



**TOWN OF HARTFORD  
SELECTBOARD AGENDA**

Tuesday, September 3, 2019 at 6:00 pm  
Hartford Town Hall  
171 Bridge Street  
White River Junction, VT 05001

**I. Call to Order the Selectboard Meeting**

**II. Pledge of Allegiance**

**III. Local Liquor Control Board: N/A**

**IV. Order of Agenda**

**V. Selectboard**

- 1. Citizen, Selectboard Comments and Announcements:** *There will be no comments taken from the public on Item 4.a Welcoming Hartford Ordinance or any related matter at this meeting.*
- 2. Appointments:** VLCT Annual Voting Delegate (Motion Required)
- 3. Town Manager's Report:** Significant Activity Report period ending September 2, 2019.
- 4. Board Reports, Motions & Ordinances**
  - a. Welcoming Hartford Ordinance
- 5. Commission Meeting Reports: TBD**
- 6. Consent Agenda (Mot Req.):**
  - Approve Payroll Ending: 8/24/2019
  - Approve Meeting Minutes of: 8/13/2019 & 8/19/2019
  - Approve A/P Manifest of: 8/23/2019 & 8/27/2019
  - Selectboard Meeting Dates of:
    - Already Approved: 9/10/2019 and 9/24/2019.
    - Needs Approval: 10/8/2019 and 10/22/2019.

**7. Adjourn the Selectboard Meeting. (Mot Req.)**

All Meetings of the Hartford Selectboard are open to the public. Persons who are seeking action by the Selectboard are asked to submit their request and/or materials to the Selectboard Chair or Town Manager's office no later than noon on the Wednesday preceding the scheduled meeting date. Requests received after that date will be addressed at the discretion of the Chair. Citizens wishing to address the board should do so during the Citizen Comments period, unless otherwise noted.



## **AGENDA MEMORANDUM**

**September 3, 2019**

**Town Selectboard Meeting Item: V.2**

**Submitted by: Brannon Godfrey, Town Manager**


**Subject:** VLCT Annual Meeting Voting Delegate

**Background:** The Vermont League of Cities & Towns (VLCT) will hold its annual meeting at 1:00pm on October 2, 2019 at Killington. The business meeting agenda typically includes the election of officers, the adoption of policy positions for the upcoming legislative session and other annual business.

**Discussion:** Each VLCT member municipality has one voting delegate at the Annual Meeting as designated by its governing body. The delegate may be a member of the Selectboard or other Town Official in attendance at the annual meeting.

**Financial Impact:** There is no direct financial impact.

**Recommended Motion:** Designate the VLCT Annual Meeting voting delegate for the Town of Hartford.

  
\_\_\_\_\_  
Town Manager

**Attachment:** Request Memo and Designation Form



To: Vermont Selectboards and City Councils

From: Dominic Cloud, President, VLCT Board of Directors

Re: VLCT Annual Business Meeting Voting Delegates and Procedure

Date: August 6, 2019

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As part of Town Fair, the Vermont League of Cities and Towns will hold its annual business meeting at the Killington Grand Resort Hotel in Killington, Vermont, **starting at approximately 1:00 p.m.** on Wednesday, October 2, 2019.

To ensure that all VLCT member cities and towns are properly represented and able to participate in the election of League officers, as well as any other business that may come before the meeting, we are asking you – as your municipality’s legislative body – to designate **one** official from your town as a **Voting Delegate** for the meeting. This designation will ensure that each town is heard and uses the vote to which it is entitled.

Please inform us of your designation by Friday, September 20. If necessary, designations may be made on the day of the Annual Meeting at the registration table, where designated delegates pick up their credential cards.

While all currently serving local officials may speak at the annual meeting, **only designated city or town delegates may vote.**

According to the VLCT bylaws:

“ARTICLE X SECTION 1. LEGISLATIVE POLICY – The broad outline of policies to be supported by the Vermont League of Cities and Towns during the ensuing legislative session will be developed by the legislative committees; reviewed, amended as needed and approved by the Board of Directors; and adopted at an annual or special meeting. Suggested policy amendments may also be presented by full members in writing prior to the meeting or on the floor at the meeting. The draft policy shall be presented at a duly warned meeting of the membership and shall become the legislative policy of VLCT if approved by a majority of votes cast at the meeting.”

The enclosed Voting Delegate Form is *not* a Town Fair registration form. If you want to participate in either day’s activities (workshops, trade show, lunch, and awards ceremony), please complete and return a Town Fair registration form with your payment, or register online at <http://www.vlct.org/training-events>. If you plan to attend *only* the Annual Meeting, please check the appropriate box on the attached voting delegate form.

*Sponsor of:*

VLCT Employment  
Resource and Benefits  
Trust, Inc.

VLCT Municipal  
Assistance Center

VLCT Property and  
Casualty Intermunicipal  
Fund, Inc.

Enclosure

**VLCT ANNUAL BUSINESS MEETING**  
**1:00-4:00 p.m.**

**Wednesday, October 2, 2019**  
**Killington Grand Hotel**  
**Killington, Vermont**

**DELEGATE DESIGNATION FORM**

We, the Selectboard/City Council of \_\_\_\_\_,

designate the following individual as the voting delegate for our city/town at the 2019 Annual Business Meeting:

_____ Name (please print)	_____ Position
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We understand that the above individual will represent the city/town as a voting member of the VLCT membership.

Signed,

_____ Chairperson	_____ Date
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Please return completed form by Friday, September 20, 2019, to VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602. You may also bring it with you to Town Fair.

Please note. This is ***not*** a Town Fair registration form. Visit [www.vlct.org/training-events](http://www.vlct.org/training-events) to register online.

If you plan to attend ***only*** the VLCT Annual Meeting (and Wednesday networking reception in the Foyer), please check the box below. There is no charge to attend either of these activities.

☐ **I will only attend the Annual Meeting.**



## AGENDA MEMORANDUM

September 3, 2019

Town Selectboard Meeting Item: 4.a

Submitted by: Brannon Godfrey, Town Manager

**Subject:** Welcoming Hartford Ordinance

**Background:** Since June, the Selectboard has considered, first, amendments to the Hartford Police Department Fair and Impartial Policing Policy, then later, versions of a Welcoming Hartford Ordinance that applies to all Town agents.

**Discussion:** To move the subject forward for action, the Selectboard will first consider whether to put options regarding this matter on the Town Meeting Ballot (motion required).


If this first matter is answered in the affirmative, the Selectboard will consider following options:

- Consideration of Ballot Language (motion required);
- Consideration of final versions of the proposed policies to bring before the voters (motion required);
- Consideration of the date of voting (motion required); and
- Other needed considerations pertaining to this issue. (info only)

### Financial

**Impact:** The financial impacts are substantial if an adopted policy or ordinance is in conflict with federal law.

**Recommendation:** Staff does not support proposed amendments to the existing Fair and Impartial Policing Policy. Staff believes that the most recent draft of the Welcoming Hartford Ordinance can be further improved, but recommends forwarding the question to the voters of the Town on Australian ballot at the Annual Town Meeting.

