



**TOWN OF HARTFORD
SELECTBOARD
MINUTES**

Tuesday, September 3, 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; Dan Fraser, Selectboard Member; Alan Johnson, Selectboard Member; Kim Souza, Selectboard Member; Brannon Godfrey, Town Manager; Members of the Public: 26 Hartford Residents, 16 Non-Residents

CATV Link: <http://catv.cablecast.tv/CablecastPublicSite/show/9109?channel=2>

- I. Call to Order the Selectboard Meeting:** Simon Dennis, Selectboard Chair, called the meeting to order at 6:07PM.
- II. Pledge of Allegiance:** The Pledge was not recited; School Board Chair Kevin Christie led singing of National Anthem
- III. Local Liquor Control Board: N/A**
- IV. Order of Agenda:** Simon Dennis requested the Consent Agenda be moved to before Board Reports, Motions, and Ordinances; there was no objection
- V. Selectboard**

1. Citizen, Selectboard Comments and Announcements:

Citizen comments:

Lannie Collins, Hartford: Expressed concerns that Simon Dennis was showing bias; requested resignation of Simon Dennis from Chair ship and Board, and/or recusal from discussion of FIPP and Welcoming Hartford Ordinance.

Lori Dickerson, Hartford: Expressed concerns about uncivil discourse at meetings; urged Board's primary consideration be the citizens of Hartford.

Cindy Salazar, Hartford: Urged the Board to consider the broader community.

Wren DND, Hartford Village: Requested information on coaching/mentoring of Hartford Parks and Rec Programs.

Selectboard Comments:

Simon Dennis, Chair: Apologized for speaking without evidence on details of recent local arrests by ICE

Dan Fraser, Member: Noted Kim Souza, Member, was being honored as Women Who Make a Difference by Windsor County Democratic Committee

Simon Dennis, Chair: Resilient Hartford Potato Fest hosted by Resilient Hartford is August 13

Dennis Brown, Clerk: Stated Simon Dennis showed bias, rules of procedure are not being followed, authority of Chair is being abused; requested Simon Dennis step down as Chair of Board; Simon Dennis responded he did not intend to step down

2. Appointments: Jameson Davis made the motion to appoint Brannon Godfrey the 2019 VLCT Annual Meeting Voting Delegate. Alan Johnson seconded the motion. All were in favor and motion passed.

3. Town Manager's Report: Significant Activity Report period ending September 3, 2019.

[Online link: Sig Acts 9/3/19](#)

Brannon Godfrey, Town Manager, reported on one delinquent property tax sale for \$23k; Sykes Mountain Avenue Roundabouts Project; Staff meetings with Inclusivity and Equity consultant; CATV revenue cuts; Costs of disposing of stockpiled materials at Solid Waste Facility; Staff began budget planning; Impact of Welcoming Hartford Ordinance on Town's receipt of federal funds and programs; Scheduled joint Selectboard/School Board Meeting for September 11 at 6PM in the Town Hall

4. Consent Agenda: Jameson Davis made the motion to approve the Consent Agenda as listed. Alan Johnson seconded the motion. All were in favor and the motion passed.

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 and 9/11/19.

5. Board Reports, Motions & Ordinances

a. Welcoming Hartford Ordinance

Richard Grassi made the motion seconded by Jameson Davis that the Selectboard place the matter pertaining to Fair and Impartial Policing to a Town vote. All were in favor and the motion passed.

Jameson Davis made the motion seconded by Alan Johnson that the Selectboard place on the ballot the July 23, 2019, version of the Welcoming Hartford Ordinance for the Town to take a vote on. Simon Dennis, Jameson Davis, Dan Fraser, Alan

Johnson, Kim Souza voted in favor; Richard Grassi and Dennis Brown opposed. The motion passed 5-2.

Jameson Davis made the motion seconded by Alan Johnson to amend the section on the Human Rights Commission (HRC) to bring the paragraph in compliance with the HRC. All were in favor and the motion passed.

Alan Johnson made the motion seconded by Dan Fraser to accept the new Civil Ordinance Authority section as amended. All were in favor and the motion passed.

Alan Johnson made the motion seconded by Dan Fraser that the ballot language read “Shall the Town of Hartford advise the Selectboard to adopt the Welcoming Hartford Ordinance, dated September 3rd, 2019?” All were in favor and the motion passed.

Dan Fraser made the motion seconded by Dennis Brown that the amended ordinance finalized September 3, 2019, be put on the ballot of the March 3, 2020, Town Meeting. All were in favor and the motion passed.

Public Comment was made by Mike Morris, Hartford; Michael Quinn, Windsor; Peggy Richardson, Hartford; Asma Alhuni, Hartford; Wren DND, Hartford Village; Kira Kelly, Hartland; Ed Taylor, Quechee; Jeff Cable, Hartford; Laura Wolf, Wilder.

