people to turn in their payments after work.
 - Article also specifies the 8% penalty charge for late payments.
 - No further discussion; M. Bard will introduce.
- Article 8 - T. Leitz reported that after consulting with counsel, “as opposed to a floor vote” can be added as a clarifying phrase, but press coverage beforehand will likely head off confusion; as a general rule, keeping articles brief and concise is preferred. Discussion followed:
 - C. Viens asked for wording to acknowledge that moving to Australian ballot would lead to the end of the traditional town meeting.
 - L. Scagliotti suggested adding the word “future” to clarify the article refers to 2026 and thereafter.
 - A. Johnson acknowledged that the selectboard wants people to be crystal clear on what they are voting on; a legal review would be necessary if any additional wording is changed.
 - E. Hoffman said the article should spell things out as explicitly as possible. People might not realize this is the article that would remove Town Meeting if passed.
 - L. Walton said she cannot reconcile the legal recommendation to be brief and the community need to understand. If people don’t understand what they’re going to vote for, people might be really unhappy after the fact. She emphasized the need to use the word “traditional” with regards to this article’s implications for the future of Town Meeting. M. Bard suggested that the language in the warning might not get people to Town Meeting who might otherwise attend if they understood the stakes. L. Scagliotti said she anticipates big headlines and a lot of discussion in the public sphere; she will also pitch this for the Times-Argus print edition.
 - K. Sweeney asked if adding “as opposed to a floor vote” is legally acceptable in order to make the clarification? T. Leitz responded that legally, if the article cites a statute, no one can later say it was unclear. Within the articles themselves is not necessarily the place to enunciate it. A. Johnson added that the selectboard’s role is to take legal advice and make

the best decisions for the town; the tradition of town meeting itself is to provide a legal warning.

- Originally decided that K. Sweeney would present this motion. C. Viens requested that someone else present this article because of a perceived bias. The selectboard agreed that R. Clapp will introduce.
- R. Clapp and M. Bard requested that T. Leitz go back to counsel for advice on what can be added for clarification purposes.
- Article 9 - This item requires further legal review for the same reasons as Article 8. I. Shea will introduce.
- Article 10 - T. Leitz corrected some numbers. No further discussion; M. Bard will introduce.
- Article 11 - No further discussion; K. Sweeney will introduce.
- Article 12 - No further discussion; A. Johnson will introduce.
- Article 13 - No further discussion; I. Shea will introduce.
- Article 14 - M. Bard asked T. Leitz for clarification on the amount allocated for the planning and conservation commissions. T. Leitz responded that the \$50k in the budget will be added to a \$30k grant. No further discussion; R. Clapp will introduce.
- Article 15 - M. Bard recommended this motion come from a resident instead of a selectboard member; he will recruit someone to introduce.
- Articles 16-26 - K. Sweeney noted these articles are typically introduced by members of the public. T. Gloor clarified that anyone requesting money would have to petition the selectboard to have an article included on the warning if Town Meeting goes away.

Review of 2024 Local Option Tax (LOT) allocations:

Overview: On Sept. 13, 2024, the selectboard voted to allocate \$159,285 to reduce the overall Town debt and to allocate \$70,000 to pave a 3,250' portion of Guptil Road near Murray Dr. This money has already been spent. On Nov. 18, 2024, the selectboard voted on allocating \$100,000 to create a Housing Trust Fund; this money has not yet been moved.

Discussion of allocations of LOT funds in general:

- A. Johnson asked whether the payment reducing overall Town debt included interest? T. Leitz responded that since it was a prepayment of future debt, interest is avoided.
- R. Clapp asked if the debt balance has any bearing on the tax stabilization fund (TSF)? T. Leitz responded not yet, but it would if the 2025 articles are passed. The fund was established a long time ago when the school district was created, and has grown over the years, sitting at about \$1M now. Since the fund was created by the voters, it can only be utilized by the voters; however, the town may take 5% from the fund in any given year to stabilize the budget. T. Leitz also explained that LOT and TSF are a little bit redundant, but that is something to be discussed down the road.
- R. Clapp asked if the town would have the capacity to put LOT funds into an interest-bearing account. T. Leitz said it's a balancing act between funds, but we do earn substantial interest on our cash. M. Bard asked if voter approval would be needed to merge the two accounts. T. Leitz said yes, and it would be an example of a public question in the future.

Discussion of 12/23 meeting, when \$7,000 of the LOT was allocated to WATA to rebuild lower sections of the Main and Campfire Climb trails. This money has also not yet been moved.

