



**TOWN OF HARTFORD
SELECTBOARD
MINUTES**

Tuesday, March 10, 2020, 6:00pm
Hartford Town Hall
171 Bridge Street
White River Junction, VT
05001

Present: Dan Fraser, Selectboard Chair; Simon Dennis, Selectboard Vice Chair; Dennis Brown, Selectboard Clerk; Alicia Barrow, Selectboard Member; Alan Johnson, Selectboard Member; Joseph Major, Selectboard Member; Kim Souza, Selectboard Member; Brannon Godfrey, Town Manager; Lana Livingston, Administrative Assistant; Scott Cooney, Fire Chief; Lori Hirshfield, Director of Planning & Development; Geoff Martin, Energy Coordinator; Brett Mayfield, TOH Health Officer; Michael T. Quinn; Michael Redmond; Sara Hickey; Kerstin Nichols; Asma Elhuni.

Please Note: There were also in attendance 25+ people who were there for the Welcoming Hartford Ordinance and they did not sign in.

CATV Link: <http://catv.cablecast.tv/CablecastPublicSite/show/11433?channel=!>

I. Call to Order the Selectboard Meeting: Selectboard Chair, Dan Fraser called the meeting to order at 6:00 P.M.

II. Pledge of Allegiance: Selectboard Clerk, Dennis Brown led the Pledge of Allegiance.

III. Local Liquor Control Board: Chair, Dan Fraser recessed the Selectboard Meeting and opened the Local Liquor Control Board.

1. Renewals

- a.** Wicked Awesome BBQ, LLC, 93 Beswick Drive, White River Junction, VT 05001 (1st and Outside Consumption)
- b.** Blood's Catering & Party Rentals Inc., 1147 Hartford Ave, White River Junction, VT 05001 (1st and 3rd)
- c.** Skinny Pancake Quechee, 7161 Woodstock Road, Quechee, VT 05059 (1st and 3rd)

- d. Crazy Jane's Elixir, LLC, 188 South Main Street, White River Junction, VT 05001 (1st and 3rd)
- e. Engine Room, LLC, 188 South Main Street, White River Junction, VT 05001 (1st, 3rd and Outside Consumption)
- f. Perry Hospitality Group of Vermont, Doing Business As: Quechee Inn at Marshland Farms, Quechee Main Street, Quechee, VT 05059 (1st, 3rd and Outside Consumption)
- g. Maple Street Catering, LLC, Doing Business As: Big Fatty's BBQ, 186 South Main Street, White River Junction, VT 05001 (1st, 2nd, 3rd and Outside Consumption)
- h. Quechee Club, Inc, Doing Business As: Base Lodge, 3369 Quechee Main Street, Quechee, VT 05059 (1st, 3rd and Outside Consumption)
- i. Quechee Club, Inc., 3268 Quechee Main Street, Quechee, VT 05059 (1st, 3rd and Outside Consumption)
- j. Quechee Club, Inc, Doing Business As: 78 Murphy Road, Quechee, VT 05059 (1st, 3rd and Outside Consumption)

Selectboard Member, Alan Johnson made the motion to approve items a, b, c, d, e, f, g (1st, 3rd and OSC only), h, i and j. Selectboard Member, Alicia Barrow seconded the motion. 4 were in favor and 3 Abstained (Souza, Fraser & Major). The motion passed.

Selectboard Member, Alan Johnson made the motion to approve the 2^d class license for Maple Street Catering. Selectboard Member, Alicia Barrow seconded the motion. 5 were in favor and 2 Abstained (Fraser & Souza) The motion passed.

Selectboard Chair, Dan Fraser closed the Local Liquor Control Board at 6:07 P.M. and reopened the Selectboard Meeting.

IV. Order of Agenda: Selectboard Member, Dennis Brown asked to table item 4f. American Flags on Downtown Light Poles, until a later date. They are not ready yet to present to the Board.

V. Selectboard

1. Public, Selectboard Comments and Announcements:

Citizen Comments: There were no citizen comments.

Selectboard Comments: Selectboard Clerk, Dennis Brown took some notes from the

Town Meeting and would like to share them so we could do better next year.

- The use of the words "appropriate" not "authorize." These should be consistent.
- It would be helpful to have a list of LOT (Local Option Tax) monies.
- Consistently stating which articles are Australian Ballot and which are not.
- As a Board Member, Mr. Brown could not see the screen from where he was sitting. Perhaps it could be back further.
- At Candidates Night it was awkward without a table for the Candidates. Please have one next year.

Selectboard Chair, Dan Fraser welcomed the new Board and thanked Town Clerk, Lisa O'Neil for making voting day run smoothly. Mr. Fraser also thanked Dick Grassi for the many years he served on the Selectboard.

