

## Peter Elwell

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**From:** Peter Elwell  
**Sent:** Tuesday, November 23, 2021 1:22 PM  
**To:** Elizabeth McLoughlin; Ian Goodnow; Tim Wessel; Daniel Quipp; Jessica Gelter  
**Cc:** Jessica Sticklor; Patrick Moreland  
**Subject:** Proposed Mask Resolution FOR TONIGHT's SELECTBOARD MEETING  
**Attachments:** SB.COVID.Mask.Resolution.ReinstatedAgain.211123.pdf;  
SB.COVID.MaskRule.Sign.211123.pdf;  
COVID-19.MaskMandates.SpecialLegislativeSession.S1.211122.pdf; Comments on a  
Town Mask Requirements.pdf

**Importance:** High

Good Afternoon –

Yesterday, both houses of the Legislature approved S.1, a bill that allows municipal governing bodies to enact mask mandates for the communities they serve. Governor Scott is expected to sign that bill into law today. It takes effect immediately.

Knowing that a special session of the Legislature was scheduled for yesterday and that this action was possible, a placeholder item was included on the agenda for tonight's Selectboard meeting so that you would be able to take immediate action if you decide that is appropriate.

Attached is a proposed resolution by which the Selectboard can adopt a rule requiring the wearing of cloth face coverings in all indoor public spaces in Brattleboro. It is identical to the resolution you adopted at the Selectboard meeting on August 17, 2021, except that it has been updated with current CDC data and proper reference to the State's new enabling legislation.

Also attached is a sample sign that the Town staff will distribute tomorrow with the news release announcing this rule (if you adopt it tonight) and a copy of the enabling legislation that was passed by the Legislature and signed by the Governor.

Finally, also attached is an email from DBA Executive Director Stephanie Bonin with which she transmitted comments on a potential local mask mandate that she collected from downtown merchants.

The four attached documents also are being posted to the Town's website as supplemental backup for tonight's Selectboard meeting so that the public also will be able to access them before and during tonight's meeting.

Please let me know if you have any questions or require any additional information before tonight's meeting.

Thanks,

Peter

## **Town of Brattleboro Selectboard Resolution**

Be it resolved by the Selectboard of the Town of Brattleboro, Vermont, as follows:

### **COVID-19 RULE WEARING FACE COVERINGS REQUIRED**

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends that face coverings be worn by all people (vaccinated and unvaccinated) in public settings indoors in areas of “substantial” or “high” rates of “community transmission” of the COVID-19 virus; and

WHEREAS, Windham County is experiencing a high rate of community transmission and has been for more than a month; and

WHEREAS, all of Vermont is experiencing a high rate of community transmission and has been since October 29, 2021; and

WHEREAS, the Brattleboro Selectboard recognizes that COVID-19 remains a public health hazard in and around Brattleboro and believes that wearing a face covering indoors is an important act we all can do to reduce the further spread of COVID-19; and

WHEREAS, in a special Legislative session called explicitly and solely for this purpose, the Vermont Legislature on November 22, 2021, passed a bill (“S.1”) that empowers Vermont municipalities to enact local rules requiring the wearing of face coverings in indoor public settings, and the Governor has signed that bill into law.

NOW, THEREFORE, BE IT RESOLVED that this Selectboard hereby issues the following COVID-19 Rule:

### **WEARING FACE COVERINGS REQUIRED**

#### **Requirement to Wear Face Covering.**

All establishments located in the Town of Brattleboro that invite the public into their premises for the purpose of receiving services, purchasing products, or otherwise transacting business, shall require both staff and customers (or visitors) to wear cloth face coverings or face shields over their nose and mouth while inside the establishment.

#### **Exceptions.**

Cloth face coverings are not required on young children under age 5 and should not be placed on anyone who has trouble breathing or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

#### **Posting of Requirement.**

Each establishment is individually responsible to post signage at the entrance and at other appropriate locations stating that customers (or visitors) are required to wear face coverings by order of the Brattleboro Selectboard. (A standard sign is provided by the Town and attached to this Resolution.)

**Effective Period.**

This Rule shall take effect immediately and shall remain in effect until the Brattleboro Selectboard amends, rescinds, or suspends this Rule by future action in a properly warned meeting or when an action taken by the State of Vermont nullifies this Rule or the Selectboard's authority to continue this Rule, whichever occurs first. In the interim, the Selectboard intends to review this matter at every regularly scheduled Selectboard meeting on the first and third Tuesdays of each month.

