

**TOWN OF SHELBURNE
BOARD OF CIVIL AUTHORITY
MINUTES OF MEETING
September 21, 2020**

DRAFT

***Meeting by Zoom video and teleconference platform**

MEMBERS PRESENT: Tom Little (Chair); Nancy Baker, David Webster, Jennifer Leopold, Bill Deming, Lee Suskin, Randy Rowland, Mike Donohue, Peter Gadue, Cate Cross, Joan Lenes, Laura Gannon-Murakami, Jaime Heins, Mary Kehoe, Rebecca Moore, Diana Vachon (Town Clerk).

ADMINISTRATION: None.

OTHERS PRESENT: David Silvestri.

[Note: Minutes reflect the order of the revised agenda.]

1. CALL TO ORDER and AGENDA

Chair Tom Little called the teleconference meeting to order at 7 PM and referred to the following:

As Chair of the Shelburne Board of Civil Authority, I find that, due to the State of Emergency declared by Governor Scott as a result of the COVID-19 pandemic and pursuant to Addendum 6 to Executive Order 01-20 and Act 92, this public body is authorized to meet electronically.

In accordance with Act 92, there is no physical location to observe and listen contemporaneously to this meeting. However, in accordance with the temporary amendments to the Open Meeting Law, I confirm that we are:

- a) Providing public access to the meeting by video with additional access offered through audio. We are using Zoom for this remote meeting.¹ All members of the Board of Civil Authority (BCA) have the ability to communicate contemporaneously during this meeting through this platform and the public has access to contemporaneously listen and, if desired, participate in this meeting by Zoom.
- b) Providing public notice of instructions for accessing the meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting using video in our posted meeting agenda on the Shelburne BCA webpage. Instructions have also been provided on the town website at Shelburnevt.org.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please call 802-238-4989; and
- d) Continuing the meeting if necessary. In the event the public is unable to access this meeting, it will be continued to a time and place certain.

Please note that all votes taken during this meeting that are not unanimous will be done by roll

¹ Many public bodies are using video teleconferencing technology, such as GoToMeeting, to ensure the remote meeting complies with the Open Meeting law. If you have any questions about the appropriateness of the technology you are using to conduct your meeting, please consult VLCT's Municipal Assistance Center (MAC) at 1-800-649-7915 or info@vlct.org.

call vote, in accordance with the law.

Agenda

Chairman Little noted the abatement request by David Silvestri for the Quality Inn must be warned for a Board of Abatement meeting. The BCA can discuss the request, but the official record and decision is with the Board of Abatement. Chairman Little also suggested the deliberation of the Shelburne Farms tax grievance appeal be held at the end of the regular meeting to allow those who will be recusing themselves to leave the meeting.

2. PUBLIC COMMENTS

None.

3. MINUTES

August 31, 2020

MOTION by Pete Gadue, SECOND by Mike Donohue, to approve the draft 8/13/20 minutes as proposed to be amended, including the global correction of the spelling of "Alec Webb". VOTING: all ayes except one abstention (Mary Kehoe); motion carried.

4. DISCLOSE CONFLICTS OF INTEREST

It was noted Randy Rowland, Bill Deming, and Mary Kehoe will recuse for the deliberation of the Shelburne Farms tax grievance appeal and listen to the meeting via audio only and not as BCA members.

5. PREPARATION FOR NOVEMBER 3RD GENERAL ELECTION

There was discussion of an online request to register to vote from an individual who may have previously registered in Arizona. The BCA agreed the individual should take the voter's oath unless taken previously and be added to the voter checklist in Shelburne. It was noted the state will send a letter to Arizona notifying them of the registration in Vermont.

BCA members volunteered for poll assignments and processing ballots. There was discussion of the procedure to handle ballots and write-ins. The process is videotaped for transparency. The procedure is to open the ballots then enter them into the voting machine which separates votes with and without write-ins. The Town Clerk will place the write-ins and no write-in ballots in separate bags and put them in the vault. Two Justices of the Peace will tabulate the ballots and give the results to the Town Clerk to be revealed on Election Day. Chairman Little and Town Clerk Vachon will contact the Secretary of State's Office regarding the suggested procedure to handle ballots that can be treated as a checklist, documented, and initialed. If there is any reasonable doubt, the tasks will be done Election Day. Chairman Little will also ask the Secretary of State for guidance on treatment of Independents.

MOTION by Tom Little, SECOND by David Webster, to approve the poll workers and related lists with revisions as the Town Clerk may choose to make. VOTING: unanimous; motion carried.

6. ABATEMENT REQUEST: Quality Inn, David Silvestri

Chairman Little explained to the appellant the need to warn the abatement request on the Board of Abatement meeting agenda, not the BCA agenda. Official testimony will be taken before the Board of Abatement.

Appellant, David Silvestri, briefed the BCA on the impact of the COVID pandemic on his hotel business which is showing an 80% loss from last year. Revenues are not covering the monthly mortgage. Mr. Silvestri said he is working with the bank and the SBA on extensions.

7. OTHER BUSINESS

Challenges

Diana Vachon requested the BCA allow the Town Clerk to challenge individuals who the Town Clerk believes have moved out of town.

MOTION by David Webster, SECOND by Laura Gannon-Murakami, to delegate authority to the Town Clerk and assistants subject to the law on challenges and guidance from the Secretary of State's Office. VOTING: unanimous; motion carried.

Education and Training Sessions

Chairman Little said VLCT has a webinar that can be used for education and training of the BCA and all the town committees and boards. Broader training is forthcoming on ethics, open meeting, and public records.

Rules of Procedure

The revised BCA Rules of Procedure for tax grievance appeals will be discussed at the next BCA meeting.

8. DELIBERATION: Shelburne Farms Tax Grievance Appeal

Bill Deming, Randy Rowland, and Mary Kehoe recused themselves prior to the BCA entering closed deliberative session to discuss the Shelburne Farms tax grievance appeal.

9. ADJOURNMENT

The regular meeting was adjourned and closed deliberative session convened at 8:10 PM.

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