

## Selectboard Minutes 6/8/2020

Members Present by Zoom: Christine Werneke, Katie Mather, Bard Hill, David Sander, Roger Brown

Members Present by phone: none

Absent: none

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Others Present by Zoom: Josh Arneson, Town Manager; Kathy Daub-Stearns, Admin.

Assist.; Connie Bona, Finance; Pete Gosselin, Hwy; Superintendent; Larry Muldoon Police Chief; Kyle Kapitansky, Police; Linda Parent, Town Clerk; Rebecca Mueller, Library; and Angelica Contis recorded the meeting for MMCTV Channel 15, also present: Marshall Paulsen, Jay Furr, Ike Patch, Greg Elias, Martha Nye, Francine Pomerantz, Jeff Forward, Ashley Hanlon, Chris Granda, Christy Witters, Joanna May, Stefani Hartsfield, L. Sau, Katherine Long

Called to Order: 7:02 PM

**Welcome** by David.

**Comments from the public:**

Jeff Forward said that several years ago he had been concerned about migrant justice and wanted to find out about "fair and impartial policing" so he spoke to the previous Richmond police chief. He felt that policing is a timely issue that should be put on the next Selectboard Agenda.

Discussion included:

- Bard saying, he has heard from a few people with questions concerning the Town's having a use of force policy and wanting to know about the contract with the Howard Center. He felt we should be open to having a discussion what our policies are.
- David agreed saying locally we should look at how we are doing. He said he had met with Larry yesterday and thought it would be germane to have the discussion
- Larry commented that we can have the top of the shelf policy and it when it comes down to policing it's the officer's character that means more. Larry added that he was certain that the officers on the Richmond police roster were of the highest character.
- Jeff Forward said he was not questioning our police or the quality of their character. He said, it is a larger discussion about who we are and how we respect each other. Jeff wants the Selectboard to be open to a discussion, to hear all sides of it, and have no one feel defensive about it. Jeff felt it was important for the community to understand the policies in place that protect our community.
- Roger told Larry he would not be the only one answering questions, that he and the other board members would stand with him in support of all he does. Roger said he would be proud to answer any questions even though it is a difficult conversation it may be part of the solution. He added that any discussion should include what real actions can be taken to make things better.
- Larry said that if there is a specific thing that is an issue he would need to know right away. If it is a general discussion ok, but not to just hear complaints about the police in general.

- David said he has been very impressed with Larry and that his philosophy has been just what the Selectboard was looking for when he was hired.
- Chris Granda mentioned he has seen Black Lives Matter signs up in different yards and that he has created one of his own, he offered to let the Town have the sign he's making to put up on Town Center property. David thanked him for the offer.

This will be an item for discussion at the next meeting.

**I. Additions or Deletions to Agenda- none**

**II. Items for Presentation or Discussion with those present**

**a) Update on COVID-19 health crisis response**

i. Update on Town department operations

Josh reported:

- that all departments were following guidelines
- that the Police Department has a new part-time officer starting and another candidate entering the police academy for training
- that the Water & Sewer Department continues work on Bridge Street and that septage coming into the plant by haulers is high
- that the Fire Department had a business meeting and is starting to get into doing their trainings while following safety guidelines
- that the Highway Department's summer work projects are going well adding that Pete and his crew did a great job on the outfall project and that a property owner sent an email praising them and the quality of their work.
- that the Library is distributing books curbside and Rebecca has noted that memberships have picked up. Josh said that with the Governor's recent update Libraries are able to open and that Rebecca is gathering information so when she opens in part or whole it is done correctly.
- that Planning & Zoning commission meetings have resumed, and the Ravi and Suzanne are working on a plan where the public can make appointments to come in for meetings.
- that Linda will have a voting update next on the agenda and that researchers have been one at a time

**ii. Discussion of voting procedures for the August and November elections**

Linda thanked all the volunteers that made for a very successful Green Up Day. Linda went on to say that the Primary is August 11, 2020, and that absentee ballots are being requested. She said that everyone should get a card with a tear off to request a ballot from her office but that anyone can email her a request. The exception Linda said is college students who should call or email to receive a ballot. August 11, 2020 will be then be open only for same day registrations and voting for those newly registered. Linda said that If you email her for a ballot you do not need to send card in as well.

Christine asked if you can still drop off your ballot on the 11<sup>th</sup>. Linda said you could, but if the process is to work smoothly, they should come in by the 10<sup>th</sup>.

### **iii. Update on ventilation options for the small conference room**

Josh reported:

- that he had contacted Alliance Mechanical who had done work on the Post Office to come look at the small conference room. They noted that there is one air handler in Town Clerk's office that handler exchanges the same air from one room to another and does not bring fresh air in. Alliance Mechanical suggested adding a UV light in the air duct that can disinfect the air. The other option they suggested is an energy recovery ventilation system that would bring new air in. They are going to provide a quote for each, then we can have to weigh those costs vs long term goals for the building.

