

I want to start by thanking the chair, the committee, and Representative Wood for inviting me to testify today. My name is Glenn Andersen and I have lived in Waterbury Center in the Town of Waterbury, Vermont for 25 years and have worked in many capacities since graduating the University of Vermont with a Bachelor of Science in Natural Resources. I have delivered judicial evaluations to the VT Judiciary, Pro Bono support for the Defender's General Office of this State, led plenary sessions on research for the North American Bar Executives of the American Bar Association and have been retained by Keurig's brand group for market research to name a few gigs.

In 1994 I put down roots here in VT at Meadow House, which is located across from the trailhead access to Mount Hunger- located in the C.C. Putnam State Forest. The VT Agency of Natural Resources (ANR), through the Department of Forests, Parks, and Recreation (DFPR), administers these public lands. We are adjacent to Waterbury municipal lands to the North and South, ANR lands to our East, and we placed a 40 acre easement over the Meadow to our West under which vast aquifers are coveted by developers in this Town for their economic gains and commercial profits. Towards that end, we would find ourselves in the position of having to protect our personal investments from the overly ambitious plans of the Village / utility district for this watershed.

When I bought Meadow House in 2000- from our current neighbors to the West- they were negotiating the sale of their water rights and claims to the Town. This is when a number of events happened that now form the basis for a potential legal challenge and grievances against the Town should H.716 pass as is.

At the time of my closing on this property, I was asked by the Town through the sellers' attorney if I would transfer our claims and rights to the commercial waters of these aquifers- to which I declined. We believe our case in VT Civil courts (if necessary) would demonstrate an overwhelming pattern of economic harassment and inappropriate use of governmental influence in shifting the course of events up here in the Hunger Ravines. This includes a parcel of land also adjacent to the CC Putnam State Forest and home to a critical wildlife corridor. We have been challenging a proposed sub-division on this land based on environmental grounds in the Superior courts, and are in the 16th month of this ongoing legal challenge. In addition to hosting black bears and many large mammals of significance, it falls in a watershed that had been previously altered when the State extracted rock from the quarry for I-89- and from what we can tell, without just compensation or environmental restoration. Nonetheless, the merits of our Environmental Appeal are real.

For the price we paid for Meadow House and conservation easements, it would have made no sense to give up our water claims- especially knowing our own plans and agricultural interests for our homestead. Subsequent language in the 2013 Waterbury municipal plan reflects an organized attempt to maintain a monopoly on the commercial

water advantages for the Village through the use of zoning to divert the pipeline advantages to some and not to others.

I invested a significant amount of money into my property knowing the scale of development in this Town would be held in check and relative to the VT statutes and charters of the Village- not a water or utility district with even more authority than in the previous charter. After two failed Waterbury Town / Village merger votes, it is more than obvious that the economic interests of the water and the extraterritorial expansion schemes are what is driving far too much of the rush for this charter amendment.

I, like other Townspeople outside of the Village/ Utility district, am concerned that this “separate but equal” utility district does not have our interests at heart and only delivers liabilities to the Town. We have already seen a disproportionate amount of high-volume water consuming companies exponentially increasing the overall take of water out of this watershed over the last five years. The most apparent visualization is the dried up stream beds and increasingly dried out Class 2 wetlands to our North here at Meadow House.

For context, Meadow House is located in an upstream position above the water supply facilities of the proposed Ed Farrer Utility District. I believe the District would benefit from unintended loopholes in H.716 that shift powers extensively away from public accountability and environmental responsibility. I am testifying as both a neighboring landowner to the municipality, but also on behalf of the recreational interests of the Worcester Range Collective- a roughly 100-150 member coalition. @WRCVT on FB.

That said, we are also proposing a unified management plan for lands in this utility district that ensures a balanced and sustainable use of these resources. The overwhelming benefit of the water for commercial interests in the Village is obvious but it is now negatively impacting the health of the upper elevation ecosystems, wetlands, and neighboring property values- for those of us that would be tethered adjacent to this new corporate entity.

The following is a comparison of the existing Waterbury Village charter with H.716 and as it pertains to the boundaries of the Village and the powers of the Village with respect to providing the water supply. Considering the vote to rebrand the Village as a utility district was only 224-83 (in a Town of 5000 people)... we advocate for greater due diligence in addressing the language details of this bill further. The impact of annexation is not to be taken lightly- whether by village in name, or utility district. It is very concerning to me when entrusting this much power into an agency outside the spectrum of public accountability. The original charter is from 1902... 116 years ago.

