

Town of Pomfret Selectboard Meeting Agenda

5238 Pomfret Road

No Pomfret, VT. 05053

Wednesday, May 20, 2020

7:00 p.m.

Agenda	Presenter	Time Frame
1. Call to Order	Chair	7:00
2. Public Comment		7:05
3. Agenda Review		
4. Recurring Items a. Approval of 04/01, 05/04, 05/06 & 05/13 Minutes b. Warrants for Approval		
5. Items for Discussion or Vote a. Road Commissioner Report b. Howe Hill Adjustments 1. Trenching 2. Type of Culvert (polyethylene vs. polypropylene) 3. Windrowing c. Road closure, ie., Teago Store construction d. Opening of Sand Bids and Awarding of Contract. e. Truck RFP f. Dan Maxham Driveway Permit g. Vote to Ratify and Confirm the Selectboard' Action of May 6, 2020 Adopting Zoning Regulations. h. What improvements to the zoning regulations the Selectboard would like to see in the amendments on which the planning commission is working i. Tax Payment Delay j. Compensation Package k. Artistry/Purple Crayon Sound Ordinance. (Possible Executive Session)		
6. Meeting Wrap-U; a. Select Board Correspondence b. Review of Assignments c. Agenda Items for Next Meeting d. Meeting Adjournment		

Instructions for Joining the Meeting:

- **Join Zoom Meeting via computer:**
[/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09](https://us02zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09) to start or join a scheduled Zoom meeting
Join Zoom Meeting via Mobile Phone +19292056099,,953950799233#,,1#306922
- Join Zoom Meeting via Landline or Mobile Phone Dial +1 301 715 8592, followed by the Meeting ID: 953 9507 9923 and Password: 306922

May 6, 2020 Selectboard Meeting Draft Minutes

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Chuck Gunderson
Public: Ellen DesMeules (Treasurer), Jim Potter (Road Foreman), Ben Brickner (Zoning) , Karen Hewitt Osnoe (Zoning Administrator), Cynthia Hewitt (Selectboard Assistant), John Moore (Planning), Orson St. John (Planning), Neil Allen (VT Standard), Marge Wakefiled (Trustee of Public Funds), Jon Harrington, Betsy Siebeck, Betsy Rhodes (Library Trustee), Bob O'Donnell, Bill Emmons (Planning Commission), John Zonay, Cathy Peters, Diane Grube, Nancy Matthews (Auditor),

1. Emily called the meeting to order at 7:02 p.m., via Act 92 Providing Public Access through Zoom
2. Public Comment: Betsy Siebeck thought Monday's electronic meeting went very well, she had been a skeptic. She praised Keven Geiger's role at the meeting.
3. Review of the Agenda. An RFP for sand needs to be added; Chuck so moved Scott seconded; unanimous roll-call vote.
4. Recurring Items
 - a. 04/01, 04/15, 04/19/2020 minutes. Scott moved to approve the 04/15 and 04/19 minutes; further discussion of the 04/01/2020 minutes postponed. John 2nd, unanimous.
 - b. Emily moved and Steve seconded the following Warrants be approved for payment.
Unanimous:

19106	\$ 6,075.88	Payroll
19108	17,635.19	A/R
19103	91,789.54	A/R
19102	6,087.42	Payroll
5. Items for Discussion or Review:
 - a. Road Foreman's Report: Crack sealing began Tuesday and will take 2-3 more days. Emily moved and Steve seconded that Nikon be authorized to complete a \$15,000 contract to complete the sealing; unanimous. They will submit the invoice after 07/01/2020. Jim has had the tractor and loader serviced. The Western Star was serviced at Sabil. The pick-up went to Green's for service and was found to need a ball joint and back spring. They proposed to repair for \$2015. McCloud proposed to do the repairs with an additional spring, for \$1685. John moved and Emily seconded that the truck go to McCloud for service. Unanimous. The work on Howe Hill

