

**BRATTLEBORO SELECTBOARD  
TUESDAY, AUGUST 18, 2020  
REGULAR MEETING – 6:15PM  
HELD REMOTELY VIA ZOOM  
MINUTES**

***NOTE: Due to the ongoing social distancing requirements of COVID-19, this meeting was held remotely with no physical location using Zoom.***

Selectboard members in attendance: Tim Wessel, Elizabeth McLoughlin, Ian Goodnow, Daniel Quipp, and Brandie Starr.

Staff participating: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Finance Director Andre Jaeger, Planning Director Sue Fillion, Sustainability Coordinator Stephen Dotson, Public Works Director Steve Barrett, and Executive Secretary Jan Anderson.

Others participating: Kurt Daims, Heather Urguhart Hannah Van Dusen, Brandon Lee, Malaika, George Carvill, Alex Fischer, Shea Witzo, Lana, Tom Grasso, Rikki Risatti, Gary Stroud, ASL interpreters Janet Dickinson and Elizabeth Fox, and BCTV staff and volunteers.

Chair Tim Wessel called the meeting to order at 6:17pm. He confirmed that the meeting was properly warned.

***APPROVE MINUTES***

Chair Wessel asked the Board to approve the minutes of the August 4 meeting.

**MOTION BY IAN GOODNOW TO APPROVE THE MINUTES OF AUGUST 4, 2020. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Wessel suggested that everyone go out and enjoy the perfect August summer day.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS***

McLoughlin read remarks from Senator Mazie Hirono about the approaching 100th anniversary of the adoption of the 19th Amendment to the Constitution where women were allowed to vote, noting it took much longer for women of color to vote, and acknowledging that barriers were still in place a century later. She ended with "The right for equality isn't over. We march on."

Quipp announced that the Traffic Safety Committee meeting was scheduled on Thursday, at 8:00am, on the GoToMeeting platform. He invited Brandie Starr to attend and other people who had concerns about traffic, pedestrian, and bicycle safety. He confirmed that the utility arrearage program through the State was now operational. He suggested that any Vermonter who was in arrears due to COVID-19 with a Vermont-based regulated utility bill may be eligible for assistance. He suggested they go online to [publicservice.vermont.gov](http://publicservice.vermont.gov) and fill out the request form.

***PUBLIC PARTICIPATION***

Kurt Daims, Director of Brattleboro Common Sense, asked the Board to add the Brattleboro Common Sense Safe Policing Initiative to an upcoming agenda. He said it was a simple and low-cost plan for disarming police in order to practice safe policing practices, similar to models in the UK and New Zealand where weaponless patrols were practiced. He asked that the Board enact the plan quickly so as not to

interfere with the Community Safety Review Committee's work, and to initiate a 6-month pilot plan, possibly starting with the Police Department's downtown foot patrol.

Heather Urguhart, researcher in Scotland working with Brattleboro Common Sense, said that she was researching weaponless policing in the UK and spoke in support of Brattleboro adopting such a policy.

Hannah Van Dusen, researcher with Brattleboro Common Sense, spoke about the cost of court cases involving police shootings. She suggested that such incidents could bankrupt small towns and that settlement and court costs could be significant and severe.

Brandon Lee, with Train4Transformation and a graduate from the School for International Training, spoke in favor of a community conscious policing platform. He offered to assist with police community intergraded training and education and in support of such a policy.

