

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 19, 2020
REGULAR MEETING – 6:15PM
HELD REMOTELY VIA GoToMeeting
MINUTES**

NOTE: Per the “Stay Home – Stay Safe” order issued by Governor Scott on March 13, 2020, this meeting was held remotely with no physical location using GoToMeeting.

Selectboard members in attendance: Tim Wessel, Elizabeth McLoughlin, Ian Goodnow, Daniel Quipp, and Brandie Starr.

Staff participating: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, and Executive Secretary Jan Anderson.

Others participating: Doran Hamm, Millicent Cooley, Stephanie Bonin, Dick DeGray, Amanda Witman, Peter “Fish” Case, Kate O’Connor, Leda Scheintaub, Michael (from The Works), Cory Bratton, ASL interpreters Janet Dickinson and Elizabeth Fox, and BCTV staff and volunteers.

Chair Tim Wessel called the meeting to order at 6:16pm. He confirmed that the meeting was properly warned.

APPROVE MINUTES

Wessel asked the Board to approve the minutes from the May 5, 2020 meeting. There was no discussion.

MOTION BY IAN GOODNOW TO APPROVE MINUTES FROM THE MAY 5 MEETING. MOTION CARRIED 5-0.

CHAIR’S REMARKS

Chair Wessel remarked that many businesses were beginning to re-open after being closed for several weeks due to the COVID-19 pandemic. He noted that employees in all businesses were required to wear masks per the Governor’s order and suggested that members of the public also wear masks when in close proximity to someone else. He said that people had different risk tolerances and wearing masks was a small but momentous sign of respect and it promoted personal safety. He also announced that BCTV would be moving its broadcast of Selectboard meetings to Channel 1085 for Comcast subscribers.

MANAGER’S COMMENTS

Town Manager Elwell announced that the Consumer Confidence Report on the Town’s water system was released yesterday and that the results of all tests were well within allowable limits. He noted that the Town’s public water supply was high-grade, secure, and well-operated and maintained. He said that the report was posted on the Town’s website and that printed copies were available at the Library, Tri-Park Co-Op office, and Guilford Country Store.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Quipp announced that the Traffic Safety Committee would meet on Thursday May 21, at 8:00am and would be available for the public to attend using the GoToMeeting platform.

PUBLIC PARTICIPATION

Doran Hamm, a volunteer with the Tenants’ Union of Brattleboro, was present to introduce himself and the organization to the Board and the public. He said the organization was newly formed and consisted of volunteers to promote tenants’ rights in Brattleboro. He said that the volunteers were not lawyers but offered a resource to tenants. He said the organization could be contacted through their website - brattleborotenants.org.

Millicent Cooley announced that the Nourishing Artists Campaign took place last Wednesday as a way to generate gift card sales and provide 300 meals in local restaurants to artists. She said that more artists were needed to sign up for the free meals. She said that the term "artist" was broad and included painters, writers, trapeze aerialists, museum personnel, tattoo artists, arts administration, hair stylists, and stagehands. She said artists would qualify if they have lived, worked, performed, displayed, taught or practiced their art in Brattleboro. She said that artists could sign up on the Downtown Brattleboro Alliance website at brattleboro.com.

COVID-19 UPDATE.

Overall Update

Town Manager Elwell provided updated information regarding Town operations during the COVID-19 public health emergency, including transitioning to limited in-person office services with one employee in each department. He said that the Town facilities were still locked and that most of the public's business was being conducted electronically or by phone, but appointments could now be made to access a particular department if required. He said that some recreational activities were available, such as the tennis courts, but no organized activities were available yet in accordance with the Governor's orders. He announced that Fire Chief Bucossi was involved in the organization of a food distribution site in Brattleboro on Wednesday, May 27, at the BUHS parking lot from 10am to 2pm. He said to expect long lines so come early via South Main Street, to Sunny Acres, to Atwood Street, to the BUHS parking lot. There was a brief discussion by the Board.

NO ACTION TAKEN.

Financial Update

- (i) *Monthly Financial Report – Actual FY20 Budget Results Through April 30*
- (ii) *Updated Estimate of FY20 Year-End Budget Results - Projections Through June 30*

Town Manager Elwell presented the monthly financial report for April 2020, that was prepared by Interim Finance Director Laurie Garland. He said that revenues and expenditures had slowed but not significantly. He noted that some recipients of Small Business Assistance Program loans were deferring payments, as permitted by the amendment issued by the Selectboard early in the pandemic, but many were adhering to their payment schedule. There was no discussion by the Board.

