

December 8, 2009

To Hinesburg Residents and Interested Parties:

Several public statements have been made, and certain rumors have been circulating in the community regarding the Town's action against Police Chief Chris Morrell and related issues. It is appropriate for the Selectboard to address these statements and rumors.

The Selectboard placed Chief Morrell on paid administrative leave in April 2009 so that it could review areas of concern relating to his performance and related morale issues within the police department. Although many of the issues under review were long standing areas of concern to the Selectboard, the immediate impetus for our action to initiate an investigation was the realization that morale within the police department had descended to a point of no return.

Before taking this action two members of the Selectboard met privately with Chief Morrell, explained the process the Selectboard was about to undertake, and offered the Chief the opportunity to resign. When he declined to do so, the Selectboard went forward with its review. The full Selectboard met with and interviewed each and every current member of the police department, including volunteers. We also met with former employees of the department, former members of the Selectboard, and citizens who interacted with the police force on a regular basis. Finally, we met with Chief Morrell and his counsel. Selectboard members concluded, unanimously, that we could no longer support Chris Morrell as our police chief. Out of respect for him, and also to spare the Town the cost and turmoil of a divisive termination action, the Selectboard again asked Chief Morrell to consider stepping down from his position, when he declined to do so the Selectboard was left with no option but to pursue termination.

Under Vermont statute a police chief can only be removed from his position for "cause". Statute requires the 'appointing authority' to bring forth written charges, which are then heard and decided by the 'governing body' of the Town. Given our governance structure, the Selectboard serves as both the 'appointing authority' and the 'governing body' of the Town. As a result, the Selectboard was in the uncomfortable and somewhat conflicting roles of investigator, prosecutor and judge. The Selectboard felt this would neither provide nor be perceived as providing a fair, unbiased process. The Chief and his counsel shared the Selectboard's concerns, and to address this issue they suggested that the Parties engage the services of a professional arbitrator to conduct the hearing and decide whether there was or was not cause to remove Chief Morrell from his position. The Selectboard agreed to this proposal, and the Parties entered into a written agreement to arbitrate.

Pursuant to the terms of the arbitration agreement the Parties jointly hired arbitrator Michael Ryan from Maine to stand in the Selectboard's place, hear the testimony, and decide the merits of the charges. Both Parties agreed that the hearing before the arbitrator would be private. However, they also agreed that, after hearing all the evidence, the arbitrator would issue a written decision with his findings and conclusions and that the decision of the arbitrator would be a public document. Thus, the arbitration agreement protects legitimate privacy interests of Chief Morrell and each of the witnesses, while assuring members of the public that, in the end, there will be full disclosure of the facts.

We have been engaged in the arbitration process for several months. To date, there has been testimony from fourteen witnesses over eight days of hearing. It is fair to say that neither side anticipated the amount of time it would take to present testimony. Finding additional dates has been difficult, given the need to coordinate schedules between the arbitrator and counsel for each of the Parties. The Parties recently agreed to resume the hearing on the afternoon of December 17, and hope to conclude the hearing on the following day, December 18th. Thereafter counsel for each Party will have the opportunity to file written briefs, and the arbitrator will proceed to draft his findings and conclusions.

There has been a vigorous letter writing and email campaign by supporters of Chief Morrell. The Selectboard has been accused of a complete failure of leadership, tearing the social fabric of the community apart and ruining the community's reputation around the State. For our part, members of the Selectboard are saddened to be in this position, but remain convinced that we have done the right thing for the Town. Through the course of this action, the Selectboard has been very respectful of Chief Morrell, providing a fair process that allows him to hear his accusers and to present evidence in his defense before an impartial arbitrator. In addition, throughout this process the Selectboard has been careful not to impugn the Chief's character. To the contrary, the Selectboard has repeatedly expressed its appreciation for the contributions he made to the Town of Hinesburg. The Selectboard has not publicly discussed the issues that led to its loss of confidence in his continued leadership of the department. We are hopeful that this additional information regarding the thoughtful and respectful process being followed will lead to a greater understanding of a situation that is difficult for all concerned.

The Selectboard asks for your continued patience. The Board looks forward to concluding the hearing this month, and to the receipt of the arbitrator's written decision, a document that will be fully shared with all members of the public.

Town of Hinesburg Selectboard