

BEYOND NOT LISTENING

Some forthright Brattleboro citizens have suggested that in light of the Pro-Democracy Amendments proposed by Brattleboro Common Sense, the people should consider this incident, that went mostly unreported and unnoticed two years ago.

Prior to the selectboard meeting of June 5, 2012, according to town manager Patrick Moreland, FEMA demanded that Brattleboro sign on to NIMS or be disqualified for FEMA grants. Ignoring the public's right to know, the board wanted to approve a NIMS "resolution" at the June 5, 2012 meeting. It had only been listed in the agenda with no other information for the public. The "resolution" says only that the town will conform to NIMS standards, but does not say what the numerous and complicated standards are.

Kurt Daims asked the board to allow the people to vote on it and cited Brattleboro charter (article IV section 6 paragraph AA) which says that public notice and two meetings were required to pass an ordinance. The town manager confirmed the enforceable terms regarding grants, which make it by definition an ordinance. Selectman Chapman proposed to call it a protocol. Daims argued that the board should not be re-labeling legislation in order to evade the law. Whatever kind of legislation they wish to call it, it must be first properly warned for the public.

Under questioning from Spoon Agave and Howard Tisman, chairman DeGray was the first to admit he had not read the legislation. Actually, not one of the selectboard had read it. Selectmen Gartenstein and Chapman actually defended their right not to read the standards. Indeed, they didn't even have a copy on hand for reference. Dora Bouboulis suggested that the resolution would violate a town resolution approved in 2003. No one on the board showed any interest in that resolution. Wat Stearns expressed urgent concern about the NIMS restricting free press and free speech and argued that it was unwise to bind the town to unexamined laws. The board finally agreed to postpone the matter for two days. At the next meeting (June 7, 2012) Chapman strongly defended his right to approve legislation after reading only parts of it. This was all plain as day and recorded on BCTV, June 5 and June 7 2012.

The will of the people is disregarded in more than one way in this little incident. First it's obvious that the board kept the details of the NIMS standards away from the public. Secondly, the board wasn't concerned that the NIMS resolution might violate a previous vote of the people, even though a board member said so. An official copy of this mandate can't be found on the town web site or the town manager's office. It can be found, along with other resolutions of the people, in a heavy tome in a vault in the basement of the municipal building. As it turns out, Ms. Bouboulis was right: the 2003 resolution was overwhelmingly approved by a vote of 2116 to 559, and if the board were mindful of this expression of the people's will, it should have compelled their vote against NIMS.

Unfortunately this is not the only abuse of power in Brattleboro. Flash back to 2010. Former selectman Moss Kehler had led a referendum against the selectboard and representative town meeting (RTM) to overturn the unpopular Pay As You Throw trash collection program. Later that year in an election-reform case brought by Kurt Daims the Vermont district court had rebuffed the selectboard for blocking a lawfully petitioned resolution from the ballot. The backlash: in 2011 the RTM amended the charter to restrict the peoples' official free speech initiatives. There was an attempt to curtail referendums. By these amendments the RTM can now stop the people from bringing ordinances to the ballot, and resolutions can be on the ballot only at March town meeting. (Is that the day when you want free speech?)

Flash forward to May 2014. At the budget meeting after the referendum Chris Chapman advised the selectboard to resubmit the same budget that the people had just rejected. Did anyone on the board say, "That would grossly violate the spirit of the law" or "Mr. Chapman, you can't be serious!" ? No. Despite strong opposition to the budget and especially to the Police-Fire Project, the people could not petition for a resolution at that time. It would have been illegal because of the charter amendments that took effect in 2012.

Whether it's about Pay As You Throw or the Police-Fire Project or NIMS, in Brattleboro we have passed the point where town government disregards the people. Nowadays a prominent citizen can publicly advocate for disregarding the people's will. Nowadays town government legally reduces the people's rights to express their will, and past expressions of the people's will are hidden in the basement. People in Brattleboro have a right to be heard. Support the Pro-Democracy Amendments to restore your rights (contact BrattleboroCommonSense@gmail.com).

<http://brattleborotv.org/brattleboro-selectboard/brattleboro-sb-mtg-6512> (June 5, 2012)

<http://brattleborotv.org/brattleboro-selectboard/brattleboro-sb-special-mtg-6712> (June 7, 2012)

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