

**BRATTLEBORO SELECTBOARD
TUESDAY, JULY 28, 2020
EXECUTIVE SESSION – 5:30PM
SPECIAL MEETING – 6:15PM**

NOTE: Per the “Stay Home – Stay Safe” order issued by Governor Scott, this meeting will be held with no physical location using GoToMeeting.

Please join the meeting from your computer, tablet, or smartphone using this link:

<https://global.gotomeeting.com/join/804762765>

You also can dial in using your telephone (but this alternative is not recommended):

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 804-762-765

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**The meeting will be carried live on BCTV,
whose broadcast also can be accessed using the following links:**

<https://www.brattleborotv.org/>

<https://www.facebook.com/brattleborotv/>

AGENDA

1. **CONVENE SPECIAL MEETING**
2. **CHAIR'S REMARKS**
3. **MANAGER'S COMMENTS**
4. **SELECTBOARD COMMENTS**
5. **PUBLIC PARTICIPATION**
6. **LIQUOR COMMISSIONERS – None**
7. **WATER AND SEWER COMMISSIONERS – None**
8. **UNFINISHED BUSINESS**
 - A. **Representative Town Meeting -
Survey Results, Proposed All-Online Meeting, and Draft Warning**
9. **NEW BUSINESS – None**
10. **ADJOURNMENT**

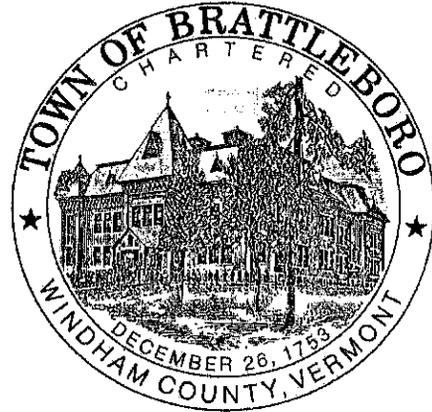
MEMORANDUM

To: Selectboard

From: Jan Anderson, Executive Secretary
Lawrin Crispe, Town Moderator
Peter Elwell, Town Manager
Robert Fisher, Town Attorney
Hilary Francis, Town Clerk
Patrick Moreland, Assistant Town Manager

Re: Representative Town Meeting (RTM) –
Recommendations for Holding an
Inclusive RTM During COVID-19

Date: July 24, 2020



RECOMMENDATION

We recommend that the Selectboard approve holding the 2020 Representative Town Meeting (RTM) entirely on Zoom.

Here is the chronology of how we propose for this to occur:

Tuesday, August 4

Selectboard approves the RTM warning. This must occur not less than 30 days nor more than 40 days from the date on which RTM is to be held.

Saturday, September 12

RTM on Zoom (39 days after approval of the warning).

BACKGROUND INFORMATION

This is in furtherance of the Selectboard's consideration of this matter (with extensive public input) at the Selectboard meetings on June 2 and July 7, 2020. At the conclusion of the discussion on July 7, the Selectboard requested the following:

- A survey of RTM Members to determine their ability to participate in an all-online meeting and their willingness to participate in a meeting using in-person pods or Australian ballot voting.
- Information regarding speaker queuing, voting, and BCTV for an all-online meeting.
- A legal opinion from Town Attorney Bob Fisher regarding the possibility of an RTM ratification vote on the FY21 General Fund Budget and regarding the possibility of conducting RTM voting by Australian ballot.

Each of those matters is addressed below, supplemented by information in the attached documents.

SURVEY

As requested, Town staff conducted a survey of all RTM members, both elected and ex-officio. Survey Monkey was the software used and the survey was conducted mostly electronically. The link was sent by email to all RTM members who have an email address on file with the Town Clerk. Those who don't have email were contacted by other means. They and anyone who was reached by email but did not choose to complete the survey online were allowed to complete the survey manually and/or be assisted by a staff member.

In total, 133 of 138 RTM members (over 96%) completed the survey. (There are 149 voting members of RTM when all seats are filled, but currently there are 11 vacant seats.) The entire survey results (including 73 individual comments) are attached to this memorandum and here is a summary of those results:

96% have the equipment they need to participate in an all-online RTM.

95% have sufficient internet connectivity.

88% expect to be able to participate with no technical assistance.

75% are willing to participate in a 2-part RTM (online discussion + voting by Australian ballot)

65% are willing to participate in an RTM using in-person pods facilitated by BCTV

Based on these results, it appears that the vast majority of RTM members can readily participate in an all-online meeting. That, in turn, calls our attention to the 16 specific individuals who identified impediments (lack of equipment, connectivity, or personal ability) to participating in an online RTM. Since we know who they are and what they need, we believe there is plenty of time between now and RTM to connect each individual to the resources they need so that all RTM members will be able to participate.

ALL-ONLINE MEETING CONSIDERATIONS

We remain concerned about the ways in which technical glitches or operational challenges could make an all-online meeting problematic (either interrupting the entire meeting or causing individual members to become disconnected from the meeting), but the survey results have reassured us that with few exceptions RTM members have the capacity (ability, equipment, and connectivity) to participate in an all-online meeting. For that reason, and because a successful all-online RTM is the option that most closely replicates an RTM in which all the members are gathered in a single room, we are recommending this alternative.

We recommend Zoom as the online platform for RTM (instead of our usual GoToMeeting) because Zoom has built-in hand-raising and voting features that will help keep this meeting of more than 150 people fair and orderly. The hand-raising feature will alert the Moderator as members request to be recognized. The voting feature will allow members to vote "yes" or "no" and will tally the results automatically. There are important technical and procedural details still to be addressed to ensure that the systems will work as intended (for instance, that only RTM members are voting), but we have plenty of time to work those out if the Selectboard decides to proceed with this option.

We believe one important aspect of an all-online RTM will be the availability of people to provide technical assistance. As reflected in the survey results, this may involve some amount of training and also some amount of help with hardware and/or software. We can match "technical assisters" with RTM members who need help in advance, can offer a "technical information meeting" (not for discussion of articles, just for testing the Zoom connections and procedures) about a week prior to RTM, and then can have "technical assisters" available during RTM so that RTM members can use pre-announced phone numbers to call them for help if technical issues arise during the meeting. Technically skilled members of our community have already volunteered to provide such assistance.

We are working with BCTV to ensure that they can telecast an all-online RTM using Zoom, including proper display of the ASL interpreters. While there are many details yet to be addressed to ensure the successful telecast of the meeting, we (Town staff and BCTV) are confident that BCTV's prior experience working with Zoom will enable them to provide a product that is useful to the community.

LEGAL OPINION

Town Attorney Bob Fisher's legal opinion regarding the FY21 budget and Australian ballot voting is the first attachment to this memorandum. In sum, he advises that (1) a binding ratification vote at RTM on the FY21 budget would be improper and (2) that using Australian ballot voting for RTM is a legal alternative that can be utilized at the Selectboard's discretion.

CONCLUSION

For the reasons set forth in this memorandum, we believe an all-online RTM on Zoom can be held in a manner that satisfies all legal requirements and most closely replicates an in-person RTM. However, because the Town Attorney has confirmed the legality of an RTM using Australian ballot voting and because of the continued risk of technological or operational problems interfering with an all-online RTM, we have attached to this memorandum draft warnings for both types of meetings. That way, during the Selectboard's discussion on July 28, each will be readily available to reference as you consider the next steps necessary to proceed with whatever option you ultimately choose.

Here is the chronology we envision if the Selectboard chooses the 2-part RTM option:

Tuesday, August 11

Selectboard approves the RTM warning. This must occur not less than 30 days nor more than 40 days from the date on which RTM is to be held.

Friday, September 4 (or earlier)

Town Clerk mails a pre-printed ballot and reminder copy of the RTM warning to every RTM member.

Saturday, September 12

RTM's discussions occur on Zoom (32 days after approval of the warning).

Friday, September 18

Deadline for RTM members to cast their ballots (38 days after approval of the warning).

Friday, September 25

Town Clerk tabulates the ballots and announces the results.

LIST OF ATTACHMENTS

- Memorandum dated July 20, 2020, from Town Attorney Bob Fisher, providing his legal opinions regarding the FY21 Budget and voting by Australian ballot.
- Results of the Representative Town Meeting Member Survey.
- Draft Warning for an all-online RTM.
- Draft Warning for a 2-part RTM (discussion in an online meeting followed by Australian ballot voting).
- Memorandum dated July 1, 2020, to the Selectboard presenting a recommendation for a 2-part RTM (discussion in an online meeting followed by Australian ballot voting).
- Memorandum dated May 29, 2020, from Town Manager Peter Elwell, describing several options for holding RTM in compliance with the restrictions imposed by COVID-19.

