

## Town of Pomfret Selectboard Meeting Agenda

Wednesday, February 5, 2020 6.00 PM

5238 Pomfret Road

No Pomfret, VT. 05053

Agenda Item	Presenter	Time Frame
1. Call to Order	Chair	6:00 pm
2. Public Comment	Chair	6:05 pm
3. Review of Agenda	Joint	6:10 pm
4. Recurring Items a. Approval of 01/08, 01/15, 01/21, & 01/25/2020 Minutes b. Warrants for Approval	Joint	
5. Items for Discussion or Vote a. Road Foreman Report 1) Garage doors; repairs town garage b. Listers' Certificate c. HR Follow-up d. PACIF grant for fire/smoke/low-high temps in Library and Town Hall e. Structures grant for Cloudland Road f. Pomfret Road Closures, 06/07/2020 for Covered Bridge Half Marathon g. Howe Hill project h. Identify those things we need to do for the organizational meeting after Town Meeting i. ZBA request to contact attorney re: ZBA hearing, findings of fact	Joint	6:15 pm
6. Meeting Wrap-Up a. Select Board Correspondence b. Review of Assignments c. Agenda Items for Next Meeting		
7. Adjournment		

January 8, 2020

## Draft Minutes Pomfret Select Board Meeting

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Frank Perron

Members of the Public: John Moore (Planning), Orson St. John (Planning), Nelson Lamson (Planning) Alan Blackmer (ZBA), Ben Brickner (Auditor, ZBA), Nancy Matthews (Auditor), Neil Lamson (Lister), Jon Harrington(Horizon Eng.), Cynthia Hewitt (Select Board Assistant)

1. The Public Hearing was called to order at 6:09:pm
2. Public Comments: None
3. Public Hearing, Zoning Regulation Revisions. called to order at 6:09pm.

The Planning Commission submitted a Draft Zoning Ordinance to the Select Board on November 5, 2019. The January 8, 2020 hearing was scheduled and warned at that time. Nelson Lamson, John Moore, and Orson St. John were in attendance to answer any questions. Alan Blackmer praised the document and felt the Planning Commission had done a great job and presented a strong document. He would, however, prefer some stronger language granting authority and enforcement to the ZBA – and suggested the following edits:

*Section 1.3.2 (p. 2):*

*#5 “Decisions made by the ZBA are final and become law. They may not be overruled by any individual or Town Board.”*

*Decisions may be appealed to the ZBA or to the Environmental Division of the Vermont Superior Court.” (N.B. This information is further detailed in 6.7.1 in Appeals and Appeal Procedures) (p. 38)*

*Section 12 of the 1975 Zoning Bylaws Violations and Penalties (Enforcement)*

*“Any person who violates any provision of this ordinance may be fined not more than \$50 for each day the Violation is in effect, provided, however, that the offender must have had at least 7-days-notice that a violation exists. This notice shall be sent to the offender by certified mail, return receipt requested.*

*[The logical place to insert this statement is after the second paragraph of 6.6.3 on p.37]*

Mr. Blackmer went on to stress the significant importance of the committee, whose decisions become law. He would like all appeals to take the same direction, to be processed via the state statutes.

It was agreed that the Zoning administrator needs to be vigilant in bringing residents into compliance, perhaps more money should be budgeted to increase the ZA’s work hours.

Mr. Blackmer also asked for clarification regarding signage in the town. Mr. Brickner and Mr. Moore provided the clarification. Mr. Blackmer also suggested there may one day be a complaint of smoke pollution and wondered how that would be disputed. He was assured that the VT EPA would likely handle such a situation. Frank raised the example of brush burning. As the fire warden, he once had to call the health officer in for such smoke pollution.

Nancy Matthews had questions regarding set-backs, mixed-use permits, precedents, and waivers. Her questions were addressed by Misters Moore, Brickner, and St. John.

