

**Dover Select Board
Virtual Meeting Minutes
Tuesday, April 7, 2020**

THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY THE DOVER SELECT BOARD

Join Zoom Meeting

<https://zoom.us/j/143042625>

Meeting ID: 143 042 625

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Select Board present via Zoom: Josh Cohen, Victoria Capitani, Dan Baliotti, Sarah Shippee, Joe Mahon
Also, present via Zoom: Office Manager, Jeannette Eckert

Public via Zoom: One Smith, Marco Tallini, Marc Schaubert, Randy Capitani, Bob Holland, Tabi Freedman, Carina Hellstrom, Lauren Harkawik, Linda Sherman, Travis Briggs, Shannon Wheeler, Twyla Wallace, Jim McDevitt, Eric Durocher, Paul Fisher, Royal Wilson, Janice Stuart, Joe Spiciarich, Andy McLean, Randy Johnson, Maggie Lewis, Janet Boyd, Steve Neratko, Becky Arbella, Tim Dolan

Regular Meeting Call to Order at 6:30pm

I. Public Comments:

Carina Hellstrom expressed concerns about hikers who are parking at the Mt Snow golf course; was told they were being ticketed at Valley Trail entrance—it doesn't say you can't park there. It was Sunday that the ticket was issued. Will bring this to Randy's attention

Shannon Wheeler shared that there was enough response on the broadband feasibility study to move forward on it

Josh Cohen read a memo from Rich Werner giving an update on the COVID-19 situation in town

- Rich is in contact with dept. heads and community organizations on a weekly basis as well as call ins for emergency mgmt. & health dept. people
- West Dover Cong. Church is offering surgical masks on its back deck
- Weekly deliveries of N95 masks are coming in
- Andy & Jeannette continue to take calls at the Town office
- Meals on Wheels may be looking for a permanent driver—although a local couple volunteered to step in until a replacement can be found
- Discussions with Laura Sibia on a regular basis
- Worked with Becky Arbella and Dave Moulton to set up the food shelf at Sundance Base Lodge
- Concerns have been expressed about people entering the firehouse without authorization—only open for emergencies, maintenance and office cleaning staff
- Participated in the parade for Cleon Boyd
- Outdoor burning has been banned until further notice
- 2020 Local Emergency Mgmt. Plan is ready to be approved at next SB meeting

Andy McLean announced the Dover Mask Effort is slated for Thursday at noon at the Town Office parking lot—group of local volunteers headed up by Twyla Wallace have made surgical masks—folks can come and take one person

Vicki Capitani requested that all town employees keep track of any extra hours worked that are directly related to the COVID-19 situation

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Randy Johnson is having a conference call on Thursday with the Attorney General so that all law enforcement is on the same page. There is a lot of controversy right now on the various orders. Will report back after the conference call.

As for Carina's concern: To his knowledge none of his officers have issued any tickets anywhere; this may just be Valley gossip; of course, cars cannot be parked out in the middle of the road; Randy will check with all his officers and look into it.

II. New Business:

A. Discuss Impact of Covid-19 on Town Employees Use of Sick/Vacation Time

Vicki: VLCT provided a guide for municipalities to allow paid sick leave for reasons stated which basically says they're entitled to two weeks of paid leave solely on the backs of the municipalities.

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

▪ 100% pay for first three qualifying reasons:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis

▪ 2/3 pay for qualifying reasons 4 or 6:

4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)
6. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.
 - Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5
5. is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons.

This is going to tank some towns big time. We are a lucky town. But I think that there will be some money for municipalities. So, we need to keep track of everything, just like we did with FEMA, after Irene. **Use this first if these qualifying reasons apply.** We need to start coding things as COVID and keeping track of it, I think that it will behoove us in the end, if we do that.

Randy Johnson: Officer Mike Arbogast and his wife had to self-quarantine because she showed symptoms. He has performed some work at home. Would be good to have a doctor's note when he returns to work, just for the record

Jeannette Eckert: I believe I made this notice available to employees but if not, I will include with this week's paycheck. Just to clarify: if an employee decides to quarantine without symptoms, do they need to use their accumulated sick or other town benefits?

Vicki: I think that if they don't have any symptoms, and it's not for any of these reasons that are listed in this, this is pretty clear cut, then they have to use their own time

Sarah Shippee: If there are individuals who have questions about it, we can look at some of this stuff on a case by case basis. The board can talk about it, or their supervisor can talk about it with the board and get it clarified.