- Review of Jan. 20 meeting, when the WATA allocation was brought up by a member of the public as a matter of concern because I. Shea’s partner is a member of the WATA board. The original vote on 12/23 passed 4-1, with all in favor except M. Bard, who voted nay.
- I. Shea responded that he did not think there was a conflict of interest in voting on this matter, so he didn’t think he needed to recuse himself; however, he understands that the appearance of a conflict of interest is a concern and he would be happy to have the vote retaken with him recusing himself.
- R. Clapp expressed appreciation for I. Shea stepping forward and offering to recuse himself if the vote is retaken. He would be willing to revote and **motioned to affirm the vote previously taken on 12/23 allocating \$7,000 to WATA using LOT funds. Seconded by K. Sweeney.**
- Discussion:
 - R. Clapp recollected I. Shea’s contribution to the discussion was directed toward the topic of the pump park where kids learn to get into mountain biking, and this does not rise to a level of conflict of interest in his consideration. The vote itself was on the main climbing trail, which accesses all of the PerryHill trails used by the public. A lot of people come to town for these trails, so the trails are an economic driver helping to generate the LOT funds we’re discussing.
 - T. Gloor pointed out that the 11 articles going before Town Meeting that are all under \$7,000 suggest that this allocation should have waited and been included in the articles for town meeting. The trails are a public good, but the LOT is something of a windfall for this town and maybe should be decided on by the public. WATA will likely do these repairs anyway, even with volunteer work. He advocated for the vote to be taken to Town Meeting.
 - M. Bard agreed and noted the “creep” of special articles has been consistent over the years. He is concerned that this allocation only sets a precedent for more groups to request more money.
 - A. Johnson explained that the challenge of the 2024 LOT funds is that none of it was predicted as revenue in the budget. The selectboard decided to make the allocations in their best judgment, and they looked to the fact that the budget already includes quite a bit of money for local nonprofit organizations.
 - S. Sabin explained that her original concern was the denial of funds for the requests made by the skate park and pickleball group, which are groups promoting activities on town property; however, the Perry Hill trails are on state property. She can not find any place publicly that informs the voters about this allocation. She agreed it should be an article in the 2025 warning.
 - K. Sweeney noted that people affiliated with the selectboard are often also members of nonprofit groups all over town. If we were to rescind a vote that passed with a majority because someone on the selectboard is affiliated with a requesting organization—and is not benefitting monetarily as a result of the vote—a concerning policy would be set. R. Clapp agreed, noting his own transparency about now being executive director of Revitalizing Waterbury. Despite the perception, it is quite debatable there is a real conflict of interest
 - S. Sabin said conflicts of interest don’t have to be monetary, according to the ethics document signed by the selectboard. If voters feel like the money is truly needed for the project, then they will approve an article.

- M. Bard acknowledged that he originally voted against the allocation, he would vote to affirm the original vote because of I. Shea's acknowledgement that he should have recused himself; the integrity of the vote would be maintained.
- **Vote on the motion to affirm the original vote passes with 4 in favor and I. Shea abstaining.**

Board, Committee, and Manager Updates:

- A. Johnson reminded again about the workshops being offered by the Housing Task Force.
- M. Bard: There will be a legislative mixer at the State House on Feb. 25, held by the Association of Housing and Homelessness Alliance of Vermont.
- K. Sweeney reported that the natural disaster preparedness committee met earlier in the evening and is looking forward to the selectboard's review of the handbook. They have fulfilled their mission and would like a new mission instead of dissolving. K. Sweeney would like to discuss ideas with them further before bringing suggestions to the selectboard.
- T. Leitz reported on the 33 N. Main St. FEMA buyout. Evidence was found of an above-ground spill of an oil tank, with one other suspected tank in the ground. The location used to be a gas station. They are applying for money from the ground cleanup fund, with the deductible paid by the owner. A path forward for FEMA buyout to happen is there, but it's complicated and will take another 6 months or so. There are also concerns about the railroad because it isn't uncommon for other contaminations to be identified on such properties abutting railroads. Vermont Emergency Management invited the town to apply for a BRIC grant, and they have filled out the application substantially for us. The application will be ready for review hopefully soon.

Next Meeting Agenda:

- Special meeting needed to sign off on warning, which would be the only agenda item: Wednesday, Jan. 29, 2025 at noon in the Steele Community Room.
- Feb. 3 agenda - No changes, but add "sidewalks" to the parking lot.

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, returned at 9:08 p.m.

K. Sweeney motioned to adjourn; seconded by M. Bard. Motion approved unanimously.

ADJOURNMENT, 9:08 p.m.

Minutes respectfully submitted by Cheryl A. Casey.