Scott asked if this ordinance is compliant with Two Rivers' Regional Plan. Mr. Brickner reported that Atty. Joe McLean had reviewed the documents and yes they are in compliance.

4. John Peters moved for adjournment of the Zoning Hearing at 7:49 pm.
5. Select Board Meeting was called to order at 7:49 pm
6. Public Comment – None
7. Review of Agenda: Emily stressed that we must settle Howe Hill, Cloudland, Truck Pricing, Silo Distilleries, and the Capital Planning tonight.
8. Howe Hill – Jon Harrington presented his Engineering Contract Change of Scope #2. He included a spread sheet with updated plans, engineers estimate, addition of some culverts, and tech specs. Sharon and Pomfret have agreed to the #2 option of submitting two contracts but at the same time, to be considered one job. We have agreed to accept the lowest possible combined bid. Frank moved and John seconded this plan be accepted. Unanimous vote.
  - a. Emily attended SB meeting in Sharon this week. They wish to begin the project by June 1, and finished by August 15. The road will be closed. Culverts will be done 30 days in advance to assure they settle properly.
  - b. Bids will go out next week and will go to Sharon, due by 02/13/2020 at noon. There will be a pre-bid conference on 01/22/2020 at 10 am asking bidders to drive the road. Jimmy and the Sharon foreman will be in attendance, as will Jon Harrington. It was suggested at least one member of the Select Board also attend.
  - c. Jon will tabulate the bids, analyze, and present a spread sheet outlining all options.
  - d. The plans follow VTrans design standards. The bottom line is \$613,195.
9. Cloudland Road Project. Proposals from Horizon Engineering and Willis were reviewed. John moved and Steve seconded that the Board approve Horizon. Unanimous decision.
10. Truck Prices. Steve has heard back from the provider and learned that the trucks are now coming through with much better seats. This causes a price increase of \$1100 per truck. Frank moved and Emily seconded that high-quality seats are not a frivolous expense; passed.

11. Budget. Emily stated that the only change to the budget is an increase in the Ottaquechee Health foundation contribution to \$2500. Ben explained some changes in wording, i.e., removing the words “transferred to” for some items; and there is a new state mandated “land records maintenance reserve” item. After some discussion John moved and Steve seconded that we adopt the 01/08/2020 budget as presented. The motion passed with a vote of 3-2. Scott indicated the presented budget reflected a policy change and that the past 3-years-worth of budgets would need to be restated to reflect such; the auditors disagreed.

12. Capital Plan. John Moore comment on the Capital Highway Reserve Options, i.e. the Flat Plan vs. the Flex Plan. To understand better how the Flex plan might work in practice he created spread sheets spreading out the life of, for instance, a grader, over a 25-year period. He researched notions of leasing equipment vs. buying, financing purchased (difficult since loans generally offer limited terms (5-7 years max.)). The concept of future taxpayers having to pay for half of the purchase price was discussed. John’s conclusions were to strongly urge the SB to consider getting back on track with a fully funded capital plan. This plan will provide true flexibility with reserve balances sufficient to allow changes from time to time. Scott feels that the way the town operates the highway department may very well change in the next several years, as have other departments, for instance, we may be leasing equipment and/or sharing equipment vs buying new equipment. Emily opined that no matter what plan was put into place, the town should consider the expense as a monthly rent or lease payment; no matter the age of said grader, it still costs us to have it, constantly. Discussion and decisions were tabled.

13. Frank moved and Emily seconded and all approved payments of the following Warrants:

a. 19070	\$50,9814.58	Accts payable
b. 19069	3,772.69	Accts payable
c. 19068	9,568.29	Payroll
d. 19065	952.85	Accts payable
e. 19064	6,317.57	Accts Payable

14. Emily moved and Scott seconded to approve two Silo Distillery catering permits for 01/10/2020 and 01/17/2020. Unanimous.