  
\_\_\_\_\_  
Town Manager

**Attachments:** Draft Ballot Language  
Welcoming Hartford Ordinance (August 29 version)  
Welcoming Hartford Ordinance (July 27 version)  
Proposed Amendments to Fair & Impartial Policing Policy

ARTICLE 1. Shall the Town of Hartford augment its existing Fair and Impartial Policing Policy with amendments or by passing an additional ordinance?

ARTICLE 2A. If Article 1 is approved, shall the Town of Hartford adopt a fair and impartial policing ordinance to be known as the Welcoming Hartford Ordinance, which Ordinance shall provide explicitly that its implementation shall not conflict with enforcement of state or federal enactments regarding collection, disclosure and sharing of information related to enforcement of federal civil immigration law?

OR

ARTICLE 2B. If Article 1 is approved, shall the Town of Hartford amend its Fair and Impartial Policing Policy in accordance with Draft Fair and Impartial Policing Policy Amendments dated 8/30/19 to provide that no information about an individual shall be shared with federal immigration authorities unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

## **Municipal Code of Hartford, Vermont**

### **WELCOMING HARTFORD ORDINANCE**

- **Title**
- **Purpose and intent**
- **Definitions**
- **Requesting information prohibited**
- **Disclosing information prohibited**
- **Conditioning benefits, services, or opportunities on immigrant status prohibited**
- **Civil immigration enforcement actions - Federal responsibility**
- **Savings Clause**
- **No private cause of action**
- **Exchanging file information**
- **Civil Ordinance; Authority**
- **Severability**

#### **Title**

This ordinance shall be known as the Welcoming Hartford Ordinance.

#### **Purpose and intent**

The Town Selectboard finds that the cooperation of all persons, citizens and non-citizens regardless of immigration status, is essential to achieve the Town's goals of protecting life and property, preventing crime and resolving problems. The Town Selectboard further finds that assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents.

Due to the Town's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the Town's goals, the Town Selectboard finds that there is a need to articulate its guidelines regarding the communications and enforcement relationship between the Town and the federal government. The purpose of this chapter is to establish the Town's procedures concerning immigration status and enforcement of federal civil immigration laws.

## **Definitions**

As used in this ordinance, the following words and phrases shall mean and include:

**Administrative warrant.** "Administrative warrant" means an immigration warrant issued by ICE, or a successor or similar federal agency charged with the enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

**Agency.** "Agency" means every Hartford Town department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or order of the Hartford Selectboard.

**Agent.** "Agent" means any person employed by or acting on behalf of an agency.

**Information regarding citizenship or immigration status.** "Information regarding citizenship or immigration status" means information regarding the legal status of individuals whether or not a citizen, and shall not include any other information such as release time, address, age, gender, etc. (This is the interpretation given by the United States Court of Appeals, Ninth Circuit, filed on April 18th 2019, see pg 892)

**Federal immigration authorities.** "Federal immigration authorities" means federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP).

**Immigration detainer.** "Immigration detainer" means an official request issued by ICE, or other federal agency charged with the enforcement of civil immigration laws, to another federal, state or local law enforcement agency to detain an individual based on a violation of a civil immigration law or notify ICE or other federal immigration agency of a person's release from custody.

### **Requesting information prohibited.**

No agent or agency shall request information about or otherwise investigate or assist in the investigation of information regarding citizenship or immigration status of any person unless such inquiry or investigation is required by Vermont State Statute, federal regulation, or court decision. Notwithstanding this provision, the Town Counsel may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the Town is or may be a party.

### **Disclosing information prohibited.**



No agent or agency shall disclose information regarding citizenship or immigration status of any person unless required to do so by statute or court order or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian.

This section shall not apply when such information sharing is necessary to an ongoing investigation of a felony, and the investigation is unrelated to the enforcement of federal civil immigration law.

Any agent or agency that makes contact with any Federal Immigration authority shall submit a report to the Selectboard regarding the nature and extent of such contacts within two months.

**Conditioning benefits, services, or opportunities on immigrant status prohibited.**

No agent or agency shall condition the provision of Town of Hartford benefits, opportunities, or services on matters related to information regarding citizenship or immigration status unless required to do so by statute, federal regulation, or court decision.

Where presentation of a Vermont driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Vermont driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated I-9 forms.

**Civil immigration enforcement actions - Federal responsibility.**

No agent or agency shall:

1. arrest, detain or continue to detain a person solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;
2. arrest, detain, or continue to detain a person based on an administrative warrant, including one entered into the Federal Bureau of Investigation's National Crime Information Center database, or successor or similar database maintained by the United States, when the administrative warrant is based solely on a violation of a civil immigration law;

3. detain or continue to detain a person based upon an immigration detainer when such immigration detainer is based solely on a violation of a civil immigration law;
4. use citizenship and immigration status as criteria for citation, arrest, or continued custody under Rule 3 of the Vermont Rules of Criminal Procedure;
5. make warrantless arrests or detain individuals on suspicion of “unlawful entry,” unless the suspect is apprehended in the process of entering the United States without inspection;
6. accept requests by federal immigration authorities to support or assist in operations that are for civil immigration enforcement; or
7. permit federal immigration authorities access to a person being detained by, or in the custody of, the agent or agency.

Unless necessary to an ongoing investigation of a felony and the investigation is unrelated to the enforcement of federal civil immigration law, no agent or agency shall:

1. permit federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose.
2. respond to federal immigration authorities inquiries or share information about an individual with federal immigration authorities, except information regarding citizenship or immigration status. Prohibited information includes but is not limited to the individual’s custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains.

An agent or agency is authorized to communicate with federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law.

### **Savings Clause**

Nothing in this ordinance is intended to prohibit or impede any Town agency, officer or employee from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent that this ordinance, or any Town law enforcement policy or practice, conflicts with the lawful requirements of 8 U.S.C. §§ 1373 or 1644, said provision of this ordinance or said policy or practice is, to the extent of such conflict, abolished.

### **No private cause of action**

This chapter does not create or form the basis for liability on the part of the Town, its agents, or Agencies.

The exclusive remedy for violation of this chapter shall be through the Town's disciplinary procedures for agents under regulations including but not limited to this Town's personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations.

For purposes of ensuring compliance with the provisions of this ordinance, the Governor or any Selectboard member may request the Human Rights Commission (HRC) to conduct an investigation of an agent or agency of the Town of Hartford to determine if it is in compliance with the Vermont Fair Housing and Public Accommodations Act (VFHPAA 9 V.S.A. §4502)

### **Exchanging file information**

All applications, questionnaires, and interview forms to be completed and submitted after the passage of this ordinance used in relation to Town of Hartford benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any information regarding citizenship or immigration status, other than those required by statute, ordinance, federal regulation or court decision, shall be deleted within 60 days of the final effective date of this ordinance.

