

**TOWN OF IRVINGTON, VIRGINIA**

**TOWN COUNCIL REGULAR MONTHLY MEETING**

**IRVINGTON BAPTIST CHURCH**

**THURSDAY, AUGUST 12, 2021; 6:30 PM**

**AGENDA**

1. **CALL TO ORDER** – ***Frances Westbrook***

Frances Westbrook: This is the Irvington Town Council’s regular monthly meeting held at Irvington Baptist Church. Today is Thursday, August 12, 2021, at 6:30. The meeting is called to order. I’d like to remind you all who are here tonight, if you haven’t signed in on the signup sheet, please do so. It is at that very back table which will be on your left side. So, if you would please do that, that would be very helpful to us. Before we get started, I’d just like to have a brief moment of silence. John Farmer who is the pastor here has been pretty seriously ill, but he is home and recuperating but I thought it would be fitting if we would have a couple minutes of silence. Thank you. Alright, we would start with a roll call vote please Dudley if you would kick us off.

1. **ROLL CALL** – ***Frances Westbrook***

Dudley Patteson, present.

Chris Braly, present.

Anthony Marchetti, present.

Frances Westbrook, present.

Jackie Brown, present.

Bonnie Schaschek, present.

Wayne Nunnally, Absent.

Staff Present

Nancyellen Keane, Esq., Town Attorney.

Laurel Taylor, Town Clerk.

Justin Nelson, Zoning Administrator.

1. **APPROVE AGENDA – *Frances Westbrook***

Frances Westbrook: We are going to go through a couple of quick agenda items here before we have two presentations tonight which I think you all will find quite interesting. May I have a motion please to approve the agenda.

Bonnie Schaschek: So moved.

Frances Westbrook: Second?

Dudley Patteson/Anthony Marchetti: Second.

Frances Westbrook: We have a motion and a second, all in favor say Aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Thank you.

***Motion (made by Bonnie Schaschek) To Approve The Agenda passes 5-0.***

1. **APPROVAL OF MINUTES – *Frances Westbrook***
2. Minutes of Special Called Meeting 07.15.2021
3. Minutes of Special Called Meeting 07.29.2021

Frances Westbrook: Next item is approval of our minutes.

Chris Braly: Madam Mayor?

Frances Westbrook: Yes sir.

Chris Braly: It appears there were some administrative mix-ups in preparation for this meeting.

Frances Westbrook: Uh huh.

Chris Braly: In regards to the minutes, I believe a couple of different versions were distributed to Council….

Frances Westbrook: ….of the one…

Chris Braly: ….and then when the new material was added to the website, the old material was taken down…

Frances Westbrook: Uh huh.

Chris Braly: …it is no longer there….

Frances Westbrook: Okay.

Chris Braly: ….so I would like to make a motion to table approval of these minutes until the September meeting to ensure that there is no confusion over what is being approved.

Frances Westbrook: Are you making a motion to do so? Do we have a second?

Dudley Patteson: Second.

Frances Westbrook: Any discussion?

Bonnie Schaschek: Yes, I would like to, I do have some changes to the minutes so can we get them to Laurel before the September meeting so they are updated.

Frances Westbrook: For the September meeting, that sounds like a good plan. Anybody else? All in favor of tabling both sets of the minutes to the September meeting please indicate by saying aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries.

***Motion (made by Chris Braly) To Table Minutes from 07.15.2021 & 07.29.2021 passes 5-0.***

1. **FINANCIAL REPORT**
   1. Treasurer’s report
   2. Appropriations

Frances Westbrook: And then our financial report, we have a balance sheet for July and P&L, do we have any questions on that?

Chris Braly: I have a couple of questions.

Frances Westbrook: Uh huh.

Chris Braly: The last meeting I guess we voted to proceed with continuing the employment of the previous zoning administrator for the month of July?

Frances Westbrook: That’s correct.

Chris Braly: I saw on the check detail that there was salary paid, was that salary for the month of July or was that for the month of June?

Frances Westbrook: That was for the month of July. This is the July check register so…

Chris Braly: Okay.

Frances Westbrook: …should have been one of the first couple of checks on there actually.

Chris Braly: So, we never, there was never an agreement draft by the HR Committee to extend employment for that month and never presented to Town Council for approval, and for the purposes of any future audit that may occur…

Frances Westbrook: Uh huh.

Chris Braly: …I think it is appropriate to make an official motion to approve a monthly salary for the zoning administrator, so….

Frances Westbrook: We did discuss it at a previous meeting which Lara offered to stay for the month of July if we needed her….

Chris Braly: Right, and….

Frances Westbrook: …took her up on the offer, but I understand what you are saying, and I think that’s….

Chris Braly: …meeting we were supposed to be presented with a new employment agreement for 1 month of employment to be presented either at this meeting to approve retroactively or at a sooner meeting….

Frances Westbrook: I think….

Chris Braly: …which could have been July 29th.

Frances Westbrook: …I believe when Nancy and I talked about this, we though perhaps that probably wasn’t necessary since she had given to us in writing that she would be glad to stay for July if we needed for her to….

Chris Braly: Well….

Frances Westbrook: ….what’s your question?

Chris Braly: If you don’t mind, I’d like to make a motion to approve the gross salary payment of $1,833.33 to the Zoning Administrator for the month of July.

Dudley Patteson: Second.

Frances Westbrook: Any discussion or questions? All in favor?

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries. Thank you Chris.

***Motion (made by Chris Braly) To Approve Gross Salary For Zoning Administrator for the month of July Passes 5-0.***

Chris Braly: I have one more question.

Frances Westbrook: Uh huh.

Chris Braly: At the last meeting you indicated that the June report was tabled until this meeting and it was not included in the packet.

Frances Westbrook: That’s correct, and we gave to Budget & Finance the responsibility of getting with Sanudo, having a meeting and then getting with Sanudo, to these figures that we know need to be looked at for the end of the year and, I don’t think the Budget & Finance have met yet, do so soon, uh….

Chris Braly: I guess my question is how can we accept the July financials if it is going to change and carry through so, if we make changes to June, anything that we accept here in July….

Frances Westbrook: Well anything that we put on the balance sheet….

Chris Braly: …will be different…

Frances Westbrook: …will be somewhat different, yes, you are correct, and….

Bonnie Schaschek: I think this is just information.

Frances Westbrook: Right, so, those things you’re right will change on the balance sheet, it will affect the July P&L obviously, so when we get the June and technically we don’t vote this, we just file them as presented and they are fluent, they are subject to change anyway….

Chris Braly: …okay.

Frances Westbrook: So, is that good for you?

Chris Braly: Yeah, thank you, I appreciate the clarification.

Frances Westbrook: Anybody else, then the July financials will be accepted as presented. Alright, now we are to our presentation for the meeting here. We have Jimmy Carter who is with us, the Tri-Way Trails and he is going to talk to us about what is happening with the connector between Irvington, Kilmarnock and White Stone and I thought it was apropos for him to be here tonight so we will be looking at and amending our budget in late fall and this may has some useful information for us.

1. **TRI-WAY TRAILS, presentation, *Jimmy Carter***

Jimmy Carter: Thanks for having me and calling and asking me to come, so. So the Tri-Way Trail as Fran said is a connector to hook together Kilmarnock, Irvington and White Stone within an interior trail. You know in the past there have been some efforts to put bike trails along 200, but the problem is I think we all see people out there biking and we think it is dangerous, that it’s just not a safe environment. So, many things that occurs to me that, White Stone and North Umberland County are the two most elderly contiguous county in America. You know, if you go back to the census in the mid 19’s, 20’s, and I think the 2014 census said that Lancaster was the fifth most elderly populated county in America and North Umberland was the 8th. So, I looked at the counties above that and the only two other contiguous counties were in Florida, but that population is over 150,000 so I’d say that White Stone and Northumberland are the two most elderly contiguous counties in America. So, then the other metrics that jumps out at me is there is a Time Magazine study in 2019 that said that, it talked about the 10 fastest growing millennial cities in America. And talked about Memphis, Boston and New Orleans and you know particularly Memphis and Austin, we hear a lot about these millennial cities, but what the Time Magazine study said was that Hampton-Roads was the number one fastest growing millennial city in America and Richmond was number two. So, what that says to me is that Irvington is the East Hamptons of Virginia, I mean it is really is the quality of life leader between three vibrant millennially oriented cities. So, we’ve got Hampton-Roads, Richmond and D.C. that are all, D.C. is always a millennially oriented city, new job creation particularly now that we have Amazon, so the question is what can we do to change our market perceptions of not only being retirement but how do we start adapting to these new market forces in order to grow our economy and raise our home values because if we don’t raise home values then the county can’t afford to pay for new schools and first responders and those types of things, so this whole effort to try to bring up home, Bob knows all about that, this whole thing about trying to bring up home values is important to these local economies. So when we start talking about how do we appeal to millennials, I sit on an advisory board, the county has Julian Travis and myself and we Justin ? and Susan ? the advisory committee for economic development for the county. So when we start digging into this, how do we build this economy and make this area, protect its beauty and make it more appealing. Now, let me say is what I’d like to say is I give an economic speech entitled “We are in the country, but we’re not in the sticks”, what I say when The Tides Inn opened in 1948, something changed as to how this community developed. You know, rich people started moving here, saying I can see living there because they say, I can go to The Tides Inn, there is a sort of sophistication over there. I can go over there and have a drink and go play golf and so it seeded wealth here. Then in the ensuing years since 1948 the Irvington area got a disproportion and share of the quality of life. You go and open a new restaurant or a shop or those type of things, it was only natural that as entrepreneurs that we move to where the money is. Much better to come to Irvington and open up something, everyone likes Irvington and the County than to go let’s say to the upper regions of the County, Northumberland or Middlesex. It was just more mojo here. So, the question is how do we build upon that in this County. We think that just like The Tides Inn attracted that retirement market here, millennials are an experienced arena, they all want to go out and do something you know, so we’ve got these three urban areas so the question is, how can we start building up sort of a millennial sensibility and attract those people here to shop our shops and eat in our restaurants and we think the trail is another important differentiator that will differentiate this community from the other communities around it. So, the idea is to build a trail that, and you’ve got a layout in front of you, essentially what it does, it comes down, right now we think it is going to come through, probably start, each trail heads into three towns. So the idea is it would start in the town park, come down towards the hospital, up by King Carter Golf Course property, and close, we know the golf course had to close down because it was losing too much money, so the idea is we’ve got to repurpose that property. That property goes over to Harris Road to the hospital so, it would come down, go through the King Carter property, Tides Inn is fully onboard, the Tang’s are fully behind us, I have letters from them of support. We’ve laid out a route through the Golden Eagle. We envision it coming through Westminster Canterbury and then head into Irvington. Probably come through the vineyard property so it would come in behind the shops. That’s the current belief. Then somewhere around the Golden Eagle and Westminster Canterbury there would be another spur that would go off in a Y shape and go into White Stone. Too difficult to get across Carter Street because of the bridge is still compelling people to get on the highway there, so the idea is just stay away from the Kilmarnock/White Stone/Irvington route, we’ll just do that as an interior branch. The idea behind this is it will nourish the businesses in the three towns, it will create quality of life, exercise and those types of things for our residents, and so and it will flame up a quality atmosphere for the County. To date, when I started this idea, I biked across America in my 40’s, I was sitting in Richmond with a friend of mine when I was 44 years old and we said let’s go on an adventure. We had been up Everest a couple years before that, up the base, whitewater, so we said let’s go do something. So, we decided we’d bike across America. The waiter we was waiting on us, to drive the van, we called and rented a van, put the whole deal together, and we biked across America. So, I understand the dangers of biking and let me just say I had never biked before and I haven’t biked since, but I did bike across America. I understand the perils of being on the highway. So, the idea is this would be safe for families, safe for elderly. Where there have been trails like this, they’ve seen, the local property owners are really the big beneficiaries. They are the ones that really get out there and use the trail all the time. When I started into this idea, my good friend Steve Reese here, a great resident here of Irvington. Steve’s bikes, you can tell the difference in the physique, Steve said how do we know if this is a good idea or a bad idea, so Steve set up a meeting with the head of Virginia Bike Association in with the head of the Trails for the Virginia Department of Highway. Most of event fundings come down through VDOT, they have a trails guy who sort of oversees those funds. We met with them if this was an idea path and they encouraged us and they said we really think this is a great idea, you all should go forward with it. So, we went out and started applying for some grants, so far, we have gotten $175,000 in grants, a Lee-Grant was $135,000 grant from the Virginia Outdoors Foundation. The Community Foundation has given us $35,000 and we have gotten some other grants. So what we are doing with that money is, we engaged Bay Design as our lead, sort of local, want to shop local on these things, but Bay Designs is doing the wetlands, doing the surveying and those types of things. We just put out an RFP the other day. The funding for this we hope is coming from the Feds. The Feds have this rails and trails program where they build trails all across America, the idea being that you don’t need to be an all rail bed to get in on that funding, this goes right into that. There is a lot of money coming down the pike right now for, I think we all hearing about infrastructure funding coming down the road. We think the timing is good for this type of thing. So we needed, Bay Design is doing the tactical work in the area, but we needed a firm who is used to working with the Feds and putting together compelling packages for funding, so we put out an RFP to the lead trail consulting firms and we had three good responses from the groups that we wanted. We have narrowed that down to two and in the next 2 weeks we are going to make a decision of what our lead consultant that will put together, that will help us put together a compelling package to go to the Feds for funding. The theory is the Feds will pay 80% of the cost of building the trail. So then we’ve got 20% we know we need to raise. We can’t go to the county, we know the town’s don’t really have money, so the idea is that most of the rights of ways here are pretty much, I think we know the individuals who own these properties and I think everybody is basically onboard and we’ve gotten some good review, just like the Tang’s and the Pattersons and you know people are saying yeah we will give rights of way free of charge. What I’m hoping when we value the rights of ways like coming across the old golf course property, the Tides Inn property, when we value those that will start to close that gap on that 20% that we will be able to say that is in kind donation of funding. So there is a lot of this that is yet to be worked out. It is coming together, we think we’ve got a solid idea and it is getting rave reviews, consultants that we are talking to are saying wow, we are not used to coming in and having someone already know the layout area, already know the property owner, already have a fairly well baked concept, they all say that they think we are onto something. The idea is that, we went to the County and we had a MOU at the County, a Memorandum of Understanding, the County, we are the designated agent for the County to get this done. So, what the MOU is is that they will be the applicant for the grants and our committee is working as their subagent to get everything done, so we are working, our committee is sort of working under the auspices of the County. The County will be the applicant. So, Fran when we talked about funding, maybe we need some MOU with the Town too. If you all at some point I think it would be appropriate if you all could tactically say that we are onboard with this, we endorse it and you know, if we could have a resolution to that effect then that would be, I think that would be a positive thing to be able to put in our package. The reason that I haven’t come in here previously to talk to you is that I’ve been really sort of waiting to get the national consultant onboard. They are the ones that are going to come in and help us with the public dialogue part of this concept, they are used to doing it in other regions. They are the ones that are going to put together all the great exhibits, these are just some Google Earth things that we have put together. There will be fancier stuff coming. It is, you know, I don’t know what I don’t know. Maybe it doesn’t work out, maybe we don’t get the funding, maybe we find out there is a tactile flaw here, so far I can say it feels like it is going pretty well based on my experience of working on things. We think we’ve got something that’s pretty cool, that fits into the County. Another way we can look at it how can we incorporate lights on this trail. How does that make the County look and our towns look in terms of being more sophisticated, fitness trail, walking trail, you know economic development concept, so that’s sort of where we are and I’d be happy to answer any questions you have. Yes.