15. Scott moved and Steve seconded for Adjournment at 9:55 pm

January 15, 2020

Draft. Minutes Pomfret Selectboard

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Frank Perron

Members of the Public: Jim Potter (Road Foreman), Patty Cominski, Will Emmons (Planning Commission), Betsy Siebeck, Mike Zube, Ellen DesMeules (Treasurer), John Moore (Planning), Karen Hewitt Osnoe (ZBA), Nancy Matthews (Auditor), Neil Lamson (Lister), Cynthia Hewitt (Select Board Assistant)

1. Call to Order 6:07 pm
2. Public Comment:
3. Review of Agenda: Add two catering permits, Radios, Adoption of Budget with approved accounting changes. Remove F. re: Capital planning. Listers have decided to go ahead with Library appraisal. Radios. Emily moved and Scott seconded approval of these agenda change; unanimous
4. Recurring Items:
  - a. Approval of 12/18/2019 minutes: Emily moved, Scott 2<sup>nd</sup>, approved as amended re: development of pay scale and benefit package. Approval of 12/27/2019 minutes Emily moved and Frank 2<sup>nd</sup>, approved after removing "in lieu of taxes" phrase. Approval of 01/08/2020 minutes: Tabled until editing is finished.
  - b. Warrants for Approval:

19071	\$ 8493.49	Payroll
19072	39,051.98	Accounts payable
5. Business Items for Discussion or Vote
  - a. Road Foreman Report. Jim has had a plumber to flush the shop drains. Plumber recommends the tank get pumped when weather is suitable. The crew has repaired the plows. They will fill Howe Hill potholes. They have been using sand mixed with 3/8" stone, at Jim's negotiated price. Jon Harrington had to add reclaiming to the Howe Hill bid. The RFP will go online to the State website on Friday.
  - b. Certificate of Highway Mileage Report. Emily moved and Steve seconded the certificate be approved and submitted as there are no changes from previous reports. Unanimous
  - c. Zoning Ordinance. Due to some slight modifications a second Hearing is required. We need to adapt the same noise ordinance/sound provisions as were accepted in a recent settlement. Industrial use within and without "rural districts" seem to be opposed; these will be modified. Betsy Siebeck had some commentary regarding decibels and durations; she was assured that all spheres of noise "pollution" had been deliberated for several months and were in compliance with state ordinance. Mike Zube questioned why an ADU (accessory dwelling unit) must be taxed when the premise for creating an ADU was to create affordable housing. Members of Zoning, Listers, Planning, and the Board explained the reasons. Scott moved and

Frank seconded the motion to adapt changes, the Board meet with Planning to present the changes, and another hearing be scheduled. The new Ordinance is in effect for 150 days.

d. Town Meeting Items

1. Budget – The ambulance contract arrived with a \$36,000 increase in price. After much discussion of processes, petitions, etc. it was decided to apply \$90,000 of the surplus to the paving reserve and \$86,381 too reduce taxes.
  2. Draft Selectboard Annual Report – Emily will continue to work on this; tabled to 01/21/2020 Special meeting.
  3. Draft Budget Narrative – Scott will correct to correlate with the above accepted budget
  4. Sound system for town meeting – John will make the arrangements
- e. Emily moved and Steve seconded approval of a Silo Distillery catering permit for 01/19/2020 at Artistry. Unanimous.
- f. John moved and Steve seconded approval of Teago Store’s request for renewal of their liquor license. Approved.
- g. Town Meeting Warning. Please send suggestions to Emily. There will be a change in Article 11. The Fire Department Budget will be visible – auditors now have their figures. John moved and Steve seconded that the budget as resolved in d.1. above be approved. Unanimous
- h. Radios/Repeaters. John reports that the new radios have arrived and installation will occur on 01/31/2020. Frank, Kevin, Jimmy, and John will meet to determine programming, channels, repeater, and pagers. They will be programmable with Suicide 6 emergencies, Woodstock & Sharon highway departments.
- i. PACIF grants. John would like to apply for and potentially use a PACIF grant from VLCT to install smoke alarms in the town hall and the library. He will check with both TASC0 and Royal Security for more information.
- j. HR Resources. Scott will contact Ms. Miele to determine what she would like to do in the next steps toward making some of her suggestions for improvement of our personnel strategies, adopting VLTC’s new standards, etc.