JA:LC:PE:BF:HF:PM
Attachments

MEMORANDUM OF LAW

TO: BRATTLEBORO SELECTBOARD
FROM: ROBERT M. FISHER, ESQ.
DATE: JULY 20, 2020
RE: 1. AUTHORITY OF SELECTBOARD TO ADOPT BUDGET IN 2020
2. AUTHORITY TO HOLD REPRESENTATIVE TOWN MEETING BY
AUSTRALIAN BALLOT

At the July 7, 2020 Selectboard meeting, the Board discussed options for holding the 2020 Annual Representative Town Meeting (RTM) and in that discussion the Board asked for clarification on the legality of the Selectboard's adoption and approval of the FY2021 budget. This legal memorandum intends to provide the legal basis for the Board's adoption of the FY2021 budget, the legal authority to hold RTM by Australian ballot, and the assurance that absent a continued state of emergency in 2021 the regular procedures for RTM and the adoption of the budget as set forth in the Brattleboro Town Charter will resume.

Adoption of Budget: Let me begin by reviewing the normal and typical fashion by which the Town adopts a budget. The Selectboard begins the process generally in November by reviewing the various department budgets. The Board, after numerous meetings during the months of November, December, and January, finalizes the budget and votes to approve the budget for purposes of sending it to Representative Town Meeting for final approval. At RTM, the amount of the budget is sometimes amended upward or downward, but the budget article is adopted and is final unless a petition for a referendum vote is received. This "normal" procedure

is set forth in the Town Charter. The Brattleboro Town Charter, Article VII, Section 3, provides that the town may levy local taxes as authorized by the general assembly, but such taxes must first be considered by the Selectboard and then approved by RTM. This section of the Charter indicates that the ability to levy the tax must come only after RTM approval.

We are temporarily living and governing in a time period far from normal. By law, there is a state of emergency declared by the Governor of Vermont and the Executive Orders, as amended, are controlling for purposes of the overall goal of keeping Vermonters safe. Due to the restrictions on the number of people able to gather and the “stay home-stay safe” orders during the months of March-May, RTM was cancelled. The executive orders left some towns, including Brattleboro, in the position where there were unapproved budgets and an inability to conduct government operations after July 1st due to such unapproved budgets. The Vermont legislature heard and responded to the pleas from Municipalities and passed two important pieces of legislation, H681 and H947. The statute, H947, states: “During a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, the legislative body of a city, town or incorporated village may adopt a budget and a municipal tax rate for the next fiscal year, provided that the city, town or incorporated village has not held an annual or special meeting in the year 2020 to adopt a budget and municipal tax rate.” The law went into effect on June 15, 2020.

The Brattleboro Selectboard, acting pursuant to H947, adopted the Town budget. The Board had legal authority to do so based on H947. While the Town Charter provides a different process for the budget adoption, H947 pre-empts and controls over the Town Charter because it is a more specific, more recent and emergency statute. The case law on the conflict of statutes and the rules of construction in construing statutes which may be at odds with one another holds in general that the more recent in time statute prevails over an older statute, and a more specific

statute controls over a more general statute. Here, the fact that H947 was in response to a state of emergency also dictates that the emergency statute controls.

Therefore, the process set forth in the Town Charter, for this year only is superseded and reduced to simply needing Selectboard approval for the adoption and implementation of the budget. There is no ratification process set forth in the emergency legislation. The rationale is that municipalities needed to be able to conduct governmental operations upon entering FY 2021 on July 1st. While the Town of Brattleboro has fund balance sufficient to cover cash flow issues, the Board required the passage of the budget in order to conduct governmental operations. To this end, the Town has processed payroll and made other FY 2021 expenditures during the first days of FY 2021, thus implementing the FY 2021 budget adopted by the Board. The expenditure of funds in furtherance of the FY2021 budget precludes a Board vote to reconsider its vote to adopt the budget pursuant to Robert's Rules of Order. In addition, the Board is not permitted to warn the budget for a ratification vote (unless as an advisory vote) at RTM because the budget is already final by virtue of the terms of H947. Holding a binding ratification vote would run contrary to the binding act of the Board in adopting the budget pursuant to H947. Either the Board had the authority or it did not, and here, it certainly did by H947. In conclusion, the Vermont legislature has provided emergency powers to Selectboards to enable municipalities to continue government operations. The enabling authority provided by the State is limited to being during a declared state of emergency due to COVID-19, and thus, for future budgets the Town will revert to the Charter's regular process.

RTM by Australian Ballot: The Town of Brattleboro is considering the options for conducting RTM for 2020. There are significant restrictions on its ability to hold RTM,

including the fact that the current executive order from the Governor's office limits public gatherings to 25 persons or fewer. Reference is hereby made to the supporting materials to the July 7, 2020 Selectboard meeting outlining the thoughts and efforts of staff and the Town Moderator to come up with alternatives for holding RTM. As discussed on July 7, 2020, the various options all have certain drawbacks. The Board's and the public's comments described the wide range of concerns, from differences in RTM members' access to adequate technology, to RTM members' level of comfort in attending any meetings in person, to RTM members' desires to hold the typical debates and to make amendments, to the need to conduct the business of the Town as soon as practicable. All of these comments support the conclusion that holding RTM in 2020 will have to be a "do the best we can" type of meeting that will have to comply with the Governor's Orders and the law.

To enable Towns the ability to conduct necessary annual town business, the Vermont Legislature enacted H681. This law, again an emergency statute enacted in response to the pandemic, states that "Notwithstanding the provisions of 17 V.S.A. section 2680(a) that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2020, any municipality may apply the Australian ballot system to any or all of its municipal elections held in the year 2020 by vote of its legislative body," Thus, should the Board decide to hold RTM by Australian ballot, it is authorized to do so.

There are pros and cons to employing the Australian ballot system. To name a few benefits particular to the pandemic, employing the Australian ballot system avoids gatherings of crowds and reduces public exposure to the virus, it allows all RTM members a vote on each article regardless of the member's access to the technology to hold remote meetings, and it

provides for an informational meeting where the topics can still be discussed, though articles cannot be amended. To name a disadvantage, as just stated, articles cannot be amended from the floor.

The Board is thus faced with at least three alternatives: RTM by a) Australian ballot, b) in-person gatherings of pods up to 25 persons each conducted via some electronic means to connect all pods together into one larger virtual meeting (hybrid approach), or c) a virtual RTM conducted remotely by a combination of video and phone conferencing. Any option will work so long as it complies with the Governor's Orders in effect at the time of the RTM.

Assurances: While we are in uncertain times, the Brattleboro Town Charter remains in full effect and will, until amended, remain the governing document for Brattleboro town governance. While the two statutes stated above provide emergency authorization to allow the Board to take action in order to conduct government operations during 2020, once the state of emergency is lifted, the processes for holding RTM and adopting the town budget will revert to the regular procedures set forth in the Charter.

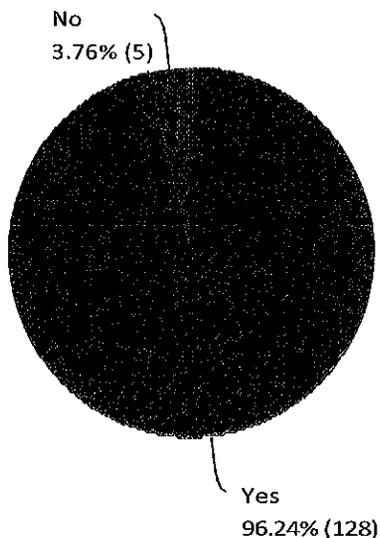
Moreover, there are important items of legal authority that have not changed. For instance, certain specific FY21 expenditures (e.g. human service agency allocations) require RTM approval before they can be implemented. Also, the Selectboard's ability to implement the budget and to direct resources as the particular needs of the town so require remain the same. For instance, when the need for increased safety at cross walks became a priority a few years back, the Board could (and did) redirect resources to address the problem, i.e. in paying for flashing lights at crucial pedestrian crossings. Likewise, last year's Work Today program is another

example of an item not specifically noted as a line item in the budget, but to which the Selectboard could (and did) direct resources, implementing its budget implementation authority. This year will be no different in that there will be particular needs that will have to be addressed and the Board will make policy decisions to direct the Town's resources as the Board deems in the best interests of the town. Given the ongoing discussion on policing, for instance, the Board will continue to exercise its policy making authority and may adjust the allocation of resources within the constraints of applicable laws and contracts. Both in this unique year and in a normal year under the Town Charter, this implementation allocation authority is vested in the Selectboard, not in RTM.

Conclusion: To recap, 1) the Board had the authority by H947 to adopt the budget and said adoption is now final and not subject to reconsideration, ratification, or referendum by RTM; 2) the Board has the authority by H681 to adopt the Australian ballot system for the annual RTM; 3) Any in-person RTM must comply with the Governor's Executive Orders as may be amended from time to time.