### **Civil Ordinance; Authority**

This ordinance shall take effect as a civil ordinance. It is not a criminal ordinance. This ordinance pursuant to authority and powers of the Town of Hartford, Vermont as set forth in the Town of Hartford Municipal Charter as codified in Title 24 (Appendix) of Vermont Statutes, Chapter 123A.

### **Severability**

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity

shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the Selectboard that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

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Due to the Town's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the Town's goals, the Town Selectboard finds that there is a need to articulate its guidelines regarding the communications and enforcement relationship between the Town and the federal government. The purpose of this chapter is to establish the Town's procedures concerning immigration status and enforcement of federal civil immigration laws.

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### **Requesting information prohibited.**

No Agent or Agency shall request information about or otherwise investigate or assist in the investigation of Information regarding citizenship or immigration status of any person unless such inquiry or investigation is required by Vermont State Statute, federal regulation, or court decision. Notwithstanding this provision, the Town Counsel may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the Town is or may be a party.

### **Disclosing information prohibited.**

No Agent or Agency shall disclose Information regarding citizenship or immigration status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian.

This section shall not apply when such information sharing is necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

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No Agent or Agency shall condition the provision of Town of Hartford benefits, opportunities, or services on matters related to Information regarding citizenship or immigration status unless required to do so by statute, federal regulation, or court decision.

Where presentation of a Vermont driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Vermont driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated I-9 forms.

**Civil immigration enforcement actions - Federal responsibility.**

No Agent or Agency shall:

1. arrest, detain or continue to detain a person solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;
2. arrest, detain, or continue to detain a person based on an Administrative warrant, including one entered into the Federal Bureau of Investigation's National Crime Information Center database, or successor or similar database maintained by the United States, when the Administrative warrant is based solely on a violation of a civil immigration law;
3. detain or continue to detain a person based upon an Immigration detainer when such Immigration detainer is based solely on a violation of a civil immigration law;

4. use citizenship and immigration status as criteria for citation, arrest, or continued custody under Rule 3 of the Vermont Rules of Criminal Procedure;
5. make warrantless arrests or detain individuals on suspicion of "unlawful entry," unless the suspect is apprehended in the process of entering the United States without inspection; or
6. accept requests by Federal immigration authorities to support or assist in operations that are for civil immigration enforcement.

Unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law, no Agent or Agency shall:

1. permit Federal immigration authorities access to a person being detained by, or in the custody of, the Agent or Agency;
2. permit Federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose; or
3. Respond to Federal immigration authorities inquiries or share information, except as authorized by the Savings Clause below, about an individual with Federal immigration authorities. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains.

An Agent or Agency is authorized to communicate with Federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law.

### **Savings Clause**

This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, Information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.



### **No private cause of action**

This chapter does not create or form the basis for liability on the part of the Town, its Agents, or Agencies.

The exclusive remedy for violation of this chapter shall be through the Town's disciplinary procedures for Agents under regulations including but not limited to this Town's personnel rules, union contracts, civil service commission rules, or any other Agency rules and/or regulations.

For purposes of ensuring compliance with the provisions of this ordinance, the Governor or any Selectboard member may request the Human Rights Commission (HRC) to conduct an investigation of an Agent or Agency of the Town of Hartford to determine if it is in compliance with this ordinance. The HRC may also initiate an investigation at its own discretion. The HRC or its designee may, within a reasonable time frame, inspect the records, policies, procedures, and training materials related to this ordinance, unless such investigation would impede or compromise a pending litigation or criminal prosecution. Any records obtained by the HRC that are exempt from public inspection and copying under the Public Records Act shall remain exempt and shall be kept confidential to the extent required by law. Following an investigation pursuant to this subsection, the HRC shall notify the Hartford Selectboard and the Town Manager of the results of the investigation, including any issues or deficiencies identified, and shall identify available resources and technical assistance to the Agency or Department Head to address such issues or deficiencies. The Selectboard will also take action as needed.

### **Exchanging file information**

All applications, questionnaires, and interview forms to be completed and submitted after the passage of this ordinance used in relation to Town of Hartford benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any Information regarding citizenship or immigration status, other than those required by statute, ordinance, federal regulation or court decision, shall be deleted within 60 days of the final effective date of this ordinance.

### **Civil Ordinance; Authority**

This ordinance shall take effect as a civil ordinance. It is not a criminal ordinance. This ordinance pursuant to authority and powers of the Town of Hartford, Vermont as set forth in the Town of Hartford Municipal Charter as codified in Title 24 (Appendix) of Vermont Statutes, Chapter 123A.

### **Severability**

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the Selectboard that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

# Draft Fair and Impartial Policing Policy Amendments

8/30/2019

## PURPOSE

The purpose of this Order is adoption of the VCJTC Model Policy, and to reaffirm the requirement that all members of the Hartford Police Department conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status, when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. The Hartford Police Department is required to adopt each component the Vermont Criminal Justice Training Council's model fair and impartial policing policy, but may adopt additional components. [\*The Hartford Police Department has adopted additional components.\*](#)

**Policy** - Employees are prohibited from engaging in biased policing. This means no member of the Hartford Police Department shall take actions based on any personal characteristics, or immigration status, except as described below, in the services our employees provide to the community in connection with our law enforcement activities.

## I. INTRODUCTION

Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust personal characteristics, or immigration status, should have no adverse bearing on an individual's treatment in the Hartford Police Department's custody. Enforcement of civil immigration law is a federal responsibility and agencies should not engage in such enforcement except as otherwise outlined in this policy. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out for scrutiny on the basis of the personal characteristics or immigration status.

To achieve these objectives the department will implement a combination of best practices including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.

## II. Definitions

- A. **Biased policing** - is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.

- B. **Personal characteristics** - May include but is not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socio-economic status.
- C. **Immigration status** - Generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, “lawful permanent resident,” “temporary worker,” “refugee,” and “undocumented.”
- D. **Reasonable suspicion** - Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.
- E. **Probable cause** - Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.
- F. **Member / employee** - any employee employed by the Hartford Police Department, regardless of their assigned tasks or duties.
- G. **Federal immigration authorities** - federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration ~~Control~~ and Customs Enforcement (ICE), and U.S. Customs and Border ~~Patrol~~Protection (CBP).

### III. Policing Impartially

- A. As required by law, all enforcement actions by law enforcement officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, etc. must be based on reasonable suspicion, probable cause or other or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.
- B. Department members may take into account reported race, ethnicity or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents and is combined with other identifying information.
- C. Under federal and state law, law enforcement agencies are required to provide qualified interpretation services, either in person or telephonically, to any person in need of it. The Hartford Police Department shall not contact federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means. Unless one of the exceptions included in Section VIII applies, the members of the police department shall not ask about the immigration status of the person for whom interpretation is sought.

#### **IV. Community Relations**

To cultivate and foster transparency and trust with all communities each member<sup>s</sup> of the police department shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:

- A. Be courteous and professional;
- B. Introduce him/herself to person (*providing name and agency affiliation*), and state the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety, or a criminal investigation;
- C. Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense, and members shall convey the purpose of the reasonable delays;
- D. Members shall provide his/her name verbally when requested, and may also provide the information in writing or on a business card;
- E. In addition to the above, members should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation.