### ***UNFINISHED BUSINESS***

Request for Proposals (RFP) for Facilitator of Community Safety Review - Town Manager Elwell spoke about past discussions at Selectboard meetings on June 16, July 7, July 21, and August 6, where the Board heard concerns from community members about community safety and police department procedures. He said that Board member McLoughlin drafted a Request for Proposal (RFP) and community members provided a responsive RFP at the July 21 meeting. He said that the Board instructed him at the August 6 meeting to revise the Community Proposal to bring it into compliance with applicable laws, format, and procedural matters aligning with the Town's processes, and to clarify the Board's role, responsibilities, and authorities. He said that revised RFP was included in the Board's backup materials for this meeting, along with his memo dated August 14, and a redline version highlighting the changes he made to the RFP. He said that he met with members of the community group and thoroughly reviewed the edited document. He noted that some items in the revised RFP may not be agreeable to the community members, including the composition of an advisory Committee Safety Review Committee (paragraph 4 under "Process Overview") and other concerns. He recommended that the Board approve the RFP, as presented or amended, so it could be published immediately and applications for facilitators received by September 8 so the matter could come back to the Board on September 15 for appointment of a facilitator(s) and appointment of committee members. There was some discussion by the Board members, including what could be discussed in executive session. Town Attorney Robert Fisher confirmed that the Board could meet in executive session to discuss the facilitator's contract and may go into a deliberative to discuss committee applications. Board member McLoughlin stated that the document was less clear in reflecting the promise the Selectboard made to the people of Brattleboro to review police department's policies, practices, and budget. She suggested adding the following sentence to the end of the paragraph under item #1 of "Process Overview:" "This will include a review of the Brattleboro Police Department's policies, practices, and budget according to national anti-racist criteria." She said that with regard to the anti-racist criteria, she was in support of the Campaign Zero platform. There was further discussion about the RFP, review of the police department's practices, community safety review, and specific concerns about specifying national anti-racist criteria. Goodnow suggested striking the reference to national anti-racist criteria and adding language, such as "as will be determined by the committee."

Malaika, from the community group, spoke about the proposed RFP and the group's willingness to compromise on some language in it. She acknowledged that review of the police department's practices was important and would like the effort to be a broader community review. She offered some changes from the community members and asked they be made to the RFP. She requested that language be added to paragraph #4 of "Process Overview" to include that the Selectboard will prioritize the inclusion of people who are part of statistically marginalized communities who also have experience in advocacy and activism toward community safety. She requested that committee members be "fairly" compensated. She also requested that a sentence be added in paragraph #6 under "Assumptions of Study" to include collecting stories and experiences without sharing the details that may lead to the identity of a person. She said the lessons could be shared without sharing details that may identify a person so that the

anonymity of the contributors could be protected in a small town. She also requested that a restriction disallowing police officers to sit on the committee be added to paragraph #10 under "Conflicts of Interest." She said that she would e-mail the requested revisions to Peter Elwell. Town Manager Elwell said that his edits specifically omitted some inclusionary and exclusionary language that was originally proposed so as not to constrain the Selectboard's choices in appointing committee members. He spoke about Town government processes and the requirement that the Selectboard's business be conducted in public. Each Board member spoke about the RFP and the proposed changes.

Wessel asked for comments from the public. Alex Fischer and Shea Witzo spoke in support of the community's requested revisions.

Chair Wessel called for a recess at 8:10pm. He reconvened the meeting at 8:20pm.

Wessel asked for public comment. Lana, Tom Grasso, and Rikki Risatti provided their comments and opinions. There was a lengthy discussion by the Board about whether members of the police force should be on the committee and whether it was legal to prohibit them from being on the committee. Town Attorney Fisher confirmed that the Board could exclude police officers from being on the committee and that all Board meetings must take place in public with any member of the public invited to participate in those meetings. He suggested that reforming the police department could be compromised if the police did not participate in the discussion. There was further discussion.

**MOTION BY IAN GOODNOW TO APPROVE THE RFP IN THE MANNER THAT IT WAS PRESENTED THIS EVENING, SUBJECT TO THE FOLLOWING MODIFICATIONS: (1) ADD AT THE END OF ENUMERATED PARAGRAPH #1 UNDER 'PROCESS OVERVIEW:' "THIS WILL INCLUDE A REVIEW OF THE BRATTLEBORO POLICE DEPARTMENT'S POLICIES, PRACTICES, AND BUDGET ACCORDING TO NATIONAL ANTI-RACIST CRITERIA;" (2) IT WILL ALSO INCLUDE AT ENUMERATED PARAGRAPH #6 OF THE 'ASSUMPTIONS OF THE STUDY' SECTION, ADDING AT THE END OF THAT SENTENCE: "SUCH AS THROUGH ONE-ON-ONE INTERVIEWS WITHOUT SHARING DETAILS PUBLICLY AS REMOVAL OF NAMES IN A SMALL COMMUNITY DOES NOT SUFFICIENTLY ADDRESS ANONYMITY;" AND (3) ADD A NEW PARAGRAPH, AS FOLLOWS: "NO POLICE OFFICERS WILL BE APPOINTED TO SERVE AS MEMBERS OF THE COMMITTEE."**