Selectboard Alan Johnson addressed the use of abstention and recusing. It may be useful if the member left the room as a recusal rather than abstaining from the vote. This way the number of votes needed to pass an item would change and have a better chance of passing. Example, 7 members present needs 4 votes to pass however 5 members present would need only 3 votes to pass.

2. **Appointments: NONE**

3. **Town Manager's Report: Significant Activity Report ending March 9, 2020.**

Link: <https://www.hartford-vt.org/ArchiveCenter/ViewFile/Item/180>

Mr. Godfrey has consulted with VLCT about removing the question "Are you an US Citizen" from the Boards and Commission application. VLCT saw no reason not to remove it from the application. The Board agreed with a head nod to take it off the application.

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

a. **Core 4 Towns Response Strategy to Coronavirus (Information Only)**

The Town of Hartford, Norwich, Hanover and Lebanon ("Core 4 Towns") meet bi-monthly to discuss regional issues. Mr. Godfrey reported that Vermont State has opened the Emergency Operations Center today.

*Selectboard Vice Chair, Simon Dennis presented a Charge for a new committee: **Hartford Ad Hoc Committee on Coronavirus Response***

Term: *The term of this commission shall end upon completion of the charge: not later than March 3rd, 2022.*

Constitution: *This advisory committee will be constituted by four members*

who live or work within the Town of Hartford, one member of the Selectboard, the Town Manager and up to two staff members that the Town Manager sees fit to appoint. Each member shall have equal weight in discussion and voting.

Charge:

1. To work with area service providers, State officials and content experts to generate a broad list of strategies for slowing the spread of the Coronavirus.
2. To work with area service providers, State officials and content experts to generate a broad list of strategies for preparing for the spread of the Coronavirus.
3. To collaborate with parallel committees and/or delegates from the Towns of Lebanon, Hanover, Norwich or other regional towns to discuss possibilities for regional collaboration.
4. To monitor Hartford's response to the Coronavirus outbreak in the areas of prevention and preparation.
5. Submit a brief report to the Selectboard to explain recommendations no later than April 30th, 2020.

In order to conform with the open meeting laws, committee meetings will be warned, recorded and open to the public.

Selectboard Member, Alicia Barrow made the motion to form an Ad Hoc Committee on Coronavirus Response. Selectboard Clerk, Dennis Brown seconded the motion. Selectboard Member, Kim Souza made a friendly amendment to include the draft charge as presented. This was accepted by Barrow and Brown. 7 voted Yes and the motion passed.

The Charge will be posted and applications will be accepted.

b. Homelessness Committee Final Report Presentation (Information Only)

The *ad hoc* Committee on Homelessness Committee presented a draft report to the Selectboard in January prior to the approval of the FY21 Budget. The Committee has subsequently finalized its report. Michael Redmond, Co-Chair, presented the final report to the Selectboard at this meeting.

Link to the Report: <https://www.hartford-ct.org/DocumentCenter/View/3530/Ad-Hoc-Committee-on-Homelessness-Final-Report>

c. Validation resolution regarding Notice for 2019 TIF Bond Warrant (Motion Required)

In the course of the Bond attorney preparation of the Bond Certification Letter, it was discovered that one of the public notices for the TIF bond warrant on the March 5, 2019 Town Meeting ballot, was published in the

Valley News a day later than scheduled. To address this unintended error, the

Town can avail itself of a validation provision specified within State Statute. Attached is a Validation Resolution prepared by Paul Guliani, Town Bond attorney, which acknowledges the unintended error.

Selectboard Clerk, Dennis Brown made the motion to Adopt the Validation Resolution as presented. Selectboard Vice Chair, Simon Dennis seconded the motion. All were in favor and the motion passed.

d. Determination of Energy Compliance Resolution (Motion Required)

The siting of renewable energy in Vermont has historically been determined by the State's Public Utility Commission (PUC). The previous process gave municipalities little control over where renewable energy, like solar, should or should not be sited. Instead, the PUC had almost complete control to grant a permit, or Certificate of Public Good, for a solar project. [Act 174 of 2016](#) established a new set of municipal and regional energy planning standards, which, if met, would give towns and regions greater input in the Section 248 siting process for energy generation systems. When a Town Plan meets these standards, it can go through a process to obtain an affirmative "determination of energy compliance," and "substantial deference" in the PUC's review of whether an energy project meets the orderly development criterion in the Section 248 process.

Hartford's Energy Chapter in the Town Plan adopted by the Selectboard on June 4, 2019 includes all the requirements to meet the Act 174 standards to receive a "determination of energy compliance". In order to achieve a determination, Hartford's Town Plan must be submitted to the Two-Rivers Ottauquechee Regional Commission (TRORC) to ensure that the Act 174 standards have been met. TRORC will issue a determination in writing within two months of the receipt of a request. If the determination is positive, Hartford will be given substantial deference. If the determination is negative, TRORC will state the reasons for the denial in writing and, if appropriate, suggest acceptable modifications.