#### **V. Responding to Bias-Based Reports or Reports Regarding Bias from the Community**

- A. If any member or employee receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, he/she will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that the shift supervisor will be in contact at the first opportunity.
- B. The shift supervisor should attempt to familiarize the caller with the Hartford Police Department Fair and Impartial Policing policy. If the caller is concerned about the person's perceived immigration status, the caller should be referred to federal authorities.
- C. At the conclusion of the call, the shift supervisor will document the contact using The Hartford Police Department incident report system.
- D. If a Police Department receives a report of a potentially biased or hate-motivated incident, the member shall either dispatch an officer to evaluate the complaint or refer the caller to the officer in charge.

#### **VI. Training**

- A. The Hartford Police Department will ensure that, at a minimum, all members and employees are compliant with Council and legislative requirements regarding fair and impartial policing training.
- B. Additional trainings may include but not be limited to instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, and victim/witness services.

## **VII. Accountability and Compliance**

- A. The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
- B. All members are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor and the department's internal investigation function. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
- C. State law requires all Vermont law enforcement agencies to conduct valid investigations of alleged biased law enforcement, even if the named member or employee resigns. Effective July 1, 2018, Hartford Police department is required to report to the Criminal Justice Training Council instances in which officers have willfully engaged in biased law enforcement or substantially deviated from policies prohibiting such enforcement. The regulating authority may, in turn, impose sanctions up to revocation of officers' certification.<sup>1</sup>
- D. Violations of the policy shall result in appropriate disciplinary action as set forth in the Hartford Police Department's rules and regulations. Supervisors shall ensure that all employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.

## **VIII. Establishing Identity**

- A. Police officers may make attempts to identify any person they detain, arrest, or who come into the custody of the Hartford Police Department.
- B. Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to; driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. All

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<sup>1</sup> VT Act 56 (2016), codified in 20 V.S.A. § 2402(2) (biased enforcement as Category B unprofessional conduct), § 2403 (duty to report to Council), § 2404 (duty to investigate) and § 2406 (Council-issued sanctions).

identification is subject to reasonable scrutiny and follow-up for authentication consistent with the provisions of this policy.

- C. An individual shall not be stopped or detained solely for the purpose of establishing his or her identity. However, if the individual has already been stopped for a lawful purpose, he or she may be subject to objectively reasonable additional detention in order to establish identity (*e.g., inquiry into identity during the course of a lawful traffic stop*).
- D. In exercising their discretion to use federal resources to establish an individual's identity, members of the Hartford Police Department should remain mindful that;
  - Their enforcement duties do not include civil immigration enforcement and
  - The Hartford Police Department stands by its mission to serve all Vermonters, including immigrant communities, and to ensure trust and cooperation of all victims/witnesses.
- E. Contact with federal authorities made to determine an individual's identity is restricted to the purpose of determining his or her identity, ~~though this provision does not prohibit any communication governed by 8 U.S.C. §§ 1373 and 1744~~. See Section XII below.

### **Due Process, Immigration and Citizenship Matters**

#### **IX. Civil Immigration Law: Stops, Detention, Arrest, Admin. Warrants & Detainers**

Members of the Hartford Police Department do not have authority to enforce federal civil immigration law. The Constitution's Fourth Amendment and the Vermont Constitution's Article 11 right against unreasonable search and seizure apply equally to all individuals residing in Vermont.

- A. Members will not inquire of a person about that person's immigration status unless it is necessary to the ongoing investigation of a criminal offense. Agency members shall not use individual personal characteristics to ask about or investigate immigration status. ~~This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644~~. See Section XII below.
- B. Members shall not facilitate the detention of undocumented individuals or individuals suspected of being undocumented by federal immigration authorities for suspected civil immigration violations. ~~This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644~~. See Section XII below.
- C. Members shall not initiate or prolong stops for the purpose of enforcing civil immigration matters, such as suspicion of undocumented status, nor shall they prolong stops for the purpose of allowing federal immigration authorities to conduct such investigation.

- D. Members shall not arrest or detain any individual based on an immigration "administrative warrant" or "immigration detainer." These documents have not been issued or reviewed by a neutral magistrate and do not have the authority of a judicial warrant. In addition, these documents do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution.
- E. Members shall not hold for, or transfer people to, federal immigration agents unless the federal agents provide a judicial warrant for arrest. An immigration detainer is not a warrant and is not reviewed by a judge, and therefore is not a lawful basis to arrest or detain anyone. Valid criminal warrants of arrest, regardless of crime, shall not be confused with immigration detainers. This provision does not affect the proper handling of arrests and detentions associated with judicially-issued criminal arrest warrants.
- F. Personal characteristics and/or immigration status, including the existence of a civil immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes such as referral to diversion or a Community Justice Center. Furthermore, personal characteristics and/or immigration status shall not be used as a criteria for citation, arrest, or continued custody under Rule 3 of the Vermont Rules of Criminal Procedure.
- ~~F. In assessing whether to seek continued custody under Vermont Rule of Criminal Procedure 3, police officers shall not presume that undocumented individuals necessarily present a risk of flight. Instead, such judgments shall be made on the facts presented in each case, rather than made simply on the basis of immigration status. In addition, personal characteristics shall not be used as a reason to arrest someone instead of citing them, and personal characteristics shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3.~~
- ~~G. Personal characteristics and/or immigration status, including the existence of a civil immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes such as referral to diversion or a Community Justice Center.~~

## **X. Federal Criminal Law: Border Crossings**

~~Police officers have authority to enforce federal criminal law. Unauthorized border crossings by persons who are not U.S. citizens or nationals can be a federal crime. (Generally speaking, unauthorized entry is a misdemeanor and unauthorized re-entry following prior deportation or immigration removal is a felony.). All laws and constitutional rights applicable to criminal investigations apply to the enforcement of federal criminal law. However, mere unauthorized presence in the country (e.g., overstaying a visa) is not a federal crime, but a civil infraction.~~

Hartford Police Department members shall not make warrantless arrests or detain individuals on



suspicion of “unlawful entry,” unless the suspect is apprehended in the process of entering the United States without inspection.

- ~~A. As stated in Section IX(a), members of the Hartford Police Department shall not inquire of a person about that person’s immigration status unless it is necessary to the ongoing investigation of a criminal offense.~~
- ~~B. Members shall not use individual personal characteristics to ask about or investigate immigration status. (For example, they cannot ask someone about immigration status merely on the basis race, color, or perceived national origin.)~~
- ~~C. This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644. See Section XI below. When a member is contacted by federal authorities please refer to Section XI, Collaboration with Federal Immigration Officers.~~

## **XI. Victim and Witness Interaction**

The cooperation of immigrant communities is essential to prevent and solve crimes and maintain the safety and security of all residents. The following provisions are intended to support crime victims/witnesses and enhance trust between the police and community.

