

Town of Pomfret Selectboard
Meeting Minutes
August 16, 2023

Present: John Peters, Benjamin Brickner, Steve Chamberlin, Meg Emmons, Emily Grube

Public: Jim Potter (Road Foreman), Jason Crance, Hillary White, Ian MacKenzie, Cy Benoit (Tree Warden), Scott Pearce, Doug Tuthill (Constable), Herb Hohl, Cathy Emmons, Betsy Rhodes (Library Trustee), Glenn Morley, Ellen DesMeules (Treasurer), Nancy Matthews (Auditor), Ted Matthews, Nick Mahood, Gerry Fields, Bill Emmons (Planning Commission), Andy Mann, Mike Doten, Amy Robb, Greg Hartford, John Moore (Planning Commission), Becky Fielder (e911 Coordinator), Annie Abbott, Thistle Cone

1. John called the meeting to order at 7:01 pm.
2. Review of Agenda – Add executive session (confidential attorney-client communications) after approval of minutes; move 5(i) to after executive session; add selection of VLCT annual meeting voting delegate after 5(n). Ben moved and Emily seconded the foregoing. Unanimous.
3. Public Comment – Herb Hohl, trustee and treasurer of the North Pomfret Church, asked if a permit was required to install a backup generator at the church. Mr. Hohl was referred to Karen Osnoe, Zoning Administrator.
4. Road Foreman’s Report – Jim will order a new radio for the Ford 550. Kevin Rice reports that the repeater antenna leaning and needs a lightening protector; John has had the same conversation with Jake Astbury; both issues will be addressed. Jim will work with the owners of Abracadabra Coffee to ensure attendees at future events will not block the traveled way or park on VT-12. Brook Field will install the new propane generator at the Garage in September; the highway crew, with direction from Green Mountain Power and Brook Field, will install and bury the conduit. The garage furnace needs to be replaced, Jim suggested a propane replacement be procured and thus, a larger propane tank installation. Road repair, resurfacing, regrading, ditching, etc. following the historic July floods is ongoing and being performed in accordance with FEMA guidelines. The Town of Hartford contacted Jim about discontinuing a portion of Old River Road in both towns (Pomfret TH #51; Hartford TH #64).
5. Items for Discussion or Vote
 - a. In re: Henry T. LaBounty Trust – Ben moved and Emily seconded that the Summary of Account of Trustee and Motion to Allow Account in respect of the Henry T. LaBounty Trust be approved. Unanimous. Ben noted that the terms of trust require the income of trust assets be spent in furtherance of the trust’s purposes, and that the Selectboard should bear this in mind during the upcoming budget season.
 - b. Foliage Traffic Management – Meg disclosed that she is a resident of Cloudland Road, employee of Cloudland Farm restaurant, and immediate family member of a Cloudland Road resident who has been advocating the closure of Cloudland Road during the 2023 foliage season. Meg indicated she did not believe these facts would prevent her from reaching an impartial decision on this matter.

John and Ben reported that the Woodstock Select Board approved closing their portion of Cloudland Road from September 23 through October 15. The Woodstock Select Board postponed a decision on whether to provide any financial or in-kind assistance with patrolling the Old River Road intersection until a later meeting.

Doug Tuthill believes the closure will benefit a few residents at the expense of many. Jim Potter is also against the closure as a taxpayer, and fears it will set a precedent that roads can be closed elsewhere in town. The neighborhood working group countered that this is an extraordinary situation requiring an extraordinary solution and they hope closing the road will not need to occur every year once word gets out.

Much consideration was given to signage and barriers (including substitution of 8-foot barricades for a movable gate at Old River Road), the extent of the closed area and no parking zones. Ben noted this was the sixth meeting this year at which foliage traffic management had been discussed, not including the several Woodstock meetings that Selectboard members had also attended. John felt it was time for the Selectboard to make a decision.

Original Motion. Ben moved and Meg seconded that from September 23 through October 15: (1) all of Cloudland Road be closed from Galaxy Hill Road to the Pomfret town line; (2) all of Barber Hill Road be closed from Pomfret Road to Cloudland Road, in each case with exceptions made for residents of the closure area, their guests and contractors; agricultural use; emergency vehicles; and a limited exception for Cloudland Farm restaurant patrons to travel on Cloudland Road between the restaurant and Galaxy Hill Road; (3) the town redirect its existing Sheriff's patrols during this period to the closure area; (4) the highway crew be asked to install and remove the temporary signage and barriers at the start and end of the closure period; (5) a summary of the foregoing be published in public places as required by state law, in the *Vermont Standard* and on the Vital Communities' list serves for Pomfret and Woodstock; and (6) other details be as specified in the draft "2023 Foliage Season Traffic Management" plan included with the Selectboard meeting agenda.