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One Smith: Just to clarify, if employees need to quarantine for any of the qualifying reasons, the pay will come under this families first coronavirus response act. If not, then regular use of employee benefits will apply. Any thought of closing the Town down completely?

Josh: From my understanding, I don't see any reason to close down, all department heads have been managing their departments. And I know Andy has worked on how to keep the town offices going. So, I don't see any indication that we're going to be closing.

Bob Holland made some calls to Board members over the weekend but believes all his questions are now answered

- III. Economic Development:** Joe Mahon asked if we could go in reverse order on these ED items just to get other stuff out of the way first

Concert Series Scheduling

- Possibly Cancel May 6 and May 20 (remaining 2 shows of the year-round series)
 - Andy Avery Trio and Kevin Parry—can we possibly do it virtually?
 - If the Band is comfortable doing that...it would be nice to try it virtually
 - Definitely comfortable saying we are not open to the public at town hall for those events.
 - Shannon will reach out to the bands to get their opinions
 - Can we defer to April 21 meeting? And see what the outlook is, if we have to cancel, we have to cancel

Sign Program Applications

- Lodge at Mount Snow
- Gray Ghost Inn
 - Both were started by Steve they just didn't make it on the last agenda
 - All the packets were complete
 - Tabi sent copies of their approved sign permits
 - Both were recommended to be approved
 - None of the signs are back lit

On a motion by Victoria Capitani, seconded by Sarah Shippee, the sign program applications for Lodge at Mt Snow and Gray Ghost Inn were unanimously approved

Event Grant Applications

Shannon wondered if we should defer these for a few weeks

Board comments:

Vicki: I think we should defer them right now. I think another month will give us a much clearer point of view. We need to take a pause on the event funding right now and see how we are in May. Concerned about extending the Chamber any more money right now

Joe: I don't know why we can't approve them, so the events know that we approve them.

Barring that they don't happen then obviously we're not going to extend that check until they actually are and we're in the green light where we can do things. We should talk about the other event too as we've never done that one before

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Vicki: I'm okay with saying we will not release the funds until we come back and agree to that. Josh inquired of Eric Durocher if holding off on funding would be an issue
Eric Durocher: In discussion with Janet Boyd, there was no intent on using any of those funds until we got a green light, to proceed with the event. This was not just a grab. We're just trying to make sure that those funds would be in place. We don't need a check tomorrow on this by any means. We just wanted to know that the Town supported the event

- Blueberry Festival
 - Budget request is \$11,500
 - Block party situation, a little different than in years past due to Wilmington's Old Home Week activities
 - Blueberry Street Fair
 - Morning starts at the Coffee Barn with a teddy bear picnic
 - Touch a truck, Timeline event, Bands, Crafts
 - Fill the Valley trail with events and venues all along the trail
 - We're hoping to have some of the paperwork behind us, if we are given a good to go in May
 - We will need all hands-on board to make anything happen this summer

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to approve the 2020 Blueberry Street Fair application pending the State and Federal approval, will make a definite decision by early June

- CarnageCon
 - CarnageCon is a tabletop gaming festival
 - Took place in Killington in the past
 - Event is in its 23rd year
 - Request for \$10,000 for a November 2020 event
 - Looking to incorporate local vendors, bands etc. in the program
 - Signed a 5-year event, mutual contract with Mt Snow
 - Looking to accommodate more attendees
 - What do we know about these people?
 - Looking for a new home; 1000 people attended last year
 - Came for multiple site visits; have been trying to move here for about a year
 - Looking to grow the program and return for each of the 5 years
 - Tabletop board games, non-electronic games, specialty card games

Comments:

Royal Wilson expressed concerns that it would not benefit other establishments; Mt Snow has a lot of rooms and condos. Looks like a big benefit for Mt Snow. And when you say it's going to benefit more than them, you better really look at that. \$10,000 is a lot of money for 1000 people, that is nothing; Can have 15,000 people in the Valley on any given weekend; these numbers do not do much for me. I don't want to come in at the last minute and yes, I haven't attended the meetings and so on. But I wouldn't look at it. For the Valley, I would look at it as a big benefit for Mount Snow

Josh: Not sure I understand your reasoning behind not giving Mt Snow some of the 1% money

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Joe Mahon: It is cost effective, looking to grow the event; ITV fest we did not get much return on that; Need to take a chance on a new event coming into the valley

Sarah: What about the staff, the people who are working the event? Is there a tradeshow? Are there any other bodies coming in or is 1100 the total of all the people participating?