**Adopted by the Brattleboro Selectboard at its meeting on November 23, 2021.**

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Elizabeth McLoughlin, Chair

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Ian Goodnow, Vice Chair

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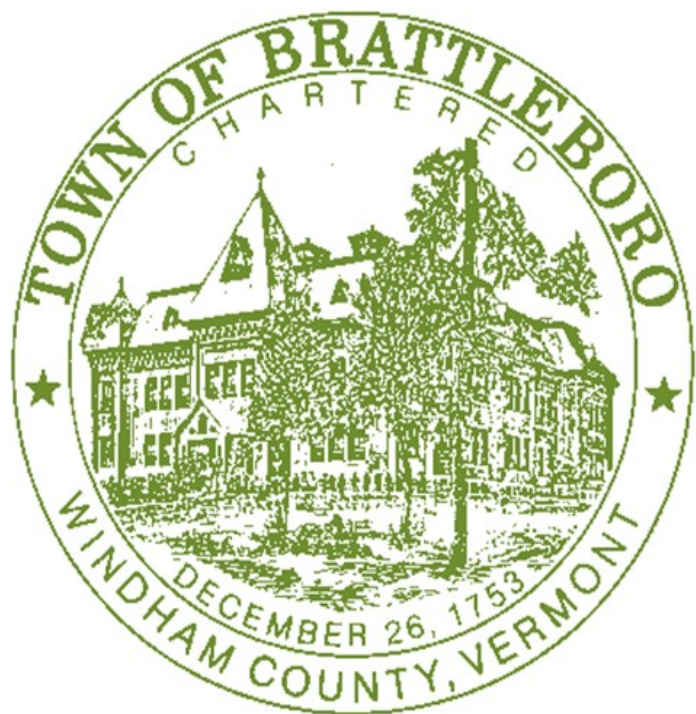
Daniel Quipp, Clerk

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Jessica Gelter

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Tim Wessel



## **Attention:**

**Face Coverings Are Required  
In All Public Establishments  
In The Town Of Brattleboro.**

**Thank You  
For Your Cooperation.  
We're All In This Together.**



1 SPECIAL SESSION

2 S.1

3 Introduced by Senator White

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; municipal police powers;

7 temporary provisions

8 Statement of purpose of bill as introduced: This bill proposes to authorize the

9 legislative body of a municipality to adopt a temporary rule requiring

10 individuals to wear face coverings while indoors at locations open to the

11 public, provided that:

12 (1) the municipal rule shall not apply to school buildings or school

13 property, which shall remain under the authority of the school board;

14 (2) the legislative body of the municipality shall meet at minimum once

15 every 45 days to reconsider and vote to either rescind or extend the rule for the

16 ensuing 45 days; and

17 (3) any municipal rule adopted pursuant to this act shall expire on

18 April 30, 2022.

19 An act relating to temporary municipal rules in response to COVID-19

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. MUNICIPAL REGULATORY AUTHORITY; TEMPORARY  
3 AUTHORITY TO ADOPT RULES REQUIRING FACE  
4 COVERINGS

5 (a) As used in this section, "municipality" means a city, town, or  
6 incorporated village.

7 (b) For the purpose of COVID-19 prevention and mitigation, the legislative  
8 body of a municipality shall have the authority to adopt a temporary rule  
9 requiring individuals to wear face coverings while indoors at locations that are  
10 open to the public. A rule adopted pursuant to this section shall not apply to  
11 school buildings or school property, which shall remain under the authority of  
12 the school board.

13 (c)(1) The legislative body of a municipality shall adopt a rule authorized  
14 by this section at a regular or special meeting of the legislative body warned  
15 for that purpose.

16 (2) Notwithstanding 24 V.S.A. §§ 1972 and 1973 or any municipal  
17 charter provision to the contrary, a rule adopted pursuant to this section shall  
18 take effect upon adoption and shall not be subject to a petition for permissive  
19 referendum.

20 ~~(d) The legislative body of a municipality shall meet at minimum once~~  
21 ~~every 45 days to reconsider any rule adopted pursuant to this section. At the~~

1 ~~meeting, the legislative body shall vote to either rescind or extend the rule for~~  
2 ~~the ensuing 45-day period.~~

*(d) A rule adopted pursuant to this section shall remain in effect for not more than 45 days following its initial adoption. The legislative body of a municipality that adopted a rule pursuant to this section shall meet during the period in which the initial rule is in effect and vote either to rescind the rule or to extend the rule for an additional 30 days. Thereafter, the legislative body shall meet at a minimum once every 30 days to reconsider the rule, at which meeting the legislative body shall vote either to rescind the rule or to extend the rule for an additional 30-day period.*

3 (e) The authority granted by this section shall expire on April 30, 2022,  
4 and any municipal face covering rule in effect on that date shall be repealed.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.