Town Manager Elwell provided the Board with information on the impacts that the COVID-19 pandemic may have on the FY20 Budget, as set forth in his memo dated April 30. He said that the Town received \$70,227 today from the State for Rooms and Meals Tax, which was low for a quarter but not as low as expected. He said that the State also paid \$180,927 for the Town's portion of Sales Tax. Additionally, he said that 97.4% of property taxes due for the year had been collected as of today. He said that he would have a more detailed financial report at the June meeting. There was some discussion by the Board.

NO ACTION TAKEN.

Possible Temporary Expansion of Outdoor Business Activity During Recovery from COVID-19.

Stephanie Bonin, Executive Director of Downtown Brattleboro Alliance (DBA), spoke about the re-opening of businesses in phases so as to keep within the restrictions set by the Governor's order. She suggested repurposing public spaces for restaurants or shops, such as closing Elliot Street to vehicular traffic every weekend, or sidewalk activation, or creating dining parklets from parking spaces outside of restaurants, or utilizing parking spaces in Harmony Parking Lot, or using Pliny Park for dining. She cautioned that these actions still would not create a sustainable business plan, but would allow for businesses to begin to open for sales. She said that such plans would also require some financial assistance from the Town. Elwell said that the Town was willing to work with the businesses in these unusual circumstances and discussed some possibilities and challenges around use of the Harmony Lot, closure of Elliot Street, and purchasing and installing parklets. He noted that social distancing would still be required. Dick DeGray, Amanda

Witman, and Peter “Fish” Case provided their opinions and comments. There was much discussion by the Board.

Quipp spoke of his concerns that some people were not wearing masks to help prevent the spread of COVID-19. He noted that the Governor’s order requires employees to wear masks but did not mandate that customers wear masks. He said that the wearing of masks seemed to be a combative and emotional issue at this time and suggested that shopkeepers should not be forced to be enforcers. He said that wearing masks was for the safety of the public and suggested that the elected officials take responsibility and create a tool, such as an ordinance or resolution. He said that Burlington and South Burlington both recently passed resolutions requiring the wearing of masks to provide a clear policy. There was substantial discussion by the Board with consensus leaning toward creating such a policy. Wessel spoke of his concerns about enforceability. Kate O’Connor, Executive Director of the Brattleboro Area of Commerce, noted that this specific matter was not on the agenda nor publicly warned, and she suggested that the Board postpone any action until the business owners and the public could attend and provide community feedback. She said there were pros, cons and challenges with requiring masks and requested an opportunity for businesses to voice their opinions. After further discussion, Elwell offered a sample order that he crafted using the Burlington policy. He said that he spoke with Town Attorney Fisher earlier in the day who confirmed that the Board would be within its authority if it chose to adopt such a policy. Peter “Fish” Case supported adopting a policy, even if it was temporary. Leda Scheintaub and Millicent Cooley spoke in favor of having a mask order. Kate O’Connor asked that the Board consider the varied business community if such an order was adopted. Assistant Town Manager posted a copy of the draft order on the screen.

Chair Wessel called for a recess at 8:46pm so the Board and public could read the draft order. Chair Wessel reconvened the meeting at 8:55pm.

Wessel suggested scheduling a special meeting in a week in order to hear public comment on the emergency mask order and, due to the late hour of this meeting, to also move Water and Sewer items on this agenda to the special meeting.

Town Manager Elwell read the proposed resolution, which included an emergency order. Town Attorney Robert Fisher confirmed that the Board could take such action under provisions of the state of emergency recently enacted by the Governor. There was much discussion about the terms of the proposed order and whether to proceed with the adoption of it. Attorney Fisher confirmed that the order did not require the Town to provide masks to businesses or other establishments. Peter “Case” Fish, Michael (from The Works), and Stephanie Bonin provided their comments and opinion. McLoughlin offered to contact BAMA (Brattleboro Area Mutual Aid) to learn where masks could be obtained. Wessel suggested raising the age of children required to wear masks in the order from age 2 to 5, and the Board agreed. There was further discussion. Elwell offered to make the changes in the document as requested and then e-mail it to the Board members immediately following the meeting so they would have a copy of it prior to disseminating the information to the public.

MOTION BY DANIEL QUIPP TO ADOPT THE “COVID-19 EMERGENCY ORDER WEARING FACE COVERINGS REQUIRED,” AS WAS READ AND AMENDED. MOTION CARRIED 5-0.

