

Town of Pomfret

5218 Pomfret Road

North Pomfret, VT 05053

Agenda for March 19, 2014 Regular Selectboard Meeting
Meeting to be held at 7pm in the Town office and is open to the public

1. Call to order
2. Review of agenda
3. Consider document entitled "Selectboard Meeting Procedures for Public Participation" for trial or ongoing basis ([See attached page 2](#))
4. Approval of minutes of prior meetings: 1/8/14, 1/12/14, 1/15/14-1/20/14, 2/5/14, 2/19/14, 2/24/14, 2/25/14 and 3/5/14 <http://pomfretvt.us/index.php/select-board1/minutes/>
5. Town Clerk's Report
 - (a) Caterer's license application Vermont Spirits Distilling Company for an event at Suicide Six Ski Area ([See attached pages 3-4](#))
 - (b) Training update
6. Town Treasurer's Report
 - (a) Review and action on warrants for payment ([See attached pages 5-6](#))
 - (b) Training update
7. Road Foreman's Report
 - (a) Review compliance with rules for storage of hazardous materials at Town Garage relating to on-site equipment maintenance ([See attached pages 7-24](#))
8. Vacancies:
 - (a) Consider appointment of Shaun Pickett to Zoning Board of Adjustment (ZBA) until 6/1/16
 - (b) Consider any interim appointments for Lister and Trustee of Public Funds pending Special Town Meeting elections on 4/9/14
9. Unfinished Business:
 - (a) Meeting Resolution ([See attached page 25](#))
 - (b) Bill from Red River Computer Co. ([See attached pages 26-29](#))
 - (c) Appointment of Town Officers
 - i. Emergency Management Director ([See attached pages 29-36](#)), Emergency Management Coordinator, Town Service Officer ([See attached pages 37-38](#)) and Poundkeeper ([See attached page 40](#))
 - (d) Consider designation of selectboard liasons to town departments
 - (e) Review of selectboard priorities
10. New Business:
 - (a) Consider Selectboard role in responding to Auditor Report on Special Funds <http://pomfretvt.us/index.php/treasurer/>, including appointment of selectboard liaison to other interested officials
 - (b) Liquor License Renewal Application by Teago General Store
 - (c) Health insurance for Town Clerk and Treasurer (possible executive session)
 - (d) Information Technology (per request from Bob Merrill)
 - i. Collection and archival of email
 - ii. Administration of email accounts
 - iii. Responsibility for computer management
 - iv. System for automating the uploading of recordings and minutes
 - (e) Disposal of obsolete town computer equipment
 - (f) Consider legal opinions on class 3 roads maintenance including Johnson Road ([See attached pages 41-45](#))
 - (g) Consider release of funds from LaBounty Fund for town hall roof replacement
 - i. Review legal requirements ([See attached pages 46-48](#))
 - (h) Public Records Policy ([See attached pages 49-50](#))
11. Other business

3-11-13 Draft -

Selectboard Meeting Procedures for Public Participation

- ⌚ Public Comment at start of meeting
 - 2 min max per speaker
 - Limited to topics not on agenda
 - Members of the public may request items be added to future agenda
- ⌚ Agenda items during meeting
 - Chair may invite specific person(s) to the table to participate in SB discussion
 - Chair **may** allow public comment/questions at end of SB discussion - 2 min limit per speaker.
 - A member of the public may not speak a second time until others have been able to speak to the topic a first time
 - An agenda item may have multiple topics with public comment after each topic
- ⌚ Public Comment at end of meeting (if time)
 - 2 min max per speaker
 - Limited to topics not on agenda
 - Speakers may request items be added to future agenda

General

- ⌚ Speakers must be recognized by the Chair and identify themselves with name and address the first time they speak at meeting
- ⌚ All comments and questions shall be directed to the Chair. The Chair may recognize someone to answer a question.
- ⌚ Speakers shall be respectful to others at the meeting
- ⌚ Those requesting to be on agenda should submit relevant documents to the Chair by the Friday before the meeting.

Prepared by Phil Dechert

STATE OF VERMONT
DEPARTMENT OF LIQUOR CONTROL
13 Green Mountain Drive
Montpelier, VT 05602

APPLICATION FOR SPECIAL EVENT PERMIT

Fee: \$25.00

Check payable to Vermont Department of Liquor Control must accompany this application

Licensee name Vermont Spirits Distilling Company

d/b/a Vermont Spirits

Address: PO Box 443

Town/City: Quechee Zip 05059

Manufacturer's License No: 4417-001-MFSL-01 Email: mimi@vermontspirits.com

1. Describe the special event: Woodstock Maple Madness Auction Benefit

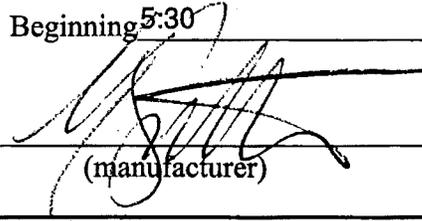
2. Location (specify defined area, include address of event): _____

Tasting will take place at a 6 foot table at the base lodge.