**From:** Stephanie Bonin <[stephanie@brattleboro.com](mailto:stephanie@brattleboro.com)>

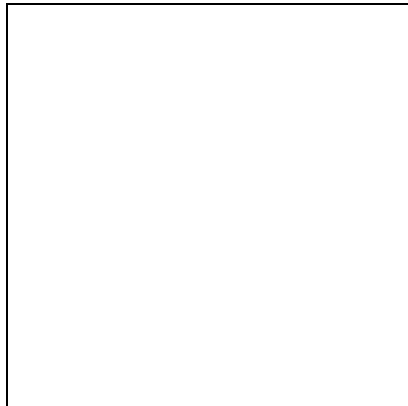
**Sent:** Tuesday, November 23, 2021 12:50 PM

**To:** Peter Elwell <[pelwell@brattleboro.org](mailto:pelwell@brattleboro.org)>; Tim Wessel <[brattleborotim@gmail.com](mailto:brattleborotim@gmail.com)>; Elizabeth McLoughlin <[emcloughlin@brattleboro.org](mailto:emcloughlin@brattleboro.org)>; Jessica Gelter <[jgelter@brattleboro.org](mailto:jgelter@brattleboro.org)>; Ian Goodnow <[igoodnow@brattleboro.org](mailto:igoodnow@brattleboro.org)>; Daniel Quipp <[dquipp@brattleboro.org](mailto:dquipp@brattleboro.org)>

**Subject:** RE: Facial Covering discussion tonight

To Brattleboro Selectboard Members & Peter Elwell:  
Comments from the Downtown Merchants regarding the discussion tonight are collated on this [google doc](#). I will update if I receive more.

Stephanie Bonin,  
*Program Director, Everyone Eats!*  
*Executive Director, Downtown Brattleboro Alliance*



*A National Main Streets Program*

802.257.4886

[fb.com/DowntownBrattleboro](https://fb.com/DowntownBrattleboro)

Instagram: downtownbrattleboro

**Robin Johnson, The Stone Church**

We need masks more than anyone due to the nature of our business. Live music involves proximity, there's no way around it, and having a mask mandate would relieve some of the pressure of having to enforce that on our own. In addition our clientele largely travels from outside Brattleboro. People wearing masks indoors will help us stay open, it's a fact. A mandate would support us in holding that standard.

**Scott Sparks, Hempicurian**

Masks....Since the town tried to pass an ordinance, I have had signs posted in the window asking people to mask up due to the town ordinance. We wear masks when customers are in the store. We don't fight with anti-maskers. Most people comply. There is no compliance penalty for a customer, and the thought of us going after a customer for not wearing a mask is not realistic, or good business practice in my opinion. Whether or not a mask ordinance is put back in place or not, I don't see any practical change in how we operate. I think consistent policy is good, but I have my doubts that all businesses will follow, and that leaves us exactly where we are now. I also think letting individual towns make their own decisions is extremely confusing, especially to tourists. I will continue to do what I am doing no matter the decision of the board.

**Loretta, Boomerang**

YES !!!!!!! for a downtown mask mandate. We have had it in place forever here at boomerang and it works!! None of us have been sick with Covid and we have been diligent about the mask wearing. 99.9% of our customers are super happy we require a mask TO WALK IN THE DOOR. Only once in awhile do people roll their eyes and walk out....and that is fine with us. I have an auto immune disease and CANNOT get sick. I also have a responsibility to my staff and customers to protect them as best I can, and I take that seriously. We are still in the thick of this and infection rates are climbing really fast in this area (and in Vermont) and we must keep on keepin' on with wearing masks for now. Let's stay in the moment and say FOR NOW. It doesn't mean forever.

**Pal Borosky, Sam's**

We have a sign on our doors, all 3 stores, that masks must be worn. Great idea for the whole town.

**Nicole Chase, Twice Upon a Time**

My opinion is that I'm sick of being told what to do at this point. The governor left us in the wind now for months. I had my mask mandate inside the shop up until two weeks ago and now I have an unvaccinated must wear masks sign up. I'm keeping it up through the holiday season but I'm getting

whiplash from the back and forth. I personally wanted to keep my mask rule up but I was told by customers and vendors that it was costing me business. I wish the town and the state would make up their mind whether or not they want to be in charge or not so I could get back to running my business and surviving.

**Lauren Pelis, The Shoe Tree**

Things seem to be working well how everyone has it downtown now? We have a signs that say “masks welcomed but not required.” People don’t seem to mind and do what they’re comfortable with.

**Ralph Ellis, The Shoe Tree**

I am against mandating masks. Let local businesses and patrons decide for themselves if they wish to continue wearing them.

**Elizabeth Clausen, Trillium**

Unable to attend.I find that 90% of customers put masks on as the enter the store,the rest mostly put one one when they see me replace mine.

Many mentioned they respect posted signage request mask coverage.

I believe the recommended request is the route to take.

**David Hiler, Whetstone**

My staff is fine with the mandate (we ask them to wear masks when working already) but would like to offer disposables at the door so we don’t have as difficult time policing our customers. Is there anyway they town can make some available if they’re going to insist on the mandate?

**Dick Degray, The Vermont Store**

I believe a mandate is the wrong move. Let people make that decision for themselves. I think about 95 % of people coming into the store are wearing masks. What are the numbers in our Town?