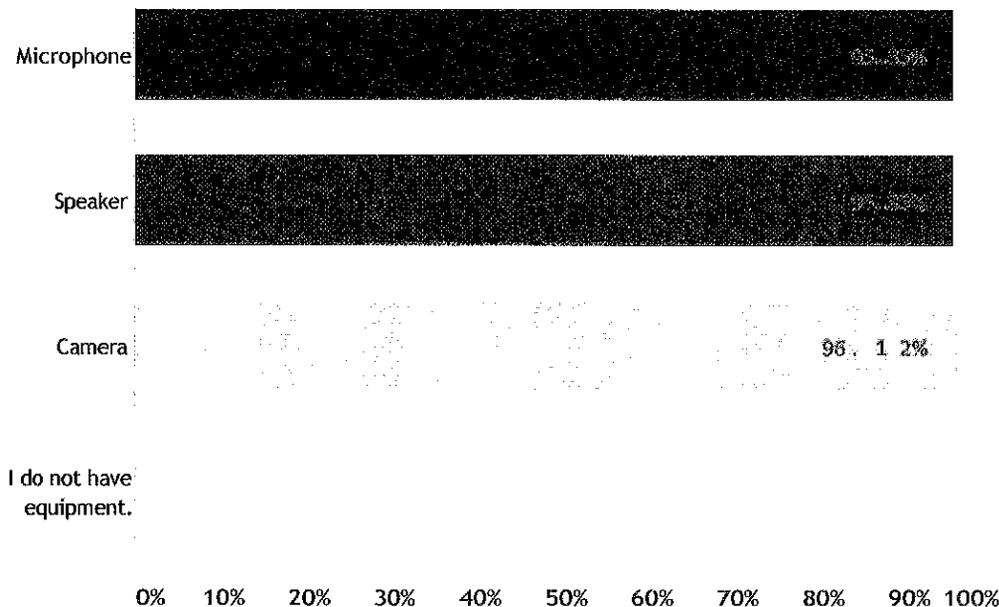
Q1 Do you have access to functional equipment (computer, laptop, tablet, or smartphone) that would enable you to participate in an online meeting?

Answered: 133 Skipped: 0



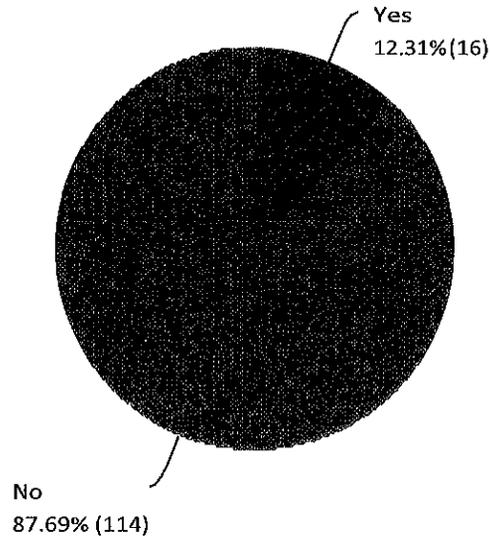
Q2 Does your equipment have the following hardware? Check all that apply.

Answered: 129 Skipped: 4



Q3 Are there any technological issues that might prevent you from being an active voting member of an online RTM?

Answered: 130 Skipped: 3



Representative Town Meeting Member Survey

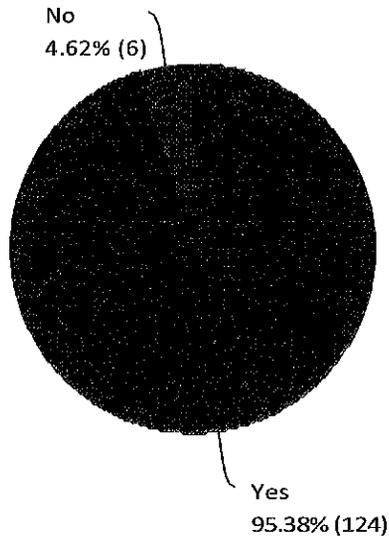
Q4 If yes, please specify what those issues may be so we can determine if the Town can help you overcome this particular hurdle. If no, please proceed to question 5.

Answered: 21 Skipped: 112

#	RESPONSES	DATE
1	Old computer, marginal video chat performance with one on one chat.	7/17/2020 8:26 AM
2	Equipment and skills	7/15/2020 10:54 AM
3	Older , unupdated technology , limited experience using it , but willing to work with this.	7/14/2020 12:57 PM
4	Not familiar with this means of communicating	7/13/2020 8:55 PM
5	I don't own a computer.	7/13/2020 3:12 PM
6	Gotomeeting had been slow and glitchy and freezes and my camera image is upside down; Zoom has none of these problems for me except at times it's briefly slow. Also, the audio is somewhat quite and when I have headphones in the microphone doesn't work.	7/13/2020 11:59 AM
7	My computer sound is poor	7/13/2020 10:46 AM
8	N/A	7/11/2020 1:08 PM
9	My web access is at times "unstable". That is the word in the message that at times pops up during a Zoom meeting. So far, "stability" is restored after a half or whole minute or two. Other participants are able to tell that I have lost the thread to the meeting and someone is kind enough to tell me what I missed. These are small group meetings so I don't know how it would work in a large meeting such as RTM. I'm willing to try.	7/11/2020 11:49 AM
10	No	7/10/2020 8:08 PM
11	no issues	7/10/2020 6:51 PM
12	maybe slow internet connection	7/10/2020 5:33 PM
13	Computer ignorant.	7/10/2020 2:47 PM
14	I don't have a computer or smartphone that would be used in a virtual RTM.	7/10/2020 2:06 PM
15	zoom/go to meeting/other forums occasionally, calls drop/kick members off/crash and then they miss out on listening and opportunities to participate to voting and the discussion	7/10/2020 1:45 PM
16	I've never used Zoom. my computer has a camera maybe, but I've never used it	7/10/2020 1:44 PM
17	Depends if Consolidated is having problems - so far that has not happened during the handful of online meetings our household has participated in this year.	7/10/2020 12:48 PM
18	I don't know for sure because I'm new to this	7/10/2020 12:21 PM
19	None	7/10/2020 11:27 AM
20	1) Using a Chromebook - sometimes it's quirky as to speaker & microphone, even though the speaker checks out within the platform & the microphone checks out on https://www.onlinemictest.com/ 2) Just not used to being on-line, processing and reacting in timely fashion.	7/10/2020 10:45 AM
21	N/A	7/10/2020 9:40 AM

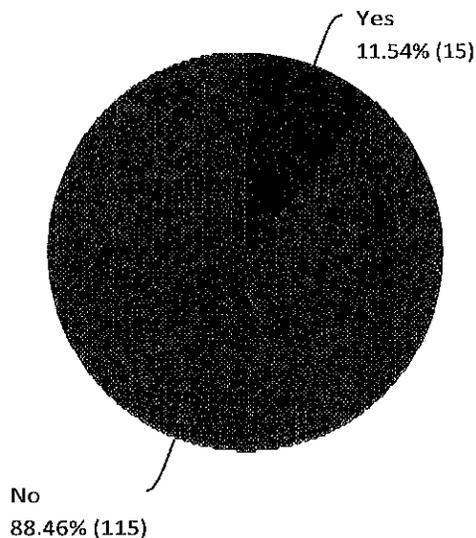
Q5 Do you have sufficient internet connection in a location where you can spend several hours in an online meeting?

Answered: 130 Skipped: 3



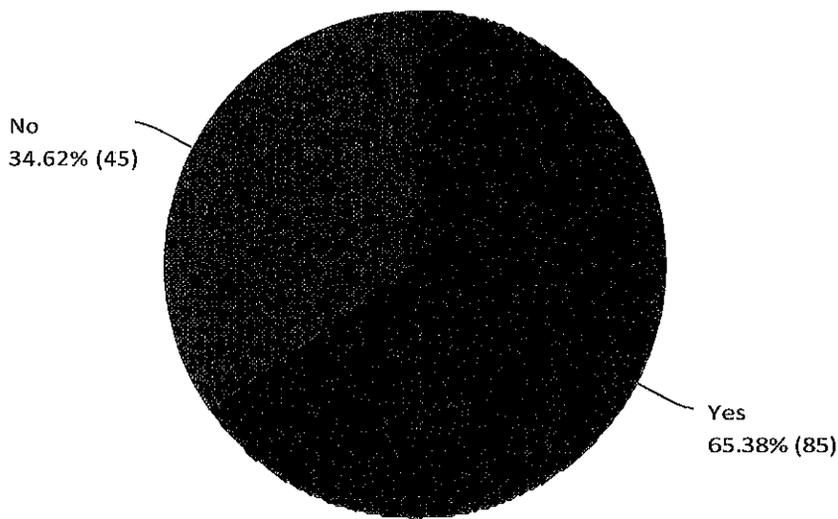
Q6 Would you need any training or other assistance to feel comfortable participating in an online meeting?