Shannon: I would think it's probably just slightly more. But something I'd really like to clarify is that the event grant application is coming from Carnage gaming, it is not coming from the mountain. This is a group of people who are looking to come to this area because we have such a large assortment of lodging and space available. It's not the mountain itself. I don't even think the mountain is aware honestly that they've gone through this program with us. But they are looking to do something to bring in entertainment and other items from our local area. This is a group that's based out of Vermont, but in the past has met at different places and they're looking to grow their program with us in the Deerfield Valley.

Carina: I totally agree with Joe and Shannon. I think we should give them money today. It's imperative that we promote more business to come to the valley. And Mt Snow contributed largely to the 1% option tax. There's no reason in the world why we shouldn't give back to them for a new event. And to put the brakes on it. I think it would be ludicrous especially with the current situation. We really need more people to come into this Valley, so I highly support it.

Dan Baliotti: Carnagecon has been in business since 1998 according to their website. I agree with Joe, Carina and Shannon

On a motion by Victoria Capitani, seconded by Joe Mahon, the Board unanimously agreed to fund the Carnagecon event for \$10,000 pending everything is approved and okay by the State of Vermont and we'll reevaluate in June about dispersal of funds

Commercial Emergency Assistance Applications

- a. Review/Approve Applications
- b. Possible Allocation of Additional Funds to this Program

Shannon sent a spreadsheet of Applicants who were thought to be complete and then sent individual links to the ones in need of review.

Over 70 applications in total; not all asked for the \$1000 so the total is a little less: \$68,500

One that needs to be checked on is PGR Contracting to determine their exact location

Everything else is complete with business ID#

Applications needing review were broken out into groups:

Non-Profits, Landlords & Sole Proprietors

8 Sole Proprietors:

- Those who have meals and rooms tax #-feel they are in the spirit of the application
- Garnet Mountain Farm, Michael Kirkland (Airbnb)
- Massage therapists: Suzanne Jackson, Laurie Griffin, Twyla Wallace—shown that they were operating businesses in Jan & Feb; all familiar to the area; see no reason not to approve
- Three others—Tinker Bell cleaning company, J. Sherman construction, Eyespot video photographer

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Board comments:

- As we start to expend this money, we could have 50 more applicants tomorrow
- Starting with \$100,000; not worried that someone applying late will be left out
- Loosening the parameters—will come down to discretion
- Comfortable with this group of people; concerns about the non-profits—they can seek Federal Govt. funds
- Can we vote on the sole proprietors first before moving on?

On a motion by Sarah Shippee, seconded by Dan Baliotti, the Board unanimously agreed to approve the 8 sole proprietors funding as requested

Maggie Lewis: There are small business loans available for businesses whether they are non-profit or for-profit under The Cares Act program

4 Non-Profits:

- Twice Blessed, The Gathering Place, Southern Vermont Trails Assn., Dover Cinema
- All felt badly about applying
- Unsure about other funding that may be available to non-profits
- To even consider nonprofits, we need to change the rules of the whole program, warn it and vote on it at the next meeting
- Don't believe they fall into the criteria of the application
- Need to look at the 4 Non-Profits separately—will defer to next meeting

5 Landlords:

- Adam Levine (Mt Snow Marketplace) and 4 other businesses are split between Rich Werner & Regina Werner
- Not really sure they met the criteria

Josh: One is concerned about the ability to pay property taxes. That to me says potential property tax abatement concern. And I don't know that we need to subsidize our property taxes with the 1%, which is essentially what we'd be doing here

Vicki: We should probably put a maximum on what one entity working as a DBA can get from the program; this could be \$7,000; Proposing that we potentially limit it to \$3,000 per owner at this stage

Need to put a limitation on a business owner operating under several different trade names

Andy: The sole proprietors, if that's how you make a living, that's how you make a living, and it is a business in my opinion, and meets the spirit of your program. As far as DBAs and affiliated businesses go, just for your information, it comes up in the sign ordinance where each business gets three signs. I remember dealing with this quite a bit with the sign ordinance when I was the zoning administrator, and what we came down to as a policy was is it the same employees answering the phone for all these businesses? Is it the same employees working for all of these different entities?

If you have bricks and mortar, are the offices able to be closed off and operated separately or is it one office? One set of employees and the money going into more or less one pot?