- culverts began on Monday. There were some issues with Avery regarding larger culverts and clean up, but these have been resolved. Jim was granted permission to hire Keith Sawyer to do road side mowing beginning June 1st. The crew has been ditching and preparing for grading on the far side of town, i.e., Handy Road, Sugar House Road, etc. A subcontractor has not been paid by ECI for the band rail used in the Cloudland Road project. Emily and Jim have been in contact with them. They explained recent office turnover may be the reason we had not heard about the nonpayment. Ellen clarified that ECI had subcontracted for this work, though their contract forbade subcontracting. Further efforts will be made to collect the money.
- b. Howe Hill Engineering. In concordance with Sharon, we feel the project requires some closer supervision. Jon Harrington has submitted a 3rd Scope of Engineering bid to provide additional presence and oversight by an engineer. They will have someone on site 2-3 hours a day to provide quality assurance. Jim does not have the time to do this. The Board approved.
 - c. Truck Purchases. The new 10-wheel truck is set to be delivered in August; the second truck will likely not arrive until December. The Board agreed that an RFP for the 3rd truck should be submitted soon, in order to have it in hand by next spring. John and Steve will work with Jim to prepare the RFP.
 - d. Sand RFP. Emily will prepare the Sand RFP as Jim would like it delivered in September so that it is dry by winter. He would like to propose 3500 tons, as there is none left over. Steve moved and John seconded approval for the RFP at this time. Unanimous vote.
 - e. Dan Maxham driveway permit. Dan Maxham has requested permission to build a driveway at the end of the Appalachian Trail, on land Mr. Schwenk has agreed to sell him if the permit is approved. Emily, Jim, Steve, and Scott are available to do a site visit. Jim will make an appointment for a site visit with Dan.
 - f. Scott moved and John seconded that the LEMP application be signed and submitted to Two Rivers. Unanimous vote.
 - g. Legal Billing. Emily brought up this topic because the recent legal bills have been quite high. One reason for this was the formation of new Zoning Ordinance; another was the settlement process with Purple Crayon. John Moore pointed out that these services will not likely be needed in the future, however, all town officials should be cognizant of the high rates incurred. Stichel, Paige, & Fleming do bill at 10th of an hour increments
 - h. Zoning Regulations. John feels this is a solid document with two minor issues, i.e., sound ordinance and light industry. He moved and Steve seconded adoption of the current Bylaws. Scott warned of potential legal issues and urged advice of an attorney for review of conformity between the Bylaws and the Town plan. As an alternative he suggested adopting the July version of the Bylaws which is in conformance with the Town Plan. John Moore asked where in the Town Plan “light” industrial use is discussed. Scott insisted for due-diligence the Selectboard is obligated to obtain a legal opinion. Bill Emmons, speaking on behalf of the Planning Commission, thanked everyone for their input. He pointed out that legal opinions had been sought when drafting the Bylaws. He explained that noise standards are difficult to monitor. He also suggested an amendment to the town plan re: heavy

industry. He feels in order to attract some younger residents we must allow industry. Betsy Siebeck inquire how soon such an amendment can happen; Mr. Emmons said as soon as possible. Betsy Rhodes wondered how could a nuisance be avoided; Bill explained the ZBA can use the list approved at the time of the permits as well as conditional use restrictions. Emily asked for more Board input. Steve stated that the Bylaws are a living document and can be adjusted/amended if need be. Emily feels light industry in rural areas is already a fact, and gave as an example Bob Harrington's former garage at the North Pomfret Store. Since there was a motion on the floor, Emily called for a roll-call vote. The board voted 4 to 1 to adopt the regulations.

- i. In-Person Public Zoning Hearing: No longer necessary
 - j. Obtaining a legal opinion re: conformity of zoning regulation with town plan: Not necessary
 - k. Town-wide survey: Bill Emmons said the Planning Commission would be happy to conduct such survey to gather information about town services. The commission is authorized via 24 V.S.A. § 4350. "As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality"
 - l. Review of Compensation Package – Tabled
 - m. Roles and Responsibilities – Tabled
 - n. Discussion of Teago Store Project: Due to Covid-19 emergency nothing has developed.
 - o. Update on Financial Management Committee: Tabled
6. Meeting Wrap-Up
- a. Selectboard Correspondence: Becky has been opening mail; nothing is pending.
 - b. Review of Assignments: Scott & John Compensation Package; Steve, John, and Jim Truck RFP; Emily Sand RFP. Follow -up. On 04/01/2020 minutes
 - c. Agenda for next meeting: Compensation Package, Truck RFP, Sand RFP, 04/01/2020 minutes.
 - d. John moved and Steve Seconded Adjournment at 9:16 p.m. Unanimous

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May 13, 2020
Special Selectboard Meeting
Draft Minutes

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Chuck Gundersen
Public: John Moore (Planning Commission), Jim Potter (Road Commissioner), Patti Wickersham, Diane Grube, Ellen DesMeules (Treasurer), Richard Martin, John Harrington, Ben Brickner (Zoning, Auditor), Cynthia Hewitt (Select Board Asst)

1. Meeting was called to order at 7:04
2. Public Comment: None
3. Changes to Agenda: None
4. Items for Discussion or Vote
 - a) Howe Hill Project
Jon Harrington and Jim Potter report some issues with the contractor re: Howe Hill Project, each of which has the potential to increase costs:
 1. Trenching
 2. Culverts. Polyethylene vs Polypropylene
 3. WindrowingJim and Jon will get more specific information and prices from Caleb at Pike and present at the 05/20/2020 meeting. The objectives would be minimizing change orders and curbing additional expenses.
 - b) Dan Maxham needs a site visit re: driveway permit; Chuck and Jim will do this on Thursday.
 - c) Open Meeting Law Violation Complaint
This complaint has been withdrawn. Joe McLean was consulted and deemed the complaint to be wrongful. A Vote to Ratify and Confirm the Selectboard' Action of May 6, 2020 Adopting Zoning Bylaws is added to the May 20,2020 Agenda.
 - d) Joe McLean has received a letter from Artistree/Purple Crayon Attorney re: Sound Ordinance. This will be added to the 05/20/2020 Agenda; it can be taken into Executive Session if necessary.