

LAW ENFORCEMENT STUDY COMMITTEE MEETING MINUTES
JOHNSON / HYDE PARK / WOLCOTT
REMOTE PARTICIPATION VIA ZOOM TELECONFERENCING
WEDNESDAY, DECEMBER 2, 2020

Present:

Committee Members: Duncan Hastings, Diana Osborn, Jim Olsen, Peter Gallo

Others: Peter Romans

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Doug called the meeting to order at 7:00.

2. Changes to Agenda

Duncan said he had items to add to the agenda – review and approval of minutes from the last meeting and a request to the Hyde Park and Wolcott members to ask their selectboards if they are willing to contribute to the cost of a minute taker. He said Johnson agreed to provide their minute taker, Donna Griffiths. Peter and Jim said they would ask their selectboards if they will contribute to the cost. Duncan said the hourly rate is \$20 and a general rule of thumb is that doing the minutes will take about twice as long as the meeting lasts. Duncan also added to the agenda that we already have a vacancy on the committee. Chris Jones from Hyde Park isn't going to have the time to serve. Peter Gallo said he has already submitted 3 possible names to Ron Rodjenski to replace Chris. The committee agreed to the agenda changes Duncan suggested.

3. Public Comment

Peter Romans said he is on the Greensboro selectboard. They became aware of this committee and were curious about its purpose. He was looking on the internet today and saw the committee had a meeting and thought he would sit in and listen. His selectboard is interested in what started formation of this committee.

Duncan said Johnson, Hyde Park and Wolcott all have identical contracts with the Lamoille County Sheriff's Department. The contracts provide for complete law enforcement services for the 3 towns by LCSD. The costs are split between the towns according to population. The selectboards and Sheriff Marcoux meet annually to discuss the sheriff's proposed budget. Budgets have been increasing over time. Both the sheriff and the selectboards are supportive of a committee to examine options for sustainable continuation of the contract and/or to examine alternatives to the current contract. Minutes of the committee's meetings are going to be posted at least on the Sheriff's Department page on the Hyde Park town website. They agreed to host our minutes and agendas.

Duncan asked Peter Romans if there are there any other towns in his area that have contracts with a sheriff's department or another community's police department. Peter said Greensboro has had a contract with the Hardwick Police Department for at least 35 years and now they are reevaluating and looking at other options. That is why they are interested in this committee. Craftsbury works with the State Police and he thinks Glover has a contract with the Orleans County sheriff.

4. *Approval of Minutes*

Diana moved to accept the minutes of the last meeting as presented and the motion was seconded and passed.

5. *Report, Review and Discussion of Committee Member Assignments*

Duncan said this afternoon Peter Gallo sent him 3 years of sheriff's contracts from Hyde Park. He got the same from Wolcott. Duncan will review the ones that were sent from Wolcott but it appears the Hyde Park contract is identical to Johnson's and he assumes Wolcott's will be identical as well. .

Diana suggested discussing how to share documents with the group. It was agreed that Diana will set up a folder on Google Drive and send out directions on how to access it and add documents to it.

Diana said she looked at what state, county or town rules might apply to provision of law enforcement in these towns. She identified a number of relevant state statutes. She wanted to understand what our options really are and whether we have alternatives to the sheriff's contract. She identified 5 news articles that are relevant regarding policing in the state right now. She has documents on sheriff funding sources in Lamoille County. State statute says the county provides funding but she doesn't see a dollar number associated with that in the documents the sheriff's department made public. That will need additional research.

She found one really useful document – a public safety action paper from the Vermont League of Cities and Towns that provides a nice summary of the state of public safety in Vermont. She knew towns were not obligated to provide EMS services but thought they were required to provide fire and police service. But she learned that there is no statutory requirement for towns to provide EMS, police or fire services.

The county theoretically funds the sheriff's department in many ways. She found out that the sheriff's salary is set by state statute at \$86,116 but there is no job description, duties or responsibilities associated with reception of that salary. How can you prescribe a salary and not say what the person has to do to get the salary? She is developing a list of questions to maybe talk to Roger Marcoux about. If he is getting this salary for unspecified work and we are also paying him for specified work, is he getting paid twice for the same thing? How about all the other towns that are not contracting with him? Are they contributing to the county fund in some way?

Duncan said yes, each town pays a county tax. The county tax is set by 3 citizen jurors that develop the county budget. Apart from any work the sheriff's department does under contract for communities, pretty much their sole duty and obligation is to maintain the jail and the bailiffs for the court system. They have very little obligation to any towns not contracting for law enforcement services. Some of the \$86K set by statute comes through state budgets in support of county government and some is paid by the county tax. There is a clause in our contracts that says that 5% of the contract price goes to the sheriff. Every contract he gets, he is getting 5% of the value of it towards his salary. We asked in the past for him to disclose his actual salary. It was well over \$100K.