Josh: This is a \$7000 request including three Werner businesses in the completed 70 application list. They all seem to be intermingled with each other

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We did not put a limit on this; This could become a slippery slope

Sarah: Go back to what Andy said, applying the sign ordinance; separation between businesses

Josh: Two have the exact same tax # number

Joe: Believe we need to limit it to three businesses; we need to discuss our total expenses for this program

Josh: Does it come down to the Board's discretion; is it \$3000 per name or per couple who happen to own the same company?

Sarah: Need to look at the situation; we need to know what the delineation between those businesses are before we give them \$1,000

Josh: One is concerned about property taxes; one has portions of land in Newfane

Joe: Believe we should hold off on the Landlords—wasn't set up for that in particular

Josh: Already gave to an Air BnB and basically that is a landlord, but they are paying into the 1%

Carina: Thank you for the program, It's fantastic. Aren't landlords still collecting the rent money? Isn't the point of the program for businesses that had to close down?

Royal: Governor has shut down all lodging properties

Sarah: Are the landlord's saying that they have actually had businesses leave their rental because of COVID-19? Shouldn't the landlords' renters/tenants come to us for funds?

Shannon: Adam did mention on his application that his tenants would be unable to pay full rent and wouldn't be able to continue to operate

Royal: Mortgage companies are forgiving payments for three months

Josh: It's not the same for every mortgage company. There are things that landowners can do; they can contact their mortgage company to find out what they can do. And I guess at the end of the day is what did we anticipate doing with this? Did we anticipate helping landlords versus a non-landlord business?

Randy: There are Airbnb's in our area that are still operating and still advertising

Royal: Go to the AG and shut them down, it is just software

Joe: Need to make a decision on this. Keep it to one owner at this time; it's a very gray area; we need to move on and move forward

Shannon: Two businesses name Regina Werner as owner, two name Rich Werner as owner

Sarah: Hard to expend money if a landlord has not lost any tenants

Carina: That is not what the program is about; that is between the landlord and the tenant

Josh: Looking to help businesses that collect 1% funds; services do not collect 1%

They are businesses within a business within a business, and because Company A can't pay Company B, both of them are applying for lost business. That's a little shell game. It's completely legal. But it's not the spirit of what we were looking for

On a motion by Joe Mahon, seconded by Victoria Capitani, the Board considered to expend \$2000 for landlord businesses

Motion amended by Joe Mahon and seconded by Victoria Capitani, to expend \$3000 on the landlord applications

On a motion by Joe Mahon, seconded by Victoria Capitani, the Board voted 3-2-0 to pay for three owners as landlords expending \$3000 (motion passes)

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On the 70 completed applications: Sarah Shippee requested that Scott's Clean Sweep be voted on separately as its business owner she does not want to vote on it

Dan: I don't have a problem with these. Going forward the month of March was terrible, but it's the month of April and a lot of businesses will be closed. A lot of us figured for the mud season anyway. But as we go forward, we should really consider businesses that are closed in the future.

Joe: That's why we need to discuss. I totally agree with you, Dan. The other thing too here is on these there are a couple that are owned by the same people. So, are we okay with limiting it to just two?

Shannon: The only double applicant that I have is Tony. He has two separate businesses, two separate applications, one for Tony's at the base lodge at Mount snow, and one for Tony's in the Brookhouse. And they are separate companies. Same for Two Tannery and TC's--it's the same family but if you look on the Secretary of State, they are two separate and each one owns one.

On a motion by Victoria Capitani, seconded by Joe Mahon, the Board unanimously agreed to fund the completed applications for \$68,500 pending more information on PGR contracting and minus Scott's Clean Sweep

On a motion by Victoria Capitani, seconded by Dan Baliotti, the Board voted 4-0-1 for Scott's Clean Sweep for \$1000 (Shippee abstained)

Moving forward:

Marco & Shannon will move forward and send applicants confirmation, collect ACH figures and 1099 forms

Will these checks be a separate warrant or wait until April 20's next bill cycle?

We don't know how the IRS is going to rule on these because these are under the COVID situation. So, we may be 1099ing people, which means taxes on this income, may be recognized as income.