9. Meeting Wrap Up

- a. Correspondence. Emily received a letter from the Local Emergency Planning Commission (LEPC) stating that Kevin and Frank have been named our representatives but have not been attending meetings. Bill Emmons asked what had been decided about the Cloudland repair and was told that Horizon had been hired and we are hoping for a Structures Grant to help with the expense. Nancy Matthews complimented the board for their timely completion of all the necessary paperwork for the Town Report. Frank asked about his 2017 FEMA Invoice.
- b. Review of Assignments: A Special Meeting is scheduled for Tuesday, 01/21/2020 to finalize the Town Meeting Documents.
- c. Agenda Items for next meeting -- Selectboard Narrative, Budget Narrative, Town Warning

10. John moved and Frank seconded for Adjournment at 8:51 pm.

January 21, 2020

Draft. Minutes Pomfret Selectboard Special Meeting

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Frank Perron

Public: Nancy Matthew (auditor), George Calver (Vt Standard), Neil Lamson (Lister), Kevin Geiger (Moderator), Cynthia Hewitt (SB assistant)

1. The meeting was called to order at 6:01 pm
2. Public Comment: none
3. Review of Agenda: add Silo warrant, remove Budget Report, Repeater
4. Recurring Items
  - a. Emily moved and Steve seconded approval of the following warrant: 19074 \$7860.83 Accounts payable. Unanimous
5. Items for Discussion or Vote:
  - a. John moved and Steve seconded approval for a catering permit to Silo Distilleries at Artistree on 02/07/2020. Passed.
  - b. Repeater. John, Frank, Jimmy and Kevin met to set up radios. John asked permission to purchase a cabinet in which to store the new equipment. Scott moved and Frank seconded that John be approved to spend up to \$300 for said cabinet. Passed
  - c. Budget. Narrative – subsequent to minor corrections and discussion, Scott moved and Frank seconded Approval of the Budget Narrative for publication in the Town Report. Passed.
  - d. Selectboard Report – with slightly adjusted wording, Scott moved and Steve seconded approval in the Town Report. Unanimous
  - e. Warning. Our moderator, Kevin Geiger, will hold a pre-town meeting on February 19<sup>th</sup>, a regularly scheduled SB meeting, at the invitation of the Board.
  - f. Warning – after discussion involving Ottaquechee Health Foundation, Library and Cemetery appropriations, budget wording, potential Regional Energy Coordinator position, and potential paving grant, Scott moved and Frank seconded the warning be approved. Unanimous
  - g. Frank moved and John Seconded Adjournment at 7:20.

January 24, 2020

Draft. Minutes Pomfret Selectboard Special Meeting

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Frank Perron

Public: Nancy Matthew (Auditor), Ted Matthew, Neil Lamson (Lister), Ben Brickner (Auditor), Cynthia Hewitt (SB assistant)

1. Call to Order: 6:03 pm
2. Public Comment – none
3. Review of Agenda – Addendum to Howe Hill Bid per Sharon SB
4. Items for Discussion or Vote
  - a. Town Meeting Warning – wording was changed in #11 – “unassigned fund balance” is the accepted terminology. Frank moved and Scott seconded this change be adopted and thus the Warning be posted once signed. Unanimous
  - b. Budget narrative. Scott had a question re: FY 18 fund balance; Ben clarified the amount. Scott moved and Frank seconded the Budget Narrative be approved for inclusion in the Town Report. Unanimous. Scott will send Word and PDF versions to the auditors.
  - c. Addendum to Bid
    1. The Asphalt Price Index as determined by VTrans will be added to the plan and specs.
    2. The dense graded stone price will be established by tons vs. cubic yards 3. Quality Control Testing requirements will be established.
    4. The last day for any questions, edits, etc. will be 02/01/2020  
Jon would like to propose adding the more premium asphalt (PG70-28) as an alternative bid, which may increase the price \$10 to \$20 per ton. If not cost prohibitive the towns may wish to upgrade to this since it will last longer and contains polymers thus being more crack resistant. Only asphalt and dense graded stone will be purchased from approved by VTrans vendors
    5. Frank moved and John seconded approval of the 5 adjustments to the bid.  
Passed
5. Steve moved for adjournment at 7:39 pm.