Jackie Brown: Do you have a time frame that you are aiming towards?

Jimmy Carter: Jackie, that’s a good question, I mean, I want to do it tomorrow, you know…

Female: …want to do it yesterday…

Jimmy Carter: ….yeah, you know and so we’ve been very concise under this RFP that we want to have the package put together by the end of this year, so that, we are on a very tight timeline with these consultants that come in and help us, we are still aware of all the money that is coming down the pike from the infrastructure and green and all that stuff, we just think that this is well slotted right now and so we are trying to get out there and get in line, so, the quicker the better. I don’t know what I don’t know, but we’ll know more once we get the national firm onboard, but the quicker the better.

Frances Westbrook: Anybody else? Quick question.

Jimmy Carter: Yes.

Frances Westbrook: What can Irvington do to facilitate this?

Jimmy Carter: Why don’t we do this. Why don’t we put together maybe a language for you to bring up for something to consider at your next meeting just in terms of the endorsement. We’ve got the County to incorporate into their comprehensive plan the trail. We know that fundamentally that is something that we are going to need and again, we are early on, once we get these national consultants we’ll know more, but we’ll have that decided in the next 2 weeks. I’ll have language for you asking for you all, maybe at your next meeting for some type of motion of endorsement and we’ll work on what that appropriate language is.

Frances Westbrook: I think we can do that.

Jimmy Carter: Great.

Frances Westbrook: Anything else for Jimmy?

Jimmy Carter: Let me just say, thank you for your public service, you know it’s a lot of work being on a town council and that type of thing. I just want to say you know, how much I appreciate what y’all do.

Frances Westbrook: We thank you for all you do for the community too Jimmy, this is just one of many things, thank you. Thank you. Mr. Cole.

1. **DAVENPORT Presentation -- *Ted Cole***

Frances Westbrook: Mr. Cole is with Davenport and he is going to talk to us about the proposal they have for us.

Ted Cole: Exactly. Good evening. It is a pleasure to be here. I’m Ted Cole, with Davenport & Company out of our Richmond office and I work with a group within Davenport that provides financial advisory services primarily to local governments, cities, counties, towns, but we also work with other not for profits and regional entities. Just as a point of reference we serve in this capacity for a number of communities on the Northern Neck and Middle Peninsula throughout the Commonwealth, but Lancaster County is a client of ours. We’ve done work for Kilmarnock in the past, just locally here in terms of familiarity with Lancaster County and the surrounding areas. I’ve got a proposal that we put together for your consideration. I think everybody has a hard copy of that, or a copy of it, if you don’t, there is a few extras at the front of the table and I’m going to walk through that briefly. I would be happy to answer any questions as I go, you know, please ask me anything that is on your mind as I go through this. Let me just take a moment and sort of frame the discussion. As I said, we service financial advisor or municipal advisory, kind of use those terms interchangeably and in this case it would be serving the Town of Irvington. In an effort to sort of better explain what we do, we are not CPA’s. We are not auditors. Right, we are not going to do your audit if you were to do one every year, your financial statements. We are not architects or engineers so we can’t tell you you know how to, how much a building would cost per square foot to construct or where you should run lines for water and sewer systems. That’s not what we do. We are not attorneys. We are really consultants to local governments and most of our work revolves around financial projections and capital planning. Now we work very closely with architects, engineers and auditors in a lot of our engagements with local governments, but what I think I have learned over the last several months about Irvington and maybe where you all are, that is applicable to what we do is, there is at least some discussion going on about we may want to do some projects here. I don’t know what the projects are, maybe there is a long list, maybe there’s a consensus on what the projects are, maybe there’s not, but there may be a desire to do projects and those projects could be funded with cash, those could be funded with grants, could be funded with debt or some combination of all of those things and what I’ve kind of come to learn is maybe there is a desire to understand what is the Town’s capacity to fund capital projects. We want to discuss the merits of X, Y or Z projects but as part of that discussion we need to understand you know can we afford to contribute or fund that project. Again, whether its cash funded or debt funded. So, when we talk about debt, what is our debt capacity, what’s our ability to go out and borrow funding, but also what is debt affordability. We might be an individual, we might be able on paper to say yes we have debt capacity, we can go and borrow money, our financials look good, our ratios look good, but it doesn’t necessarily mean it’s affordable. What is it going to take in our budget to repay that debt, whether that’s property taxes, lodging tax, potential meals tax I guess is another discussion and that’s really what we do. We focus on that type of analysis and what we do to get started is we try to develop a look back, a historical look back at your financial trend, so a 3 to 5 year look back what has been going on in Irvington from operating revenues, operating expenses, what kind of capital have you been funding, be it large or small dollars. What kind of reserves do you have? How have those reserves ebbed and flowed over the years. COVID-19 and all of that that came with that obviously creates some noise in that financial trend, that look back, but we have got to develop at least our approach is what we lay out in putting this assessment report together is look at the historicals and understand what the trends have been and that allows us to then take into consideration your budget right, so you just adopted a budget for the fiscal year 2022 ending June 30th, 2022, that’s an important data point there for revenues and expenditures and then it is a series of projections right. What’s going to happen in the next 3 to 5 years under a base case of revenue and expenditure growth or under sensitivity cases. What if revenues grow more quickly or expenditures grow more quickly, what if we institute a meals tax, what kind of dollars does that mean and those things come together to start to paint a picture about what is your capacity to operate under your current obligations and maintain reserves. Are there pressures on revenues that you are going to have to address just to maintain the status quo, what level of reserves would be appropriate for you all to maintain for emergencies or you know creating an opportunity to take advantage of an opportunity, a resource to take advantage of an opportunity and then what would it take to be able to fund a list of capital projects. You know, what is the impact, what is the amount of revenues would be needed to identify and raise if we did decide that we wanted to move forward with certain projects. That’s sort of what our proposal lays out is the process to do that. Now, I would think along the same path you all might continue to be talking about well what do we want to do as a town, what are the projects if any that we’d like to pursue. I’ve heard things about you know, water access, town hall, utilities of some sort or another, parks and rec type facilities, the presentation that was just made about more of regional amenities, there may be local dollars that ultimately could be contributed by the county and the towns and helping you all as the decisionmakers understand for those projects or those requests what is affordable and how do you raise those funds. How do you position the town from a budgetary perspective to be able to maintain solid financial footing and fund those projects along the way. That discussion can be at a generic level meaning we want to understand what our debt capacity is for our capital funding capacity. We talk about debt but can we also fund capital with cash and reserves and other things generically without any projects assigned to it or alternatively we can do that work with specific projects in mind. Whatever sort of the direction might be from council we can approach that either way. We are certainly not in a position to tell you what projects you should do or shouldn’t do, what’s right for your town, what’s not right, whether you should try to grow or not grow. I think that’s all a local decision. What we would hopefully be able to provide you is good unbiased transparent information that allows you to make some decisions about moving forward and how you move forward if at all on certain capital projects. Let me stop there, I mean, I’ve really kind of covered our scope of work. We mentioned along the way of doing some comparisons to other similarly sized towns, that’s absolutely something that we could do that’s a helpful perspective. Discussing policies if that is something you want to consider for example, a fund balance policy or capital improvement policy, those sorts of things we often integrate those into this type of work, but ultimately there would be a deliverable to you all and it may evolve with an initial review and then we come back and we get your feedback and your input, you want to look at a different scenario, a different sensitivity, and we come back and ultimately present you with a final product that addresses all of those things I’ve covered. Your historical performance, where you are today, what you look like going forward under a series of assumptions of revenue and expenditures and ultimately helping you understand the affordability and the capacity to take on capital projects but also understanding how those can be done within the context of your operations here, your day-to-day operations. Are there questions or clarifications that would be helpful?

Jackie Brown: I can see a lot of value in the information that you are planning on providing, however my concern is about timing. We are kind of in between comprehensive plans, our 2017 comprehensive plan is not community supported and, we probably wouldn’t want you to study that plan to make recommendations. The next plan is coming at the earliest in 2023 and it seems a little premature to make these kinds of valuations before we have some goals in mind. Is that wrong to, I mean….

Ted Cole: I, I read, I didn’t read the whole thing, I flipped through the 2017 comprehensive plan and I guess our work can be done irrespective of where you are on a comprehensive plan site, but I think to your point is what do you do with our work. You know, are you in a position to make decisions using the information we provided and that may be more tied to your comprehensive plan. So, we can provide exactly what we’ve laid out without a comprehensive plan. We really won’t look at the comprehensive plan for what we do. We are really going to look at historical finances, you know, revenues and expenditures, fund balance. We are going to talk about as I said generic and capital projects. If you want us to look at specific capital projects, we can do that either way but the comprehensive plan itself is not a big driver of our analysis, but I do understand that once we deliver something to you and we make our observations and our findings if you will and you say well, now what do we do? We have a certain amount of capacity that we can do, we implement a meals tax or if we adjust the tax rate or not, what do we do with that, and I suppose that’s maybe where your question comes in as a comprehensive plan might be helpful to you in making some of those decisions on what projects to do. But, I think that’s a discussion for you all. We can do this scope of work without a comp plan.

Chris Braly: How long will it take you if this was approved, say tonight, how long would it take you to do the…

Ted Cole: I would be comfortable you know, you don’t have, and this is just a caveat, you all don’t have audited financials, right you are a town of a certain size and that’s not required. Now, obviously you have financial information for prior years, but it is not laid out in a uniform fashion that we might normally see in an audit. With that caveat we would need some time to gather that information and have a resource to speak with somebody in the town that is familiar with historical financials and budget, the most recent budget. I would think that we would be in a position to deliver a first draft of this in about a 60-day window, and then my expectation would be from that first draft that we would review in a setting like this or work session or whatever the case may be, I would hope that there would be some things that come out of that discussion I would expect that you would say, we really like to see what happens if this, or this, is adjusted or tweaked or another case so, my expectation would then be an additional draft within 60 days and then a follow-up, final draft within another 45 days.

Dudley Patteson: I think the timing would work well with the schedule for the survey and using that financial assessment as part of the question using it for case studies to provide questions to the town would be very beneficial I think for the town survey.

Anthony Marchetti: On your scope of services, you have seven items here, what we currently have budgeted that you just mentioned in your proposal, can we assume that we would see under normal circumstances deliverables on those services for what we have budgeted?

Frances Westbrook: On…

Bonnie Schaschek: There’s two phases.