Selectboard Vice Chair, Dick Grassi's letter read to the Selectboard. (9/3/2019)

Mr. Chairman, I want to read a statement that I wrote and I want to make sure that everybody understands that my criticism, and there are quite a few that are in here pertain to the process and the leadership in this fair and impartial policing proposal or policy. This first thing I want to make perfectly clear is that my statements tonight are mine and mine alone. I have made it perfectly clear in open meeting that the Chair does not speak for me on this Fair and Impartial Policing discussion. And I have asked him to not refer as the Board when speaking on this subject. He needs to say “the majority” of the Board. This has apparently have fallen on deaf ears. Again, these are my observation and my opinions. I have lived in Hartford for 50 years and coached in this Town for 30 years. I have also had the honor and privilege of serving on the Hartford School Board and the Hartford Selectboard starting in 1984. I served for eight years on the School Board and then many, many years on this Board. The only rule that I have always had for myself is leave my personal politics at the door when sitting as an elected Board Member. I am also very proud to say that the vast majority, if not all, of the other elected Board Members did the same. I believe I have served with somewhere between 50 to 75 different individuals who also felt we are the Hartford Selectboard no more, no less, all things local. My first and initial introduction to the Fair and Impartial Policing discussion was two days before the June 4th meeting. Simon called me and said I want to give you a heads up. The discussion on Fair and Impartial Policing might be controversial. I said ok, we will listen. I go to the meeting on the 4th and I find approximately 40 Hartford residents and 17 non-residents according to the sign-up sheet. It is immediately clear to me that the majority of this Board and most, if not all attending were there to drive this proposal policy demanding certain actions or non-actions by the Hartford Police Department. Don't take my word for this, watch the broadcast and draw your own conclusions based on everybody's testimony. They planned on passing this policy without public comment beyond the approximately 40 Hartford residents at this time. The Town Clerk advised me today that we have 9,283 registered voters in Hartford. I asked the Board not to react on emotion and we need to know the insurance liability questions along with the legal review before taking action. The next day I called Simon and said “you ambushed me.” To which he replied either “yes, I did” or yes, we did.” Hell of a way to start. From there it didn't get any better as far as my agreement to his actions all the way through the process or lack of process. First let me say that we are a Nation of Laws enacted by our Representatives at the State and Federal levels. Allegedly after written, debated and acted as representatives of we the people. Police officers do not make these laws and it is not an elected which ones they will personally want to enforce. What we do know is the Hartford Police Department does not enforce solely immigration status laws written solely for that purpose. The Police Chief has made it perfectly clear his men and women, the Hartford Police Officers, do not now or will not in the future

entertain these actions. All of the energy should be directed at those responsible for these laws, Congress. They wrote and passed these laws and can change them. I strongly believe that the Chair of this Board is overtly and covertly trying to micromanage the Hartford Police Chief, Phil Kasten, the Hartford Police Department and all Town employees relative to this matter before us. I believe he has the blessing of the majority of the Board and that is very disturbing to me. What he has subjected Chief Kasten to is beyond the pale of decency. Here we have a Police Chief that completely changed the culture of the Department to make it inclusive through his advertising, recruitment and hiring process. He was recently complemented at our meeting by our State Representative and School Board Chair, Kevin Christie who also sits on the hiring Board. Simon asked the Chief to sit in a room for hours for multiple times so he could be a subject to different forces to convince him to violate eight USC 1373 and 1644 that I believe states the Chief may not participate in any effort to violate or ignore federal statutes. What they succeeded in was convincing this honorable man how he refuses to compromise his integrity and oath of office and had to hire an attorney to help protect his rights from this on-slaughter. The attempt to badger, pressure, intimidate and compromise the Chief didn't work. Chief Kasten has earned the trust and respect of the vast majority of this community. He is responsible for the protection of the persons, property and security of approximately 10,000 residents on a daily basis. An awesome responsibility that he accepts without complaint and does it in a collaborative way that ensures success. If we were to lose Chief Kasten relative to my stated concerns, it would be in my opinion a tragedy that will take years to recover if at all. All of this over a proposed policy ordinance that does nothing more than we are already doing. It accomplishes no more than a feel good personal political statement by the majority of this Board. It is clear Homeland Security Agents will continue to run their operations when and where they please and would not be affected in any action by this Board. Oh yes, in recent action by Federal Enforcement Agencies were very convenient to home. Think about it.

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

Richard Grassi made the motion to Adjourn the meeting at 9:50 P.M.
Jameson Davis 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.

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**
- **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.

Citizenship or immigration status. "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States,

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 the 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 the 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, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

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 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 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.

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 questions 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 is pursuant to authority and powers of the Town of Hartford, Vermont as set forth in 24 V.S.A. 872 (a).

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.