- A. Members of the Hartford Police Department shall not ask about or investigate immigration status of crime victims/witnesses, except as allowed in subsections (b) and (c) below. Federal law does not require law enforcement officers to ask about the immigration status of crime victims/witnesses.
- B. To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, members will not ask about, or investigate, immigration status of crime victims/witnesses unless information regarding immigration status is an essential element of the crime *(such as human trafficking)*.
- C. If a victim/witness is also a suspect, members should follow the provisions in Section IX related to stops, detention and arrest and Section IX (a) related to ongoing criminal investigations.
- D. Members will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. Members should communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses. In considering whether to contact federal authorities members shall not share information about crime victims/witnesses with federal immigration authorities, unless it is with the individual’s consent. ~~pursuant to 8 U.S.C. § 1373, members should remain mindful that:~~
  - ~~• Their enforcement duties do not include civil immigration enforcement and~~

- ~~● The Hartford Police Department stands by its mission to serve all Vermonters, including immigrant communities, and to ensure the trust and cooperation of all victims/witnesses.~~

E. Members may, in appropriate situations, advise an individual that if they are undocumented they may be eligible for a temporary visa.<sup>2</sup>

## **XII. Collaboration with Federal Immigration Officers**

Members of the Hartford Police Department have no obligation to communicate with federal immigration authorities regarding the immigration or citizenship status of any individual. ~~Two federal statutes, 8 U.S.C §§ 1373 and 1644, provide that local and state agencies and officials may not prevent or restrict their employees from communicating with other government officials (for example, ICE or CBP) regarding an individual's "citizenship or immigration status". Members shall apply this policy in a manner consistent with the lawful operation of these two statutes.~~

*A. No information about an individual shall be shared with federal immigration authorities unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations.*

~~B. Information about an individual that is outside the scope of Sections 1373 and 1644 (i.e., information other than "citizenship or immigration status") should not be shared with federal immigration authorities unless there is justification on the grounds of:~~

- ~~● Public safety;~~
- ~~● Officer safety, or~~
- ~~● Law enforcement needs that are not related to the enforcement of federal civil immigration law.~~

C. Sweeps intended solely to locate and detain undocumented immigrants without reasonable suspicion or probable cause of a crime shall not be conducted unless acting in partnership with a federal agency as part of a formal agreement entered into by the governor.

D. Members are not permitted to accept requests by ICE or other agencies to support or assist in operations that are primarily for civil immigration enforcement. ~~This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644.~~

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<sup>2</sup> For example, an individual might qualify for a U, S, or T visa if they are a victim or material witness to certain serious offenses.

- E. Unless ICE or Customs and Border Patrol (CBP) agents have a judicially-issued criminal warrant, or members have a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, members shall not ~~grant~~ ~~propose granting~~ ICE or CBP agents access to individuals in Hartford Police Department custody.

### **XIII. Savings Clause**

~~Pursuant to 8 U.S.C §§ 1373 and 1644, The Hartford Police Department may not prohibit, or in any way restrict, any government agent or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual. The Hartford Police Department also may not prohibit, or in any way restrict, the sending, receiving, maintaining, or exchanging information regarding the immigration status of any individuals. Nothing in this policy is intended to violate 8 U.S.C §§ 1373 and 1644.~~

### **XIV. Cancellation**

This written directive cancels and replaces Special Order #~~16-001~~ 18-0002 titled ~~“VCJTC Fair & Impartial Policing Policy Training”~~ “Fair & Impartial Policing, Adoption of VCJTC Model Policy” dated ~~July 28, 2016~~ April 23, 2018 and cancels, replaces and supersedes any directives in conflict therewith.



**TOWN OF HARTFORD  
SELECTBOARD MINUTES**

Tuesday, August 13, 2019 at 6:00 pm  
Hartford Town Hall  
171 Bridge Street  
White River Junction, VT 05001

**Present:** Simon Dennis, Selectboard Chair; Richard Grassi, Selectboard Vice Chair; Dennis Brown, Selectboard Clerk; Jameson Davis, Selectboard Member; Alan Johnson, Selectboard Member; Kim Souza, Selectboard Member; Brannon Godfrey, Town Manager; Lana Livingston, Administrative Assistant; Lori Hirshfield, Director of Planning and Development; Lannie Collins; Scott Fletcher; Jesse Vazzano; Scott Farnsworth; Joie Finley; Geraldine Williams; Scott Neal; George Luck, Gabrielle Lucke; Michelle Kersey; Michael Redmond; Mike Chamness.

**Absent:** Dan Fraser, Selectboard Member

<http://catv.cablecast.tv/CablecastPublicSite/show/8973?channel=1>

- I. Call to Order the Selectboard Meeting:** Selectboard Chair, Simon Dennis called the meeting to order at 6:01 P.M.
- II. Pledge of Allegiance:** Selectboard Member, Alan Johnson led the Pledge of Allegiance.
- III. Local Liquor Control Board: N/A**
- IV. Order of Agenda:** There were no changes to the Order of the Agenda.
- V. Selectboard**

**1. Citizen, Selectboard Comments and Announcements:**

There were no Citizen comments.

Selectboard Comments: Selectboard Vice Chair, Dick Grassi reminded people that the Town Taxes are due this coming Friday, August 16. He also reported that this year the payments are coming in slower than last year by a week.

Selectboard Member, Jameson Davis addressed the Board and the viewers about some issues that he felt he needed to speak to. Mr. Davis spoke briefly about the

reasons that the proposed amendment needed to be passed and the future of the Town as a Welcoming Town.

Selectboard Chair, Simon Dennis enjoyed this past Saturday at the Abenaki and Indigenous People day here at the Park.

Mr. Dennis also congratulated the Hartford Fire Department upon earning the 8<sup>th</sup> certification.

Mr. Dennis was saddened because of the people that were taken into custody over the weekend.

## **2. Appointments:** Homelessness Committee Interviews and Appointments.

- a. Mike Chamness
- b. Joie Finley
- c. Scott Fletcher
- d. Michelle Kersey
- e. Michael Redmond
- f. Jesse Vazzano
- g. Renee Weeks: could not attend
- h. Ex officio Karl Ebbighausen, Hartford Police Sergeant
- i. Ex officio Whitney Hussong, Vermont Healthcare and Rehabilitation Services/Police Social Worker

Selectboard Vice Chair, Dick Grassi made the motion to appoint Mike Chamness; Joie Finley; Scott Fletcher; Michelle Kersey; Michael Redmond; Jesse Vazzano; Renee Weeks; ex officio Karl Ebbighausen; ex officio Whitney Hussong to the Ad Hoc Hartford Committee on Homelessness until completion of the Charge, not later than March 7<sup>th</sup>, 2020. Selectboard Member, Jameson Davis seconded the motion. Mr. Davis then added to the motion to also appoint a School District employee as appointed by the Superintendent and an employee from Planning. Selectboard Member, Alan Johnson offered to be the Selectboard Liaison to the Committee until Dan Fraser is back and then they would decide who would be the permanent liaison to the Town of Hartford Homelessness Committee. All were in favor and the motion passed.

