

Town of Middlebury  
Public Health and Safety Committee  
Minutes  
Monday, September 23, 2019

Attending the meeting:

Police Chief Tom Hanley  
Chair; Fire Chief David Shaw  
Director of Public Works Bill Kernan  
Nick Artim, Selectboard  
Citizen-at-Large, Gary Baker  
Citizen-at-Large, Andrew L'Roe  
Absent, Town Health Officer Tom Scanlon  
Laura Asermily, Alternate, Selectboard

Other people present:

Bill Cunningham, ACTR  
Doug Sinclair, Community Housing  
Dustin Hunt, Parks and Recreation  
Lisa Burchard , Middlebury College Director of Public Safety  
Chris English, Town of Middlebury  
Samantha Kachmar,  
Fred Dunnington  
Peter Dempewolf , St. Stephens, Facility Manager:  
Reverend Carole Wageman , St. Stephens Church  
Mary McGuire ,St. Stephens Vestry,  
Susan, last name not obtained, St. Stephen's Church  
Kerry Duquette-Hoffman, WomenSafe  
Ingrid Pixley, CSAC Housing coordinator

Call to order: 4:00 p.m.

Approval of Agenda:

Approval of April 15<sup>th</sup>, 2019 Minutes: Andrew L'Roe moved and Nick Artim seconded without any changes. Passed unanimously.

Chief Hanley advised the committee and those in attendance that the issue of homeless, transients, vagrant in town would be explored to get an idea of the nature and scope of the problem. That the purpose of ths Public Health and Safety Committee was to serve as an adjunct to the Selectboard and to recommend policy.

Sgt. Jason Covey gave a presentation of current issues with transients in town. The problems include trespass, squatting on public and private lands, assaults, an arson, disturbances, fouling public access areas with human waste, littering, disposal of syringes, and a variety of behavior problems, all of which have displaced other community members from these public areas. He also related the problem of diversion of police resources for hospital stand-bys, transportation to Rutland and Burlington detox centers, and general time spent in interventions. Many of the

recent transients have criminal records, mental health and substance abuse problems. A number of the transients do not identify themselves so the police have no idea who they are.

Peter Dempewolf described problems at St. Stephens Church on human waste and litter in and around the church and other members of the church in attendance had the same concerns. Peter said if he called the police every time he saw activities such as fights the police would be there all the time.

Other guests weighed in as well some stating safety concerns, disruptive behavior, littering. There are sometimes church members alone which is concerning. The transient people utilize church utilities as well as town utilities.

A representative from the Counseling Service of Addison County reported a problem of finding lodging for the homeless, reporting that HOPE provides the homeless with tents and other supplies. She said that most of the people she deals with are from Addison County.

Doug Sinclair from the Shelter reported his shelter is mostly full; that transients have migrated here from out of state to take advantage of Vermont's social assistance.

Kerry Duquette-Hoffman said that average homeless person can stay at a shelter only 6 months, then must find another shelter.

After exploring the problem, Chief Hanley said that we should fully understand the issues before we seek solutions, and that moving forward we should find some way to mitigate the strain on services and community disruption. There are many that don't want help.

A question was put forward as to what other towns have done, do other towns have policies? Chief Hanley reports that many of his colleagues in other communities are dealing with the same issues, and that the response is primarily disjointed with no solutions.

Chief Hanley suggests that providing assistance to those who are not seeking long term solutions only propagates the problem, many of the people the police deal with are predators and are resistant to things like housing solutions and employment.

Peter Dempewolf suggests installing a camera surveillance system around St Stephens to deter some activities or identify those who are causing problems.

Laura Asermily suggested creating a code of conduct for the green and gazebo, following which is a conditional sue of the gazebo and green.

Another suggestion was to close the green at night, expand the current closing hours.

Bill Cunningham of ACTR said he maintains a code of conduct on ACTR busses, if riders don't comply they aren't allowed on the bus. He said ACTR has brought many of the transient people to Middlebury.

Another suggestion was to have the town create an encampment area where the homeless/ transients could go.

Bill Kernan reports the power is cut to the Gazebo to discourage squatting in there, but there are also other power outlets. Chris English reports the outside outlets at the town office building will likewise be removed and covered with plates.

A concern was expressed that evicting them from the gazebo and green and eliminating access to church utilities could lead to retaliation? Sgt Covey said this was unlikely, they would just find another place to go.

Sgt. Covey reports from his experience that the transients will move to anyplace they can get free services, such as wifi and electricity. He suggests changing public open wifi's to guest wifi requiring a password.

Chief Hanley ended the discussion at 4:50p.m. to move the agenda, but told the attendee this was not the end of the discussion only the beginning, that he will research solutions to the problem and implored them to do so as well. That all involved should work together in sync as opposed to dealing with this as individual agencies.

II. Ordinance Review – Chief Hanley presented information on proposed updates to the bicycle ordinance primarily to deal with the variety of devices not included under statute or ordinance. He presented Fred Dunnington's proposal from January 2019.

Discussion ensued on what the issues are. Chief Hanley reports the ordinance should be simplified with respect to the amount and variety of devices being used on road and sidewalks downtown:

Redefine Bicycle for the purposes of the ordinance:

- Rideable, mountable device
- 2 or more wheels
- Motive power- human muscle
- Drive mechanism- pedals or mechanical linkage manipulated to propel the device
- Includes motor-assisted bicycles as defined by Title 23, VSA 4 (45) (B).

Redefine Other Rideable Device

- Wheeled device
- Motive power- equipped for human muscle power with or without a motor
- Rideable/ mountable
- Excludes bicycles, neighborhood electric vehicles (golf carts, etc), rideable personal mobility aids, motor-driven cycles, and other devices classified as motor vehicles per Title 23 VSA 4 (21).
- Some examples- roller skis, roller blades, roller skates, unicycles, hoverboards, self-balancing transport devices, skateboards, kick scooters, electric scooters.

Define Rideable Personal Mobility Aid:

Devices used as a person conveyance for those with ambulatory disabilities

Rideable personal mobility aids are considered pedestrians and follow pedestrian laws

Bicycles and other rideable devices must follow motor vehicle laws

Dismounted bicycle or other rideable devices are considered pedestrian and follow pedestrian laws.

Certain provisions of the ordinance may allow bicycles and other rideable devices to be operated on sidewalks.

Consensus of the committee was supports these changes. Chief Hanley and Fred Dunnington will work together to provide a completed draft ordinance for the committee at the October meeting.

Motion: Gary Baker - adjourn the meeting. Second Nick Artim

The meeting was adjourned at 5:20 p.m.

Next Meeting – October 21, 2019 at 4:00 PM, Police Department