Suicide Six 247 Stage Rd, Pomfret, VT 05067

3. Date of event: Saturday March 22

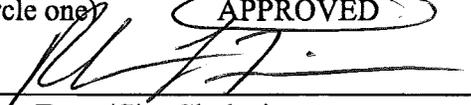
4. Hours of operation: Beginning 5:30 Ending 9 pm

Signed:  Date 3-5-14
(manufacturer)

(circle one)

APPROVED

DISAPPROVED


Town/City Clerk signature

Pomfret
Town/City

3/12/2014
Date

Vermont Liquor Control Board: APPROVED

DISAPPROVED

(authorized agent)

(date)

LIQUOR CONTROL BOARD
LICENSE TO MANUFACTURE OR RECTIFY SPIRITUOUS LIQUORS

Granted to

NAME Vermont Spirits Distilling Company

Doing Business as: Vermont Spirits

Town or City of: HARTFORD

Business/Legal Address
5573 Woodstock Road

County of: WINDSOR

Quechee
VT 05001

to manufacture or rectify spirituous liquors in the State of Vermont under and in accordance with Title 7 of the Vermont Statutes Annotated, as amended.

LOCATION AND DESCRIPTION OF PREMISES:

Manufacturing/Distilling facility for spiritous liquors in a 84x42 single story steel buildint with a 15x15 outbuilding located on the northside of Woodstock Road designated as 5573 in the village of Quechee, town of Hartford, VT

This license framed under glass shall at all times be displayed in a conspicuous place in the interior of the licensed premises so that it may be read by the public.

This license is granted in consideration of the application therefor, and said application and all statements, information, answers, promises and agreements therein contained are hereby referred to and made a part hereof.

Dated at Montpelier, in the county of Washington, and State of Vermont.

LIQUOR CONTROL BOARD

Stephanie O'Brien, Chair
John P. Cassarino, Member
Melissa Mazza, Member
Thomas Gallagher, Member
Julian Sbardella, Member

Statutory authority: VSA Title 7 Chapter 9 sub.sec.222 & sub.sec.236

Effective May 16, 2013
Expires April 30, 2014 unless sooner revoked

12:20 pm

Check Warrant Report

edesmeules

For checks For Check Acct 01 (General Fund) 03/19/2014 To 03/19/2014

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
1250	CARGILL, INCORPORATED	2901608841 salt 23.24 tons	1313.52	0.00	1313.52	8734	03/19/14
1250	CARGILL, INCORPORATED	2901619783 salt 33.06 tons	1868.55	0.00	1868.55	8734	03/19/14
1250	CARGILL, INCORPORATED	2901629421 23.3 tons salt	1316.92	0.00	1316.92	8734	03/19/14
1250	CARGILL, INCORPORATED	2901638807 33.43 tons salt	1889.46	0.00	1889.46	8734	03/19/14
1272	CASELLA WASTE SERVICES	0078344 trash Feb	25.00	0.00	25.00	8735	03/19/14
1430	DEAD RIVER COMPANY	22780 Gar 209.2 THall 161.5	1303.79	0.00	1303.79	8736	03/19/14
1430	DEAD RIVER COMPANY	58567 112 gal heating oil gara	393.92	0.00	393.92	8736	03/19/14
1430	DEAD RIVER COMPANY	9345 117.5 propane town offic	226.66	0.00	226.66	8736	03/19/14
1595	FAIR POINT COMMUNICATIONS	110993 office phone-Feb	110.99	0.00	110.99	8737	03/19/14
1595	FAIR POINT COMMUNICATIONS	72179 garage phone Feb	72.17	0.00	72.17	8737	03/19/14
1620	FASTENAL COMPANY	02242014 maint	78.96	0.00	78.96	8738	03/19/14
1620	FASTENAL COMPANY	NHWES50884 maint	2.60	0.00	2.60	8738	03/19/14
1680	FREIGHTLINER OF NH	L29043 truck 3 maint repair	584.43	0.00	584.43	8739	03/19/14
1810	HARTFORD PROBATE COURT	03172014 LaBounty filing fee 2013	31.50	0.00	31.50	8740	03/19/14
1910	IRVING OIL CORPORATION	247067 516.4 gal diesel	2044.63	0.00	2044.63	8741	03/19/14
1910	IRVING OIL CORPORATION	649810 109.4 diesel	423.90	0.00	423.90	8741	03/19/14
1910	IRVING OIL CORPORATION	951365 177.8 gal diesel	694.81	0.00	694.81	8741	03/19/14
2020	KIBBY EQUIPMENT, INC.	259300 shop maintenance	273.80	0.00	273.80	8742	03/19/14
2040	L. F. TROTTIER & SONS	185072 oil	380.74	0.00	380.74	8743	03/19/14
2040	L. F. TROTTIER & SONS	185381 oil	74.58	0.00	74.58	8743	03/19/14
2543	RED RIVER COMPUTER CO., INC.	SW-14V00945 IT contract monthly fee	600.00	0.00	600.00	8744	03/19/14
2660	SPAULDING PRESS, INC.	46872 240 town reports	918.00	0.00	918.00	8745	03/19/14
2685	STEVE CHAMBERLIN	1913 School plowing contract	1750.00	0.00	1750.00	8746	03/19/14
2705	TDS LEASING INC.	01044938 copier mp2352sp	94.25	0.00	94.25	8747	03/19/14
2850	TWO RIVERS-OTTAUQUECHEE REG. C	14-96 PC proj 10-326	2000.00	0.00	2000.00	8748	03/19/14
2930	VERIZON	9720670499 Feb bill	99.16	0.00	99.16	8749	03/19/14
3040	VLCT UNEMPLOYMENT INS. TRUST,	04012014 unemployment qtrly	310.00	0.00	310.00	8750	03/19/14
3320	WINDSOR COUNTY SHERIFF DEPT.	M55-7-13 32 hours@ \$45	1440.00	0.00	1440.00	8751	03/19/14