Answered: 130 Skipped: 3



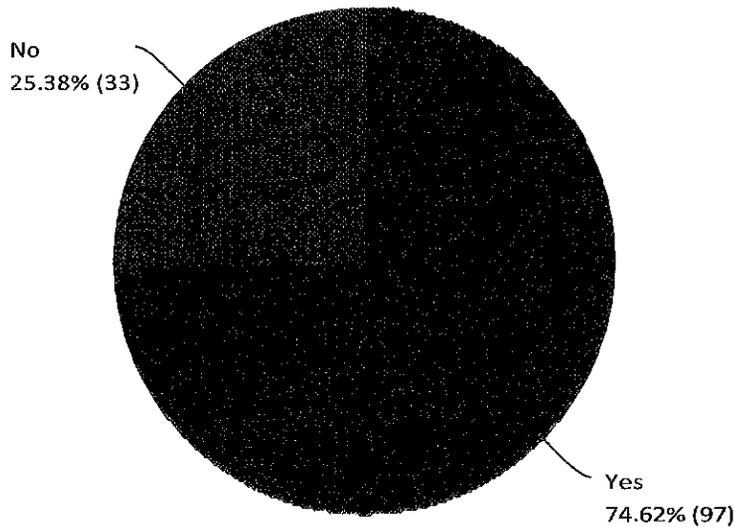
Q7 One idea that is being considered is to have members gather in groups of 25 or less (wearing masks and practicing social distancing) with video and audio production by BCTV at each location and with the locations being connected via an online platform. Individuals at each separate location would assist the Moderator in making sure that everyone gets an equal opportunity to participate in the meeting. Are you willing to participate in an in-person meeting as described for this alternative?

Answered: 130 Skipped: 3



Q8 Another idea is to have participants discuss all of the articles in an online meeting and then vote on the articles by Australian ballot. An advantage of this is that people who lack access to equipment or internet service or who feel uncomfortable participating in an online meeting for several hours, could watch BCTV (and call in with comments if they wished to speak to specific articles). A disadvantage of this alternative is that voting by pre-printed ballots would prevent RTM member from amending any of the articles; all votes would be "yes" or "no" articles as phrased in the warning by the Selectboard. Are you willing to participate in an online meeting and then vote on the articles by Australian ballot?

Answered: 130 Skipped: 3



Representative Town Meeting Member Survey

Q9 Do you have any suggestions or concerns regarding RTM this year that have not been addressed by this survey?

Answered: 73 Skipped: 60

#	RESPONSES	DATE
1	An in person meeting is essential. Video conferencing will have a very poor result. Last years meeting took double digit hours to conclude, adding the complexity of video conferencing will undoubtedly add a significant amount of time to the meeting.	7/17/2020 8:30 AM
2	May need to rethink meeting in person; would feel more comfortable if it is an outside meeting	7/16/2020 3:51 PM
3	None	7/15/2020 5:32 PM
4	I'm concerned about RTM becoming even less relevant and primarily being used to "rubber stamp" articles and budgets. Many of the concerns that I have were voiced during the last online Selectboard meeting - I was unable to chime in because I was simultaneously putting my children to bed, but they resonated for me!	7/15/2020 2:12 PM
5	Note to technological issues: I am 92 years old, not too swift with technical issues, and may not be aware of technical issues that would prevent participation.	7/15/2020 11:00 AM
6	No question above has addressed how votes can be counted online. It is very important to do so.	7/14/2020 10:38 PM
7	No questions	7/14/2020 4:29 PM
8	I think trying to include the number of individuals needed would be nearly impossible.	7/14/2020 3:02 PM
9	I would like to see separate breakouts over several days on particular issues when those that people want to talk about come up. This should happen around ALL town meetings. The past form was not good to gain consensus -- or even clarity on issues.	7/14/2020 2:40 PM
10	I'd be more inclined to meet in a group of 25 if that meeting happened out of doors. Thanks	7/14/2020 1:57 PM
11	More consistent communication	7/14/2020 1:00 PM
12	Nope	7/14/2020 12:09 PM
13	NO	7/14/2020 11:54 AM
14	thanks for putting out the survey and finding out the preferences & capabilities of RTM reps!	7/14/2020 11:32 AM
15	I think it will be very difficult to have this meeting on-line. I see confusion, frustration and an unsatisfying feeling all around.	7/13/2020 8:50 PM
16	I like the option in #7 except that the ballot cannot be amended. I would prefer that if there are suggested amendments then a new ballot be provided, or that we could alter the ballot with the changes agreed upon.	7/13/2020 8:39 PM
17	Lets make it as simple as possible. We all understand (or at loeast should do so) hat it is a very exceptional year and that ime is running hort.	7/13/2020 7:34 PM
18	We must address Town Meeting with no more delay.	7/13/2020 4:50 PM
19	Thank you for your dillegencee and care in preparing this survey. I am open to all the alternatives offered.	7/13/2020 4:32 PM
20	I prefer the Australian Ballot . While #6 sounds conceptually good; it is subject to Murphy's Law/technical difficulties. I view this as an "exceptional" exception. It is not business as usual. We may need to take the most practical method. It is not clear what things will be like in March 2021 so this can either be a one time way in challenging circumstances or a lesson if we need an online meeting in 2021. I'm very appreciative of the Town Manager's Office reaching out to members in this way.	7/13/2020 4:08 PM
21	Very new to RTM and want to make sure that I do it right. She said that she has health concerns and a low immune system but would still rather option 6 over 7. She would do 7 but worries how it would work.	7/13/2020 3:19 PM
22	I am just not comfortable participating in an online meeting. Don't have the computer abilities.	7/13/2020 3:07 PM

Representative Town Meeting Member Survey

23	Number 7 is particularly attractive. The Warning should have been attached to this survey. Too late now. When/where/how many times will the Warning be sent out?	7/13/2020 2:35 PM
24	no	7/13/2020 2:24 PM
25	I feel very badly that we would not be able to amend any of the articles, but the pandemic necessitates this. However, it should be understood that any of the articles passed this year would be subject to review in 2021, post-COVID-19, we hope.	7/13/2020 12:47 PM
26	I think people are much more engaged in-person; doing it remotely/digitally is going to result in less active participation.	7/13/2020 12:02 PM
27	Having participated in legislative debate and voting by zoom I would say that it is imperfect but it enabled us to consider, debate, and pass legislation. However we had the IT assistance of the legislative IT department and one question I have is would there be adequate tech support. Before we started with this we had small group meetings to get comfortable with the procedures. People without internet access were able to phone in and speak and vote. The advantage of this approach is that everyone is together on screen. For voting we had an app on our phone, or for those without, they could vote by voice or email. I am happy to discuss in more detail.	7/13/2020 11:31 AM
28	I would be willing to do the 25 person gathering but with a lot of space for social distancing (more like 8-10 ft btwn people) and also maybe split up between two days to reduce the amount exposure time.	7/13/2020 11:16 AM
29	I appreciate the attempt being made to have RTM happen.	7/13/2020 10:33 AM
30	Not at this time	7/13/2020 10:24 AM
31	I am open to all possibilities. I do have some concern about in person (even just 25 at a location) indoor meetings. Town meetings sometimes take up a very full day and wearing masks that long can be very challenging. If representatives were to take masks off, it would be an unsafe situation for others. I also have concern about the use of Australian ballot. I have agreed to it, but not being able to make amendments is a concern; I had a hard time deciding between "yes" and "no" for my answer to that one. I am sticking with "yes" simply because of the high safety in that scenario.	7/13/2020 9:03 AM
32	I would not be able to wear a mask for several hours without getting a severe headache. I do not feel comfortable sitting in a large group of people during the corona virus pandemic.	7/12/2020 7:36 PM
33	Rtm need to be able to have input which could change an article an ddc then vote. To vote yes or no does not give the best results for Towns people.	7/11/2020 9:59 PM
34	no	7/11/2020 1:08 PM
35	Having RTM Members address comments and questions for each article before RTM and allow all reps to read those comments and potential amendments . Possibly make this all Public before the meeting so reps could get feedback from The community. Then have the remote in person locations. Would the seperate groups be arranged by zone or would they be random or some other determinant	7/11/2020 7:00 AM
36	On at least two questions, I wanted to make a response that was not available. On the question of training, it would depend on the platform chosen. I use Zoom as an administrator and train people in our church on how to use it, so I don't need training on that. But if the platform chosen is one I don't know, then some basic training, or opportunity to practice would be helpful. As to the 25-person idea, I said "No" but wanted to say "Maybe." It would depend on how comfortable I felt about the location I was assigned to.	7/11/2020 12:02 AM
37	No	7/10/2020 9:51 PM
38	No	7/10/2020 8:08 PM
39	Have in person mtg at the gym plenty of room for seating and use the bleachers.	7/10/2020 7:17 PM
40	Suggestion: 1) In advance of RTM, send a survey to all RTM members asking them to "pre-vote" on each article. For each article, options should be yes / no / amend this / undecided, and include open ended space to express why and to suggest an amendment. 2) Share the results of the survey with all reps, so that they can see what everyone else said. This will allow everyone to read what their peers have to say, and to reconsider their own view, in advance of RTM. This will require everyone to invest time in the process in advance of RTM, but should reduce a lot of the frustration that is likely to occur during suggestions in #7 or #8.	7/10/2020 6:51 PM