**From:** Keith Manney <keith@rutlandohd.com>  
**Date:** January 30, 2020 at 8:55:06 AM EST  
**To:** jim.potter@pomfretvt.us  
**Subject:** Town garage door repairs

Hi Jim,

After my inspection of the doors I have determined that the following parts should be replaced:  
Doors starting at cold storage end of building.

Door 1: Slide lock

Door 2: OK

Door 3: Top strut installed.

Door 4: Bottom section, slide lock, top strut installed.

Door 5: Top strut installed.

Door 6: OK

Door 7: OK

6 pieces of perimeter seals need replacing between the 7 doors.

All doors need track adjustments. Some need spring adjustments and rollers. All need oiling.  
Estimated repair costs are \$1500.00.

Town highway department doors should be serviced annually. We try to service during our slow period in the spring. We try to get to them all but sometimes our schedule doesn't allow us too.

Let us know if you'd like us to put you on our list for annual maintenance. We will call ahead to confirm the date for service each year.

Best regards,

**Keith Manney**

Commercial Sales

Overhead Door of Rutland

Office: (802) 775-5711

Cell: 802-417-5676

The Genuine. The Original.



---

PVR-4155

**Certificate—No Appeal or Suit Pending**

We hereby certify that on this date there are not any appeals pending from action of the Listers nor suits pending to recover taxes paid under protest relating to the April 1, 2019 grand list of POMFRET, Vermont.

Given under our hands at POMFRET in the County of WINDSOR, State of Vermont, this 31<sup>st</sup> day of JANUARY, 2020.

**Listers**

**Selectboard**

_____	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
_____	_____

Attested this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Town Clerk

**§4155. Certificate and attestation—No appeal or suit pending**

When no statutory appeal as provided by law from the appraisal of the listers and no suit to recover taxes paid under protest is pending on the first Tuesday of February following such lodgment, the selectboard and listers of a town or the mayor and assessors of a city shall endorse a certificate to that effect upon the grand list and the same shall be attested by the town or city clerk with the date of such attestation.

**§ 4156. After appeal and suit determined**

When any such appeal or suit is then pending, such certificate shall be made as soon as such appeal or suit has been finally determined.

**§ 4157. Effect of such certificate**

From the date of endorsing such certificate upon the grand list as aforesaid to the effect that no such appeal or suit is pending, when offered in evidence in any court in this state, such list shall be received as a legal grand list of such town or city and its validity shall not be put in issue by any party to any action in any hearing or trial in any court.





January 27, 2020

Town of Pomfret  
5218 Pomfret Road  
North Pomfret, VT 05053

I am writing to request permission to hold the Covered Bridges Half Marathon on Sunday, June 7, 2020 at 8:15 a.m.. The race will follow the same course as past years, beginning at Suicide Six Ski Area and following Stage Road to Route 12. A certificate of insurance is provided to the town from CBHM.

Traffic control will be handled by Windsor County Sheriff's deputies and race volunteers. We will notify residents in advance through signs and newspaper notifications.

In the past, the road crew has been very helpful in grading River Road a week or so before the event when needed, if possible we would appreciate it if that could be done again this year.

Thank you in advance for your consideration; please let me know if you have any questions or concerns.

Sincerely,

Nancy Nutile-McMenemy  
Co-Race Director  
PO Box 722  
Woodstock, VT 05091  
802-230-5152, coveredbridgeshalfmarathon@gmail.com