

**Dover Select Board  
Special Meeting Minutes  
Dover Town Hall  
July 3, 2020**

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

Select Board present: Josh Cohen, Victoria Capitani, Joe Mahon

Select Board present via Zoom: Dan Baliotti and Sarah Shippee

Public via Zoom: Jeannette Eckert, Linda & Mickey Kersten, Tabi Freedman, Shannon Wheeler, Eric Durocher, Lauren Harkawik, Paul Fisher, Jim McDevitt, Marc Schaubert, Mike Garber, Marshall Brooks

Public at Town Hall: Randy Johnson, Phil Bowen

Chair Josh Cohen called the special meeting to order at 8:00AM

- I. Consider Adopting a Resolution Order Requiring the Wearing of Face Masks in Dover
- Josh did a lot of research & regardless of political affiliations, don't see why people don't want to wear masks, some people have medical issues which are understandable, but this is a human issue
  - Masks are helpful in this virus; we have lost family and neighbors from our own community; this valley took a hit already and some are very passionate about face coverings
  - Businesses do have the right to require masks
  - Unenforceable resolution—no teeth behind it; it is a drain on all of us and especially the Police dept.
  - Average Joe does not know how these resolutions or ordinances are enforced
  - Resolution does not elevate any power to the Police dept. or State troopers
  - Are we draining taxes and resources to enforce something that is not enforceable; Are we making people more at risk in these disputes?
  - We can only ask that people be good neighbors and wear masks and be conscious to keep people safe

Josh read the proposed resolution draft into the record and asked for a motion to initiate discussion. Please see the full signed document at [www.doververmont.com/node/1730](http://www.doververmont.com/node/1730)

On a motion by Victoria Capitani, seconded by Joe Mahon, the Board considered adopting the Covid-19 Emergency Order Resolution concerning the wearing of face coverings in Dover

Discussion:

Dan Baliotti: I find that most people in town and coming into town are respectful of the mask wearing; however, there are groups that aren't. Business at the Dover Bar & Grill recently was way more than the 50% allowed. Randy has enough to do, I agree but businesses should be able to file a complaint

Eric Durocher: Overall been a positive thing for businesses in Wilmington to take the burden off of them; most of them are requiring masks; Most are in favor, some are vehemently opposed to it; we can take care of that for our businesses in Dover; It was a concern when first adopted in Wilmington but it has not been an issue, has not seen the negative push back that was expected

Sarah Shippee: Not in favor of doing this; Been in businesses in Wilmington where people are not wearing masks; it puts a burden on the Police dept. Can't business owners already refuse to serve patrons if they so choose; don't we already have this in place? By Dover writing an ordinance, it does not give it any more teeth.

Josh: Part of this has come down because there is a business in town that is a corporate franchise where there is a question of whether they are allowed to put up a sign requiring masks; there is conflicting information at the corporate level and this resolution would help them out; every other business already has the option to do as they choose

Marc Schaubert: To me this is about people, people who live here. How come we can't give it a fine?

Jeannette Eckert reiterates that this is a resolution you are discussing, not an ordinance; that is a whole other process which can take some time to enact, a minimum of 30 days; Ordinances can have consequences attached

Tabi Freedman: Several other states have made mask wearing mandatory; Do we do a resolution until Governor Scott possibly puts one in place? Some businesses have encountered aggressive people when asking patrons to wear masks.

Dan: I give out masks if patrons don't have one; everyone has complied so far; but I have the option to tell them they won't be served; Signage that Eric brought over is terrific; make sure every business has the poster on the door; maybe we don't need a resolution or order at this time; Portsmouth NH has an electronic highway sign asking people to wear masks, perhaps that is all we need to tell people how we feel

Marc: There should be no question, in my mind; we should go forward with an ordinance

Linda Kersten: Everyone's concerns about enforcement are legitimate; There will always be those people who won't comply as we have seen around the world; I don't think that is the point, Don't believe there will be 100% compliance whether it's an ordinance or a resolution however a resolution puts the visitors on notice that we are a concerned community; proposed resolution does not state anything about outdoor public use—a lot of people are using the Valley Trail businesses where there is no compliance—believe a resolution will help some of that and it should be voted on favorably

Josh Cohen: Seems this is more of a publication issue; Resolution is a little stronger than just a statement saying we want you to wear a mask; do we have the ability to put up such a sign?

Linda: Possibly add to the Welcome to Dover signs: "We are a masked community, thank you." And another one at the Town Office.

Tabi volunteered to make large masks to place on the three welcome signs!

Eric: Whole point of the posters has been to educate people who may not be aware of the State mandates; they should know about the quarantines, but many don't. "Our cases are low because this is what we are doing"

Vicki: I go to Shaws a lot and see many people especially young men who refuse to put on a mask; need to address the people here who don't want to do it. This is a very complicated issue

Randy Johnson: Not in favor because it is not enforceable. VLCT recommends that Towns should consult with town attorney before implementing any resolution; some of the Governor's

orders are not enforceable but meant to educate people. Can't educate the uneducated or the unwilling.