Ted Cole: Yeah, our phase 1, which is what we have called the financial review and assessment report is you know we have identified seven sort of elements of that. Some of those are called a standalone deliverable, others are kind of incorporated in the overall report, the more concepts. But, yeah, our compensation which is at the bottom of page 2, that proposal not to exceed includes all of those phase 1 deliverables and the expectation that there would be an initial draft and probably a follow-up. At that point, you know we would be available soon thereafter, later down the road if ever needed to perhaps help implement some of that, but we would kind of look at that as a separate different future engagement.

Anthony Marchetti: Maintenance, service to the initial… .

Ted Cole: Sure….

Anthony Marchetti: …..the town…

Ted Cole: We have a lot of examples of clients where we have you know, updated that periodically and then also where they have taken perhaps what we’ve done and they say now we kind of know what we want to do, how do we do it, how, we might need to borrow money for an example. How do we go ahead and do that and that would sort of be the execution phase of something. So, we certainly would hope that if this first phase goes well and it meets everybody’s expectations that there may be an opportunity to do something down the road if you all see fit.

Bonnie Schaschek: Have you worked with towns this size before? I mean we have 480 residents.

Ted Cole: I mean, we have, and there’s a lot of, a lot of the concepts are the same you know for even very large cities and towns. You know, we focus very much on cash flow. You know we’ve got money coming in. You’ve got three primary drivers to your revenues, right you’ve got occupancy tax, you’ve got real estate tax, and I guess there is a proposal for a potential for meals tax and the retail sales tax and then you’ve got various lines of expenditures. I mean that is, the dollars might be smaller but the concepts are the same, so, yes we have worked with smaller communities certainly but I also think when you boil it down to the essence of what we do which is money coming in, money going out, are we coming out ahead every year, are we operating at an operational deficit, what kind of reserves do we have, whether you are talking about $300,000 or $30,000,000, those concepts I think carry through local government work that we do and so all of that experience we have, not necessarily just small towns, is relevant to the work.

Bonnie Schaschek: Thank you.

Frances Westbrook: Any other questions for Mr. Cole? Thank you so very much.

Ted Cole: Appreciate it.

Frances Westbrook: Alright, we are going to move into our public hearing phase of tonight’s meeting.

1. **PUBLIC HEARING**

Frances Westbrook: We are redoing two ordinances because we didn’t advertise correctly and we didn’t have the public hearing the way we should have, so we are stepping back and getting everything back in sync, so, the first part of this is a public hearing, we would like to hear from you if you have any comments on this first ordinance.

* Ordinance 2021-08, “Adopt Short-Term Rental Registry”

Frances Westbrook: Adopt Short-Term Registry. Are there any comments from the public on that? Anything from Town Council? The second ordinance is to Repeal and Reenact Town Code §34.02 which I believe is the definition of transient. Any comments from the public on that? Town Council?

* Ordinance 2021-07 “Repeal Reenact Town Code §34.02”

Frances Westbrook: The public hearing is closed. Thank you.

1. **PUBLIC COMMENT**

Frances Westbrook: Now we’ll move to the Public Comments section here. This is where we welcome comments from the public on any agenda items. If you would please, I would encourage you to direct your comments to me, the Mayor and then we’ll take it from there. If you would like to raise your hand, please if you have a comment to make. Ms. Bradley.

Mary Cay Bradley: Mary Cay Bradley, President of Steamboat Era Museum. I was not here in July and you all voted to do a sponsorship for the Crab Festival and we greatly appreciate the support for the Crab Festival and we greatly receiving the forms from you all, so thank you for that.

Frances Westbrook: Your welcome. Anyone else? Yes sir, Mr. Cooper. Please state your name.

George Cooper: My name is George Cooper. The trepidation is related to the absence of an understanding of what the town government is for and both of the presentations we heard this evening were extremely interesting and potentially very valuable to us, but I don’t think we are not yet at a consensus as to whether or not the purpose of Council and its activities is to stimulate economic development or to manage and those two are very different activities and I suspect that what we’ll need to do is get some level of consensus between the community and the Council as has been mentioned earlier by members of Council, because I think the discussion that you all have had over the last years regarding a town hall, regarding expenditures that way exceed the interest and demand of the 480 residents of the town needs to be addressed before you spend money. So, I think that there is some soul searching that needs to go on first before we even have the financial advice, because I think that one of the things that is going to happen is somebody is going to suggest to you that we don’t need a real estate tax. We passed the real estate tax because the Inn was going to close for 2 years and we weren’t going to get any revenue though the Inn didn’t close. We now have money that is sitting there attempting you to do things which are unnecessary and not necessarily wanted by the community. Thank you.

Frances Westbrook: Thank you Mr. Cooper. Anyone else? Alright. Next report from our Town Attorney, Nancyellen Keane.

1. **REPORT FROM THE TOWN ATTORNEY, *Nancyellen Keane.***

Nancyellen Keane: Thanks, my first item is one that Dudley has asked me to do for this meeting. He asked me to provide a list of orientation and training that I provided to the Town during my tenure and so I wanted to give you all just a general list of this so you are aware. I performed research and created the outlines and pulled together the materials in preparation of these sessions. Governance workshops January and February 2020, two 1-hour sessions for counsel, orientation and training for council members, three sessions of 2 hours in June of 2020 for Bugg, Westbrook Marchetti, Patteson and similar number of sessions in July of 2021 for Braly. Both including FOIA training. Orientation for planning commission members beginning September 2019 two 2-hour sessions for Harris, Chapman, ?, Braly, Forrest, and Robertson, including FOIA training. Orientation and training for zoning administrators. Three hour sessions for Brown in June 2020. Several sessions in August 2021 for Nelson both including FOIA training. Orientation and training for the Town Clerk. Numerous sessions in July and August 2021 for Taylor including FOIA training. The second item I want to let you all know how I’m leaving various open issues upon my departure. One, with respect to the Town Clerk and FOIA Officer, the minute books are completed through June 10, 2021 meeting. I’ve got all the materials put in a file folder which will be given to the clerk to put in the minute books. A chronology of about 2 months was provided to demonstrate to the town for likely timing of actions that will need to be taken to notice and document meetings and prepare minute books. I corrected the Resolution 2021-10 amended and stated banking resolution to authorize the town clerk to receive information and statements for all town bank accounts. With respect to the zoning administrator, the CUP and rezoning schedule was provided and it’s in your packets for tonight. There is a CUP and rezoning application in that you all need to decide whether you are going to adopt the schedule for tonight. Ad copy and resolutions for these will be provided prior to my departure. Council members and Mayor, certain council members and Mayor have asked me to do various things since the last meeting. One, I drafted employment agreements for the Town Clerk and Zoning Administrator. I drafted a letter authorizing the Lancaster County Clerk to administer the oath to the Town Clerk. I reviewed the Risk Aware Agreement and we’ll discuss that later in the agenda. I drafted resolutions for appointment for the Town Clerk and Zoning Administrator should you desire to use t hose. My work prepared for the town has been provided to the town at the time of completion, for examples, schedules, ad copy, resolutions, ordinances, memos, were all provided to council or staff as appropriate at the time they were done. The through truck restriction issue came up at the last meeting and I wanted to make sure you were all aware I prepared chronology of all work on this matter and I will provide a copy of that chronology to the Zoning Administrator on my departure. The Town adopted a resolution supporting through truck restriction in an alternate route using Old Salem Road which is consistent with the position of VDOT. Following a meeting with Lancaster County last August Irvington was advised that the resolution passed by Irvington would not pass the Lancaster Board of Supervisors. The Mayor and Vice Mayor decided they would contact or meet with individual supervisors to ask them to support the Town’s resolution. Finally, Fisher’s Pit, I have been in conversations with the Attorney General’s Office regarding Fisher’s Pit enforcement and cleanup issues. Irvington is cooperating with the Attorney General on this. Council declared this property a nuisance at its last meeting and there are some final issues that I will discuss tonight in closed session because they pertain to legal advice. Thank you.

Frances Westbrook: Thank you. Any questions for Nancyellen? Next we have report from our Zoning Administrator and I’ll take a moment to introduce Justin Nelson, starting with us the first of the month and we are very excited to have him and if you’ll give me just one moment I neglected to introduce Laurel Taylor who is sitting here at our front table and she is our new Town Clerk and FOIA Officer, so we are very pleased to have both of them onboard. Okay Justin.

Chris Braly: One question, oh go ahead and give your report first.

1. **REPORT FROM THE ZONING ADMINISTRATOR, *Justin Nelson***

Justin Nelson: I don’t have anything to report at this time.

Chris Braly: Okay, one question I did have and this probably needs to be, I think this is your second day correct, so I don’t expect him to have any answers, but Madam Mayor we need to make sure we follow-up and I’d like the zoning administrator to first check if Lara reached out to the adjacent property owner of the North Commons regarding the drainage issue on Bay Design plan.

Frances Westbrook: Gotcha.

Chris Braly: I know that we voted to proceed with the recommendations at the last meeting contingent upon Lara’s I guess reporting of her finding the information we needed to find regarding drainage and so I’d like to make sure that that gets passed to Justin and he can either check with Lara to see if she did it or reach out and.

Justin Nelson: She and I talked about that transition.

Chris Braly: And then hopefully next meeting we can provide an update on the Bay Design process of where they are on their plans and the work they have been contracted for. I saw in the check detail that they were paid for the outstanding balance, but I don’t know if they are still waiting on that fourth item for the drainage to proceed or if they can do anything else.

Frances Westbrook: I believe Justin will be going over to Urbana and have sort of a get acquainted and catch up on all those things and bring back to us.

Chris Braly: Good, good. Thank you.

Frances Westbrook: Anything else? Thanks Justin.

Justin Nelson: Thank you Madam.

1. **COMMITTEE REPORTS**

Frances Westbrook: Committee reports, Budget & Finance, Anthony Marchetti.

* 1. Budget & Finance Report, *Anthony Marchetti*

Anthony Marchetti: Just a few quick things as budget and finance, and you’ll see it later in the agenda where if I can make a motion to accept the Davenport contract. I’m not comfortable making decisions and I don’t think I can do my job and do it well without some of the answers and services that Davenport provides. That’s not making decisions but just like I would think it would be reckless for the Town to operate without legal counsel. I think it would be reckless for the Town to operate without a financial, somebody advising financially what we can and can’t do and how we can be more efficient and how we can better use taxpayer dollars or how we can stop collecting taxpayer dollars. So, I’ll just mention that budget and finance supports the Davenport proposition and hope that we can get that in the works. The other item to mention is at the next meeting I will bring hopefully the beginning draft amended budget schedule to lay out so we can start working on that. There is a few things over the months that will change, one of the big additions is the money that we have already received and Chris has the master task with kind of owning that making sure what it can be used for, when it can be used. So since there is a vacancy on the Budget & Finance Committee when Mayor Westbrook moved up to the mayor position, I’d like to make a motion for Chris Braly to join the Budget & Finance Committee and help with the rest of the budget and finance for the calendar year, excuse me, fiscal year.

Dudley Patteson: Second that motion.

Frances Westbrook: Any discussion, questions.

Jackie Brown: Well, Mr. Braly is on a lot of committees. I think he would be a good choice for Budget & Finance, we’ve got three different places where he’s nominated and some for other committees and I think that we need to not have him act as an adhoc member of every committee on council.

Frances Westbrook: Okay, you want to elaborate on that.

Jackie Brown: Well he’s made the motion for the select committee to implement the recommendations from the audit for the…

Frances Westbrook: That’s a short term.

Jackie Brown: That’s a short-term committee.

Frances Westbrook: Uh huh.

Jackie Brown: To assist the town officer with FOIA.

Chris Braly: That was made at the request of the Mayor.

Frances Westbrook: Yep, and that’s a 60-day….

Chris Braly: No more than 60 days to ease the transition period.

Frances Westbrook: We’re not going to have legal for her to turn to for the next 30 to 60 days.

Jackie Brown: I don’t have any problem with him being on your committee, I have a problem with him being on all the committees.

Anthony Marchetti: So we don’t want to spread him thin, everyone is volunteering their times, so, I will be respectful of that as well.

Frances Westbrook: Anything else?

Dudley Patteson: We have a motion.

Frances Westbrook: Is there anything else? Alright, I didn’t ask for a second, I apologize.

Dudley Patteson: I did, I seconded.

Frances Westbrook: You did, thank you very much. We have a motion that has been seconded. We will take a vote. Let’s do a roll call please.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Frances Westbrook: Motion carries.

**Motion (made by Anthony Marchetti) For Chris Braly to Join Budget & Finance Committee passes 5-0.**

Anthony Marchetti: That’s all from Budget & Finance.

Frances Westbrook: Alright, thank you. HR Committee.

Bonnie Schaschek: Can I ask him a question for Budget & Finance?

Frances Westbrook: Yes.

Bonnie Schaschek: Are you going to get with Jay and get some of the other ones fixed before the next meeting.

Anthony Marchetti: Yes.

Bonnie Schaschek: Okay.

Anthony Marchetti: There’s a lot he needs to do, he still needs…

Frances Westbrook: He needs direction from….

Anthony Marchetti: …direction from council to make those changes, so yes, for sure.

Frances Westbrook: So you all will come up with a list and you and I had a list going, but and then bring that back to council.