LIQUOR COMMISSIONERS

MOTION BY ELIZABETH McLOUGHLIN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Third Class Liquor License – Coridon Bratton Catering LLC, d/b/a Vermont Table. Elwell said that the Board was asked to approve a third class liquor license for Coridon Bratton Catering LLC, d/b/a A Vermont Table, located at 22 High Street, Suite 105. He said that the business already had a first class

liquor license and was requesting a third class liquor license as they plan to re-open this summer. Cory Bratton, co-owner of the restaurant, spoke about the business. There was no discussion.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A THIRD CLASS LIQUOR LICENSE FOR CORIDON BRATTON CATERING LLC, D/B/A A VERMONT TABLE, LOCATED AT 22 HIGH STREET, SUITE 105. MOTION CARRIED 5-0.

MOTION BY IAN GOODNOW TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

WATER AND SEWER COMMISSIONERS

Proposed FY21 Utilities Fund Budget – Presentation and Discussion. ***Due to the late hour of this meeting, the Board agreed to move this item to the Special Selectboard meeting scheduled on May 26, 2020.***

NO MOTION WAS OFFERED.

Review of Utilities Fund Capital Improvement Plan. ***Due to the late hour of this meeting, the Board agreed to move this item to the Special Selectboard meeting scheduled on May 26, 2020.***

NO MOTION WAS OFFERED.

Preliminary Discussion of FY21 Utility Rates. ***Due to the late hour of this meeting, the Board agreed to move this item to the Special Selectboard meeting scheduled on May 26, 2020.***

NO MOTION WAS OFFERED.

NEW BUSINESS

Appointment of Town Treasurer. Town Manager Elwell announced the hiring of Andre Jaeger as the Town's new Finance Director. He provided information on Mr. Jaeger's background and work history, as set forth in his memorandum dated May 15, 2020. He asked the Selectboard to appoint Mr. Jaeger as Town Treasurer for the remainder of the current one-year term, subject to ratification at Representative Town Meeting. There was no discussion.

MOTION BY DANIEL QUIPP TO APPOINT ANDRE JAEGER AS THE TOWN TREASURER, SUBJECT TO RATIFICATION AT REPRESENTATIVE TOWN MEETING. MOTION CARRIED 5-0.

Proposed FY21 Parking Fund Budget – Presentation and Discussion. ***Due to the late hour of this meeting, the Board agreed to move this item to the Special Selectboard meeting scheduled on May 26, 2020.***

NO MOTION WAS OFFERED.

JAG COVID-19 Reimbursement Grant – Police Department. Elwell said that the Selectboard was asked to approve the Police Department's grant application in the amount of \$39,730 for a BJA FY20 Coronavirus ESF Program Grant from the Office of Justice Programs to defray expenses associated with the COVID-19 pandemic. There was no discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE GRANT APPLICATION IN THE AMOUNT OF \$39,730 FOR A BJA FY20 CORONAVIRUS ESF PROGRAM GRANT FROM THE OFFICE OF JUSTICE PROGRAMS. MOTION CARRIED 5-0.

Five County Scattered Site Grant from the Vermont Community Development Program

- (i) *Adopt Grant Agreement Resolution*
- (ii) *Accept and Appropriate VCDP Grant*
- (iii) *Authorize Town Manager to Execute Grant Agreement and Take All Other Actions Necessary to Implement This Grant*

Assistant Town Manager Patrick Moreland said that the Board was asked to adopt a Grant Agreement Resolution and to accept and appropriate the sum of \$375,000 from the Vermont Community Development Program (VCDP) for the Five County Homeownership Service Program of the Windham & Windsor Housing Trust, as set forth in his memorandum dated May 8, 2020. He spoke briefly about the grant program. He said that the Board was also asked to authorize the Town Manager to execute the Grant Agreement and all other documents necessary to implement the grant. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO ADOPT THE GRANT AGREEMENT RESOLUTION AND TO ACCEPT AND APPROPRIATE THE SUM OF \$375,000 FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR THE FIVE COUNTY HOMEOWNERSHIP SERVICE PROGRAM OF THE WINDHAM & WINDSOR HOUSING TRUST, AS PRESENTED, AND TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE THE GRANT AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE GRANT. MOTION CARRIED 5-0.

There was no further business.

MOTION BY BRANDIE STARR TO ADJOURN AT 9:53 PM. MOTION CARRIED 5-0.

Ian Goodnow, Clerk