Joie Finley agreed to organize the first meeting.

## **3. Town Manager's Report:** Significant Activity Report period ending August 13, 2019.

<https://www.hartford-vt.org/ArchiveCenter/ViewFile/Item/165>

Town Manager, Brannon Godfrey reported that one of the Properties for the Condemnation Hearing has asked for an extension. The Selectboard agreed to meet an extra time on Tuesday, October 1<sup>st</sup>.

## **4. Board Reports, Motions & Ordinances**

- a. Regional Plan Update (Informational/Motion)

The Selectboard was briefed on the proposed update and recommended edits. **Selectboard Member, Alan Johnson made the motion to authorize the Selectboard Chair to sign the letter as presented to the TRORC Board and to authorize the Town Representative to vote No on the Regional Plan should they see fit. Selectboard Vice Chair, Dennis Brown seconded the motion. All were in favor and the motion passed.**

## **5. Commission Meeting Reports:**

Selectboard Clerk, Dennis Brown attended the Historic Preservation Commission. They met with the Oral History Project people. They are next discussing a look forward to the cemeteries needs.

Selectboard Member, Alan Johnson attended the Energy Commission. They are looking into creating a revolving loan fund for energy needs. The State of Vermont may help them financially to do this. Mr. Johnson also reported that the Town has received a grant to help replace the roof of the Bugbee Center.

Selectboard Chair, Simon Dennis commented on the annual workplan. The Board will be focusing on using the newly formed rubric to organize the Capital Improvements list.

## **6. Consent Agenda (Motion Required): Selectboard Clerk, Dennis Brown made the motion to approve the Consent Agenda as listed. Selectboard Member, Kim Souza seconded the motion. All were in favor and the motion passed.**

Approve Tax Sale Properties

Approve Payroll Ending: 8/10/2019

Approve Meeting Minutes of: 7/30/2019

Approve A/P Manifest of: 8/9/2019 and 8/13/2019 Selectboard

Meeting Dates of:

- Already Approved: 8/14/2019, 8/19/2019, 8/27/2019, 9/10/2019 and 9/24/2019.

## **7. Executive Session: Selectboard Member, Kim Souza made the motion Based on advice of counsel, Motion is hereby made, pursuant to 1 V.S.A. §313(a)(1)(E) and (F) that premature general public knowledge concerning (pending/probable) litigation involving [Defelice v Town of Hartford] would place the Town of [Hartford] at a substantial disadvantage in that it involves attorney/client communications on matters of strategy, discovery, trial preparation and settlement or litigation options. Motion is made to enter into executive session, pursuant to 1 V.S.A. §313(a)(1)(E) and (F), for the purposes of evaluating and engaging in confidential discussions based upon attorney/client communications and advice with respect to potential settlement of that lawsuit. Selectboard Vice Chair, Dick Grassi seconded the motion. All were in favor and the motion passed.**

**Selectboard Member, Jameson Davis made the motion to close the Executive Session. Selectboard Member, Alan Johnson seconded the motion. All were in favor and the motion passed.**

- a. Action pending from the Executive Session

**Selectboard Vice Chair, Dick Grassi made the motion to approve that the Town consent and ratify the settlement of the Defelice Lawsuit as recommend by the Vermont League of Cities and Towns. Selectboard Member, Jameson Davis seconded the motion. All were in favor and the motion passed.**

**8. Adjourn the Selectboard Meeting. (Motion Required)**

**Selectboard Member, Jameson Davis made the motion to Adjourn the meeting at 9:15 P.M. Selectboard Member, Alan Johnson seconded the motion. All were in favor and the motion passed.**

**All Meetings of the Hartford Selectboard are open to the public. Persons who are seeking action by the Selectboard are asked to submit their request and/or materials to the Selectboard Chair or Town Manager's office no later than noon on the Wednesday preceding the scheduled meeting date. Requests received after that date will be addressed at the discretion of the Chair. Citizens wishing to address the board should do so during the Citizen Comments period.**

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**TOWN OF HARTFORD**

**Monday, August 19, 2019  
Special Selectboard Meeting for  
Sykes Mountain Ave.  
Roundabout Project Right-of-Way Condemnation**

4:00 P.M. Site Visit at Intersection of  
Sykes Mountain Ave. and US Route 5  
**Minutes**

**Present:** Simon Dennis, Selectboard Chair; Dennis Brown, Selectboard Clerk; Jameson Davis, Selectboard Member; Dan Fraser, Selectboard Member; Alan Johnson, Selectboard Member; Kim Souza, Selectboard Member; Brannon Godfrey, Town Manager;

**Others:** Rob Manby; Darren Benoit; Steven Ireland; Scott Robertson; Matt Colburn; Hannah Tyler; Dan Frazier; Jessica Ledger; Dave Sherman.

**Absent:** Richard Grassi, Selectboard Vice Chair.

- I. Call to Order the Selectboard Meeting by **Selectboard Chair, Simon Dennis @ 4:01 P.M.**
- II. View Subjects Right-of-Way
- III. Adjourn the Selectboard Meeting. (Motion Required)

**Selectboard Member, Jameson Davis made the motion to adjourn the meeting at 4:38 P.M. Selectboard Member, Kim Souza seconded the motion. All were in favor and the motion passed.**



Monday, August 19, 2019  
6:00 P.M. Condemnation Hearing  
Town Hall at 171 Bridge St.

**MINUTES**

**Present:** Simon Dennis, Selectboard Chair; Dennis Brown, Selectboard Clerk; Jameson Davis, Selectboard Member; Dan Fraser, Selectboard Member; Alan Johnson, Selectboard Member; Kim Souza, Selectboard Member; Brannon Godfrey, Town Manager;

**Others:** Darren Benoit; Steve Ireland; Matt Colburn; Scott Robertson; Hannah Tyler; Rob Manby; Dave Sherman; Lisa Hindes-Moody, Court Reporter.

**Absent:** Richard Grassi, Selectboard Vice Chair.

**I. Call to Order the Selectboard Meeting**

**Selectboard Chair, Simon Dennis called the meeting to order at 6:02 P.M.**

**II. Hearing on Necessity and Compensation for Damages in Connection with Property Condemnations.**

**III. The hearings will continue to conclusion, with adjournment and continuation as and if necessary. (Motion Required for Adjournment and Continuation)**

**Selectboard Member, Jameson Davis Made the motion to Adjourn the Meeting and Continue to October 1, 2019 at 6:00 P.M. Selectboard Member, Alan Johnson seconded the motion. All were in favor and the motion passed.**

All Meetings of the Hartford Selectboard are open to the public. Persons who are seeking action by the Selectboard are asked to submit their request and/or materials to the Selectboard Chair or Town Manager's office no later than noon on the Wednesday preceding the scheduled meeting date. Requests received after that date will be addressed at the discretion of the Chair. Citizens wishing to address the board should do so during the Citizen Comments period.