Representative Town Meeting Member Survey

41	<p>Question #7: I answered Yes, but that is a qualified yes. If the meeting is indoors, I'm not sure I'm willing. If it could be outside, under a tent with open sides, I would be more comfortable. If not, I probably would say No. I don't know what the best option would be--I am not thrilled about being at an online meeting for several hours. I have been on a 1 hour 45 minute zoom meeting and am very ready to get off at the end of that length of time. But I don't have cable to be able to watch a meeting on BCTV. Is the idea of the Australian ballot option to hopefully make the meeting shorter? It's not optimal to not be able to amend, but if the majority of RTM members are OK with it, then I would be too.</p>	7/10/2020 6:03 PM
42	<p>If online it may need to be two days limiting the time to 5 hours each, if possible. Time is my concern for online participation. If in- person, then no longer than 9 hour. A second mtg to follow if necessary. It is a lot for how stressed and isolated many have been.</p>	7/10/2020 4:43 PM
43	<p>It is important to remember that whatever plans are made to have an in-person meeting may be upended by events related to the pandemic. For example, Donald Trump is supposed to be in New Hampshire sometime soon. Will that lead to a localized Covid surge, as in Tulsa? Will it reach Windham County? There's simply no way to know at present. Rather than guess, I think we should have a plan we can rely on.</p>	7/10/2020 4:17 PM
44	<p>While I am willing to participate in an in-person meeting if that is what the Selectboard chooses, I would feel much more comfortable with an on-line meeting in one form or another.</p>	7/10/2020 3:31 PM
45	no	7/10/2020 3:24 PM
46	Would any of the methods contemplated allow for amendments?	7/10/2020 3:07 PM
47	Could we gather at Natowich field or other ball fields with mask and social distancing? I would really like to meet.	7/10/2020 2:47 PM
48	No.	7/10/2020 2:06 PM
49	I would prefer to be able to amend articles if possible. Could some schools be made available for people to use if they don't have a spot to be with internet for more than a few hours? Also, childcare may be an issue for me, depending on how RTM happens	7/10/2020 1:45 PM
50	The Public needs equal vote counts as the Representatives to the ballot articles and budget, with online access, and to record all representative votes to online profiles so the public can view the representative voting history so as to educate their selves on whom the politicians are and how they vote as part of their campaign to be elected. Defining Public Electorate: includes 14 year old with work certificates, non resident commuters for work/study who may register in multiple regions regardless of green card, nationality, felony, or identity status.	7/10/2020 1:45 PM
51	No	7/10/2020 1:44 PM
52	Re: #8 - Yes I am WILLING to do the meeting and then vote by Australian ballot but I feel that it's a vastly inferior method that limits the agency of the representatives which is the whole point of this method. If we're just going to vote by Australian ballot then why even have town reps, why not just allow everyone in the town of Brattleboro to vote.	7/10/2020 1:03 PM
53	Whatever app you choose to have the meeting on, if you could email the link and allow some back and forth help and time for the kinks to be worked out. I currently only have used GoToMeeting once so I have that ap. I chose no on the Australian ballot option because making amendments is important but if that is what is happening of course I will participate.	7/10/2020 12:21 PM
54	No	7/10/2020 11:30 AM
55	No	7/10/2020 11:27 AM
56	I very much hope that we can figure out a way to discuss AND vote without it being Australian ballot, because the discussion is so important to participation. But given that the circumstances now are so different, I am willing to discuss and then vote via ballot if that is the only way possible - for this year only.	7/10/2020 11:25 AM
57	NO	7/10/2020 11:23 AM
58	no	7/10/2020 11:16 AM
59	Re: Question #5 - Internet connection appears adequate, but I do, intermittently, receive a "high CPU usage" warning, or words to that effect. Re: Question #6 - Perhaps a "test" session before the real meeting would work out bugs?	7/10/2020 10:45 AM
60	I think option #8 is the best way to go. COVID-19 safety should be more important than	7/10/2020 10:41 AM

Representative Town Meeting Member Survey

amending any of the articles. A Yes or No should be sufficient.

61	One member has complained to me that she cannot participate in any computer-based meeting. ALSO It is not necessary to preclude amendments. The ballots can be printed AFTER debate and amendments.	7/10/2020 10:28 AM
62	I appreciate all the thoughtfulness that is having to go into this year's RTM! And do not envy you all having to balance making a critical public health choice with retaining the power of RTM. Thank you for this survey and for seeking a solution that best balances both. I am confused by the lack of option to both have an online meeting and make amendments and vote on them. Can we print ballots after the meeting with amendments made? I would love to have a better understanding of why there is not an option to hold the meeting online/virtually as described in question 8 and also have the ability for making amendments. I am willing to participate in an online meeting and then vote but I would strongly urge, if at all legally possible, that ballots be printed after the meeting or that we vote during the online meeting and that those on the phone register their vote by voice. Another option could be to have amendments made and then online and voice voting all occur at the end so that callers are only calling in once. With tools other than GoTo Meeting, there are many polling and voting options as well as the ability of the facilitator to mute/unmute individual callers and to rename callers, etc. Is there a reason we must use GoTo Meeting?	7/10/2020 10:28 AM
63	Just to say, you're doing a great job considering alternatives. I can live with not being able to amend articles this once.	7/10/2020 10:05 AM
64	regarding australian ballots, there should be a way to include amendments. perhaps certain votes shelved and delayed, or space on ballot to indicate proposed amendment and tally can determine if any particular vote had enough commenting on amendments to trigger re-vote.	7/10/2020 9:58 AM
65	No	7/10/2020 9:48 AM
66	I'm still gathering information on the matter if there is or will be any obstacles.	7/10/2020 9:42 AM
67	No	7/10/2020 9:40 AM
68	I'm concerned that the people unable to participate via video are the same people who will be unable to complete this survey.	7/10/2020 9:39 AM
69	no	7/10/2020 9:39 AM
70	Recommend advisory vote to approve SB's action on budget (y/n).	7/10/2020 9:37 AM
71	thanks for exploring creative solutions	7/10/2020 9:35 AM
72	I am not willing to participate in a small gathering indoors. If it would be possible to have them outside, I would consider attending.	7/10/2020 9:33 AM
73	Given the inability to modify articles and the limits on public debate and participation, the Select Board should investigate its ability to approve all articles under the emergency legislation and cancel this year's meeting.	7/9/2020 3:10 PM

**ANNUAL REPRESENTATIVE TOWN MEETING
SEPTEMBER 12, 2020
(RESCHEDULED FROM MARCH 21, 2020, DUE TO THE COVID-19 PANDEMIC)**

The legal voters qualified to vote in Representative Town Meeting are hereby notified and warned to meet on Zoom on Saturday, the twelfth day of September, 2020, at 8:30am, using the following link:

<< INSERT ZOOM LINK HERE >>

to act on the following Articles:

ARTICLE 1: To act on the Town's Auditors' report.

ARTICLE 2: To see if the Town will authorize its Selectboard to employ a certified public accountant or public accountants.

ARTICLE 3: To see if the Town will ratify, approve and confirm the Selectboard's appointment of a Town Clerk for a term of one year.

ARTICLE 4: To see if the Town will ratify, approve and confirm the Selectboard's appointment of an Interim Town Treasurer for a term of up to one year.

ARTICLE 5: To see if the Town will ratify, approve and confirm the Selectboard's appointment of a Town Attorney for a term of one year.

ARTICLE 6: To elect two representatives to the Capital Grant Review Board for a term of one year. Members to be nominated from the floor.

ARTICLE 7: To see if the Town will elect or appoint members to the Town Finance Committee for a term of one year. Members to be nominated from the floor.

ARTICLE 8: To see if the Town will elect members to the Human Services Review Committee for a term of one year. Members to be nominated from the floor.