- We should do a separate warrant whenever they're ready to go, we should get them out right away
- Continue to take more applications
- We are already within \$20,000 of expending the \$100,000
- Need to have a cut-off date March to April 15, April to May 15...
- Not sure everyone knows about it; maybe we need to do some advertising, outreach; some businesses did not even know about it
- We don't know how much money we are going to be expending
- Don't think we should be in the business of doing this. There may be State and Fed funding available
- We wanted to see how popular this would be to begin with. We said it's \$100,000 until we either terminate or we run out of money. We've decided since we just spent 70% of it, do we want to allocate a little bit more, I don't know that we need to put an end date on that because the first 70 that just applied can't get any more until May
- We need to decide as a town, how long & how much money we want to spend on this

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- I'd like to give it another couple of weeks to our next meeting to see how many other people want to apply. We can always approve some more money.
- There are a lot of "what ifs" in this decision
- We may have a lot of people if this goes on a long time, we may have a lot of abatements, and maybe we can use some of that money from economic development to help with the abatement, so it doesn't fall on to all our taxpayers
- How much is in the 1% fund right now? *About 1.8 million* All I want to say is you're talking about \$70,000 out of one point something million.
- You are doing a fantastic job, thank you for stepping up and taking on the more difficult issues that you've discussed tonight
- I think with the next payment from the 1%, you'll be up around 2 million in the bank. 25% of that is not too much to dedicate to this. That's half a million, which you can increase later or cut off the program if things improve rapidly. I think that still leaves a lot in the bank to address Joe's concerns later on
- Thanks to Shannon for stepping up and making this all happen so smoothly. I'm sure she put in more than the usual number of hours on this to make it happen.
- I think that we can easily expense \$500,000 if we need to; need to be flexible
- The Chamber has reached out to every Dover business whether they were members or not; many did not know about this program
- Speaking from a lodging perspective, we will be lucky to be back in August
- New applications will be evaluated at the next meeting; those who have not had a chance to apply, should still apply
- Once you have applied and been approved, you will receive \$1000 per month (although some applied for less than \$1000)
- When the order is lifted, the program will end
- Some businesses will not recover immediately; will need to consider that when we get to that stage
- Put the same item on for next agenda to potentially allocate more \$\$; Don't want to shut it down this early
- Need to cap the spending, not comfortable with an open checkbook
- Make sure people are also applying for other money—grant money etc. This is an easy way
- Need to hear from the voters, business owners. Want to be prudent and financially responsible
- There are over 400 businesses are in Dover
- Total dollar amount spent tonight: \$77,940

On a motion by Victoria Capitani, seconded by Dan Baliotti, the Board unanimously agreed to approve another \$50,000 to the limit for new applicants

In response to Carina's question on ticketing---Randy was in touch with all his officers; It appeared to be a homeless person who was asked to move on. No ticketing took place

IV. Unfinished Business:

- A. Authorize the Chair to Sign the Deeds from the Properties the Town Sold

Jeannette provided scanned copies of the deeds. Josh will sign electronically and return to her for notarization

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On a motion by Sarah Shippee, seconded by Victoria Capitani, the Board unanimously agreed that Chair Cohen sign the deeds

V. Consent Agenda:

- A. Approve the Minutes of March 17, 2020 & March 24, 2020
On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously approved the minutes of March 17 and 24, 2020

- B. Approve the Warrants of March 21, 2020 for \$166,425.70 & April 4, 2020 for \$1,113,635.56
On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously approved the warrants of March 21 and April 4, 2020

Jeannette provided scanned copies of the warrants and signature sheets. The Board will sign electronically and return to her.

VI. FYI:

- A. Reminder to Complete the 2020 Census www.2020census.gov or 1-844-330-2020
 - Marc Schauber and Tabi are working on this to help those who are technologically challenged; building infrastructure on that program; providing assistance with volunteers; will update at next meeting

- B. Resignation Letter from Jeremiah Sund (Assessor's Office Consultant)
 - Letter was read into the record by Josh Cohen, effective date of April 14th

Randy Johnson mentioned that he and Officer Bill Manch participated in parades at Brattleboro Memorial and Grace Cottage to thank/appreciate health care workers

VII. Liaison Reports: None

VIII. Executive Session for Legal Matters (Marco Tallini)

On a motion by Victoria Capitani, seconded by Joe Mahon, the Board unanimously agreed to move into Executive Session for Legal Matters at 8:52pm

Present via Zoom: All five Board members, Marco Tallini

On a motion by Joe Mahon, seconded by Dan Baliotti, the Board unanimously agreed to come out of Executive Session at 9:10pm.

Decision: Marco will do more research on the matter and bring it to a Board meeting when he has gathered all the info

IV. Adjournment: Meeting adjourned by Chair Cohen at 9:11pm

Respectfully submitted by Jeannette Eckert

Public notices of these minutes have been posted at the following locations:
Dover Town Clerk's Bulletin Board, Dover Town Meeting Bulletin Board, Dover School
Dover Free Library, East Dover Post Office, Town of Dover Website: www.doververmont.com