Amendment No. 1. John moved and Meg seconded that the original motion be amended to (1) include an additional exception to allow Pomfret residents to enter the closure area and (2) exclude Cloudland Road north of Barber Hill Road from the closure area and make Barber Hill Road one-way westbound only.

Ben asked (and it was informally agreed by the Selectboard) that the amendment be divided so that each part could be voted upon separately.

Amendment No. 1, Part 1. As to the additional exception, the vote was unanimous.

Amendment No. 1, Part 2. As to the closure area changes, the vote was 4-1 (Peters, Emmons, Chamberlin, Grube in favor; Brickner opposed) and the motion carried.

Amendment No. 2. Ben moved and John seconded that the original motion (as amended by Amendment No. 1) be further amended to prohibit parking from September 23 through October 15, (1) on both sides of Cloudland Road from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 2763 Cloudland Road, and (2) on both sides of Barber Hill Road from immediately east of the driveway to 1178 Barber Hill Road to the intersection with Cloudland Road. Emily asked (and it was informally agreed by the Selectboard) that the amendment also (3) authorize and required that the neighborhood working group direct the existing Sheriff's patrols within the closure area. Unanimous.

Final Motion (as amended). Ben moved and Meg seconded the original motion (as amended by Amendment No. 1 and Amendment No. 2), that from September 23 through October 15: (1) Cloudland Road be closed from Barber Hill Road to the Pomfret town line; (2) all of Barber Hill Road be made one-way to westbound traffic only, in each case with exceptions made for all town residents; guests and contractors of residents within the closure area; agricultural use; and emergency vehicles; (3) parking be prohibited (a) on both sides of Cloudland Road from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 2763 Cloudland Road, and (b) on both sides of Barber Hill Road from immediately east of the driveway to 1178 Barber Hill Road to the intersection with Cloudland Road, (4) the town redirect its existing Sheriff's patrols during this period to the closure area, subject to more specific direction by the neighborhood working group; (5) the highway crew be asked to install and remove the temporary signage and barriers at the start and end of the closure period; (6) a summary of the foregoing be published in public places as required by state law, in the *Vermont Standard* and on the Vital Communities' list serves for Pomfret and Woodstock; and (7) other details be as specified in the draft "2023 Foliage Season Traffic Management" plan included with the Selectboard meeting agenda, except as modified herein. Unanimous.^[1]

- c. Dinsmore Road Highway Access Applications – The Selectboard conducted two site visits prior to the meeting. A special meeting for hearings and a deliberative session on both applications will be held on Tuesday, September 12, 2023, at 7 P.M.
- d. Barber Hill Road Culvert and ROW – Removal of the culvert carrying the prior driveway was a condition of the Selectboard's approval of the new driveway in 2021. The landowner will be asked to remove the culvert as soon as conditions allow for placement of the necessary equipment. The same landowner also will be asked to move the two stone walls on either side of the upper driveway several feet back from

¹ **Editor's Note:** For a concise summary of the approved traffic pattern changes, see https://pomfretvt.us/index.php/download_file/view/2234/1/. For a more fulsome description of the same, see https://pomfretvt.us/index.php/download_file/view/2233/1/.

- the traveled way to avoid interference with (and damage to) town snow removal equipment. Jim will follow up with the landowner directly on both points.
- e. Broad Brook ROW Crossing Permit – Jim has reviewed and found no issues with regard to the highway. He would like at least one week’s notice before work begins. Ben moved and Emily seconded approval of the ROW crossing permit, with the foregoing notice condition. The matter also will be referred to Karen Osnoe, Zoning Administrator, for review of the accessory dwelling unit indicated on the site plan.
 - f. Enhanced 911 Numbering – The state Enhanced 911 Board alerted Becky Fielder, e911 Coordinator, to a house numbering issue on Windy Lane. Becky presented options to address the same, including changing the name of the affected segment of Windy Lane. She will consult the affected landowners and come back to the Selectboard with renaming options.
 - g. Town Office Driveway Paving – Jim received two quotes for this job, for approximately the same scope of work and pricing. The amount exceeds the purchasing policy threshold where an RFP and sealed bids are required. The pending (and unrelated) purchasing policy update would increase this threshold above the quoted amounts. In addition, with all the post-storm road repairs to be done, Jim is not certain his team can prepare the area in time for paving this season. Jim will confirm whether the price quotes are good for work to be completed next spring. Discussion to be continued on September 6 after the purchasing policy has been updated.
 - h. Waiver of Late Homestead Declaration Filing Penalty – Ben moved and Meg seconded that the penalty for late filing of the Vermont Homestead Declaration (Form HS-122) be waived for the current tax year, as has been done in prior years. Unanimous.
 - i. Eastern States Cup Permit Applications – Ben moved and John seconded approval of the Application for a Permit to Hold an Event on Public Highway(s) submitted by WAMBA and the Woodstock Resort Corporation, subject to the condition that signage be placed on the affected roadways one week in advance alerting vehicular traffic to the anticipated increase in bicyclist traffic during the Eastern States Cup. Unanimous. Ben moved and John seconded approval of the Application for Large Even Permit submitted by WAMBA and the Woodstock Resort Corporation, subject to the condition that all activity (including lighting and noise) cease no later than one hour after sunset. Unanimous.
 - j. Fire Department Equipment Purchases – Scott Pearce sought revised approval to order five sets of turnout gear. The Selectboard previously approved the purchase of three sets, but the FY 2024 budget includes funding for all five and the Fire Department received better pricing if all five sets are purchased at the same time. Ben moved and Emily seconded approval of the same, to be paid for first from the related FY 2024 budget line item, with any balance to be paid from the Fire Dept Non-Vehicle Reserve. Unanimous.
 - k. Traffic and Parking Ordinance Amendment – Ben explained the revisions would (1) designate a speed limit of 45 mph on a portion of Stage Road, west of the bridge near 504 Stage Road to the Barnard town line, (2) extend the north, south and west limits of the existing 25 mph speed zone on Pomfret Road and Stage Road in the vicinity of South Pomfret village, and (3) extend the north limit of the existing 35