Anthony Marchetti: Right, and we need to authorize him once council agrees….

Frances Westbrook: That’s correct.

Anthony Marchetti: …to make those changes.

Frances Westbrook: Alright, HR Committee, Dudley.

* 1. H.R. Committee, Dudley Patteson.
     + Town Attorney Vacancy.

Dudley Patteson: Madam Mayor, Council Members, as of August 15th, we are going to be without a town attorney, I would like to recommend that before we post for this position that we do a needs assessment.

Bonnie Shaschek: Do a what?

Dudley Patteson: A needs assessment, that we should get together and we should determine what role that we feel our town attorney should play and work with us on. Therefore, I would like to make a motion that this Town Council authorize the HR Committee, Bonnie to conduct a needs assessment using input from all council members for the purpose of determine the type of a town attorney best suited for Irvington prior to the beginning of the search for a new town attorney. To present to Town Council the results of this needs assessment and to use the outcome of the needs assessment to recruit a lawyer or a law firm to serve as the new town attorney. We’ve had lots of conflict in the past over the role, lets define it so we are all on the same page.

Anthony Marchetti: Second.

Frances Westbrook: Alright, we have a second, any discussion? Are we looking at a workshop type meeting where we can all get together and….

Dudley Patteson: I think that would be a good recommendation although it does require more of our time but I think we need to do that.

Bonnie Schaschek: That’s fine, as long as it’s in a timely fashion.

Frances Westbrook: Yeah, I don’t think we ought to drag it out long…

Dudley Patteson: As Anthony said we need to start regular counsel.

Bonnie Schaschek: …charter…

Frances Westbrook: Alright so today is the 12th, Dudley have you got any suggestions, um, towards the end of August perhaps.

Dudley Patteson: That would be good with me.

Frances Westbrook: Do you want to stick with Thursday nights, that would give us the 26th.

Dudley Patteson: The 26th.

Frances Westbrook: The 26th, is that good for you Chris, Anthony?

Anthony Marchetti: Yep.

Frances Westbrook: Jackie?

Jackie Brown: This is for a special workshop?

Frances Westbrook: This will be for a workshop.

Jackie Brown: August 26th?

Frances Westbrook: Right, that’s a Thursday, and how about you Bonnie?

Bonnie Schaschek: Yep, what time? What’s good for you Jackie?

Jackie Brown: I can be here any time after 3:30.

Dudley Patteson: Pardon.

Frances Westbrook: She said…

Bonnie Schaschek: Wanna start, can you be here?

Chris Braly: I can be here, I can be here….

Anthony Marchetti: I would say earlier afternoon or evening is better.

Frances Westbrook: Would you like to get started maybe at 5:00?

Dudley Patteson: Yeah.

Anthony Marchetti: That’s fine.

Frances Westbrook: Does that seem, alright, let’s say 5:00 on August 26th will be a workshop here at the church. It’s predicated on the church being available to us, so we’ll need. Laurel, would you make a note that we need to get in touch with Hazel Farmer perhaps tomorrow and see if the church would be available to us on August 26th at 5:00 and then we’ll know if we can go forward with this day. Thank you ma’am.

Chris Braly: One thing too since we are discussing the vacancy of the town attorney.

Nancyellen Keane: Did you vote? Did you vote on that?

Frances Westbrook: No, I think…

Chris Braly: Let’s vote on that motion then.

Frances Westbrook: Well do you want to say…

Dudley Patteson: I make a motion.

Frances Westbrook: To table this then.

Chris Braly: No, no.

Frances Westbrook: Oh I thought you had something else to say about this. Okay we have a motion, do we have a second?

Chris Braly: Second then.

Frances Westbrook: Any other questions, comments. All in favor, say aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: Opposed? Motion carries.

**Motion (made by Dudley Patteson) to have a workshop on August 26th at 5:00 to discuss town attorney position passes 5-0.**

Chris Braly: So because we have this vacancy or will have this vacancy of the town attorney, we do have one legal matter regarding Fisher’s Pit….

Frances Westbrook: Uh huh.

Chris Braly: …that is prudent that will be prudent that we have an attorney, so I would like to make the motion to have the HR Committee draft an engagement letter to retain Nancyellen Keane, Keane Law PLLC as special counsel to the Town of Irvington in a nonlitigation role for the purpose of working on an ongoing Fisher’s Pit legal matter at the rate of $225.00 per hour capped at 5 hours a month until completed and authorize the agreement to be signed by the Mayor once drafted.

Dudley Patteson: Seconded.

Frances Westbrook: Discussion?

Bonnie Schaschek: I think I’d like to hear what the rest of the legal information is in the closed session before I agree to something like that.

Frances Westbrook: Well we can’t discuss Fisher’s Pit.

Bonnie Schaschek: Can we do this motion after we come out of closed session?

Chris Braly: Sure, we can continue the motion.

Frances Westbrook: Is that good for you?

Bonnie Schaschek: Yes.

Frances Westbrook: We’ll readdress that after closed session.

Dudley Patteson: Madam Mayor before we leave the town attorney vacancy, line item here on the agenda, I would like to point out that I decided I needed to do a little research in advance of putting together this motion this evening and so I looked up in the dictionary tonight town attorney and I couldn’t believe it, but there was the name, Nancyellen Keane. This is her last meeting. She has tirelessly worked for us as a Town Council, she was there whenever we needed her, she has been my guide, our guide to a tough year. Others have questioned her integrity and judgement I have never done that and I have always admired her character and we will miss you terribly, heartfelt thanks.

Group: Clapping.

Frances Westbrook: Thank you Dudley. Now also under HR we are going to look at this document that was included in your packet concerning background check.

Dudley Patteson: Yes.

Frances Westbrook: Nancyellen if you would please address that it would be great.

* Discuss contract and certification agreements for background check company.

Nancyellen Keane: Sure.

Dudley Patteson: Do you mind if I, since.

Nancyellen Keane: Sure.

Dudley Patteson: First off, Bonnie and I and HR Committee we were rightly given the task to evaluate a couple firms RiskAware and Hire Right and we looked at their proposals and came up with RiskAware as our favorite choice and in that regard we passed that along to the mayor has since passed on the review of the contract with RiskAware to the town attorney and you can take it away now.

Nancyellen Keane: I looked at the contract. This is the same firm that we talked to last year, last May when we were looking at doing background checks and we never got through the process because their process is not exactly user friendly if you want to call it that. I mean there is a lot to it. I will say that what this is a master contract so one it is entered into, if it is, then you don’t have a problem in the future doing a background check because you don’t have to worry about doing the agreement over and over again. It is just a one time thing, but up front, they basically want blood from you. So, anybody whose looked at this, your eyes are probably glazed over but the salient points for me are several points that are, that I will talk to you about in terms of approving this agreement. One, we need to have a written documented page, one page document that the actual candidate for employment would sign authorizing that this firm specifically do the background checks that you all have determined you want done whether that’s credit, that’s criminal check, that’s calling prior employers, whatever it is. I can draft that and I will do that if we are able to, if you all decide you are going to approve the agreement. Secondly, this agreement if it is signed requires the Town to have procedures and they are representing that they have reasonable procedures in place to comply with all applicable local, state and federal laws in this agreement basically. We do not have those right now, so there is a motion on your agenda pertaining to this contract that if you get to that, you approve the contract and you approve the mayor to sign it, you would authorize the HR Committee to develop a policy/procedure which I can also draft if you want, but it would require the town to comply with the contract provisions that call for it and the laws that they reference. Okay, it’s a circle, it’s a big fat circle. Then, the third issue that is probably the most important one in terms of legal analysis is that they require the Town to indemnify them for certain things and as you all are aware local governments can only indemnify for certain things and not others. What I want to do is do some more research, I told the Mayor I want to do some more research and to call them tomorrow if you all want to go ahead with this contract and to see what else we can do to modify the terms that are in the provision about indemnification because I am pretty sure this company is probably doing business with other governments or state universities or something, I mean, they’ve got to. So, I want to talk to them about what they can do to change the provisions slightly. So, what I would say is we had this same issue if you recall with the lease for the town office up here on Irvington Road, where we had an outstanding issue with the indemnity and you all went ahead and approved the lease subject to resolving the issue with the indemnity. So, I would suggest tonight that the best way to proceed here is if you want to go ahead with approving this company as the background check firm, that you do so subject to us resolving the issue with the indemnity to the satisfaction of whomever, whether it’s the HR Committee and the town attorney or whether it’s the Mayor and the Town Attorney, somebody, so that you don’t have to have another meeting to come back and do this. So that’s basically it. There are other provisions in here that talk about you know a lot of laws and the Fair Credit Reporting Act and all that, that’s just the law and you have to comply with it and they take about 8 pages to say that.

Frances Westbrook: Small print.

NancyellenKeane: And small print. Does anyone have any questions about this. It’s basically a right of passage with these types of firms, you either sign their agreement and use them or you don’t and most of them, I have not, I am not familiar with the other company’s terms. I don’t know if you all looked at the other company’s contract or terms….

Dudley Patteson: We did.

Nancyellen Keane: Was Hire Right similar to this. Well I’m sure, if you are doing credit checks you have to comply with the Fair Credit Reporting Act and they are going to want you to sign and say you are. So, does anybody have any questions?

Frances Westbrook: I have a question for Council. I’m just playing devil’s advocate here, do you think we really need to do this. Need to move forward with doing a background check?

Bonnie Schaschek: I personally don’t think so. I think if we have them bonded, they do checking when they bond them. I mean we usually bond the clerk anyway but you can go ahead and bond the zoning administrator and our insurance and stuff will take into information. Won’t our insurance look into some of that if they do bonding?

Nancyellen Keane: I don’t know. We have not done any bonding since I’ve been here. I don’t know how the zoning administrator would be, you are not touching money.

Frances Westbrook: I believe our policy does state that.

Nancyellen Keane: I think there is something that refers….

Frances Westbrook: …for the clerk, but I believe the clerk’s position is listed on the policy.

Nancyellen Keane: It is.

Frances Westbrook: I believe so.

Chris Braly: What has been done in the past with…

Dudley Patteson: Nothing.

Nancyellen Keane: This agreement, you couldn’t ever get….

Chris Braly: Not even the last time this agreement was looked at but prior town staff…

Frances Westbrook: Never. Actually when we hired the previous zoning administrator she worked in the school system for a number of years and they had to do background checks in that so.

Chris Braly: Right. I was just curious on what has been done.

Dudley Patteson: From my perspective we need to take the conservative caution route of doing something like this because if, but in some cases if there was it could come back to bite us and cost us more money than what this check may take.

Frances Westbrook: Chris.

Chris Braly: It makes sense to spend the time and effort to develop or get this process out of the way to make it easy in the future for the next time that we have to hire someone and…

Frances Westbrook: Anthony.

Anthony Marchetti: I’m not sure to be honest. I guess it is fine to not do it until it’s not.

Frances Westbrook: Until it’s not.

Anthony Marchetti: So, I mean, it may be overkill, err on side of caution.

Frances Westbrook: Okay, Jackie.

Anthony Marchetti: I’m not too familiar with any of this stuff.

Frances Westbrook: Gotcha.

Jackie Brown: Bonding, I think the bonding is enough for both of these.

Frances Westbrook: Anything else you want to say? Do any of y’all that are here with firms, do you all do background checks?

Anthony Marchetti: ….I’m just not familiar with, I don’t know.

Dudley Patteson: We, we look at backgrounds.

Frances Westbrook: You do.

Bonnie Schaschek: Who do you use?

Dudley Patteson: Pardon.

Bonnie Schaschek: Who do you use?

Dudley Patteson: An online service.

Bonnie Schaschek: An online service.

Dudley Patterson: An online service.

Nancyellen Keane: Same as this?

Dudley Patteson: Not the same one, no.

Nancyellen Keane: See he has the ability to say that he’s got the procedures and he agrees to it, see what I’m saying.

Dudley Patterson: And particularly in this hiring department it’s a lot of things that you don’t exect are happening and I, as I said, I don’t have an inkling of a doubt that these two folks are going to come out perfectly fine but….

Anthony Marchetti: If the indemnity stuff could be worked out, what’s the downside to proceeding with RiskAware?

Nancyellen Keane: None. It would make it real easy for you to do the background checks. After you’ve done the agreement, all you have to do is use your debit card and put the person’s name and social security number in and you will have the answer in a few days for anybody you want. It’s just the first time you do it, you have to basically do all this.

Frances Westbrook: Alright, any other questions?

Bonnie Schaschek: I think you have to get their permission too.

Frances Westbrook: Oh yeah.

Bonnie Schaschek: They have to sign off…

Frances Westbrook: Right, Nancyellen…

Nancyellen Keane: ….sign off on it…

Frances Westbrook: …that was one of the things that she brought up the first item actually.

Anthony Marchetti: Is there an initial cost?

Frances Westbrook: It depends on the service, if we just want to do a background check, I think, well it was included in here.

Anthony Marchetti: Pay as you need?

Frances Westbrook: Yeah, pay as you need, so if you want to do a background check that’s a certain amount of money. If you want to add a credit check which I don’t think we need to do a credit check, but then you add on this and if you want to blood from their first born then, that’s a, alright, motions.