### **iv. Update on education tax payment options**

Josh reported:

- that the Town should receive information for education taxes on August 1, 2020, making it possible for tax bills to go out on August 3, 2020. Then 30 days later tax payments are due.
- that the Education tax bill is due September 5, 2020.

Discussion included:

- Connie saying, she looked at cash flow and the Town should be able to pay the education bill. If we do not get the rate until very late, then we may need to take a loan, hopefully we will not need to get a loan this time.
- Connie reported that the Town has about \$2,400,000 available funds and that there are about \$750,000 in expenses between now and the end of September. Connie added that she has reached out to the school to see if paying later will kick in the penalty. She said, one thing to remember is that we get the electronic payments early but If we do not get the education tax rate on time, we will need a loan. Connie feels the Town should put off any expenses we do not need immediately until after September.
- Roger asked if the \$750,000 of expenses reflected included the paving project? Connie replied, the \$750,000 was for typical expenses, not paving.
- Katie wondered if we could start talking to taxpayers about paying their tax bills quickly. Connie said that the state is looking at reimbursing towns the interest for any loans that towns might need to take to pay education tax bills so it may not be a problem. Katie said it is still the taxpayer's money and she thinks we should avoid using the banks as a solution. Connie said she understood.
- Josh said waiting until August to encourage people to pay early would be better so people do not forget between now and then. He said notices could go out with some lead time.
- Jeff Forward said he would encourage the Selectboard to not to think of the Town Center fund as a savings account. He said there will be substantial money that needs to be spent to keep the building sound. Roger said, this is an extenuating circumstance, that he was not saying the Town Center account is a bank account but that it is legal to shuffle finances to keep from having to get a loan and maintain flexibility. Jeff Forward said that in previous years rent income has gone to offset General Fund expenses and the Town Center money is needed for Town Center. Connie said that in the seven years she has been doing the Town's finances Town Center money has never been used for anything else. She added that money would be borrowed from the Town Center Fund and returned when taxes came in. Roger said he respects Jeff's

opinion, stating that this is an unusual, unprecedeted circumstance and to move money around instead of taking a loan makes sense. Jeff Forward thought that some taxpayers could pay taxes all of their taxes at once if that is a benefit to the town and did not think it would be a burden to ask.

**v. Follow up on promoting the use of masks in public spaces**

David began by saying he has received many requests to do something about masks in public places. Josh reported that at the last meeting it was decided to create a sign to get a consistent image and message out to people. That after a week or so it would be decided if something more was needed to be done.

Discussion included:

- Katie thanking Patty Brushette for sending the Burlington version of the sign
- Bard said he liked the sign. He said he has gotten more email on this subject than any other subject since he has been on the Board. Bard wanted to adopt a resolution using Burlington's resolution language.

Bard moved to adopt the Burlington resolution substituting Richmond's information for Burlington's, Roger seconded. Roll call vote: Katie, bard, roger, Christine, and David voted affirmatively.

Josh will work on having the resolution ready for signing at the next meeting.

**vi. Consideration of adopting a resolution supporting federal emergency aid to communities**

Josh reported that VLCT is looking for a show of support from municipalities in requesting federal funding for even the smallest of communities.

Christine moved to adopt a resolution in support of municipalities receiving federal emergency funding, Roger seconded. Roll call vote: Bard, Katie, Roger, Christine, and David voted affirmatively.

**vii. Other COVID-19 health crisis items**

Connie said that very soon they will not be recommending thermometer testing according to a VLCT virtual meeting she attended. David thought we should continue following the Governor's guidelines. Bard said we should wait for the Governor to make that decision. Christine said we should stick with guidance from the VT Dept of Health and the Governor.

Christine had another request, she said that with the mask resolution passing, she felt the Town should look at supplying disposable masks to businesses. David said he would like to see some pricing before deciding. Christine thought disposable masks could be purchased inexpensively. Bard thought it made sense to check on availability and pricing. Josh said he would find out pricing and availability for the next meeting.

**b) Update on Library HVAC project**

Josh said there had been a meeting with Breadloaf for the HVAC at the Library. One of the options was to replace the heating with a gas furnace and put in a traditional AC unit. The question he said, is should we go out to bid and then figure out how to pay for it since the Town Center fund may not be where the funding comes from.

Discussion included:

- Christine said the basement option for mold remediation due to the dirt floor needs to be done as well. She added that, in regard to who makes the decision about expenses, the Library Trustees are looking to the Selectboard, the Selectboard is looking to the Library Trustees. Bard replied that the question is a procedural one, statute says that for municipal libraries, the trustees are responsible for the library unless there is another agreement. Bard asked, do we have such an agreement? The Town Center funds were meant for the Town Center and not the Library. Rebecca said, there is, to her knowledge, no agreement. She pointed out that the building is a town building and the library views themselves as leaseholders with the structure being the Town's responsibility. Rebecca added that there is no way that the Library Trustees can deal with repairs that go up to \$250,000 with a maintenance budget of \$15,000. Connie said that when other Town properties have needed repair the Town has gotten loans to cover expenses. Bard said he sees it differently. In Bard's opinion, the highway department is in a different category. The legislation says we need to have an agreement. If we want the library to be included in using Town Center funds we may need another town vote. Rebecca said that should the Trustees be responsible for the structure than funding needs to be increased, Rebecca added that the town has taken the revenue from the Library into the general fund, then to say the Trustees need to be responsible for the structure is a disconnect in reason. Bard did not disagree with Rebecca but said that with the what the statute says there needs to be an agreement. Katie asked how to get an agreement? Bard said it needs a lawyer's opinion. Josh thought we should ask our attorney, based on our situation, what we need to do. Connie thought that if an agreement is reached, then the Selectboard would need to approve a loan, then build it into the FY22 budget to pay the loan. Christine asked if an RFP can be issued or does it need to wait? Josh replied that he didn't think the RFP had to wait, that we can issue it and figure out the details simultaneously. Christine said, if we get the RFP issued this week then we would have time to figure things out.
- Jeff Forward thought the sb needed to be aware that the library projects are essential, heating/ cooling and mold remediation and that they are likely to cost \$150,000 - \$200,000. Jeff said that the projects need to happen sooner rather than later and agreed with Bard that there needs to be an agreement. Jeff said that this has been an issue for years so things need to happen simultaneously to save the library building.

**c) Update on Bridge St. Infrastructure Project**

Josh reported:

- that this week the water connections are being made after testing came back positive.
- that there will be lower than normal pressure in some areas of town and that there will be some customers that will lose water temporarily saying those customers are being notified.
- that there are going to be brief closures of the pedestrian walkway on the bridge to get materials staged for replacing the pipes under the bridge.

- that the contractor is looking at the drainage situation at the upper Bridge St. parking lot and will provide a proposal to fix it.

### **III. Approval of Minutes, Warrants and Purchase Orders**

Katie moved to approve the Minutes of 6/1/20, Bard seconded. Roll Call Vote: Katie, Bard, Roger, Christine, and David voted affirmatively.

#### **Invoices and warrants:**

Roger questioned the swing, Josh said that there was a swing set that was damaged at the park and is being replaced.

Roger moved to accept Purchase Order 3972 to County of Chittenden for County Taxes due in the amount of \$22,223.87, Katie seconded. Roll Call Vote: Katie, Bard, Roger, Christine, and David voted affirmatively.

Roger looked through the invoices and thought they looked ok.

Roger moved to approve warrants as presented, Christine seconded. Roll Call Vote: Roger, Katie, Bard, Christine, and David voted affirmatively.

Josh will send the warrant out for signatures using DocuSign.

### **IV. Discuss Items for Next Agenda**

sign at town center to show support for Black Lives Matter

Discussion on whether to have a community forum on policing policies included:

- Larry saying that these are not simple issues, but he would be willing to do something if it could be effective.
- Christine thought that maybe in two weeks the Selectboard could talk about what the options are for educating people.
- Larry thought that we should start with the Selectboard members doing ride-a-longs, then it would not be just another officers voice answering questions.
- Bard said he had a strong opinion that it is not his job to represent the Police Department adding that he feels Larry has done a fine job and that it is how the police interact with the public that makes the difference. He said, we have nothing to hide that we should talk about that we are doing that is successful. He said that citizen's opinions are not shaped by ride-a-longs by the Selectboard members. Sunshine and open communication is best. He said we should be willing and able to talk to people.
- Larry said he is not shying away from the conversation that if the Selectboard or any member of the public has questions he doesn't want misinformation to be disseminated.

- Katie said, we had an open forum when Larry was hired, it had a moderator, it was very informative, probing, but cordial. She added that we are in the midst of an uprising about systems of inequality.
- Larry responded saying, I can say that we have a policy that says we don't use choke holds, but if I'm in a fight for my life I'm going to use whatever I have within my means to not die. Information is about context, how policies are applied.
- Katie, disagreed. Here we are having a discussion trying to educate people through a community discussion. Katie thought she would like to have a forum on our use of force policy. People want to talk about it and know what our police department is doing and going to do, be reassured about our police department.
- Jay Furr said he agrees with having a moderator. He agrees with Chief Muldoon that more damage can be done in these types of conversations.
- David wants to have further discussion.
- Jeff Forward thought it was not about the police or Selectboard, he said that no one on this call, or at this meeting, has experienced racism. He said that this is an extraordinary moment in the world. We should not pass up the opportunity to have this discussion. He said that as white people of privilege we do not understand what people of color go through. He said he wants to try to mitigate the continued deplorable history this country has of racism. He said he is not accusing our Police Department of doing anything wrong, he just wants to have a discussion. As part of the discussion he would like to talk about changing the flags in town from the American flag to a Black Lives Matter flag, he said this is a discussion we need to have now. He thought our little white community in little white Vermont should participate in the discussions being had around the world.
- Connie reminded everyone that one sticker, one blue lives matter sticker on a police cruiser offended someone and caused quite a lot of controversy. She said, we did not send the message that only one type of life matters, we removed the sticker from cruiser. By putting a Black Lives Matter sign on Town property, it implies the whole town agrees. The whole town is not in agreement. Not everyone is going to feel the same. There are many people who are not going to agree.
- Larry restated that this is a very complex matter and that officers go through 40-70 hours of training and having a 30-minute discussion is not going to be effective. He said he is very willing to discuss this individually, give anyone with questions or looking for information his email and he would take the time to discuss the issues.
- Bard did not think having an individual discussion and a forum were the same thing. He thought having community forums are useful.
- David said this is very emotionally charged and could go wrong quickly. The potential is there for this to get out of control very quickly.
- Christine thought having a moderator who could drive the conversation to a constructive outcome was the solution letting people express emotion in a safe way and not leave feeling it was a waste of time.
- Larry said, I should not be held accountable for my father's sins. If we are assessing where we are, ok. If we are assessing other communities, it is a

Comment [KD1]:

disservice to the officers in my department. Bard responded that we were not asking Larry to carry the sins of his father. He said that the likelihood is that if you are a young black man you will end up in jail. People of color carry the burden even today.

- Katie again said she thought having a moderator would work, that we should decide to have this discussion, to come together and to talk about what our community has done, what our police department does, what we will continue to do. Larry agreed with Katie. Katie went on saying, in this historical moment we need to have a meeting.
- Roger said he would never expect Larry to be facing this conversation alone, that he is comfortable justifying what Larry does and believes in what Larry does. He believes the whole Selectboard would stand with Larry. If we pretend that there is no inequality it would be a mistake. We cannot stop this conversation. We can have one that is productive or have people show up and speak their peace adding we cannot prevent the conversation.
- Christine suggested not having a community forum but having the discussion at a Selectboard meeting with other topics of inequality like low income housing.
- Larry said he received emails and messages while he was out on leave due to a headline that stated "Richmond Officer spits on and near a detained protester multiple times, during a pandemic" that were offensive and threatening. He said that it will be difficult to continue if emotions get out of hand.
- Katie said a moderator would establish firm ground rules and if not followed plug could be pulled.
- Josh asked if the moderator would be like committee appointment, people would send letters of interest. Connie said Clint is Town moderator. Josh said that with zoom the moderator could have control of being able to mute people.
- Katie thought having people offer their questions ahead of time would be helpful
- Roger told Larry he was appalled that he got comments like that and asked if they were from people in town. Larry responded, yes, some were. Roger asked Larry if he got any apologies? Larry responded that some people thought he should let the Richmond VA police department know what happened.
- Roger didn't think people are going to be anything less than respectful and thoughtful, talk about things they want to understand
- Larry thought having questions in advance would be very helpful. He added that he has a fear that information will be taken out of context, he doesn't want that to happen.
- Christine said some of the things I'm hearing Larry voice is fear of being judged and that is what people of color go through. Larry agreed.
- David said, his son overheard the conversation and said he has had several interactions with the Richmond Police Department and felt respected, he has not had that same experience in other places.
- David then encouraged other Selectboard members to do the ride-a-longs saying the level of emotion on this subject is volatile and we need to be careful and

cautious because it is so emotional charged. Emotions can take over very quickly.

- Jeff Forward said, this is a moment in time. A different place than where we will be in a month. We should be able to have a complex difficult conversation. He said he thinks of Richmond as a model for the country which includes the conversation about how we white privileged people see people of color and how they see us. There is urgency to this discussion he said, and it should happen by the end of the month. It would be the best if the Selectboard put the discussion together but if the Selectboard does not, others will.
- Bard said, we want to avoid an indictment of the Police Department, it is a conversation about what we are doing to treat people fairly and having the discussion sooner, not later is what should happen.

Josh will look at putting a list of moderators together.

#### **V. Adjourn**

Roger moved and Bard seconded to adjourn. Roll call vote: Roger, Katie, Bard, Christine, and David voted affirmatively. The meeting ended at 9:30 pm.