Title 24 Appendix: Municipal Charters

Chapter 283 : Village Of Waterbury

24 App. V.S.A. ch. 283, § 1

§ 283-1. Boundaries

All that part of the Town of Waterbury embraced within a survey made by H. F. Smith on the 22nd day of October A. D., 1902, and found recorded in volume 28, pages 525 and 526 of the land records of the Town of Waterbury, and to which reference is hereby made, shall hereafter be known as the Village of Waterbury, and the inhabitants thereby are hereby incorporated and made a body politic and corporate by the name of the Village of Waterbury.

A comparison of Powers sections:

H.716

Sec. 3. 24 App. V.S.A. chapter 705 is added to read: 4 CHAPTER 705.

EDWARD FARRAR UTILITY DISTRICT

§ 5. POWERS

(a) The District shall have the power and authority to:

(1) own, operate, maintain, improve, and extend public water supply systems and sewerage collection, treatment, and disposal systems, all as provided by and with the benefit of the general laws of the State, currently existing and as may be amended and supplemented;

(2) levy taxes upon its grand list; establish rates, charges, and fees; and impose such assessments as allowed by law for any purpose for which it is authorized under this charter;

(3) hold, manage, purchase, and sell real estate, deposits, accounts, contract rights, investments, reserve funds, loan funds, and loan programs as it may acquire from the Village of Waterbury or otherwise; and

(4) incur debt for the purposes of and in the manner provided by general law.

(b) Extraterritorial water and sewer service may be provided under such terms as the Board of Utility Commissioners deems advisable.

ORIGINAL CHARTER

Chapter 283 : Village Of Waterbury

24 App. V.S.A. ch. 283, § 18

§ 283-18. Board of Water and Sewer Commissioners

(d) The Board of Water and Sewer

Commissioners shall not provide extraterritorial water or sewer services except as provided in this charter, nor shall the Board authorize any capital improvement indebtedness without the approval of the legislative body of the Village and approval of the Village of Waterbury when required by law. (Amended 2003, No. M-8, eff. May 21, 2003.)

24 App. V.S.A. ch. 283, § 10**§ 283-10. Powers of Village**

(12) To provide a supply of water for protection of the Village against fire and for the use of the inhabitants of the Village, and for other purposes: to establish, increase, maintain, and repair reservoirs, aqueducts, water pipes, pipe lines, and other necessary apparatus for and in connection with such water supply; to preserve, protect, maintain, and operate the same; and in the exercise of such powers the Village may take and hold by purchase or otherwise, within or without its corporate limits, ponds, springs, streams, water sources, water rights, and lands of individuals, associations, or corporations, and divert water from natural channels into its water supply, on making compensation therefor. But the Village shall not take, otherwise than by gift, devise, or purchase, water or a spring of water which the owner, lessee, or other person having a vested right or interest therein, or in the use thereof, may reasonably require for domestic or agricultural purposes or for watering stock. In taking lands, springs, streams, ponds, water sources, and the water thereof or water rights and diverting water from natural channels into its water supply, for the purposes of establishing, increasing, maintaining, and repairing reservoirs, aqueducts, water pipes, pipe lines, and other necessary apparatus for and in connection with its water supply, and for the purpose of increasing and making additions to the same and for the preservation, protection, maintenance, and operation of the same or any other purposes specified herein, the trustees of the Village shall proceed in the manner specified in subdivision (18) of this subsection. The Village in its corporate capacity is hereby authorized to sell and deliver water from said water system to such of the inhabitants of the Towns of Waterbury, Moretown, and Duxbury as may desire it.

The assignment of powers to the Utility Commissioner in H.716 is troubling considering it would allow for extraterritorial expansion without requiring a Town vote and it would have no public oversight outside of district insiders.