Bonnie Schaschek: How about if we hold off a motion until next month and do some more research, like what you’re using online.

Nancyellen Keane: Can I say?

Frances Westbrook: Yes ma’am.

Nancyellen Keane: If you don’t do this, and you enter into the contract with one of the, you’re not doing it in the right order. If you find out something in a background check that will cause you not to employ someone, you don’t want to already have a contract with them.

Jackie Brown: Do we already have contracts?

Chris Braly: It’s not signed because it was pending background investigation.

Frances Westbrook: We have proposed contracts.

Nancyellen Keane: You are allowed to do one of these employee background checks at first if you’ve given a conditional offer of employment which you have…

Frances Westbrook: Uh huh.

Nancyellen Keane: …because your motion said it was subject to a background check.

Frances Westbrook: That’s right.

Nancyellen Keane: That’s what Council motion was.

Frances Westbrook: So, if we make…

Bonnie Schaschek: Referenced, if it was referenced, did it say background?

Frances Westbrook: Yes and if you want the, I think the basic background can include up to three references that you want them to check. But if you want them to get into more detail as Anthony said it is a very, I can see us spending anywhere from $80 to $105 I think, it looks like about the category that we are looking for per person. So it’s not…

Anthony Marchetti: Fran, if we are going to do it…

Nancyellen Keane: Say that again.

Anthony Marchetti: If we are going to do it, now seems like the time so that you can help with the indemnity issues.

Nancyellen Keane: Because you’ve got people working for you and not signed…

Frances Westbrook: Yes.

Nancyellen Keane: …..and one person here has never been sworn in.

Frances Westbrook: Yes, that’s right. Alright, so we have the possibility of three motions. They are written on, I don’t like to make motions as a Mayor so, if any of you all would step up to the plate please.

Dudley Patteson: I make a motion to approve the contract with RiskAware.

Anthony Marchetti: Contingent upon the modification of the indemnification language.

Nancyellen Keane: Can we say resolving the indemnification language to the satisfaction of whom.

Frances Westrbrook: Legal.

Dudley Patteson: Town attorney, yeah.

Nancyellen Keane: To the satisfaction of the town attorney, and you all will go along with whatever I think is okay in terms of an indemnity?

Frances Westbrook: In terms of an indemnity.

Dudley Patterson: Yeah, yeah.

Nancyellen Keane: So that’s your motion?

Dudley Patteson: That’s my motion.

Frances Westbrook: Laurel, do we need to repeat that for you, oh we’ve got that on recording. Are you good.

Anthony Marchetti: We should repeat it.

Bonnie Schaschek: We need to repeat it for us too.

Frances Westbrook: Okay, Dudley Please.

Dudley Patteson: Motion to approve contract with Risk Aware subject to the town attorney reviewing the indemnity language and…

Bonnie Schaschek: Resolving the indemnity….

Dudley Patteson: Pardon?

Bonnie Schaschek: Resolving the indemnity…

Dudley Patteson: …and resolving the indemnification.

Frances Westbrook: To the satisfaction of legal. Alright we have a motion, is there a second?

Anthony Marchetti: Second.

Frances Westbrook: Any questions? Discussion? All in favor say aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed?

Frances Westbrook: Motion carries.

**Motion (made by Dudley Patteson) to approve the contract with RiskAware subject to the town attorney reviewing and resolving indemnification issues. Motion carries 5-0.**

Dudley Patteson: Second motion is to authorize interim Mayor to execute the RiskAware contract.

Bonnie Schaschek: No, to first call and see if, oh.

Frances Westbrook: Yeah, once that is…

Anthony Marchetti: Once the town attorney is satisfied, right.

Dudley Patteson: Then it goes to the mayor.

Bonnie Schaschek: So, if we don’t resolve the indemnity then the other ones go down the drain, okay, got it.

Anthony Marchetti: Contingent on the previous motion.

Dudley Patteson: Do I need to repeat that.

Frances Westbrook: No, I think we are good.

Anthony Marchetti: Second.

Frances Westbrook: We have a second, any questions? Discussion. All in favor?

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Frances Westbrook: All opposed?

Jackie Brown: Did everyone vote?

Frances Westbrook: Do you want a roll call on this? All right roll call, please, starting with Dudley.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Frances Westbrook: Motion carries

**Motion (made by Dudley Patteson) to authorize the Interim Mayor to execute the RiskAware contract contingent on previous motion. Motion carries 5-0.**

Frances Westbrook: Third and last motion, Dudley.

Dudley Patteson: Third and last motion is to authorize the HR Committee to develop the necessary policy and procedures in writing which will result in Irvington’s compliance with the RiskAware contract and applicable law.

Frances Westbrook: And of course this will fall by the wayside too if we don’t satisfy the indemnity….

Dudley Patteson: Correct.

Frances Westbrook: ….aspect…

Anthony Marchetti: Second.

Frances Westbrook: Questions, discussion? We will do a roll call on this too please, Dudley.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Frances Westbrook: Motion carries

**Motion (made by Dudley Patteson) for HR Committee to develop policies and procedures in writing which will result in Irvington’s compliance with RiskAware contract and applicable law. Motion carries 5-0.**

Frances Westbrook: Thank you Dudley, is there anything else for HR?

Dudley Patteson: No, no thanks.

Frances Westbrook: Thank you sir. Planning Commission update.

* Planning Commission update – Chris Braly.

Chris Braly: The August 10th meeting was canceled and so the next meeting is scheduled to be September 7th, 6:30 p.m. at the Town office. An update on the survey/comprehensive plan RFP, 10 firms were contacted, seven firms replied that they intend to submit a proposal. Those firms include BFJ Planning, Stuart, Inc., Labra J Group, Berkley Group, EPRPC, Rethink Main Street and Quantisoft. Two firms declined to submit a proposal, Kimley Horn and Clarion Associates and one firm indicated that they will be used as a subcontractor of the Berkley Group and that is the Center for Research at the UVA Weldon Cooper Center for Public Service. No firms have responded through the public forums that the RFP was submitted to and the planning commission deadline for submission is August 30th, so by the September 7th meeting they should have received all proposals and begun their process of review.

Frances Westbrook: Very good. Any questions of Mr. Braly. Yes, Mr. Braly. Okay and your second part Chris.

Chris Braly: Yes, so the, I began to do some research on any items that had been implemented prior to the establishment of this select committee. What I did find out was that the minute books from January 2020 through May 2021 have been scanned into an electronic format and that was done by Sharon prior to her departure. Also, the annual appropriation of the general operating budget was passed on the June 10th meeting, so those were two items that were recommended that have been completed and have been implemented. However, we need to make sure that the new clerk picks up from where Sharon left off and continues indefinitely to scan the minute books and make the records electronic. So, I would like to make a motion to authorize the clerk to begin scanning the minute books from June 2021 and to continue this task as needed moving forward indefinitely.

Frances Westbrook: Do we need a motion to make that happen?

Chris Braly: Well, at the meeting where this, where I proposed the formation of this committee…

Frances Westbrook: Uh huh.

Chris Braly: …we decided that the committee was going to be formed it was made clear that I need authorization by the Town Council to implement any of the recommendations.

Frances Westbrook: Okay, alright.

Anthony Marchetti: Second.

Frances Westbrook: Questions or discussion. All in favor.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Motion carries

**Motion (made by Chris Braly) to authorize the clerk to begin scanning the minute books from June 2021 and continue forward indefinitely. Motion passes 5-0.**

Nancyellen Keane: Can I just mention one thing in reference to scanning the minute books. I just want that you all realize that the minute books themselves are the official record of the Town, scanning them into PDFs is a backup, just for security purposes and shouldn’t be considered the official record of the Town, unless you all decide it is going to be the official record of the Town.

Frances Westbrook: But right now our minute books are our legal documents.

Nancyellen Keane: Yeah, they are the official records.

Bonnie Schaschek: Why do we have to rescan if we already have them in a PDF.

Frances Westbrook: No, scanning going forward.

Bonnie Schaschek: I understand that, but we have our minutes and then you are going to take and sign it, they will be scanned again and put into the books, I don’t know why, why are we…

Nancyellen Keane: Well maybe I, I’m not sure I understand the question, but the way that the minute, the minute books are physical books….

Bonnie Schaschek: …up to 2017…

Frances Westbrook: I think what the investigation people recommended was that in addition to having the books, what’s in the books needs to be scanned into a PDF because A, security purposes, you don’t, if you have a fire then you have your official. What is on the website, like what is on the forms, the computer, you know when she was doing the minutes, those are not the official ones, they are not the signed ones.

Bonnie Schaschek: Well, that’s what I’m saying if she signs after and it’s signed by the Mayor and then it goes into the book and normally wouldn’t you just scan it again.

Nancyellen Keane: That was never done, that was never done, it was always just a hard copy in the book. They had no scanned copy of the final with all the attachments. Everything that goes in the minute book has to have the minutes that are signed, all the ordinances and resolutions that are signed also. The go behind minutes of that meeting, those weren’t being scanned ever.

Frances Westbrook: So, are we going to have a start date, I mean we are not going all the way back…

Bonnie Schaschek: No, I already scanned.

Frances Westbrook: I thought you had done some.

Bonnie Schaschek: 1955 forward.

Frances Westbrook: Okay.

Nancyellen Keane: If you look at those minutes, for the most part, some are there, there are some cases where a meeting might have an ordinance that is in there attached behind it.

Bonnie Schaschek: Ordinances are there, what’s not there is resolutions. We always thought there had to be a separate book of resolutions somewhere.

Nancyellen Keane: No, they just didn’t. And also, when you all were doing appropriations by the month last year, that piece of paper that was referred to as the list, when you read the minutes…

Frances Westbrook: Uh huh.

Nancyellen Keane: …that had to be put in the minute book or else nobody would know what they were, so, those are in there.

Frances Westbrook: Okay.

Nancyellen Keane: And were scanned in.

Frances Westbrook: Alright, so this will be an ongoing task.

Dudley Patteson: It will be an ongoing task for the clerk, yeah

Chris Braly: And moving forward, now if Council wants to look at, I guess Sharon did it starting January 2020 and if Council wants to look at going further back, it’s up to the Council.

Frances Westbrook: Well Bonnie had done most of them going up from 1955 up to…

Nancyellen Keane: 2016 or something.

Frances Westbrook: 2017 or whatever, so, there is that gap moving forward.

Chris Braly: Right.

Bonnie Schaschek: That was the last set of books so from 2017 forward there were no books.

Frances Westbrook: Okay.

Chris Braly: So, moving forward, that’s.

Bonnie Schaschek: …moving forward.

Jackie Brown: Mr. Braly is the only person on this committee that is going to review, is that true.

Frances Westbrook: Well, he’s bringing stuff to us as, but I’m sure he’d welcome someone else being on the committee, would you like to serve?

Jackie Brown: I’d like to serve and I’d like to see some other people serve. I think this is very important some of these recommendations that were made by the lawyers, are very aggressive and I think we need to think long and hard about whether we want to change our charter, whether or not we want to increase the rights or responsibilities of the Mayor. I mean there are a lot of real serious things in there and I would even recommend that we might want to nominate someone like former Mayor David Cheek to be in on this kind of discussion because he is the one, he is someone who actually used the, our, the existing charter to conduct meetings and has a lot of experience. I think it would be important to have other town council members. This is not a small thing that he has proposed and I think we need to handle it very carefully and I don’t think that Mr. Braly made some comments that people on Town Council were tainted by the investigation therefore unfit to serve. I found that very offensive…

Chris Braly: I….

Jackie Brown: I think that people on Town Council are the most fit to serve because we were elected and chosen by the public, not someone who is just filling in for a short time.

Anthony Marchetti: Do you think our Mayor is in that same position?

Jackie Brown: Pardon me?

Chris Braly: Do you think our Mayor is in that same position? She wasn’t elected to her position either.

Jackie Brown: I’m saying that you’ve never been elected to a position by the Town of Irvington. She has been elected multiple times, okay, so…

Chris Braly: I don’t believe that I said that everyone was tainted, what I…..

Jackie Brown: I seem to….

Chris Braly: ….if I did…

Jackie Brown: …you did, you’re the only one that was fit to lead this committee because everyone else had been tainted by the investigation.