CONDEMNATION HEARING

held on the 19th of August, 2019, at 6:02  
p.m., at Hartford Town Hall, 171 Bridge St.,  
Hartford, Vermont

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APPEARANCES:

C. ROBERT MANBY, JR., ESQUIRE, of the Law  
Office of C. Robert Manby, Jr., P.C., 220  
Holiday Drive, White River Jct., Vermont  
05001, on behalf of the Town of Hartford.

SELECTBOARD MEMBERS PRESENT:

Simon Dennis, Selectboard Chair  
Dennis Brown  
Jameson Davis  
Dan Fraser  
Alan Johnson  
Kim Souza

ALSO PRESENT:

Brannon Godfrey, Town Manager  
Steven Ireland  
Matt Colburn  
Hannah Tyler  
Darren Benoit  
Scott Robertson  
Dave Sherman

O'BRIEN REPORTING SERVICES, INC.  
223 KILLINGTON AVENUE  
RUTLAND, VERMONT 05701  
TEL: (802) 747-0199

1                   THE CHAIRMAN:   Okay.   Welcome  
2   everybody.   I would like to call this special  
3   meeting of the Hartford Selectboard to order  
4   on the subject of the Sykes Mountain Ave.  
5   Roundabout Project Right-of Way Condemnation  
6   at 2 minutes after 6:00.   And we have one item  
7   on our agenda and I think the way to proceed  
8   with that -- actually, and there's -- and I  
9   would like to just do -- have a little  
10   scheduling moment after we complete that item.  
11   We're going to just bring that onto the agenda  
12   because discussions of scheduling are not, are  
13   not subject to Open Meeting Laws.   We can do  
14   that at any point.   So, just for convenience  
15   sake, I just want to talk about some potential  
16   scheduling stuff that we can do at the end but  
17   that, we'll do that afterwards.

18               And then, then we'll adjourn this meeting  
19   and then we'll call to, call to order the  
20   selectboard meeting except for we won't do  
21   that, the hearing is not going to take place  
22   today because of --

23                   MR. GODFREY:   You are going to  
24   call the hearing open and I think then --

25                   THE CHAIRMAN:   Okay.

1 MR. GODFREY: -- entertain a  
2 motion.

3 ATTORNEY MANBY: Brief statement,  
4 Motion to Appear.

5 MR. GODFREY: There you go.

6 THE CHAIRMAN: Okay.

7 MR. GODFREY: Since you have a  
8 continuation date of October 1st agreed to by  
9 all of the parties, we can then hear a Motion  
10 to Continue to conclusion with adjournment and  
11 continuation on October 1st.

12 THE CHAIRMAN: Okay.

13 ATTORNEY MANBY: While we have a  
14 court reporter, I'm going to put a brief  
15 statement on the record --

16 MR. GODFREY: Okay.

17 ATTORNEY MANBY: -- to protect it.  
18 And as Selectboard Chair Simon Dennis recited,  
19 we were hear for a noticed, publicly noticed  
20 hearing on the subject of necessity and  
21 compensation to be paid in connection with the  
22 so-called Sykes Avenue Roundabout Project.

23 Notice was given appropriately by mail to  
24 all interested parties. Publication occurred  
25 in the Valley News on Wednesday, August 7,

1 2019 within the time period required by  
2 Vermont statute.

3 At the meeting here today are members of  
4 the Hartford Selectboard; the Hartford Town  
5 Manager; Mr. Sherman, who is a member of the  
6 Hartford Planning Commission, and personnel  
7 from VTrans; and Hannah Tyler from Hartford  
8 Department of Public Works. There are no  
9 interested parties otherwise present today.

10 We have come to a written stipulation with  
11 Mark Hall, the attorney representing Ryder  
12 Truck Rental, Inc., to continue this hearing  
13 until Tuesday, October 1st at 6 p.m. to  
14 revisit the questions of the necessity for the  
15 condemnation and any compensation to be paid  
16 with all testimony, presentation of the  
17 exhibits, and evidence and determinations by  
18 the selectboard to await that adjourned  
19 meeting Tuesday, October 1st.

20 THE CHAIRMAN: Okay. So given,  
21 given that this party is not present, does  
22 that preclude dialogue on this subject on the  
23 part of the Board?

24 ATTORNEY MANBY: If it has  
25 anything to do or mention of Ryder Truck

1 Rental, Inc., yes, that subject is not open  
2 for discussion today by agreement between the  
3 parties.

4 THE CHAIRMAN: Which is, which is  
5 the agenda item, thus, our -- what we had  
6 previously scheduled is not going to take  
7 place?

8 ATTORNEY MANBY: The agreement  
9 with Ryder Truck Rental is, that there will be  
10 no discussion; no testimony; no evidence or  
11 exhibits presented or any decision made  
12 regarding the necessity for the taking or any  
13 condemnation to be paid, that's the agreement,  
14 and I recommend to the Board that we stick to  
15 the terms of that agreement.

16 THE CHAIRMAN: And I assure you,  
17 we have every intention of doing so. So,  
18 aside from the scheduling matter that I  
19 brought up at the outset of this meeting, is  
20 it the counsel's recommendation that we move  
21 into adjourning this meeting forthwith without  
22 further discussion?

23 ATTORNEY MANBY: Yes,  
24 Mr. Chairman, with a specific note that we  
25 reconvene 6 p.m., Tuesday, October 1st.

1 THE CHAIRMAN: So as -- maybe it's  
2 in the Motion to Adjourn, we will continue  
3 this meeting until October 1st at 6 P.M.

4 ATTORNEY MANBY: Yes,  
5 Mr. Chairman, thank you.

6 THE CHAIRMAN: Okay. And that  
7 motion will be down to you, Jameson, to make  
8 that, but before we do that, I want to bring  
9 up the matter of scheduling. I don't have the  
10 motion here.

11 MR. DAVIS: Oh, okay. I'll  
12 freestyle it, that's okay.

13 THE CHAIRMAN: That's what we  
14 count on you for, Jameson. Okay, I wanted to  
15 -- this is a scheduling moment. I wanted to  
16 bring up the possibility, which may or may not  
17 be needed by this board, to consider whether  
18 or not the first Tuesday in September, which  
19 is not this coming Tuesday but the following  
20 approximately exactly two weeks from tomorrow,  
21 could be a potential way to move our meeting  
22 from the date that it is currently scheduled  
23 for on the 27th to, is it the 3rd of  
24 September, is that the Tuesday?

25 MR. GODFREY: That's correct,

1     that's the first Tuesday in September.

2                   THE CHAIRMAN:   So, the point of  
3     this is not to move the meeting.  We will, we  
4     will give notice about that before we need to  
5     warn our next meeting which will be this  
6     coming Thursday at 10:00, prior to that we'll  
7     make a decision, but in order to inform that  
8     decision I just wanted to find out if  
9     selectboard members had availability on that  
10    day, that's the 3rd of September.  I'm seeing  
11    one yes.

12                  MR. DAVIS:   No idea.  I don't have  
13    anything in front of me, but I can E-mail you  
14    to let you know.

15                  THE CHAIRMAN:   Okay.  And does  
16    anybody else know one way or the other whether  
17    the 3rd -- saying yes?