ARTICLE 9: To elect three Trustees for the Brooks Memorial Library to serve three years, and one Trustee to fill a 1-year unexpired term. The names for consideration are: Jennifer Rowe, Karen Tyler, and John Woodward, each for a term to expire in 2023; and Gabriel Sistare for a term to expire in 2021.

ARTICLE 10: To see if the Town will authorize its Selectboard to borrow money in anticipation of taxes, grants and other revenue.

ARTICLE 11: To see what salaries the Town will pay its Selectboard members.

ARTICLE 12: To see if the Town will transfer from the Unassigned General Fund Balance to the Capital Fund the sum of \$223,000 to fund a portion of the cost of a new fire engine to replace a 1994 fire engine.

ARTICLE 13: To see if the Town will appropriate the sum of \$43,748 for the Community Marketing Initiative promotion of Brattleboro performed jointly by the Brattleboro Area Chamber of Commerce and the Downtown Brattleboro Alliance.

ARTICLE 14: To see if the Town will raise and appropriate the sum of \$80,000 through special assessments on properties within the Downtown Improvement District (as approved by Town Meeting March 19, 2005, and as delineated in the Town Ordinance entitled "Municipal Act to Establish and

Regulate the Downtown Improvement District”) to be used for capital and operating costs of projects of the Town’s duly designated downtown organization as reflected in its work plan and budget.

ARTICLE 15: To see if the Town will raise and appropriate the sum of \$190,105 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner: Aids Project of Southern Vermont - \$2,000; Big Brothers Big Sisters - \$6,375; Boys & Girls Club of Brattleboro – \$17,000; Brattleboro Area Hospice - \$2,550; Brattleboro Area Prevention Coalition (a/k/a Building a Positive Community) - \$11,250; Brattleboro Centre for Children - \$4,500; Brattleboro Community Justice Center - \$5,950; Brattleboro Senior Meals - \$5,250; Family Garden - \$2,500; Gathering Place - \$3,750; Green Mountain RSVP - \$700; Groundworks Collaborative - \$19,000; Health Care & Rehabilitation Services of Southeastern Vermont- \$7,500; KidsPLAYce - \$4,000; Meeting Waters YMCA - \$7,125; Out in the Open (f/k/a Green Mountain Crossroads) - \$8,500; The Root Social Justice Center - \$5,250; Senior Solutions - \$2,700; Southeastern Vermont Community Action, Inc. (SEVCA) - \$11,400; Turning Point - \$15,000; Vermont Association for the Blind and Visually Impaired - \$700; Vermont Center for Independent Living - \$1,600; Visiting Nurse and Hospice for VT and NH - \$10,980; Windham County Humane Society - \$1,000; Windham County Safe Place Child Advocacy Center and Southeastern Unit for Special Investigations - \$2,700; Women’s Freedom Center - \$14,250; Windham Southeast Supervisory Union Summer Food Program - \$6,375; Youth Services - \$10,200.

ARTICLE 16: To see if the Town and School District taxes, assessed on the Grand List as of April 1, 2020, shall be due and payable in four (4) equal installments payable to the Town Treasurer until overdue, then to the Collector of Taxes; that such payment of the installments shall be received by the Town Treasurer’s Office on or before 5:00pm on September 15, 2020, November 16, 2020, February 16, 2021, and May 17, 2021; and that interest at a rate of one percent (1%) per month be charged from the due date of payment on any overdue payment of the Town tax, installment, or portion thereof; and that a penalty of eight percent (8%) be charged on any overdue payment that remains due and owing on May 18, 2021.

ARTICLE 17: To see if the Town will authorize the expenditure of \$36,147 from Program Income (a revolving loan fund that disperses proceeds which originated as Community Development Block Grants) as a contribution to the operation of Southeastern Vermont Economic Development Strategies (SeVEDS).

ARTICLE 18: To see if the Town will raise and appropriate the sum of \$223,276.47 through special assessments on property within the "Mountain Home Park Special Benefit Assessment Tax District" (as approved by Town Meeting, March 24, 2007, and as delineated in the Town Ordinance entitled "Municipal Act to Establish and Regulate the Mountain Home Park Special Benefit Assessment Tax District") for the purpose of paying debt service on the capital improvements to the water and sewer lines serving the Mountain Home and Deepwood Mobile Home Parks.

ARTICLE 19: To see if the Town will adopt the following resolution and submit it to the Federal Energy Regulatory Commission (FERC) as comments to communicate the Towns’ ongoing concerns and interests:

"Whereas, the peaking operations of Wilder, Bellows Falls and Vernon dams have been causing daily surface water elevation fluctuations of, on average 2-3 feet every day in the impoundments behind the dams for at least 70 years, resulting in loss of land for landowners in VT and NH and degradation of water quality and habitat of the river for decades;

"Whereas, in the late 1970s, during the last relicensing process, the Army Corps of Engineers (ACOE) conducted an erosion study on the project area; and FERC issued the last licenses in early 1979 just months before the ACOE completed their study in November of that year; and the ACOE study clearly states that pool level fluctuations are the *second most important causative factor* for erosion in the project areas.

"Whereas, the erosion study completed for the current relicensing by Great River Hydro, the current owner of these three projects did not look at the effect of pool level changes on erosion, instead, focusing only on potential erosion due to velocity along the bank edge that would be typical for a natural river system; and the Connecticut River in the project area does not function as a natural river, instead functioning as a series of lakes, with water flow controlled by the dams.

"Whereas, many towns and landowners up and down the river have used millions of dollars in public and private money to attempt to stabilize and restore their streambanks to protect property and infrastructure over the past 70 years;

"Therefore, be it resolved that the Town of Brattleboro, formally requests that the Federal Energy Regulatory Commission require, via license article, the current and any subsequent owners of the Wilder, Bellows Falls and Vernon Dams to modify current dam operations to minimize peaking; provide for ongoing streambank monitoring; develop a shoreline adaptive management plan; and create a mitigation and enhancement fund to support riverbank restoration and/or property owner compensation to reimburse towns and landowners for any and all damages resulting from the deterioration of the riverbank."

ARTICLE 20: To transact any other business that may lawfully come before the meeting.

Dated at Brattleboro, Vermont this 4th day of August, 2020.

BRATTLEBORO SELECTBOARD

Tim Wessel, Chair

Elizabeth McLoughlin, Vice Chair

Ian Goodnow, Clerk

Brandie Starr

Daniel Quipp

Brattleboro, Vermont
August 4, 2020

Town Clerk's Office, Brattleboro, Vermont, August ____, 2020, at ____ a/pm, received and recorded the foregoing Warning in Volume ____, of Town Records, at Page ____.

Attest: _____
Hilary Francis, Town Clerk

**ANNUAL REPRESENTATIVE TOWN MEETING
SEPTEMBER 2020
(RESCHEDULED FROM MARCH 21, 2020, DUE TO THE COVID-19 PANDEMIC)**

The legal voters qualified to vote in Representative Town Meeting are hereby notified and warned to meet on Zoom at 8:30am on Saturday, the 12th day of September, 2020, for an informational meeting to discuss the Articles listed below; and to cast their votes by Australian ballot no later than Friday, the 18th day of September, 2020 (by dropping their ballot in the metal "mailbox" adjacent to a wooden light pole in the parking lot behind the Municipal Center at 230 Main Street in Brattleboro by 5pm on September 18 or by submitting their ballot by U.S. Mail with a postmark no later than September 18) to act on the Articles listed below. In order to allow mailed ballots enough time to arrive at the Town Clerk's Office, the ballots will be counted on Friday, the 25th day of September, 2020.

To join the discussion on Zoom on September 12:

**INSERT
THE
ZOOM LINK + INSTRUCTIONS
HERE**

ARTICLE 1: To accept the Town's Auditors' report as printed in the 2019-2020 Town Report.

ARTICLE 2: To authorize the Selectboard to employ a certified public accountant or public accountants.

ARTICLE 3: To ratify, approve, and confirm the Selectboard's appointment of Hilary Francis as Town Clerk for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 4: To ratify, approve, and confirm the Selectboard's appointment of Andre Jaeger as Town Treasurer for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 5: To ratify, approve, and confirm the Selectboard's appointment of the firm of Fisher and Fisher Law Offices, PC, as Town Attorney for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 6: To authorize Town Moderator Lawrin Crispe to appoint two representatives to the Capital Grant Review Board for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 7: To authorize Town Moderator Lawrin Crispe to appoint members to the Town Finance Committee for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 8: To authorize Town Moderator Lawrin Crispe to appoint members to the Human Services Review Committee for a term of one year (until the 2021 Representative Town Meeting).

ARTICLE 9: To elect four Trustees of the Brooks Memorial Library, as follows: Jennifer Rowe, Karen Tyler, and John Woodward, each for a term to expire in 2023; and Gabriel Sistare for a term to expire in 2021.