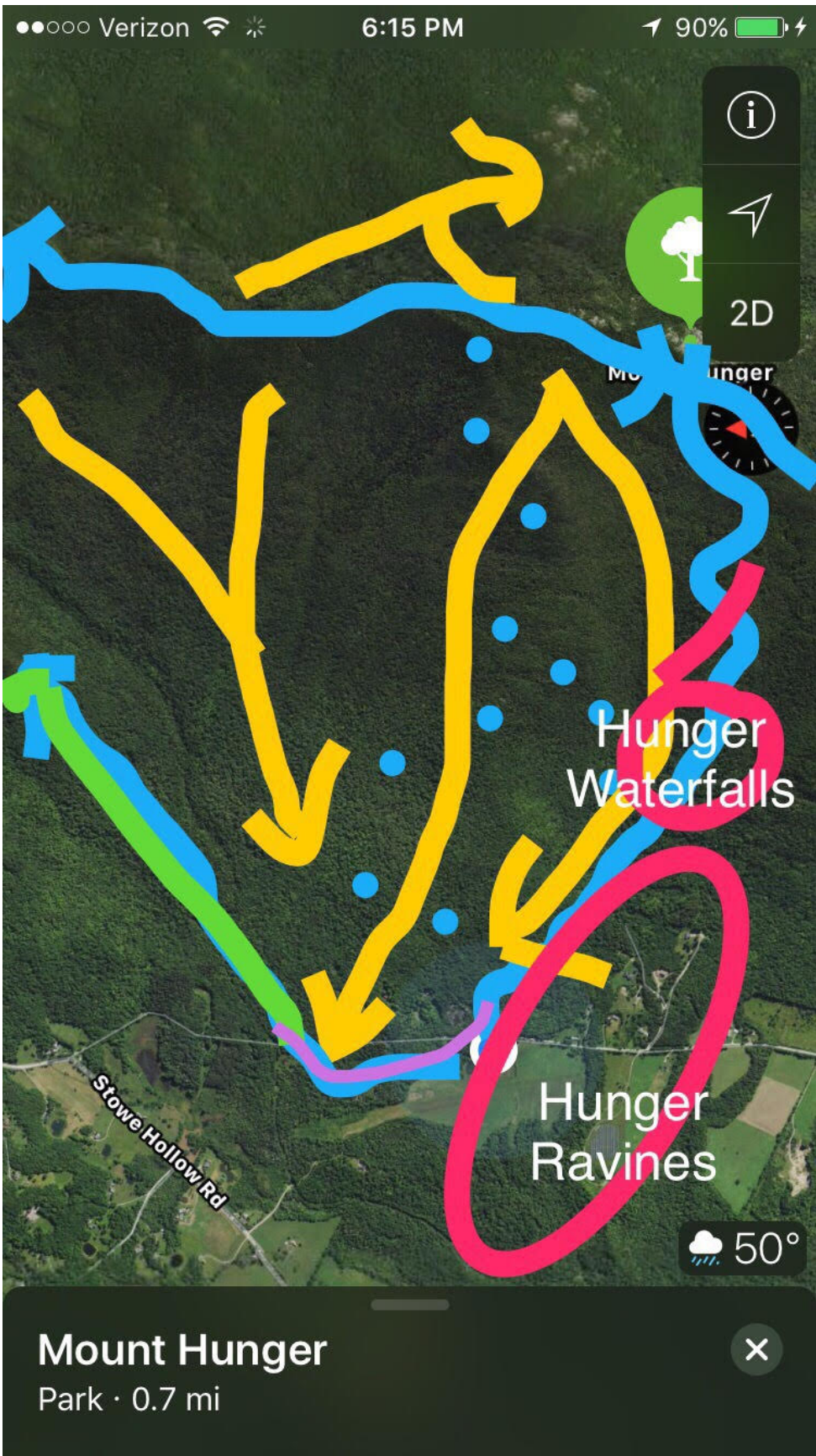
Attached in the aerial image (attached B), there is an enlarged pond impoundment feeding down into the Town forest. Wetlands are drying up from the demand on the watershed and this expansion of our pond would help maintain a constant water source flowing down the riparian path. By drawing from springs and using solar/hydro-powered wells we aim to regulate this water upstream of the Town water plant (and proposed water district assets) in order to restore a healthy ecosystem to these wetlands. We would be able to maintain a healthy stream flow for the wildlife to benefit from and a publicly conserved footpath to link trails into a 12-mile loop (see attached "B" and "C").

While this may not benefit the roasting of coffee or the canning of beverages- something we also enjoy doing from our homestead here at Meadow House- the water withdrawal levels have increasingly left the Class 2 wetlands and surface waters on this Town parcel of forest increasingly drier over the years. We believe there is a multifaceted solution to protect the environmental quality of the Headwaters, protect recreational interests in the backcountry, and avoid a long and contentious legal battle over water rights and institutional harassment.