There was much more discussion by the Board. Quipp spoke of his concerns about including anti-racist criteria. He said that the process should not point towards a specific outcome. McLoughlin spoke of the importance in her opinion of including such language and about the Campaign Zero platform. She stressed that the prime directive was to fulfill a promise to the community to examine and review the police department's policies, practices, and budget. There was more discussion by Board members about referencing anti-racist criteria. After much discussion, McLoughlin agreed to remove "according to national anti-racist criteria" from her suggested amendment.

**GOODNOW WITHDREW HIS MOTION.**

**AMENDED MOTION BY IAN GOODNOW TO APPROVE THE RFP IN THE MANNER THAT IT WAS PRESENTED THIS EVENING, SUBJECT TO THE FOLLOWING MODIFICATIONS: (1) ADD AT THE END OF ENUMERATED PARAGRAPH #1 UNDER 'PROCESS OVERVIEW:' THIS WILL INCLUDE A REVIEW OF THE BRATTLEBORO POLICE DEPARTMENT'S POLICIES, PRACTICES, AND BUDGET; (2) IT WILL ALSO INCLUDE AT ENUMERATED PARAGRAPH #6 OF THE 'ASSUMPTIONS OF THE STUDY' SECTION, ADDING AT THE END OF THAT SENTENCE: "SUCH AS THROUGH ONE-ON-ONE INTERVIEWS WITHOUT SHARING DETAILS PUBLICLY AS REMOVAL OF NAMES IN A SMALL COMMUNITY DOES NOT SUFFICIENTLY ADDRESS ANONYMITY;" AND (3) ADD A NEW PARAGRAPH, AS FOLLOWS: "NO POLICE OFFICERS WILL BE APPOINTED TO SERVE AS MEMBERS OF THE COMMITTEE." MOTION CARRIED 5-0.**

## **NEW BUSINESS**

Financial Report – Monthly Report for July. Finance Director Andre Jaeger presented the financial report for July 2020. He reported that the FY20 Rooms and Meal Taxes came in below expectations; however, the Sales Tax came in above expectations. He said that the FY20 budget report would be finalized on September 8 and he expected to end the year with a small surplus. He then discussed the FY21 budget with only one month into it. There was some discussion by the Board.

## **NO ACTION TAKEN.**

### Agricultural Advisory Committee

- (i) *Review / Revise Charge and Reconsider Number of Members*
- (ii) *Discuss Resilient Local Regional Food Planning Process*
- (iii) *Announce Vacancies on Agricultural Advisory Committee*

Planning Director Sue Fillion said that the Board was asked to review and revise the charge and size of the Agricultural Advisory Committee. She said that the Committee was originally established in 1983 to address the concerns voiced by the local farming community and the charge of the committee had remained unchanged over the past 30 years, but the needs of the agricultural community had changed, as reflected in the updated Town Plan. Additionally, she said that the Board was asked to include a resilient food system as part of the Committee's charge, as well as other aspects set forth in the memorandum dated August 6 from her and the Sustainability Coordinator Stephen Dotson. Dotson spoke about food insecurities within the community and building a regional food system which would include farmers and other community organizations with expertise in food systems. There was some discussion by the Board.

**MOTION BY ELIZABETH McLOUGHLIN TO RECONSTITUTE THE AGRICULTURAL ADVISORY COMMITTEE TO: (1) INCLUDE 7 MEMBERS WITH TWO-YEAR TERMS, STAGGERED WITH 3 MEMBERS TERMINATING IN 2021 (FOR THE START-UP YEAR) AND 4 MEMBERS TERMINATING IN 2022; (2) ADD 3 NON-VOTING EX-OFFICIO MEMBERS FROM COMMUNITY ORGANIZATIONS WITH EXPERTISE AND/OR INFLUENCE IN FOOD SYSTEMS; AND (3) ADOPT THE REVISED CHARGE, AS PRESENTED. MOTION CARRIED 5-0.**