ARTICLE 10: To authorize the Selectboard to borrow money in anticipation of taxes, grants, and other revenue.

ARTICLE 11: To authorize that the annual salary for the Selectboard Chairperson be set at \$5,000 and that the annual salary for each of the other members of the Selectboard be set at \$3,000.

ARTICLE 12: To authorize the Selectboard to transfer from the Unassigned General Fund Balance to the Capital Fund the sum of \$223,000 to fund a portion of the cost of a new fire engine to replace a 1994 fire engine.

ARTICLE 13: To authorize the Selectboard to appropriate and expend the sum of \$43,748 for the Community Marketing Initiative promotion of Brattleboro to be performed jointly by the Brattleboro Area Chamber of Commerce and the Downtown Brattleboro Alliance.

ARTICLE 14: To raise and appropriate the sum of \$80,000 through special assessments on properties within the Downtown Improvement District (as approved by Town Meeting on March 19, 2005, and as delineated in the Town Ordinance entitled "Municipal Act to Establish and Regulate the Downtown Improvement District") to be used for capital and operating costs of projects of the Town's duly designated downtown organization (the Downtown Brattleboro Alliance) as reflected in its work plan and budget.

ARTICLE 15: To authorize the Selectboard to appropriate and expend the sum of \$190,105 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner: Aids Project of Southern Vermont - \$2,000; Big Brothers Big Sisters - \$6,375; Boys & Girls Club of Brattleboro - \$17,000; Brattleboro Area Hospice - \$2,550; Brattleboro Area Prevention Coalition (a/k/a Building a Positive Community) - \$11,250; Brattleboro Centre for Children - \$4,500; Brattleboro Community Justice Center - \$5,950; Brattleboro Senior Meals - \$5,250; Family Garden - \$2,500; Gathering Place - \$3,750; Green Mountain RSVP - \$700; Groundworks Collaborative - \$19,000; Health Care & Rehabilitation Services of Southeastern Vermont - \$7,500; KidsPLAYce - \$4,000; Meeting Waters YMCA - \$7,125; Out in the Open (f/k/a Green Mountain Crossroads) - \$8,500; The Root Social Justice Center - \$5,250; Senior Solutions - \$2,700; Southeastern Vermont Community Action, Inc. (SEVCA) - \$11,400; Turning Point - \$15,000; Vermont Association for the Blind and Visually Impaired - \$700; Vermont Center for Independent Living - \$1,600; Visiting Nurse and Hospice for VT and NH - \$10,980; Windham County Humane Society - \$1,000; Windham County Safe Place Child Advocacy Center and Southeastern Unit for Special Investigations - \$2,700; Women's Freedom Center - \$14,250; Windham Southeast Supervisory Union Summer Food Program - \$6,375; Youth Services - \$10,200.

ARTICLE 16: To approve that the Town and School District taxes assessed on the Grand List as of April 1, 2020, shall be due and payable in four (4) equal installments payable to the Town Treasurer until overdue, then to the Collector of Taxes; that such payment of the installments shall be received by the Town Treasurer's Office on or before 5:00pm on September 15, 2020, November 16, 2020, February 16, 2021, and May 17, 2021; and that interest at a rate of one percent (1%) per month be charged from the due date of payment on any overdue payment of the Town tax, installment, or portion thereof; and that a penalty of eight percent (8%) be charged on any overdue payment that remains due and owing on May 18, 2021.

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"Whereas, in the late 1970s, during the last relicensing process, the Army Corps of Engineers (ACOE) conducted an erosion study on the project area; and FERC issued the last licenses in early 1979 just months before the ACOE completed their study in November of that year; and the ACOE study clearly states that pool level fluctuations are the *second most important causative factor* for erosion in the project areas.

"Whereas, the erosion study completed for the current relicensing by Great River Hydro, the current owner of these three projects did not look at the effect of pool level changes on erosion, instead, focusing only on potential erosion due to velocity along the bank edge that would be typical for a natural river system; and the Connecticut River in the project area does not function as a natural river, instead functioning as a series of lakes, with water flow controlled by the dams.

"Whereas, many towns and landowners up and down the river have used millions of dollars in public and private money to attempt to stabilize and restore their streambanks to protect property and infrastructure over the past 70 years;

"Therefore, be it resolved that the Town of Brattleboro, formally requests that the Federal Energy Regulatory Commission require, via license article, the current and any subsequent owners of the Wilder, Bellows Falls and Vernon Dams to modify current dam operations to minimize peaking; provide for ongoing streambank monitoring; develop a shoreline adaptive management plan; and create a mitigation and enhancement fund to support riverbank restoration and/or property owner compensation to reimburse towns and landowners for any and all damages resulting from the deterioration of the riverbank."

ARTICLE 20: To transact any other business that may lawfully come before the meeting.

(Note that this article applies only to the informational discussion meeting on September 12 and shall not appear on the ballot.)

Dated at Brattleboro, Vermont, this 11th day of August, 2020.

BRATTLEBORO SELECTBOARD

Tim Wessel, Chair

Elizabeth McLoughlin, Vice Chair

Ian Goodnow, Clerk

Brandie Starr

Daniel Quipp

Brattleboro, Vermont
August 11, 2020

Town Clerk's Office, Brattleboro, Vermont, August ____, 2020, at ____ a/pm, received and recorded the foregoing Warning in Volume ____, of Town Records, at Page ____.

Attest: _____
Hilary Francis, Town Clerk

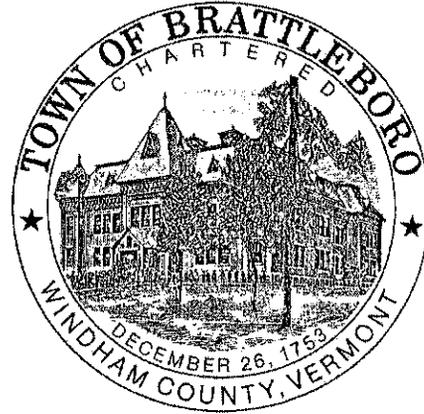
MEMORANDUM

To: Selectboard

From: Jan Anderson, Executive Secretary
Lawrin Crispe, Town Moderator
Peter Elwell, Town Manager
Robert Fisher, Town Attorney
Hilary Francis, Town Clerk
Patrick Moreland, Assistant Town Manager

Re: Representative Town Meeting (RTM) –
Recommendations for Holding an
Inclusive RTM During COVID-19

Date: July 1, 2020



This is in furtherance of a memorandum dated May 29, 2020, from Town Manager Elwell in which he outlined several alternatives we had identified for maximizing both risk reduction and inclusive participation for a Representative Town Meeting (RTM) during this unprecedented year of COVID-19. The Selectboard discussed this matter and received public input at the June 2 Selectboard meeting. Thereafter, the six of us collaborated on developing the recommendations set forth in this memorandum. We are prepared to participate in the further discussion of this matter at the July 7 Selectboard meeting.

As you know, the Representative Town Meeting (RTM) that was scheduled for March 21, 2020, had to be cancelled due to COVID-19 and the related restrictions on public gatherings. At the June 2 Selectboard meeting and in other communications about this matter, concerns have been raised (1) that an RTM that requires members to gather (even if outdoors or in groups as small as 20 or fewer people) may exclude some elected RTM members due to concerns about the continued spread of the COVID-19 virus, and (2) that an all online RTM may exclude some elected RTM members due to lack of access to technology and/or limited ability to use it. Even if we could overcome with certainty those barriers to participation, experience with online meeting tools during the past few months suggests that some or all participants in an online meeting might be negatively affected by service interruptions and/or poor quality of the meeting's audio and visual transmissions. We considered a variety of hybrid alternatives that would involve a combined use of an online meeting platform and in-person gatherings in the hope of finding a way to replicate a "normal" RTM in the BUHS Gym or the BAMS Multi-Purpose Room, but all included the risk of disenfranchising some RTM members from casting the votes they have been elected to cast. Reluctantly, therefore, we recommend the procedure set forth below which sacrifices the ability of RTM to amend articles on the warning in favor of ensuring that every RTM member will be able to vote on every article.

We propose a two-part RTM that follows the procedure used by some other Vermont towns for their annual Town Meetings. The first part is an informational/discussion meeting at which the members discuss the articles and the second part is an Australian ballot process by which the members vote on the articles. The Australian ballot part of this guarantees that every RTM member will be able to cast their votes, but it requires the use of pre-printed ballots that will preclude the opportunity for RTM to amend any of the articles during the discussion phase.

Here is a chronology of how we propose for this to occur:

Tuesday, July 21

Selectboard approves the RTM warning. This must occur not less than 30 days nor more than 40 days from the date(s) on which RTM is to be held.