mph speed zone on Pomfret Road north of South Pomfret village. Change (1) above is based on the results of a speed study recently conducted by Two Rivers, with a 5-10 mph downward deviation to reflect the character of the road and its uses. The reasoning for this deviation will be documented in a memo to file. Changes (2) and (3) above are based in part on the same speed study and (as to the northbound changes) reflect the current location of speed limit signs. Ben moved and Meg seconded approval of the amendments. Unanimous. Ben will prepare the memo to file and the required summary for publication in the *Standard* next week. Emily also suggested that 35 mph advisory signs be installed on either side of the municipal complex to alert motorists of the need to slow down for pedestrians atop the blind hill. John will discuss this with Jim.

l. Delinquent Dog Licenses – John has provided the Sheriff with names of overdue dog licensees who have received multiple contacts from the town by email, mail and phone about their late status; the sheriff will now follow up with these residents. Those who have never registered their dogs will receive a second phone call communicating a final deadline of September 6 before the Sheriff is asked to follow up with these residents as well. Ben moved and Meg seconded the foregoing. Unanimous.

m. VLCT, PACIF and VERB Voting Delegate – As it is unclear who (if anyone) from Pomfret will attend the annual VLCT, PACIF and VERB annual meetings, the Selectboard did not appoint a voting delegate, but may do so at a later meeting.

n. Warrants – Ben moved and Emily seconded approval for payment of the following warrants:

24009	\$ 2,582.06	Payroll
24110	7,451.08	Payroll
24011	168,652.86	A/P

Unanimous. Emily suggested payment for Brick Building repair be paid from unallocated ARPA funds instead of the building reserve. Ben moved and Emily seconded the same. Unanimous.

o. Approval of Minutes – Ben moved and Emily seconded approval of the August 2, 2023, minutes as presented. Unanimous.

6. Executive Session

a. Ben moved and Emily seconded that the Selectboard enter into executive session pursuant to 1 V.S.A. 313(a)(1)(F) to discuss confidential attorney-client communications. Unanimous. The Selectboard entered executive session at 10:07 pm.

b. The Selectboard exited executive session at 10:37 pm, with no decisions having been made therein.

7. Items for Discussion or Vote

a. Broad Brook Road Zoning Violation – Ben moved and John seconded that Stitzel Page & Fletcher, P.C. be authorized to file a complaint on the town’s behalf in regard to the zoning ordinance violation on Broad Brook Road. Unanimous.

8. Meeting Wrap Up

a. Correspondence – Meg reported we were not awarded a Bicycle/Pedestrian Grant this year; she will ask for a report outlining the reasons why. Jim reports an outstanding

- grant application needs a signature page; John asked that the page be sent to him for signature.
- b. Review of Assignments – Meg to research Bicycle/Pedestrian Grant result; contact Two Rivers (Kevin Geiger or Sarah Wraight) re: LHMP status; schedule Town Hall Revitalization committee meeting. John to follow up with Ellen regarding brick Building payment, Cynthia re: dog licensing, Jon Harrington re: South Pomfret Scoping Study status, Jim re: stray signature page and 35 mph advisory signs. Ben to circulate as-approved permits, contact Stitzel Page, finalize traffic management plan and Traffic Ordinance update.
 - c. Agenda for Next Meeting – Purchasing Policy amendment, delinquent dog license update, South Pomfret Scoping Study follow up, municipal administrator job description, executive session to discuss personnel matters.
9. Adjournment – Emily moved and Ben seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 10:50 pm.