Chris Braly: What I believe I said, let me pull out the statement and motion that was written, bear with me while I, as I stated earlier, I will do my best to serve all stakeholders of the Town of Irvington. I have reviewed the minutes from the previous Town Council meetings regarding Mr. Schaschek’s unfounded allegations and the investigation that followed. Many residents and businesses and organizations expressed their full support for conducting an investigation once Mr. Schaschek made his allegations. I cannot find anyone who opposed conducting an investigation into Mr. Schaschek’s allegations. At the conclusion of the investigation following the release of the public report, many residents spoke in favor of releasing the full O’Hagan Meyer report. Okay, I could not find a single resident who wanted the Town Council to keep the report from the public. Okay, let’s see, what else did I say, I said I have, as a member of Town Council I have read the full report from O’Hagan Meyer presented to the Town of Irvington that is protected by attorney/client privileges and as you can imagine I was quite disappointed in what I read. While I am glad the public report concluded on pages 1 and 2 that there “was no misappropriating of the funds by any member of Town Council, the Town Attorney or Town Staff”. “There was no criminal conduct or other conduct alleged by Mr. Schaschek for which the Town could be held civilly liable” and “the Schaschek allegations of December 10th, 2020 regarding any financial misappropriations are unfounded. The detailed findings included in the report are embarrassing and disturbing. By happenstance I am the only person sitting here tonight who had zero involvement in the investigation. I was not a member of Town Council when the allegations presented by Mr. Schashek occurred. I was not a member of Town Council when the investigation was launched. I was not interviewed by the investigators. I am not named in the report. In my opinion, I am the only person sitting here tonight who can objectively work to implement the recommendations presented in both the public and privileged reports”. That is what I said. I did not say that I was untainted. I did not say that any member of Council was untainted. What I said is…

Jackie Brown: Is that you were the only one that should work on this….

Chris Braly: I’d like to make a motion that Ms. Brown is a member of this select committee to implement the recommendations.

Anthony Marchetti: Second.

Jackie Brown: Thank you but I’d like a larger committee than just two people.

Frances Westbrook: It probably would be good to have someone like David Cheek.

Chris Braly: I don’t know…

Frances Westbrook: An outsider as a different set of hives.

Bonnie Schaschek: He is a previous mayor.

Jackie Brown: A long-standing mayor.

Chris Braly: Let’s start with Council and if we need to, you know then we can do it.

Jackie Brown: Say that again.

Chris Braly: Start with you two….

Jackie Brown: Okay.

Chris Braly: …and then you guys can bring it to the table and present ideas on what…

Frances Westbrook: I think that sounds good, alright. We have a motion on the table to appoint Jackie Brown to this committee, this select committee. Are there any questions, do we have a second?

Dudley Patteson: We have a second.

Frances Westbrook: Who seconded? You did, I’m sorry. I didn’t hear that. All in favor, please say aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright, Jackie Brown is added to the select committee.

**Motion (made by Chris Braly) made to add Jackie Brown to the select committee. Motion passes 5-0.**

1. **Select Committee to Implement Investigation Recommendations, Chris Braly.**

Frances Westbrook: These will be public meetings for you guys, you’ll have to post notice a few days in advance, you can give that information to Laurel and she can get that posted for you.

Chris Braly: Okay. In part of my research I contacted a treasurer to get an understanding of what had been implemented regarding some of the long hanging fruit that the investigators recommended. Specifically regarding the balance sheet corrections, the CARES Act and he indicated that nothing had been done on that.

Frances Westbrook: That’s right and we gave those all the financial aspects of that list to Budget & Finance to handle.

Chris Braly: So, what he proposes in regards to the CARES Act funding is to provide Budget & Finance with the general ledger for the year to review and indicate what expenses our CARES Act expenses. Now in some cases these expenditures will already match what was previously voted on to use as CARES Fund expenses, others may not and, so present Budget & Finance with this general ledger, have Budget & Finance present their findings at the September 8th Town Council meeting for a vote to proceed to make the changes and then have Mr. Sanudo implement the approved changes that then should reflect in his September 2021 Treasurer’s Report to be presented in October 2021. So that’s regarding the CARES Act. So I would like to make a motion that the Town Treasurer proceed with this change as outlined in the proposal above.

Frances Westbrook: Budget & Finance will have to meet first to deal with this.

Chris Braly: Well, no, the Treasurer is going to provide Budget & Finance with a general ledger report…

Frances Westbrook: Yes.

Chris Braly: …of all expenditures and then Budget & Finance will take that report and go item by item saying CARES, CARES, no CARES….

Frances Westbrook: Oh, so you are just working on the one item, the CARES Act….

Chris Braly: That’s….

Frances Westbrook: ….because there are quite a few other things…

Chris Braly: …yeah, yeah…

Frances Westbrook: …it seems to me it would be more expedient to have Budget & Finance have all the financial stuff and start dealing with that and so that we don’t drag this out.

Chris Braly: Well that was just one item in the….

Frances Westbrook: That’s my point.

Chris Braly: …investigation, well, because I was instructed that I can’t do anything without the approval of Council, my…

Frances Westbrook: All I’m saying in dealing with that, that doesn’t have anything in my opinion to do with the select committee, all of that falls on Budget & Finance.

Chris Braly: But it was a recommendation.

Frances Westbrook: And if we’ve already done that. Town Council voted to give that part of implementation process financials to Budget & Finance so I don’t know necessarily…

Chris Braly: Okay, I was just working, working off of the individual bulleted recommendations…

Frances Westbrook: Understand, but, I don’t think that the Select Committee needs to involve itself with the financial aspect of that. We gave that, we Town Council gave that to Budget & Finance to deal with.

Nancyellen Keane: Was that a motion?

Frances Westbrook: Yes it was.

Bonnie Schaschek: Yes it was.

Frances Westbrook: So, we can doublecheck that motion Chris, but…

Chris Braly: There have been, in my research I did find vague motions to, in fact, we did it last meeting, to have the Treasurer implement these changes, but, in my research I found that there has been no specific motion to identify the individual recommendations that were made. There have been generalized ones.

Frances Westbrook: Right.

Chris Braly: And then, number two, there’s nothing that has happened and so, when I was given the authority to lead, to implement these recommendations, I thought the easiest thing would be to go down bullet by bullet each of the recommendations and see what’s been done….

Frances Westbrook: Perhaps you and I should have talked first…

Chris Braly: …see what’s been done.

Frances Westbrook: ….and I would like for that to happen. So how about you and I sit down and let’s go through this, what your expectations are, and what….

Chris Braly: …and Ms. Brown will be there.

Frances Westbrook: Yes, I think that’s a good idea. So, if you guys can come up with a meeting time, let’s the three of us sit down and see exactly what your expectations are and how these are divided up, but I would have expected a conversation before this, so, let’s make that happen, please.

Chris Braly: Sure.

Frances Westbrook: Alright, thank you sir.

Chris Braly: When are you available?

Frances Westbrook: Um, well we got to give 3 days notice, so if we start notice….

Chris Braly: We have to have a notice for conversation?

Frances Westbrook: This is a meeting. If the two of you are there, then it is considered a meeting. If it’s the entire Select Committee.

Chris Braly: Okay.

Frances Westbrook: And I’d be onboard simply as ex-officio, so….

Chris Braly: Okay, so when are you available?

Jackie Brown: We need 3 days notice, so it has to be at the end of…

Frances Westbrook: Right, at the end of next week.

Bonnie Schaschek: 3 business days?

Jackie Brown: Yes.

Frances Westbrook: The day you notice it is the first day, second day, third day, the third day cannot be the actual meeting date is how it’s, isn’t that correct?

Nancyellen Keane: No, you start, if you notice tomorrow, it goes out tomorrow one...

Frances Westbrook: ….two….

Nancyellen Keane: …two….

Frances Westbrook: …three, but the third day cannot be the meeting date…

Nancyellen Keane: It can be, if its 72 hours, I mean if it’s been three business days, yeah.

Frances Westbrook: I don’t think so.

Nancyellen Keane: So, today is Thursday, Friday would be one day, Monday and Tuesday, then you’d have the meeting after the time, like if you notice at noon, the meeting has to be after noon.

Frances Westbrook: I think you have to have three clear days, one of the three days cannot be the meeting date is what I have read…

Nancyellen Keane: I have never read that ever.

Frances Westbrook: Really.

Bonnie Schaschek: Well, Jackie what day is good for you?

Jackie Brown: Well, I’m trying to figure out what the first day is?

Bonnie Schaschek: Tuesdsay….

Jackie Brown: Wednesday is an awful day for me, but mostly any day but Wednesday would be fine.

Frances Westbrook: How about the afternoon if either the 19th or the 23rd does that work.

Chris Braly: Why don’t we do it on the 26th, you said you could be here anytime after 3:30, we are already supposed to have the church…

Frances Westbrook: ..and that’s blocked…

Chris Braly: …for the workshop, we can notice both on the same day, we can meet here at 4:00, 4:00 to 5:00 to that committee meeting and then go into the workshop.

Jackie Brown: That’s fine with me, that’s a good idea.

Frances Westbrook: Alright, let’s do that then. So we’ll meet at what time I’m sorry.

Jackie Brown: 4:00.

Frances Westbrook: At 4:00.

Laurel Taylor: Here at the church?

Frances Westbrook: Yeah, so when you talk to Hazel we’ll need it at 4:00 instead of 5:00 if that is amenable. Let’s see. My notes, my notes. Alright, at 4:00. Alright, very good. Thank you Chris, I appreciate that. Anything else you need to say.

Chris Braly: Well, no, I’ll just wait until that committee meeting, there’s no point in reporting anything else right now.

Frances Westbrook: Okay, very good, thank you. That completes, no there is one other item here, no we move into old business now, so here we go.

1. **OLD BUSINESS**

* Ordinance 2021-08, “Adopt Short-Term Rental Registry”, Second Reading
* Ordinance 2021-07 “Repeal Reenact Town Code §34.02”, Second Reading
* Town Council retreat, *F. Westbrook, Mayor*

Frances Westbrook: We have two ordinances 2021-08, Adopt Short-Term Rental Registry, do we need to read this Nancyellen or just the very beginning?

Nancyellen: No, that was the second reading. Just the title.

Frances Westbrook: Alright, just the title. Ordinance 2021-08, Adopt Short-Term Rental Registry, do we have a motion.

Bonnie Schaschek: So moved.

Frances Westbrook: Second.

Jackie Brown: Second.

Frances Westbrook: Roll call vote please.

VOTE

Dudley Patteson, yes.

Chris Braly, abstained.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

**Motion Ordinance 2021-08, Adopt Short-Term Rental Registry. Motion passes 4-1-0.**

Frances Westbrook: Second motion 2021-07, Repeal Reenact Town Code §34.02. May I have a motion?

Dudley Patteson: So moved.

Frances Westbrook: Second.

Bonnie Schaschek: Second.

Jackie Brown: Second.

Frances Westbrook: All in favor, roll call vote please.

VOTE

Dudley Patteson, yes.

Chris Braly, abstained.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

**Motion Ordinance 2021-07, Repeal Reenact Town Code §34.02. Motion passes. 4-1-0.**

Frances Westbrook: The next thing is Town Council Retreat. Actually this may be on your list Chris. We did talk about and Town Council agreed that we would do a retreat. I have reached out to BML for some recommendations as to a retreat leader. I received a name, Mr. Bill Whitley, who actually was a former County Manager at Gloucester County and has been retired for awhile now and this is what he does. He would recommend that we would meet probably in Matthews County, get us on some neutral territory. He would like to speak with each Town Council member individually prior to. He’d like to know your thoughts, what your concerns are, where you think we might should go from here, so that he can address our needs collectively and he is looking at a cost of about $1,500. He thinks probably more than half a day but certainly not a whole day to do this. We are looking at a Monday based on his availability and there is a place that he has used in the past, a small meeting room a very nominal fee, so that would be an extra cost for us.

Chris Braly: I think we should table this until the committee meeting.

Frances Westbrook: Why?

Chris Braly: Well, first of all, there was no official vote authorizing you to go and do this work, second, the town body itself could look very different January 1 and it might make sense to work on planning the retreat for the new body and after January 1 and because the, this body could look different come then.

Frances Westbrook: This body needs to get its act together and start working now. We’ve got what four or five more months until a new mayor comes onboard, and yes, I agree with what you just said, but I think it would be detrimental for us to put this off. We’ve got issues, we need to address them, we need to have tools to deal with some of this stuff and it needs to get done now. I’m not, I’m not willing to accept that and, as Mayor I do believe I have the authority to go and talk to someone about something like this. This Council stated that they would like to do a retreat and I stated I would collect information and bring it back to you. So….

Chris Braly: I looked in the minutes, there was no vote and we have to vote on things. You can’t just agree that it’s a good idea and then, not vote. That’s why.

Jackie Brown: We are voting now.

Frances Westbrook: No, I think, let’s do, we’ll do your meeting and we’ll bring it back to Town Council in September. So, that’s going to put this, that means October for this retreat.

Chris Braly: I mean, that’s fine.

Frances Westbrook: Do you not want the retreat. Do you have an issue with that.

Chris Braly: I don’t have an issue with the retreat, but, what I was trying to do was do work on implementing the recommendations and I was shut down and it was, and I was told it needs to be in a committee meeting that we are going to have and if this is one of the recommendations, then I also think it should be shut down until the committee meeting…

Frances Westbrook: This is one of the first things we talked about on that list was the idea of a retreat.

Chris Braly: And that, that’s before…

Frances Westbrook: And I did not shut you down, what I told you was, I would have expected you to have come and talked to me about that before tonight as opposed to just bringing this out and as far as I’m concerned, I don’t need that as Mayor.

Chris Braly: At the last meeting I was asked, or I was appointed to go work on these things and all I did was do research on what had been implemented prior to me being appointed to that committee.

Frances Westbrook: Okay Chris we will continue this conversation then when we have this meeting on the 26th at 4:00 here, is that okay with you?