Jim said it is a good point that the sheriff's duties and responsibilities are vague. Our contracts are also vague. How can we state whether the sheriff's department is or is not meeting the agreement when it is so vague? He thinks it is up to us to come up with specified deliverables. If we are the customers and we are paying this amount of money for services we have to be specific about what the sheriff can expect from the town and what we can expect from the sheriff.

Duncan said VLCT may be able to provide additional resources. If Diana wants to make direct contact with them he suggests asking Brian Story to make contact with them first. Normally they only communicate with identified town representatives.

Duncan said VLCT does an annual municipal survey. He doesn't know if all 3 towns have participated in it. If one of the towns did participate we can get detailed data. One piece of the survey is public safety. We should be able to get access to a state database of what towns are doing – whether they have their own force or contract – and what their costs are. He can try to reach out to Brian Story and see if that is available.

Diana said she discovered there is something called a union municipal district. It sounds like if we chose to the 3 towns could form one to oversee law enforcement instead of having 3 separate contracts in 3 separate towns. It is something like communications union districts.

Duncan said regional planning commissions have been authorized by statute to act on behalf of municipalities to provide services such as fire, police, rescue and a wide variety of other things. He is on the Lamoille County Planning Commission and they are considering amending their bylaws to allow them to undertake those activities. That is another option for providing those services. He can forward some data on that.

Diana said it seems like a no-brainer that at some point a move toward regionalization will be needed. The county is the logical regional body to use to do that. But can something happen in Lamoille County separate from other counties in the state without state involvement? Can it grow from the town level up or does it have to grow from the top down? Duncan said it would be possible to do it but not easy.

Diana said she has some more work to do before she completes her task. Peter's task was to come up with copies of the contract and he has done that. Jim said he reached out to the sheriff to see if he could get more data. Roger asked for time to come up with data for all 3 towns. Peter hasn't heard back. He will touch base again, probably tomorrow or Friday. He is looking for specific information that goes to performance metrics and duties we can put into the contract.

Duncan said he had agreed to communicate with the 3 towns about fiscal impact issues. He heard back from Ron Rodjenski, who gave him a little baseline information. He is still waiting to hear from Brian Story from Johnson and Randall Szott from Wolcott. The cost per capita was recommended by Ron as being a good measure. He thinks it is valuable because the services are not limited to taxpayers. The cost per capita is probably a very good metric for us to think about. Ron gave a figure of \$142 per capita for Hyde Park. Duncan assumes

that will be the same for all towns because in theory the cost is population based. For Hyde Park Ron gave a figure of 13.9 cents per \$100K of property valuation. That figure will probably be different between the 3 towns. Ron said that equates to 18.7% of Hyde Park's tax rate. Duncan's assumption is that that is the combined or total tax rate. Towns are supposed to have a highway budget and a general fund budget. Some towns have very separate highway and general fund budgets with separate tax rates. Johnson does not. He doesn't know about Hyde Park and Wolcott. He will try to synopsise the information from Ron and put it on Google Drive.

6. Next Steps

Duncan said it sounds like we probably still have enough tasks left to do to get to our next meeting. For our next meeting he thinks we should be prepared to report back with additional information we have. He asks each committee member to start thinking about questions to ask selectboard members. If selectboard members have specific concerns he would like to know. Committee members should also be thinking about questions we might want to ask Roger.

7. Public Comment

Peter Romans asked if he could have access to the Google Drive page. Duncan said that doesn't bother him. Diana said everything she has found and will be putting there is open sourced from the web. The only thing she thinks we might want to be cautious about sharing would be contractual information that is not publicly available. She is not sure if that exists. Duncan said the contracts with communities are public documents. He doesn't think there will be confidentiality issues. If there are, we could restrict access to certain documents when we post them. Peter Romans said the only thing is his experience that would not be public would be contractual negotiations and he is not interested in knowing about that. Duncan said he thinks all the information we are gathering is totally public. He doesn't have an issue with sharing it. Jim said he will go over the data he has with the sheriff to make sure there is nothing personally identifying or sensitive.

8. Other Business

Diana said Duncan had mentioned using caution with reply all. She understands that we can't take care of business outside meetings but can we use reply all to share an informative link or information on accessing documents on Google Drive? Duncan said yes. What we can't do is discuss the information or take action on it. Information sharing is fine.

Duncan gave Peter Romans his email address. He said he would be interested in having an email conversation about where Greensboro is with regard to the Hardwick police contract. That is one option for us, if we had a town interested in providing police service.

9. Adjourn

It was moved and seconded to adjourn at 7:21 and the motion was passed.