Selectboard Vice Chair, Simon Dennis made the motion to Formally request a determination of energy compliance from TRORC. Selectboard Member, Joseph Major seconded the motion. All were in favor and the motion passed.

e. Welcoming Hartford Ordinance (Motion Required)

On September 3, 2019, the Selectboard voted to put the attached draft of the Welcoming Hartford Ordinance on the March 3 Town Meeting ballot for consideration by the voters, as follows:

Shall the Town of Hartford advise the Selectboard to adopt the Welcoming Hartford Ordinance, dated September 3rd, 2019?

The voters of the Town approved the question by majority on March 3, 2020. If the Selectboard adopts the Ordinance, 24 VSA §1972 prescribes that it be posted within 14 days of adoption. If a petition for a vote on the question of disapproving an ordinance is signed by not less than five per cent of the qualified voters, and presented to the legislative body or the clerk within 44 days following the date of adoption of the ordinance or rule by the legislative body, a special Town Meeting on the ordinance shall be held on the Ordinance. If there is no petition, the Ordinance will become effective 60 days after adoption.

Selectboard Clerk, Dennis Brown asked many questions to clarify what passing this will really mean.

Selectboard Member, Joseph Major made the motion to adopt the September 3rd, 2019 Welcoming Hartford Ordinance. Selectboard Member, Kim Souza seconded the motion. 6 voted Yes, 1 voted No (Brown). The motion passed.

Municipal Code of Hartford, Vermont: WELCOMING HARTFORD ORDINANCE

- o ***Title***
- o ***Purpose and intent***
- o ***Definitions***
- o ***Requesting information prohibited***
- o ***Disclosing information prohibited***
- o ***Conditioning benefits, services, or opportunities on immigrant status prohibited***
- o ***Civil immigration enforcement actions - Federal responsibility***
- o ***No private cause of action***
- o ***Exchanging file information***
- o ***Civil Ordinance; Authority***
- o ***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. "Administrativewarrant" 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 (OHS), Immigration Control and Enforcement (ICE), and US. 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 1-9 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 VS.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 VS.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.

f. American Flags on Downtown Light Poles

Note: This item was tabled until a later date.

g. Discussion of Board Protocols and Calendar (Information only)

Selectboard Vice Chair, Simon Dennis reviewed some of the Selectboard Protocols for the new members. Selectboard Member, Alan Johnson will send out a doodle poll for the Selectboard Members to choose a date for a Social evening.

VI. Commission Meeting Reports:

Kim Souza reported that HCOREI is receiving a lot of applications for their two openings.

Simon Dennis Reported from Resilient Hartford. They are working on proposals for alternate uses of the parks. We have 17 Town Parks and they are not all used. Kim Souza mentioned that in the Town Report the CROH report was the same as last year. Mr. Dennis said that was a mistake.

Alan Johnson reported from the Energy Commission. Chair, Erik Krauss will be leading an energy savings project. This is an outreach that will start with Mobile Home Parks.

Mr. Johnson also reported from the Conservation Commission. They will soon be presenting to the Selectboard the Town Forest Harvesting Plan.

VII. Consent Agenda (Motion Required): Selectboard Member, Kim Souza made the motion to approve the Consent Agenda as listed. Selectboard Member, Alan Johnson seconded the motion. All were in favor and the motion passed.

Approve Payroll Ending: 3/7/2020

Approve Meeting Minutes of: 2/25/2020, 2/29/2020 and 3/5/2020

Approve A/P Manifest of: 3/6/2020 and 3/10/2020

Selectboard Meeting Dates of:

Already Approved: 3/24/2020

Needs Approval: 4/7/2020 and 4/21/2020

VIII. Executive Session:

The Motion to go into Executive Session for Discussion of a mediation for which premature general public knowledge would clearly place the public body at a substantial disadvantage [VSA §313(a)(1)(C)] was made by Selectboard Member, Alan Johnson at 8:23 P.M. Selectboard Member, Alicia Barrow seconded the motion. All were in favor and the motion passed.

The Motion to Close the Executive Session was made by Selectboard Member, Alicia Barrow and seconded by Selectboard Clerk, Dennis Brown at 8:40 P.M. All were in favor and the motion passed.

IX. Adjourn the Selectboard Meeting (Motion Required):

Selectboard Clerk, Dennis Brown made the motion to Adjourn the meeting at 8:40 PM. Selectboard Vice Chair, Simon Dennis 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.

Citizen requests for action by the Selectboard should do so during the Citizen Comments period.