Chris Braly: That’s fine.

Frances Westbrook: That’d be great. Alright, next thing going forward is new business.

1. **NEW BUSINESS**

* Adopt CUP Rezoning Schedule

Frances Westbrook: We have the CUP schedule that we need to adopt.

Nancyellen Keane: Um…

Frances Westbrook: Yes ma’am.

Nancyellen Keane: Did you have anything you wanted to say.

Frances Westbrook: So what pertains to us as far as our schedule, we are looking at August 12th which is today, then we’ll have September 7th as a meeting for Planning Commission, September 9th at our regular meeting. I don’t believe this includes any additional meetings of our schedule Nancyellen, so this should fall right in sync with our regular monthly meetings.

Nancyellen Keane: We’ve got, if you notice at the top of the page two actions that are going in tandem so that we are not having to spend, we are not using more time doing this separately, so we should save time.

Frances Westbrook: Alright, any questions? May I have a motion please.

Bonnie Schaschek: So moved.

Frances Westbrook: Second.

Chris Braly: Second.

Frances Westbrook: All in favor please say aye.

Group: Aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: Opposed?

**Motion (made by Bonnie Schaschek) To Accept Rezoning Schedule – Motion passes 5-0.**

Laurel Taylor: Can I ask you something?

Frances Westbrook: Yes.

Laurel Taylor: I can ask, who seconded the motion?

Chris Braly: I did.

Frances Westbrook: Alright motion passes the CUP Schedule is adopted.

* Motion to authorize C. Braly, at the request of the Mayor, to assist staff as Council point person with AARPA funds.

Frances Westbrook: Alright, the second thing on new business is motion to authorize Chris Braly at the request of the Mayor to assist Council as point person with AARPA funds. He will keep the Town Council abreast of what’s happening making sure that we are following the spending guidelines. We also have Jay Sanudo who is basically handling all of the reporting that has to go to the government entities on an ongoing basis. Does that pretty much sum it up.

Chris Braly: That’s pretty much what we discussed.

Frances Westbrook: Yep, any discussion?

Jackie Brown: So moved.

Frances Westbrook: We need a motion first.

Bonnie Schaschek: Can I ask a question?

Frances Westbrook: Yes.

Bonnie Schaschek: So, what exactly are you going to be doing?

Chris Braly: Well, the Mayor called me up and asked if I could help I guess…

Frances Westbrook: Help Town Council….

Chris Braly: …help Town Council oversee the program, make sure that the town staff, the treasurer is doing the reports, making sure that anything that we discuss if it can be used, make sure that people know what can be used, what can’t be used….

Frances Westbrook: Basically he will be keeping Town Council up to day as opposed to each one of us individually coming to Town Council meetings asking a zillion questions, none of us seem to have a really good handle because we are all trying to keep up individually and we have one point person to stay on top of it. Now he won’t be directing staff, he will probably be making phone calls to Sanudo, but someone needs to make sure we are staying in line with this process…

Bonnie Schaschek: But what are we doing? I don’t think we have decided even how we are going to use the funds yet.

Frances Westbrook: No, we haven’t yet, I mean we’ve accepted them, so now we are on the hook with all the Federal and State requirements, that’s the concern.

Bonnie Schaschek: But that’s reporting and that comes out of the Treasurer.

Frances Westbrook: He would be doing the reports that go to those agencies.

Chris Braly: I don’t have to do it, I mean, I…

Bonnie Schaschek: I’m just kind of curious to what we’re doing.

Chris Braly: Yeah, I mean I guess she wanted someone to serve as more like a single program manager for…

Frances Westbrook: No, not necessarily program, but we need a point person, yes ma’am.

Nancyellen Keane: I was just going to suggest that prior to June 30th….

Frances Westbrook: Right.

Nancyellen Keane: …this kind of thing Sharon would have talked to the Treasurer and interface with him and have meetings and what Council wanted to do or vote on. The Treasurer doesn’t have any information….

Frances Westbrook: Right.

Nancyellen Keane: So, somebody has to deal with him, I guess, I don’t know if it works, but I think you talked to Chris to take it off the plate of the clerk.

Frances Westbrook: Of the clerk, because she’s still got a lot of stuff that she is still working with.

Bonnie Schaschek: …decides whether we are going to…

Chris Braly: No, no it would be more like regulatory….

Frances Westbrook: Just to make sure we are checking all the boxes appropriately.

Chris Braly: No one person can make decisions, so.

Frances Westbrook: Alright, so where are we with that. A motion. A motion to authorize Chris Braly….I need someone to make this motion.

Anthony Marchetti: So moved.

Frances Westbrook: Second?

Dudley Patteson: Second.

Frances Westbrook: All in favor, aye.

Group: Aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: Opposed? Alright.

**Motion (made by Anthony Marchetti) to authorize C. Braly, at the request of the Mayor, to assist staff as Council point person with AARPA funds. Motion passes 5-0.**

* Motion to authorize C. Braly to assist Town FOIA Officer with FOIA issues during transition for a period of 60 days to ensure all FOIA requirements are being met.

Frances Westbrook: Alright, we have a second motion to authorize Chris Braly, getting to your point Jackie. At the request of the Mayor since we will be without legal counsel to assist with FOIA information and issues for the next 60 days with our Town Clerk.

Dudley Patteson: So moved.

Bonnie Schaschek: I think this should be a function on the Human Relations, your committee.

Chris Braly: HR.

Bonnie Schaschek: HR. It makes sense for him to do the past function because you are now among the Budget & Finance Committee, but I think HR should be doing this.

Frances Westbrook: FOIA stuff.

Jackie Brown: Training.

Frances Westbrook: No, no, training….

Nancyellen Keane: No, not the substance of it, the reason is he knows FOIA.

Jackie Brown: We’ve all been trained in FOIA.

Frances Westbrook: Do you want to do it?

Bonnie Schaschek: No, I’ve got plenty to do, I’m just saying to me that it falls under that committee that’s all.

Frances Westbrook: It is for s short period of time because we won’t have legal for Laurel to turn to on a daily basis and Chris does have a really good handle on it.

Bonnie Schaschek: Okay.

Frances Westbrook: So.

Dudley Patteson: So moved.

Anthony Marchetti: Second.

Frances Westbrook: Lord, this is getting harder and harder as the night goes on. All in favor, please say aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright motion passes.

**Motion (made by Dudley Patteson) to authorize C. Braly to assist Town FOIA Officer with FOIA issues – motion passes 5-0.**

* Motion to accept Davenport Proposal, *Anthony Marchetti*

Frances Westbrook: Alright, now we come to the motion to accept the Davenport Proposal. We decided that we are going to schedule a work session on this, is that correct, no we did not, that’s another one. Do we want to do a work session or do we want to this tonight.

Dudley Patteson: It’s what this guy does for a living and he is more than competent and he’s got an excellent track record and I think just turn it over to him.

Jackie Brown: I think it is a good idea to do it eventually, it is a timing issue with me, I think since it only takes him a little over 100 days….

Dudley Patteson: I have been sitting on this Council for over a year and I am tired of waiting for things to take place such as this, so we as as Council can make decisions. He is saying that any survey, any comprehensive plan does not affect how he looks at this town compared to other towns, on a leverage basis, on a quitting basis. We need to do this now, if not, I have serious concerns about how this town is being governed. We need to do this. This is something that has been on the table and in the budget for over a year Jackie, no more postponements.

Frances Westbrook: Let’s calm down. Let’s…

Jackie Brown: I have a right to my opinion…

Dudley Patteson: You have a right.

Jackie Brown: …and to voice my opinions…

Dudley Patteson: I’m sorry if I raised my voice.

Jackie Brown: You jumped right in there. We….

Dudley Patteson: Especially…

Frances Westbrook: Alright guys….

Dudley Patteson: I’m not fighting, just listen.

Jackie Brown: I think it’s important for us to get public input and we were going to do that last May and it never got done and now it is going to be 2023, and I think it is important information, but I think it is more important when we are getting ready to actually make decisions. I don’t think we are going to be making any decisions on….

Dudley Patteson: It is because Town Council has been indecisive the last few years because they don’t do things like this, this is what needs to be done.

Chris Braly: I think this can be used as a tool to help with the survey, generate survey questions. It can be used….

Jackie Brown: That’s probably very valid. I heard you say that before. But I also think that before we talk about big expenditures, we really need to have the community input and….

Chris Braly: We are not talking about expenditures….

Frances Westbrook: We are not talking about expenditures….

Chris Braly: ….it’s about financial capability.

Frances Westbrook: This is just…

Chris Braly: …financial health….

Frances Westbrook: I mean before you go build a great big house you would need to know what your financial situation is, how are you going to pay it back, what your projected income and that’s what, that’s all this is doing….

Jackie Brown: I understand that.

Frances Westbrook: Okay, I’m sorry.

Jackie Brown. I do understand that, but what I’m saying is 2 years from now when we are actually planning on making some of those decisions, things could change.

Chris Braly: So we just….

Frances Westbrook: We just do an update.

Chris Braly: ….update it. I think something, I really think that this, and I didn’t think about it until it was presented at the meeting could be a very important tool in the survey to generate questions to help get information from the town.

Jackie Brown: I agree.

Chris Braly: Doing it now sets us up perfectly with the schedule of the Planning Commission and the proposal review once they determine a firm to then take the financial health assessment and let the firm whomever is going to help develop the survey use that as also a guiding tool to develop questions.

Jackie Brown: So you’re saying to use his input to provide residents information about the survey…

Chris Braly: For example, if one of his results says that conservatively you have the ability to borrow x amount of dollars and pay it back in x amount of years, you know….

Bonnie Schaschek: Without raising your taxes.

Chris Braly: ….would you be in favor of a new this or new that or this or that, because if, if a town hall costs $10,000,000 and we can only afford $1,000,000 town hall then it, it, you know it wouldn’t be wise of us to ask the residents what they want and have 90% say a new town hall and then we can’t afford anything, right.

Jackie Brown: I agree with you totally. If you are going to give the residents that kind of information so that they understand how it is going to impact their taxes and how potentially….

Dudley Patterson: Absolutely.

Jackie Brown: Then I’m totally in favor.

Chris Braly: And it just so happens that we are in the process to develop the survey, not after the survey has been developed and I think this could be a great tool for the Planning Commission to use as whatever firm they recommend.

Dudley Patteson: And I apologize if I raised my voice. I apologize if I raised my voice. Third time. I apologize if I….

Chris Braly: Raise your voice now.

Frances Westbrook: We’ll send you a recording. Let me ask this, in the scope of services there is a phase 1 and phase 2, not that I really understand everything about this, but I don’t know that we need the phase 2 at this point.

Chris Braly: I think the phase 2 was not, he said that would be if the Town chose….

Jackie Brown: Like a follow-up….

Frances Westbrook: Oh, I see.

Anthony Marchetti: If we chose to engage or if we say head we want to do this, additional services they can offer ongoing maybe…

Frances Westbrook: I missed that link.

Anthony Machetti: But it is not included in the quote.

Dudley Patteson: And they did keep their fee at the same dollar amount that they did a year ago. They did not raise their fee.

Chris Braly: I’m just thinking…

Frances Westbrook: See the way it is worded with compensation.

Bonnie Schaschek: Yeah phase 1….

Frances Westbrook: Phase 2 is financial review, okay, I’m with you now….

Chris Braly: Phase 2 is at the bottom.

Frances Westbrook: …is at the bottom.

Anthony Marchetti: When we did our last budget the capital budget was pretty big, I mean personally I’m not going to put anything on the capital budget until I know that the town can comfortably carry the debt for it or not, so I think….

Jackie Brown: …is wanted…

Bonnie Schschek: That’s the big thing, do the residents want it.

Anthony Marchetti: Correct, I agree 100%. I think we should in a survey or say residents do you want this, if we can’t afford it, or if you want this, here is what we have to do to afford it, a meals tax or…

Jackie Brown: I hope, do you want this but are you going to pay extra taxes for it.

Frances Westbrook: That’s a whole different question.

Anthony Marchetti: I mean…

Bonnie Schaschek: Those are the questions you need to ask.

Anthony Marchetti: And if you want this, here is the options on how you can pay for it. To me the value of it now is it’s going to look at historical and our current financial situation, like now if we do nothing different taxes don’t go up, don’t go down, what, kind of extras we should be carrying….

Frances Westbrook: I think we get that, so what’s our pleasure on this, someone want to make a motion. We’ve had the discussion before we even had a second.

Anthony Marchetti: Motion to accept Davenport proposal.

Dudley Patteson: Second.

Frances Westbrook: Any discussion or questions? Let’s have a roll call vote on this, please.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

**Motion (made by Anthony Marchetti) to accept the Davenport proposal passes. 5-0.**

Frances Westbrook: Alright motion passes. The last is Resolution 2021-10, which is the Amended and Restated Banking Resolution. It looks like I don’t have a copy. Thank you. Do we read this or….

* Resolution 2021-10 Amended and Restated Banking Resolution

Nancyellen Keane: You are supposed to read it, but the only change from the existing resolution is number two.

Frances Westbrook: Alright, may I state the title and number 2.