Memo from Attorney General about law enforcement: even when we arrest someone, we cannot force a mask on anyone.

In the beginning, rec'd calls from people reporting their neighbors for not wearing masks but there is nothing the Dover PD can do about it.

At a press conference it was asked of the Governor to make it State mandatory and he answered: 1. It is unenforceable and 2. It will pit neighbor against neighbor

We have not had any issues at Dover PD; is this only because of one business's problem?

Businesses have a choice or can require or not require patrons to wear masks. I as a consumer have a choice as to which business I go to, one that requires I wear a mask or one that doesn't. A business owner can ask its patrons to comply or leave; if that patron refuses, the PD can be called just like in any other incident; if they continue not to comply, they can be arrested for unlawful trespassing.

How many of you read all the signs posted on business doors? There will always be those people who will not comply whether there is an ordinance or not. If this resolution is passed, I believe we will have more issues or calls that we have no power to enforce

If a business calls to report non-compliance, we will respond. If it is a citizen calling to report another citizen, we will probably not respond unless there is an issue

Spoke with Chief Murano of Wilmington; he stated he has had calls from both businesses and citizens; there are some businesses that will not post signs

I will respect the decision either way but not in favor of it

Linda: It seems to me that we know a resolution is not binding; Gov't requirements are not binding, ordinances are not binding; but I feel it is needed as a point of information that is so lacking in our State; it will be a notice of how we feel about our fellow citizens, any boost to compliance is a benefit; see no purpose in hiding behind it because it is unenforceable

Marc: Second what Linda said, something is better than nothing. Let's make a statement on what is important

Paul Fisher: Aren't there penalties that can be attached? Expressing an official consistent message from the Town, a clear statement from the leadership of what is expected and how we can help each other

Josh: We can attach penalties to an ordinance which takes time to put in place; what we are talking of today is a resolution which has no penalties attached

Dan: There is 90% compliance; this is for the businesses who don't comply and aren't concerned about it; at least you have something to say to them

Sarah: I do see a problem of an unenforceable resolution; there is no difference between a resolution and the signage that Eric has distributed; don't need this resolution to accomplish this goal; people know they are supposed to wear masks, they choose not to; question the value of putting the police in the position to answer nuisance calls; masking ourselves in public sends a statement

Vicki: If we pass this resolution today, it becomes effective today. How are we going to disseminate the resolution on the Friday of a holiday weekend; this is coming too late and too fast, creates a lot of issues, timing is bad

Josh: Townsfolk would like to see the Board take a stand; no one expects it to change peoples' minds; creates solidarity within the Town. Does it need to necessarily be a resolution or merely a public statement: "please wear masks and be respectful of people around you."

Joe: This is more of an education tool that we as a Board support wearing masks in public places and shows respect for our citizens going forward; in favor of this resolution, one more step toward changing people's minds

Paul: To me it is not about changing people's minds but changing people's behaviors

Eric: There is an email going out today to a majority of local businesses which has good readership; can get the word out to them whether it is a resolution or a statement, it can be shared

Vicki: I am not in favor of this resolution, but would be in favor of a statement

Linda: Businesses are struggling and have a heavy economic burden; a resolution would go a long way in giving them support and that the Town fathers and mothers support them; businesses would have a psychological tool to enforce it a little bit more

Sarah: In terms of supporting businesses, how is what the Town is doing going to be more enforceable than the State of Vermont? The resolution takes word for word from the State guidelines.

Vicki requests to call the question

Joe: Why not put one more layer of education on the townspeople? In favor of a resolution, not just a statement

Phil Bowen: This morning in world news and brief, the number of cases in the country climbed to an all-time high in 40 of 50 states; seeing an increase in tests coming back positive; a very disturbing week; surge comes in part from people not wearing masks or following other social distancing rules; If people don't start complying, we are going to be in some serious trouble; I have been trying to hand out masks at the establishment in question; many have refused, many are local workers; employees have the plastic up and wear the masks but their hands are tied; There might not be anything we can do to enforce but when I'm at the Transfer Station, I put the sign up—people have to wear masks, or they are asked to leave; Protect yourself, your family, the elderly. People know what they are supposed to do, they know what the right thing to do is.

On a motion by Victoria Capitani, seconded by Joe Mahon, the Board voted 3-2-0 to adopt the Covid-19 Emergency Order Resolution as read, motion passes

The Board will sign the resolution and send copies to Jeannette & Eric for distribution  
Signs are available for area businesses; Resolution will be placed in the paper next week

II. Adjournment at 9:03am by Chair Josh Cohen

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](http://www.doververmont.com)