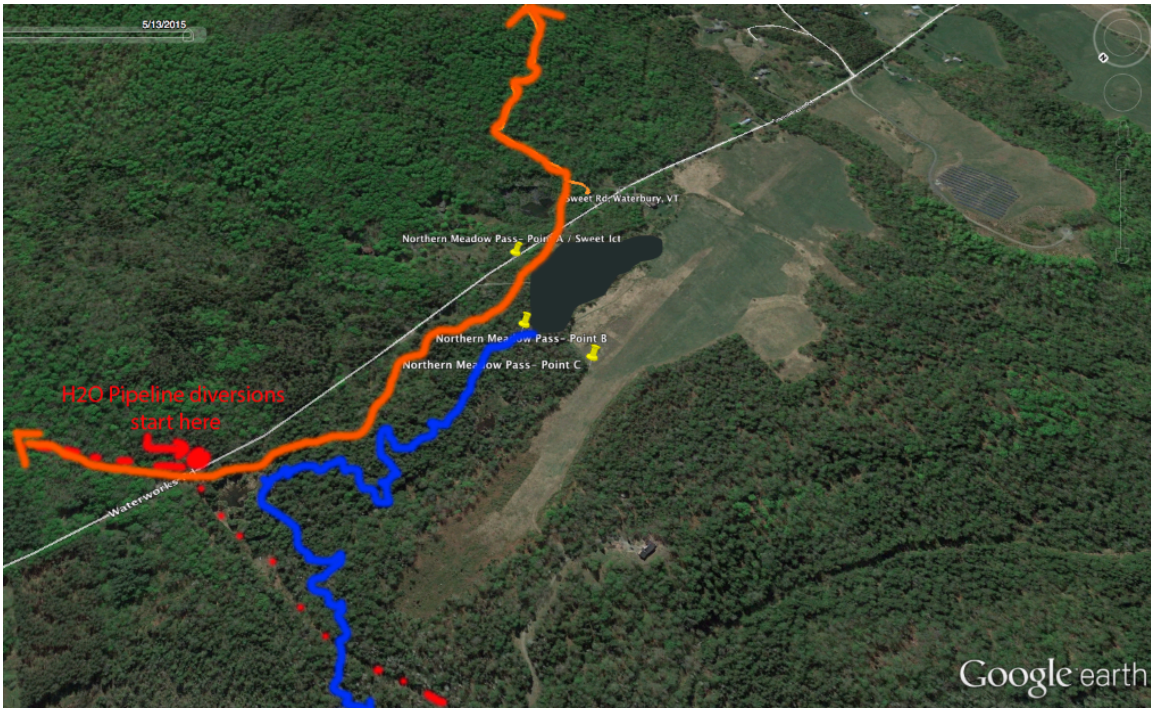
I would like to ask the committee to consider giving us some time to propose some language changes that may help alleviate future legal battles and help move H.716 forward. It is in moments of crisis when opportunity often is found. We look forward to contributing what we can in this effort and thank the committee for their time in reviewing this testimony.

Thank you for your time.

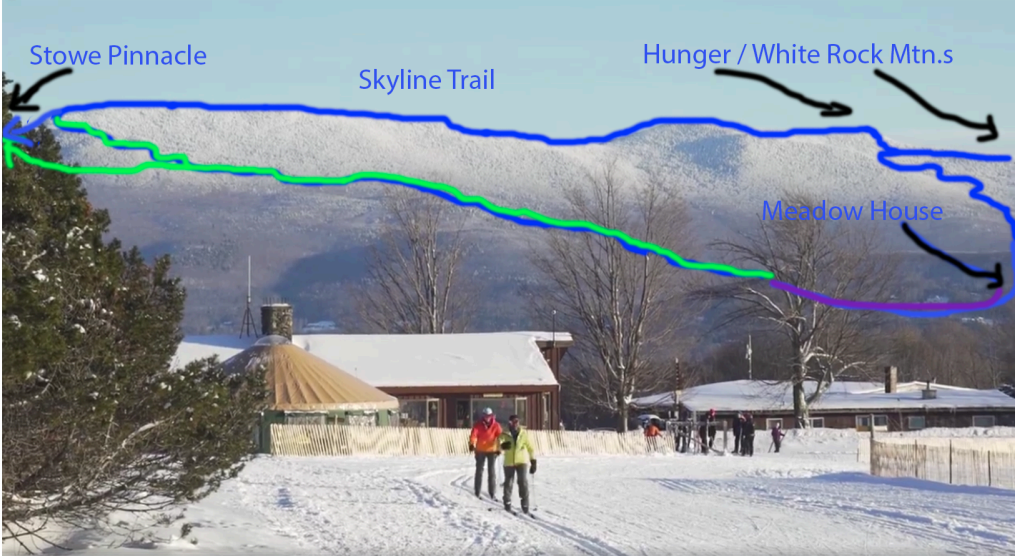
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A



B



C

Thursday March 29th 2018

House Government Operations: H.716

Testimony of Glenn Andersen

Comments

1. Legal challenges
2. Recreational interests and concerns
3. Environmental consequences and competing interests
4. Draft language proposals