Friday, August 14 (or earlier)

Town Clerk mails a pre-printed ballot and reminder copy of the RTM warning to every RTM member.

Saturday, August 22

RTM's discussions occur on GoToMeeting. This is 32 days (not less than 30) after the approval of the warning. The Town Moderator will facilitate the discussions using procedures similar to those used by the Selectboard for Selectboard meetings on GoToMeeting. We anticipate this message (or something similar) being transmitted to all the RTM members prior to the August 22 meeting (along with instructions about how to connect into the meeting using alternative forms of technology):

Rules pertaining to debate and discussion:

- *Since the meeting is an informational/discussion meeting, no quorum will be necessary.*
- *Since voting will be by Australian ballot, no motions or amendments shall be permitted.*
- *To seek recognition by the moderator, members connected by computer will send a "chat" message through the GoToMeeting software requesting an opportunity to speak on the article under consideration. The moderator will recognize each speaker in the order received. Telephone callers will be recognized after members who are connected by computer and using the chat function. When recognized, you should state your name and district.*
- *Please mute your computer, except when you are recognized by the moderator.*
- *Remarks and debate will be limited to no more than 2 minutes per speaker.*
- *As always, we will respect our tradition of civility. Speakers are not allowed to engage in personal attacks on other people or their motives.*
- *Each article will be considered separately and discussion shall be confined to the merits of that article only.*
- *Individuals who have once spoken on a topic shall not again be entitled to speak on that topic to the exclusion of another who has not yet spoken.*
- *Each RTM member is responsible for their own connection via the Internet or telephone. The meeting shall not be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting. To help guard against an RTM member missing out on any of the discussions, technical assistance will be available in advance. Also, a recording of the meeting will be available on BCTV's website for viewing prior to the deadline for casting Australian ballots.*

Friday, August 28

Deadline for RTM members to cast their ballots (either by dropping them in a box at the Municipal Center or by having them postmarked by that date for delivery by U.S. Mail). This is 38 days (not more than 40 days) after the approval of the warning.

Friday, September 4

The Town clerk will tabulate the ballots and announce the results. This is one week after the deadline for RTM members to cast their ballots. That will allow sufficient time for locally mailed ballots to arrive at the Town Clerk's Office.

Finally, District 2 has no RTM vacancies but there are vacancies in both District 1 and District 3. Town Clerk Hilary Francis will work with the chairs in each of those districts to warn and hold a caucus prior to the August 22 information/discussion meeting so that a full complement of RTM members from every district can participate.

A draft RTM warning is attached to this memorandum. We look forward to receiving the Selectboard's direction on July 7 so that we may proceed toward Selectboard approval of the finalized warning at your July 21 Selectboard meeting (or toward some other way forward that the Selectboard may prefer).

JA:LC:PE:BF:HF:PM
Attachment

MEMORANDUM

To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Representative Town Meeting –
Options During COVID-19 Restrictions
Date: May 29, 2020



As you know, the Representative Town Meeting (RTM) that was scheduled for March 21, 2020, had to be cancelled due to COVID-19 and the related restrictions on public gatherings. Town staff has given extensive thought to alternative ways in which the 2020 RTM can be held. Our exploration of this topic has included ideas that have been shared with us by members of the Selectboard and the public and other ideas we have generated ourselves. Unfortunately, we have identified significant downsides to most of the alternatives we have explored. Nevertheless, we are committed to finding a way to hold an RTM safely and legally this year because RTM is an important part of our democratic system in Brattleboro, involving a broad cross section of the community elected by their neighbors to provide annual overall direction for the Selectboard's year-round governance work and for the staff's service delivery to the community.

Listed below are six RTM alternatives and a brief description of each. They are listed in what I believe is the descending order from most desirable to least desirable. The one that Town staff and RTM Moderator Lawrin Crispe believe is the most viable is highlighted in the shaded box. Whatever alternative is ultimately selected, Town Attorney Bob Fisher will work with us to ensure that it is implemented in a legal manner. I look forward to our discussion of this matter at the June 2 Selectboard meeting and to working together to find the best way forward for holding an RTM this year.

ALL PARTICIPANTS IN ONE ROOM

This is by far the most desirable alternative. It is the conduct of RTM in the normal manner. Unfortunately, in this year of COVID-19, we don't believe it is feasible. Even if the State of Vermont at some point this summer allows indoor gatherings of up to 200 people (which is almost certainly not going to happen) we do not see how that many people can gather, stay appropriately socially distanced, and conduct the business of the meeting in the normal manner.

ALL PARTICIPANTS IN ONE OUTDOOR LOCATION

We were excited about this alternative when we first began exploring it. Public health experts are advising that there is reduced risk of spreading COVID-19 outdoors compared with indoor locations. With a large tent or tents, we thought it might be possible to hold RTM in the normal manner but with the participants socially distanced in a setting like The Common, Living Memorial Park, or one of the athletic fields at BUHS. Unfortunately, accessibility and restroom facilities present enormous impediments to implementing this alternative and, if we are unlucky with the weather, heavy rain or excessive heat could actually make it dangerous to hold the meeting this way.

PARTICIPANTS IN SEVERAL SEPARATE INDOOR LOCATIONS CONNECTED BY BCTV

In this alternative, participants would be located in 5 to 8 venues (to be determined by social distancing requirements and BCTV's capabilities). All the venues would be connected on a GoToMeeting (GTM) platform. BCTV would separately produce both the sound and video at each venue and the GTM transmission would be visible and audible to all participants at each venue.

Ideally, this would work with 5 venues (one for each of the three districts, one for the Selectboard and the public, and one for the Moderator and Town Clerk), but that will be feasible only if up to 60 people are allowed at any single venue. If we are limited to smaller gatherings than that, we can add venues and figure out the best way to divide the group into smaller subsets. BCTV is confident of its ability to make this work but will need some time to finalize the logistics. Moderator Lawrin Crispe is confident that full and fair participation can be achieved using this alternative if he is assisted by someone at each separate venue for organizing the queueing of speakers at that venue. It would make sense for this to be the district chairs if we are able to seat all participants from a single district in a single venue. If we have to use more venues, we'll have to determine a fair way to divide the participants and to organize the queueing. There are clearly many additional details to be worked out for this alternative, but we believe it provides the best potential for a safe, legal, inclusive RTM this year.

DISCUSSION ON GoToMeeting AND THEN DECISION-MAKING BY AUSTRALIAN BALLOT

This alternative would follow the model that some other Vermont communities use for their annual Town Meetings. A relatively more free-form discussion with no motions or actions takes place prior to the making of decisions (usually the next day) by Australian Ballot. If GoToMeeting was used for the pre-vote discussion, its shortcomings for ensuring full, fair, inclusive participation (as described in more detail below) would be muted by the fact that everyone would have an equal vote in the decision-making. However, we still have very significant concerns about how problematic it would be to try to hold a fair discussion among over 150 people on an electronic platform that would be unwieldy for the moderator and likely not accessible by all RTM members and the public. Also, having all votes by Australian Ballot would require RTM members to make simple "yes" or "no" decisions without the opportunity to amend any of the articles.

DECISION-MAKING BY AUSTRALIAN BALLOT WITHOUT A PRIOR DISCUSSION

This would have the same no amendment shortcoming as the alternative immediately above and the additional shortcoming of no dialogue among the members to inform the votes that each individual member would cast. I think the collaborative process of sharing perspective and refining potential action(s) is an important part of RTM and that the democratic process would be diminished by reducing the members' role to simply casting a vote on the predetermined questions.

ALL PARTICIPANTS ON GoToMeeting FOR BOTH DISCUSSION AND DECISION-MAKING

Based on the extensive experience we all have now with GoToMeeting (GTM) and other online platforms, I believe this alternative is fatally flawed because it would give the appearance of a full, fair, inclusive meeting but would almost certainly not achieve that in reality. GTM can accommodate up to 250 participants so there is enough capacity to hold RTM on that platform, but RTM members would experience differing levels of accessibility and inclusion in both the discussion and the decision-making due to differences in electronic equipment and in the ability to use it. Even if everyone had the same equipment and the same ability to use it, Moderator Lawrin Crispe is concerned about whether he could ensure a full and fair opportunity for all participants to be heard if there are more than 150 active participants in this electronic format.

When we have identified the preferred way to hold the 2020 RTM and the Selectboard is ready to warn that meeting, the warning will need to be approved and published not less than 30 days nor more than 40 days prior to the date of the RTM. Therefore, the earliest RTM could be held would be in the second half of July. Based on all of the factors we have considered, Town staff believes warning the meeting in July and holding the meeting in August is the timing "sweet spot" both for the logistical preparation to hold this unprecedented RTM and for the public health factors related to experts' predictions of a summer decline in the spread of COVID-19 followed by an expected resurgence of the virus in the fall.

PBE: