



MINUTES of the
REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION
Temporary Town Office (86 Mountain Road)
Monday, February 4th 2019
6:30pm
(unapproved)

Charlie called meeting to order at 6:39PM.

Selectboard present: Charlie Hancock, Mark Brouillette, Darren Drevik, Jacob Racusin (arrived 6:52PM)

Absent: Leanne Barnard

Clerk: Suzanne Dollois

Visitors: Kyle Saltzman, Carrie Quinton, Erin Kopaz, Maarit Madden, Gregory Lamoureux (*County Courier*)

1. Review and make any changes to the agenda—no changes made

2. Review/approve minutes of the January 21st and January 23rd meetings

Mark motioned the to approve minutes of January 21st and 23rd as written, seconded by Darren.

Unanimous approval 3-0

3. Public Works

a) Roads and Bridges

a. Grants—Status Updates: none at this time.

b. Brady Road: carry over pending working in spring/summer.

c. Creamery Bridge Repairs/Correspondence from State:

→ Charlie received follow-up email correspondence from State; acknowledges condition of bridge deterioration at time of re-construction completion, documented in subsequent inspection reports. State recommends continued maintenance, but articulates no concern for safety or need for immediate action. Confirms previous Selectboard conversations on matter. Darren recommends that Road Crew continue observance.

b) Buildings and Grounds

a. Center Post Office repairs estimate: waiting on additional estimates; carry over

4. Visitors

All present to observe ensuing item topics.

5. Water Commission Issues: Board will follow up with Ross regarding status of employed local public water operators in light of Kirk leaving

6. Old Business

- a. Cemetery Commission Consolidation: Carry over to after Town Meeting.
- b. Grant Updates:
 - i. Electric Vehicle Charging Station Grant (VEC): Carry over; Darren will continue to determine best option re: type of station
- c. Act 46—status update
 - Legislation has been introduced to the house to seek to delay of implementation by one year. Montgomery School Board is meeting concurrently to determine annual school budget.
 - Judge Teachout has been removed at request of Attorney General, actin is now instead under Judge Mellow of St. Albans.
 - Carrie requests Selectboard Board issue public response to Superintendent Lynn Cota’s letter, which appeared incredibly bias in favor of the Act and did not reflect the sentiment of our School Board, which was not informed any such correspondence would be issued to the legislature.
- d. Montgomery Thrives—committee updates
 - Tim Tierny of the Agency of Commerce and Community Development will be present next Tuesday at the Planning Commission meeting to discuss funding potential for local development projects.
 - The Telecommunications committee is looking for more members.
- e. Town Office facility needs—next steps at PSB location
 - i. USDA Community Facilities Grant
 - Carry over following Town Meeting.
- f. Parking Ordinance (Proposed)
 - Wanting to be addressed in March in preparation for swimming hole season. Darren will reach out to MCA about possible trail access. Jacob recommends public hearing regarding the presentation of the matter once it is adopted.
- g. Town Meeting 2019 (planning, Town Report preparation)
 - Warning has been posted. Charlie is beginning to draw together report.
 - Darren recommends requesting statistics report on Montgomery incidents for the year.
- h. Vermont State Police Conduct in Town of Montgomery
 - Charlie presented the letter drafted to the Commissioner of Public Safety as directed by the Board at the January 21st meeting in response to recent VSP activity in Montgomery.

At that time Board Chair Charlie Hancock disclosed that early on Sunday January 27th he was present in the vehicle during a motor vehicle stop in Montgomery Village, precipitated by an accusation of failure to come to a complete stop at the base of Hill West Road, which resulted in his partners arrest for DUI-Refusal. Given that the Board discussion regarding the matter of VSP activity, and subsequent decision to submit a letter of complaint, occurred well prior to this event on January 21st, Charlie did not feel the need to separate himself from this action, however explicitly wanted to offer the Board the opportunity to ask for his recusal from any discussion regarding the letter or subsequent action. No request was made.

→ The Board reviewed letter. Discussion ensued. Mark moved to submit letter to Thomas D. Anderson, Commissioner of Public Safety, seconded by Jacob. Additional discussion ensued, including examples of concerning interactions between members of our volunteer Fire Department and VSP. Discussion also centered on the awareness of local business impacts per these incidents. Motion passed on unanimous approval, 4-0.

7. New Business

- a. Town Office: Cash Receipts Internal Controls
→ Treasurer Erin Kopacz submitted a proposal for new cash management system. Erin reviewed the system overview in the proposal. Discussion ensued. Jacob moved to appropriate up to \$2,200 towards a Cash Receipts System, seconded by Mark. Passed unanimous approval, 4-0.
- b. Overweight Truck Permits
Mark moved to approve permits for Cardinal Logistic Management Corporation and Bourne's inc. & Bourne's Propane, dba Bourne's Energy. Darren seconded. Unanimous, 4-0.
- c. Liquor/Tobacco Licenses
Jacob moved to give permission to the MCA to host a BYOB event at their facility on Saturday, February 9th. Mark seconded. Motion carried 3-0 (Darren abstained).

8. Open Mail / Sign Orders / Administrative Matters

9. Review Action Items for Board Members

10. Adjourn

Darren moved to adjourn the meeting at 8:09pm, seconded by Jacob; passed unanimous, 4-0.

ATTACHMENTS: *Town of Montgomery Letter to Commissioner Thomas D. Anderson*



MONTGOMERY
FOUNDED 1780

Selectboard
Town of Montgomery - P.O. Box 356
Montgomery Center, VT 05471
802-326-4719
www.montgomeryvt.us

February 4, 2019

Thomas D. Anderson
Commissioner of Public Safety
45 State Drive
Waterbury, VT 05471

Dear Commissioner Anderson,

We, the Selectboard of the Town of Montgomery, write to express our concern over the recent conduct of several members of the Vermont State Police (VSP) in our community. We strongly support both State and County law enforcement's efforts to ensure public safety, and hope to continue to act as a partner in this endeavor. However, we are deeply concerned over recent and ongoing events that impact the vitality of our community's small businesses, the livelihood of our residents, and the perception of visitors to our town.

Beginning in the fall of 2018, we began seeing a sharp increase in State Police presence in our community. In and of itself this was not concerning, though admittedly odd given the crime statistics for Montgomery, the nature of which have necessitated minimal law enforcement presence in town, either local (having not had a dedicated police presence in over ten years), or contractual with VSP or the Franklin County Sheriff. That fall, the Board began hearing anecdotal evidence that the focus of VSP activity was a local restaurant, the Snowshoe Pub. This was a surprise to us, as we have received no complaints about the business, and the owners of the restaurant have a longstanding history of upstanding community support, both even serving as volunteers for the Montgomery Town Fire Department.

Our Chairman, Charlie Hancock, spoke with Lt. Maurice Lamothe regarding this on December 9, and upon asking if there was a specific matter in our community that concerned him or his officers, was informed simply that the St. Albans station was fully staffed for the first time in a long while, and they were simply attempting to make their presence known as a matter of standard practice. At that time, our chairman requested that Lt. Lamothe speak with his troopers (whom we welcome and support in conducting their duties), about not stationing themselves in direct proximity of the Snowshoe Pub, or any other similar business in town as (even if unintended) this can create a perception of trouble, or cause unintended intimidation of patrons visiting these establishments. The Lieutenant said he appreciated our concern, and agreed to speak with those troopers operating out of his barracks.

State Police activity tailed off through the holidays but spiked again in early January with anywhere from two to six troopers present in town on any given day. Residents reported cruisers making 15-20 laps on Rt. 118 through Montgomery Center within a matter of hours (something which we continue to see). Things came to a head dramatically on January 16, with the arrest of Jenny Sirkin, the spouse of one of the Snowshoe's owners. That afternoon, a trooper (stationed directly across the street from the Snowshoe) detained Ms. Sirkin within seconds of her departing the restaurant. When our Chairman spoke with Lt. Lamothe on January 18 to express our deep concern over the incident, he was informed that the initial stop that afternoon was precipitated by an expired vehicle inspection; however, Ms. Sirkin was subsequently detained for six hours under suspicion of driving under the influence while officers attempted to get a warrant for a blood test. Having already voluntarily submitted to a breathalyzer at the scene, *and registering a 0.0*, no judge was willing to sign the order, and she was finally released. As a board, we question why the responding officer believed he had probable cause to administer a field sobriety test simply for an expired inspection sticker, and when the breathalyzer registered a 0.0, why the trooper chose to detain one of our citizens, transport her 45 minutes out of town, and then spend hours attempting to obtain a blood test. This board has heard from numerous residents in our community that this pattern of traffic stops related to minor infractions precipitating accusations of potential intoxication has continued to occur. If this is true, we can only characterize such actions as a fishing expedition, detaining motorists on one pretense while fully intending to investigate another without cause.

Since then, it has become a weekly, if not daily, occurrence that traffic stops by both marked and unmarked cruisers are conducted in our community, leading to multiple delays and detentions, and several arrests, including at least one additional incident where a resident, having been stopped after leaving a local restaurant, and voluntarily submitting to a breathalyzer and registering *under* the legal limit, was nevertheless arrested and charged with a DUI. While no one incident that has occurred in the past few months provides this Board with clear evidence that our community, or one of our businesses, is being implicitly targeted without cause by the Vermont State Police, the pattern of events leads us to believe that this is the case.

Simply the number of troopers present on any given day suggests a disproportionate level of attention being given to our town. As a prime example, this past Friday night (February 1) there were four marked cruisers and one unmarked car positioned on Rt. 118 between the Village and Center, and an additional unmarked car parked directly across from the Snowshoe. This occurred after a formal DUI checkpoint the weekend before, five additional troopers back in town on Monday, and at least two present in our community each subsequent evening. This Board can't help but wonder if there is a justifiable need for this level of activity given the coverage area for these officers. Instead, the perception developing amongst our citizens is that this is related to some form of intimidation. This perception was only strengthened after hearing from multiple patrons that on Friday night (February 1) a trooper pulled in front of the Snowshoe and illuminated the interior of the restaurant with his/her spotlight. If done without cause, this act can only be taken by this Board as harassment.

This Board has heard from numerous residents that they are hesitant to simply venture out on any given evening. We were also informed this week that servers at Jay Peak Resort have begun informing guests to be careful if they come down to Montgomery, or simply not to venture down at all, given the almost daily

occurrence of what seem to be questionable stops, leading to unwarranted arrests. The word is out in our area: Don't go to Montgomery.

The foundation of our town's economy is tourism, much of which is associated with Jay Peak. Our inns, restaurants, and bars depend on the activity generated by both locals and visitors who seek to enjoy the atmosphere, food, and entertainment these businesses provide. Many of our residents are employed by these establishments, including our own Assistant Town Clerk, who was arrested on the afternoon of January 31 while heading from the Clerk's Office to her second job as the chef at the Black Lantern. If people are scared to patronize these establishments, the businesses suffer. We've heard from multiple business owners that their books are down, in one case as much as 30% when compared to the previous year. Needless to say, the business community in our town is furious, and as their Board, we will go to whatever lengths we must to correct this.

While this perception of a pattern does not provide this Board evidence of some broad conspiracy, nor does the Board claim to know every fact about each individual traffic stop or arrest, we are concerned that this pattern of events may be driven by one trooper. We learned of correspondence between this trooper, who grew up in our community, and a relative in which the trooper explicitly stated her intent to retaliate against our town and its residents, though the reason for this remains unclear. We have been unable to obtain a hard copy of said correspondence, as the recipient who received and shared it verbally is a family member, and has expressed concerns over the impact on family dynamics should it become known that she shared it.

The perception of harassment was made even more clear when the individual trooper's stepfather, after being refused service one recent evening at the Snowshoe due to a concern about intoxication—as is required by state law and the Vermont Department of Liquor Control—threatened both bar owners in the presence of multiple patrons, stating that, “If you thought you had it bad [with the State Police] before, you haven't seen anything yet”.

If one or two such exchanges exist, there are likely others. For this reason, you will be receiving a Public Records Request from our attorney in conjunction with this letter for all correspondence between, and from, the Troopers of the St. Albans barracks concerning their operations in the town of Montgomery, as well as copies of all incident and arrest reports involving residents of Montgomery dating back to August 31, 2018, as well as any correspondence your office has had with the St. Albans barracks involving the town of Montgomery. Based on the extensive anecdotal evidence noted above, the Board believes it highly likely that there has been abuse of authority by at least one individual, and thus believes it is incumbent on this Board to fully investigate and resolve these matters. This letter is notice that the Vermont State Police should put a litigation hold on all records and correspondence relating to police activity in the Town of Montgomery from August 1, and continuing until further notice.

The activity of the State Police in our town does not appear reasonable, fair, or balanced in proportional response to the limited needs of law enforcement in our community. Nor does it appear impartial. While this may not be the intent, we've seen a pattern which has created a public perception, warranted or not, that our community and its businesses are being targeted. This, beyond impacting local businesses, has created an atmosphere of distrust among a large segment of our community which is detrimental to public

safety. This board is specifically concerned with the widening rift these actions have created between our Fire Department and the State Police, as illustrated by two recent incidents where simply routine interactions have led to heightened tensions. We're concerned over the potential for these tensions to come to a head during an incident where life or property in Montgomery may be at risk. Quite simply, the status quo, which has developed in our community during the past five months, cannot continue.

The Montgomery Selectboard thanks you for your attention to this matter, and for your assistance in finding a resolution to it on behalf of our community. We look forward working with you and your department to ensure a safe, vibrant community for our residents, and for those who seek to visit it.

Sincerely,

Charlie Hancock
Chairman, Montgomery Selectboard

Darren Drevik
Vice Chairman, Selectboard

Leanne Barnard
Selectboard

Mark Brouillette
Selectboard

Jacob Racusin
Selectboard

Cc: Lt. Maurice Lamothe, St. Albans Station Commander
Captain Robert Cushing, Troop A Commander
Colonel Matthew Birmingham, Director Vermont State Police
State of Vermont, Committee on Fair and Impartial Policing Committee
T.J. Donovan, Attorney General, State of Vermont
Sen. Robert Starr
Sen. John Rogers
Rep. Felicia Leffler
Brent Godin, Constable, Town of Montgomery