Nancyellen Keane: Yeah.

Frances Westbrook: Resolution 2021-10, Amended and Restated Banking Resolution. It has been noted this is the same as the previous except for the addition of item 2 and that item states that the Town Clerk may have information concerning and may receive bank statements for all accounts. May I have a motion.

Nancyellen Keane: That’s just the first reading.

Frances Westbrook: That’s just the first reading, I’m sorry. Any questions or discussions at this point why we are doing what we’re doing. Thank you. This way Laurel can at least call and get a copy of the bank statement to send to Jay Sanudo if she needed to.

Cbhris Braly: Seems functional.

Frances Westbrook: So that’s the first reading, so this needs to go in the next schedule also, the next Town Council meeting. Alright I think we are ready to go into, now we have Roundtable. Is there anything else that we need to address roundtable coming up.

1. **ROUNDTABLE**

Chris Braly: I’d like to say also express my thanks to Nancyellen for her service to the Town of Irvington. Since being appointed to the Planning Commission, and now being appointed to Town Council, she has helped me understand governance and the ins and outs of town government and for that I am personally grateful. Next, I would like to thank the Clerk and the Mayor for addressing my concerns that were voiced at the July 29th, meeting. I did notice that all of the materials that were distributed to the Town Council were posted to the website very expediently and I do appreciate that. There are still a few hiccups we have to work through….

Frances Westbrook: We are getting there.

Chris Braly: I appreciate you taking my comment to heart.

Frances Westbrook: you are very welcome.

Anthony Marchetti: I’d also like to say thanks to Nancyellen for all her dedication and service to the Town over the years in particular to this last year, when I joined Council she was instrumental in my training and providing me the tools to be successful, serving the Town. She was also very committed to making sure that Council’s operating procedures were by the book so that everything we did was in fact valid. She went above and beyond her hired scope and donated many hours to the Town. I believe she always advised of the Town’s best interest in mind, I think she was incredibly knowledgeable and an incredibly knowledgeable resource for the Town and Staff, me personally. I know her experience helped us go through some difficult times. She certainly leaves big shoes to fill but I am very grateful for the time I did have working alongside her serving the Town. Thanks Nancyellen and best of luck with your future endeavors.

Frances Westbrook: Anyone else. I did have something to bring forward. At the last Town Council meeting it was pointed out that several Town Council members voted knowingly to go into an illegal closed session. That disturbed me greatly. I did question that. So I did, I went to the FOIA Council and talked to Alan Gernhardt, who is Executive Director and Legal there and he sent me to the State Code governing closed meetings. I think where we might have gotten off track is when we use the FOIA Manual in some of those areas they are paraphrased so to speak but the actual State Code says -- Public bodies may hold closed meetings only for the following purposes: One, discussion, consideration or interviews of perspective candidates for employment, assignment appointment, promotion, performance, demotion, salaries, disciplining or resignation of public officers. It does go on. That term is in there and he assured me that we could definitely have gone to closed session to discuss resignation. So, I just want to go on record and I would like the Rappahannock Record to include that, I will be reading it Wednesday when it hits the internet. So. That’s it for me.

Dudley Patteson: Madam Mayor. I’d like to bring up some dirt.

Frances Westbrook: Some dirt.

Dudley Patteson: Some dirt. As you know, we are moving some dirt around on our property. I have some extra dirt.

Frances Westbrook: Are you giving dirt away?

Bonnie Schaschek: It’s called soil, not dirt.

Dudley Patteson: Soil, and I would like at no cost to the Town to put it across the street on Tavern Road where the Commons is where there are some hole where people have parked and hopefully I can get rid of some dirt and the Town…

Frances Westbrook: The timing might be important, let’s check the VIA is going to have a concert sometime in September. That’ comes in announcements.

Jackie Brown: Are you going to seed it also?

Dudley Patteson: Pardon?

Jackie Brown: Are you going to seed it also?

Dudley Patteson: I will seed it.

Jackie Brown: And water it.

Bonnie Schaschek: You need to be careful though and check with VODT because they have that run off drench that goes down into the thing all the way at the end of Tavern Road….

Frances Westbrook: I tell you what, why don’t you two talk.

Dudley Patteson: Okay.

Frances Westbrook: And you know more about that and I would make sure we don’t interfere with the VIA activities.

Bonnie Schaschek: I’d like to see him put it where the new…

Dudley Patteson: It will make the North Commons look better. I mean than it does right now. Right now it is all pot holes.

Frances Westbrook: There is a drainage thing….

Bonnie Schaschek: and VDOT came…

Dudley Patteson: It drains on my side, so I wanted to….

Bonnie Schaschek: The other way…

Dudley Patteson: No, no.

Frances Westbrook: Anything else for roundtable. Our meeting is getting late. Alright, then the announcements.

1. **ANNOUNCEMENTS – Frances Westbrook.**

* Next meeting – September 9, 2021
* VIA Concert on The Commons – September 2, 2021

Frances Westbrook: Our meeting is September 9th, here at the church and as I mentioned VIA has a concert on The Commons on September 2nd.

Bonnie Schaschek: Whose playing?

Jackie Brown: Bob Wilson.

Dudley Patteson: Who?

Jackie Brown: Bob Wilson.

Frances Westbrook: Alright, did I say that we are ready to go into closed session. Do you want to read us into it.

Anthony Marchetti: I Anthony Marchetti, move to go into closed session pursuant to State Code 2.2-3711A8 for purposes of legal advice from counsel regarding Fisher’s Pit. Second?

Frances Westbrook: May we have a second?

Chris Braly: Second.

Dudley Patteson: Second.

Frances Westbrook: Any other questions? All in favor?

Group: Aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye.

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? Alright.

**Motion (made by Anthony Marchetti) to go into Closed Session passes 5-0.**

1. **CLOSED SESSION**

* Legal advice concerning Fisher-Pit under Virginia Code §2.2-3711 A 8

Chris Braly: Whereas the Town of Irvington has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act and whereas Section 2-2-3712 of the Code of Virginia requires the certification by the board that such closed session was conducted in conformity with Virginia Law now there be it resolved that the board hereby certifies that to the best of each members knowledge one, only public business matters lawfully exempted from open session required by Virginia Law were discussed in closed session to which this certification resolution applies and two, only such public business matters that were identified in the motion convening the closed session were heard, discussed, or considered by the board. Is there any member who believes there was a departure from the motion to go into a closed session. If so, please state the departure. Roll call certification. Certification from each member.

I, Dudley Patteson, so certify.

I, Chris Braly, so certify.

I, Anthony Marchetti, so certify.

I, Frances Westbrook, so certify.

I, Jackie Brown, so certify.

I, Bonnie Schaschek, so certify.

Frances Westbrook: Alright, do we make a motion to go back into.

Nancyellen Keane: You’re in open.

Jackie Brown: You’re in open…

Frances Westbrook: Okay, very good. That’s always confusing to me, that last bit.

Chris Braly: So there was a tabled motion that I made earlier in the meeting to table it until after the closed session. Would you like me to repeat the motion.

Frances Westbrook: If you would please.

Chris Braly: I would like to make a motion to have the HR Committee draft an engagement letter to retain Nancyellen Keane, LLC as special counsel to the Town of Irvington in a nonlitigation role for the purpose of working on the ongoing Fisher’s Pit legal matter at the rate of $225 per hour capped at 5 hours per month until completed and authorize the agreement to be signed by the Mayor once drafted.

Dudley Patteson: Second.

Frances Westbrook: What happens if this drags on 6 or 9 months?

Chris Braly: I mean, I think it’s….

Nancyellen Keane: You would have the authority….

Frances Westbrook: …says until completed.

Chris Braly: If the engagement letter, I mean the engagement letter could put in there that it will be determined….

Frances Westbrook: Like you’ve done for all the others.

Chris Braly: I just think right now it is prudent to keep her on this issue.

Bonnie Schaschek: On this issue only.

Frances Westbrook: I agree, we lost Lara and…

Anthony Marchetti: And it’s also really expensive to catch somebody else up.

1. **RETURN TO OPEN SESSION**

* Action TBD

Frances Westbrook: Yeah.

Chris Braly: This is too important right now to make any transition.

Jackie Brown: Based on your estimate you think you can wrap this up in 2 months is that what you said?

Nancyellen Keane: I don’t know, to be really honest with you Jackie, I don’t know, I would say 2 months would be needed reasonably, just not knowing what the attorneys are going to tell me. I’ve given a bunch of stuff to review, I’ve talked to them several times, I haven’t gotten feedback yet. They could come back to me next Monday and say I’m sorry we’re not going to do anything see ya and that would be the end of that. Or, they could come back to me and say well we can’t do anything but we think this is the way we can go with this or whatever. I would have to report to you and let you all know how it is going and so forth. I don’t know, I mean, I just think we are at a stage right now where it’s critical to have somebody they can talk to.

Jackie Brown: I agree with that.

Frances Westbrook: I do too. I think that would be prudent on our point.

Dudley Patteson: Motion has been seconded, shall we vote.

Frances Westbrook: Roll call vote please.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Frances Westbrook: Motion carries.

**Motion (made by Chris Braly) to have HR Committee to draft an engagement letter to retain Nancyellen Keane as special counsel regarding Fisher’s Pit. Motion passes 5-0.**

Bonnie Schaschek: Now we need a motion for that burning thing.

Nancyellen Keane: Do you want to do it now, or do you want to do it in September.

Bonnie Schaschek: Let’s get it done now.

Group talk.

Frances Westbrook: The tax map number.

Bonnie Schaschek: Let’s do it now because if we have a hurricane and we don’t meet then we are going to miss it.

Group talk.

Frances Westbrook: So we are banning all future burnings on these two tax parcels.

Nancyellen Keane: Yes, you can say they cannot burn without the written permission of the Town of Irvington if you wanted to look at it that way. That way you can give them permission if there is some reason.

Frances Westbrook: But if we say that and then they say, oh, I thought y’all gave us permission.

Group talk.

Frances Westbrook: Just say they can’t burn at all and then there’s no ambiguity or who talked with who or whatever.

Bonnie Schaschek: Were they trying to get an agency to come in and do a water test?

Nancyellen Keane: Lara went to this meeting after the fire and she had an onsite meeting in June, June 23rd, she met with Eric Fisher, DQ, ?, Lancaster County and Parcel. She in front of all of them asked can somebody do a water test. No, why would we do that. Because there is leaking…

Bonnie Schaschek: ….that goes around the creek….

Group talk.

Nancyellen Keane: Asked Council I guess they would find it fine. If we had information ourselves of what the conditions in the water are and we say we tested it and this stuff is in here.

Frances Westbrook: We can test it. Bonnie says she knows somebody that can do it.

Anthony Marchetti: …sanitation, they test regularly….

Frances Westbrook: They test for different stuff that would be detrimental for shellfish, so I think that might be.

Anthony Marchetti: That’s what they, so that would probably be the quickest results. I don’t know if you can contact….

Nancyellen Keane: I’ll ask Lara who else she may have called and talked to about the testing issue, but she talked to them in the meeting and nobody was interested in….

Frances Westbrook: It’s not that much money probably $100.

Nancyellen Keane: They all seemed to be shocked that there was money being paid, this was a business that, this was tires and stuff, but they didn’t seem to be only worried about the water and Carter’s Creek and when they said that the sand was contaminated and it was…

Bonnie Schaschek: They were going to come out here….

Frances Westbrook: They did come out here.

Bonnie Schaschek: Did we make a motion?

Frances Westbrook: And I got up and started those back up again.

Bonnie Schaschek: No, we just got the landowners.

Frances Westbrook: We’ve already made one motion, we are in public, we are in open session.

Chris Braly: So, I would like to make a motion to prevent any further burning on tax map IV28-207-A and 345 until further notice from the Town of Irvington in order to protect the public health and safety and have the Town Attorney draft a notice to the property owner indicating this motion has passed.

Dudley Patteson: Second.

Frances Westbrook: Any questions? Roll call vote please.

Nancyellen Keane: Can I just say…

Frances Westbrook: Yes.

NancyellenKeane: I may not be able to get it done by tomorrow, so can you say town attorney or special counsel.

Chris Braly: I amend the motion to include Town Attorney or special counsel.

Frances Westbrook: Alright roll call vote please.

VOTE

Dudley Patteson, yes.

Chris Braly, yes.

Anthony Marchetti, yes.

Jackie Brown, yes.

Bonnie Schaschek, yes.

Frances Westbrook: Motion passes.

**Motion (made by Chris Braly) to have the Town Attorney or Special Counsel to draw up Letter preventing burning on above mentioned tax maps. Motion passes 5-0.**

1. **ADJOURN.**

Frances Westbrook: Now I’ll entertain a motion to adjourn.

Dudley Patteson: Where’s Wayne.

Chris Braly: I’ll.

Frances Westbrook: Second? All in favor.

Group: Aye.

VOTE

Dudley Patteson, aye.

Chris Braly, aye

Anthony Marchetti, aye.

Jackie Brown, aye.

Bonnie Schaschek, aye.

Frances Westbrook: All opposed? We’re out of here.

**Motion to adourn passes – 5-0.**