### Local Hazard Mitigation Plan - Hazard Mitigation Committee

- (i) *Expand Committee Membership*
- (ii) *Announce Committee Vacancies*

Planning Director Sue Fillion spoke about the 2016 Brattleboro Local Hazard Mitigation Plan and said it would expire in 2021. She said that the purpose of the Plan was to identify hazards facing the town and to develop strategies for reducing risks from those hazards. She said that in preparation for the Plan renewal, the Planning Department had begun the review process and was asking the Selectboard to reform the Hazard Mitigation Committee, as set forth in her memorandum dated July 16. She proposed that the Committee be revised to consist of the following staff members (or their designees): Police Chief, Fire Chief, Director of Public Works, Planning Director, Zoning Administrator, and Town Manager, and to include a Selectboard member with a 1-year term, Planning Commission representative with a 1-year term, and two community representatives with 2-year terms. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO REVISE THE HAZARD MITIGATION COMMITTEE, AS FOLLOWS: (1) TO INCLUDE THE FOLLOWING STAFF MEMBERS (OR THEIR DESIGNEES): POLICE CHIEF, FIRE CHIEF, DIRECTOR OF PUBLIC WORKS, PLANNING DIRECTOR, ZONING ADMINISTRATOR, AND TOWN MANAGER, AND (2) TO ADD A SELECTBOARD MEMBER (1-YEAR TERM), SELECTBOARD APPOINTED PLANNING COMMISSION REPRESENTATIVE (1-YEAR TERM), AND TWO SELECTBOARD APPOINTED COMMUNITY REPRESENTATIVES (2-YEAR TERMS WITH ONE EXPIRING IN ODD YEARS AND ONE EXPIRING IN EVEN YEARS). MOTION CARRIED 5-0.**

Summer Paving Bids

- (i) Award Bid to All States Asphalt for Project #1
- (ii) Award Bid to D.M.I. Paving for Project #2

Public Works Director Steve Barrett said the Board was asked to award bids for two summer paving projects, as set forth in the memo dated August 7 from Highway/Utilities Superintendent Dan Tyler. He said that Project #1 consisted of paving Meadowbrook Road, New England Drive, and Hinesburg Road, and the Board was asked to award the bid for that project to All States Asphalt, Inc., of Sunderland, Massachusetts, in the total amount of \$191,524.60. He said that Project #2 consisted of paving Chestnut Hill, Acorn Lane, Preston Parking Lot, and the Police Department Driveway, and the Board was asked to award the bid for Project #2 to D.M.I. Paving of Brattleboro in the total amount of \$76,890. Gary Stroud suggested that Elm Street and the adjacent sidewalk be added to the repair list. There was some discussion by the Board.

**MOTION BY DANIEL QUIPP TO AWARD THE BID FOR SUMMER PAVING PROJECT #1 TO ALL STATES ASPHALT, INC., IN THE TOTAL AMOUNT OF \$191,524.60, AND TO AWARD THE BID FOR SUMMER PAVING PROJECT #2 TO D.M.I. PAVING IN THE TOTAL AMOUNT OF \$76,890. MOTION CARRIED 5-0.**

Wessel called for a recess at 10:06pm. He reconvened the meeting at 10:16pm.

Ratify Town Manager's Decision to Apply for JAG Grant – Police Department. Elwell said that the Board was asked to ratify his decision to authorize the Brattleboro Police Department to apply for an Edward J. Byrne 2020 JAG Grant funded by the Department of Justice in the amount of \$11,614. He said that the grant funds would be used to pay for police training around racial and social equity. He added that the application deadline was prior to this meeting so he authorized submittal of the application and was now asking the Board to ratify it. There was a brief discussion by the Board.

**MOTION BY ELIZABETH McLOUGHLIN TO RATIFY TOWN MANAGER ELWELL'S DECISION TO APPLY FOR AN EDWARD J. BYRNE 2020 JAG GRANT FUNDED BY THE DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$11,614. MOTION CARRIED 5-0.**

Announce Committee Vacancies –Town Boards and Committees. Elwell said that the Board was asked to announce vacancies on various Town boards and committees. He read the list of vacancies.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY DANIEL QUIPP TO ADJOURN AT 10:25PM. MOTION CARRIED 5-0.**

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Ian Goodnow, Clerk