18                  ATTORNEY BROWN:   This is in lieu  
19    of the meeting that would have been the week  
20    before?

21                  THE CHAIRMAN:   This is in lieu of  
22    one week from tomorrow, and the reason for  
23    this potential shift is, as you know, we are  
24    in deliberations and negotiations regarding  
25    the Welcoming Hartford Ordinance, and it is



1 looking like there is a potential that we will  
2 have it ready for this coming meeting on the  
3 27th, but there's also a possibility that it  
4 will not be ready, at which point I think it  
5 would be wise for us to neither leave it off  
6 the agenda nor put it on the agenda not ready  
7 to take action but, rather, to postpone the  
8 meeting to a place where we can safely put it  
9 on the agenda and take action. That's my,  
10 that's my hope.

11 MR. BROWN: Can I, --

12 THE CHAIRMAN: Please, yes.

13 ATTORNEY BROWN: -- can I ask what  
14 else was going to be on the agenda we would be  
15 delaying by doing that?

16 THE CHAIRMAN: Yes. Mr. Town  
17 Manager, can you speak to that?

18 MR. GODFREY: Two appointments,  
19 one for a planning commissioner, or we have  
20 application for a planning commissioner;  
21 application for Design Review Committee, and  
22 an appointment of the delegate to vote on  
23 behalf of the selectboard at the VLCT Annual  
24 Meeting and that's all we have at this point  
25 for next Tuesday.

1 MR. JOHNSON: What about our --

2 MR. GODFREY: And -- and, of  
3 course, AP and payroll.

4 MR. JOHNSON: Yeah.

5 MR. GODFREY: And that's something  
6 I need to find out, how that works when those  
7 matters are pending and the selectboard hasn't  
8 voted, hasn't met to approve those without --  
9 there has got to be a way, I just don't know  
10 what it is. I know I had a conversation with  
11 Dick in the last week when he said, "We used  
12 to take August off," so I don't know how you  
13 did that, "and we still got payroll met and  
14 bills paid." So, there must be some  
15 mechanism, and I will investigate that and  
16 find out.

17 THE CHAIRMAN: I think, I think  
18 our mechanism in the event that a meeting is  
19 snowed out or otherwise precluded from  
20 happening was, that the chair was authorized  
21 to sign on behalf of the Board but that the  
22 Board would need to take up that matter at the  
23 next meeting --

24 MR. GODFREY: Okay.

25 THE CHAIRMAN: -- to ratify the

1 action. So that's -- but I say that with a  
2 little caveat because I'm not 100 percent sure  
3 that was the case. I was a little bit foggy  
4 about it but that's my memory.

5 So, just on the matter of availability --

6 MS. SOUZA: I think I can be  
7 available. I will be jet lagged but --

8 THE CHAIRMAN: You think you can  
9 make it?

10 MR. JOHNSON: I might be a little  
11 bit late just a few minutes.

12 THE CHAIRMAN: Okay.

13 MR. JOHNSON: Or we could maybe  
14 start -- well, we're trying to do a full  
15 meeting. How about that for an idea? So have  
16 our regular meeting but then have a special  
17 meeting for that item on the 3rd?

18 THE CHAIRMAN: Yeah, we'll keep  
19 open what to do and how to navigate with that.

20 MR. JOHNSON: Sure.

21 THE CHAIRMAN: I think there is  
22 some difficulties with having our regular  
23 meeting but it's a good -- it's, it's a good  
24 thought as well, yeah. Dennis, is the 3rd  
25 available on your side?

1                   ATTORNEY BROWN: Yeah, that can  
2 work.

3                   THE CHAIRMAN: Okay. That's what  
4 I need to know, and we will follow up with  
5 Jameson as soon as he has his schedule and  
6 that concludes all of the business we want --

7                   MR. DAVIS: Oh, no, I was just  
8 motioning.

9                   MR. JOHNSON: Oh, okay, sorry.

10                  THE CHAIRMAN: That's it for this  
11 evening. I entertain a Motion to Continue.

12                  MR. DAVIS: Mr. Chair?

13                  THE CHAIRMAN: Yes, sir.

14                  MR. DAVIS: I motion that we  
15 adjourn the meeting, postponing the discussion  
16 regarding anything related to the condemnation  
17 that is related to the roundabout on Sykes  
18 Avenue and Route 5 to be continued on October  
19 1, 2019.

20                  MR. JOHNSON: Seconded.

21                  THE CHAIRMAN: Okay. Motion is  
22 made to adjourn and continue our matter on our  
23 agenda this evening to the 1st of October at 6  
24 p.m. All in favor say "aye."

25                  SELECTBOARD MEMBERS: Aye.

1                   THE CHAIRMAN: The motion passes,  
2   six votes in favor; zero opposed. This  
3   meeting is adjourned or continued.

4                   ATTORNEY MANBY: Thank you all for  
5   your time.

6                   THE CHAIRMAN: Thank you.

7                   (MEETING ADJOURNED AT 6:13 P.M.)

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1 C E R T I F I C A T E

2 I, Lisa M. Hindes-Moody, Court  
3 Reporter and Notary Public, do hereby certify  
4 that the foregoing pages, numbered 1 through  
5 13, inclusive, are a true and accurate  
6 transcription of my stenographic notes of the  
7 meeting taken before me on August 19, 2019.

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Commission Expires: 2/10/23

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<p><b>A</b></p> <p><b>accurate</b> 13:5</p> <p><b>action</b> 8:7,9 10:1</p> <p><b>adjourn</b> 2:18 6:2 11:15,22</p> <p><b>adjourned</b> 4:18 12:3,7</p> <p><b>adjourning</b> 5:21</p> <p><b>adjournment</b> 3:10</p> <p><b>agenda</b> 2:7,11 5:5 8:6,6,9,14 11:23</p> <p><b>agreed</b> 3:8</p> <p><b>agreement</b> 5:2,8,13 5:15</p> <p><b>Alan</b> 1:15</p> <p><b>Annual</b> 8:23</p> <p><b>anybody</b> 7:16</p> <p><b>AP</b> 9:3</p> <p><b>Appear</b> 3:4</p> <p><b>APPEARANCES</b> 1:8</p> <p><b>application</b> 8:20,21</p> <p><b>appointment</b> 8:22</p> <p><b>appointments</b> 8:18</p> <p><b>appropriately</b> 3:23</p> <p><b>approve</b> 9:8</p> <p><b>approximately</b> 6:20</p> <p><b>aside</b> 5:18</p> <p><b>assure</b> 5:16</p> <p><b>attorney</b> 3:3,13,17 4:11,24 5:8,23 6:4 7:18 8:13 11:1 12:4</p> <p><b>August</b> 1:5 3:25 9:12 13:7</p> <p><b>authorized</b> 9:20</p> <p><b>availability</b> 7:9 10:5</p> <p><b>available</b> 10:7,25</p> <p><b>Ave</b> 2:4</p> <p><b>Avenue</b> 1:23 3:22 11:18</p> 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