For checks For Check Acct 01 (General Fund) 03/19/2014 To 03/19/2014

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
Report Total			20,322.34	0.00	20,322.34		

Board of Selectmen

To the Treasurer of TOWN OF POMFRET, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ****20,322.34
 Let this be your order for the payments of these amounts.

 Mark Warner, Chair

 Michael Reese

 Philip Pechert

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ENVIRONMENTAL PROTECTION RULE, CHAPTER 11
UNDERGROUND INJECTION CONTROL RULE

FORM UIC-A

REGISTRATION FORM

When submitting this registration, be sure that the form is complete. Submit application to:

Vermont Underground Injection Control Program
Drinking Water & Groundwater Protection Division
1 National Life Drive, Main 2
Montpelier, VT 05620-3521

GENERAL INFORMATION

All the information is to be typed or neatly printed and legible. Please attach additional sheets if needed.

1. Applicant Name: Town of Pomfret
2. Injection Well Owner/Responsible Person Name: Neil Lamson, Selectman
3. Legal Entity (Business Name): Town of Pomfret
4. Mailing Address (Applicant): 5218 Pomfret Road, Pomfret, Vermont 05053
-
5. Telephone Number (Applicant): 802-457-3861

6. Describe the facility:

<input type="checkbox"/>	automotive repair	<input type="checkbox"/>	automotive dealership	<input type="checkbox"/>	carwash
<input type="checkbox"/>	auto body shop	<input type="checkbox"/>	auto salvage yard	<input type="checkbox"/>	large equipment dealership
<input type="checkbox"/>	photochemical	<input type="checkbox"/>	metal plating	<input type="checkbox"/>	manufacturing
<input checked="" type="checkbox"/>	utility	<input type="checkbox"/>	commercial	<input type="checkbox"/>	industrial
<input type="checkbox"/>	welding operations	<input type="checkbox"/>	tanneries	<input type="checkbox"/>	laboratories
<input type="checkbox"/>	laundries	<input type="checkbox"/>	dry cleaners	<input type="checkbox"/>	schools
<input type="checkbox"/>	hospitals	<input type="checkbox"/>	mortuaries	<input type="checkbox"/>	residences

Other, explain Town Highway Garage

List Standard Industrial Codes pertinent to your facility.

SIC: _____, SIC: _____, SIC: _____, SIC: _____

Automotive service stations, dealerships, body shops, and car washes:

number of service bays: _____

7. Indicate where the wastewater discharges. For example the wastewaters discharge through three trench floor drains through an oil/water separator, to a 10,000 gallon septic tank, to a leachfield (check all that apply):

sand/grit separator oil/water separator septic tank drywell leachfield
 cesspool directly into ground stormwater drain drainage ditch

other, explain: Vehicle washing (less than 30 per week) and snow melt from trucks discharge to a single floor drain which is connected to an oil/water separator. The oil/water separator discharges on the opposite side of the road into a field.

8. Facility is located in town of: Pomfret

Facility mailing address: 5218 Pomfret Road, Pomfret, Vermont 05053

Please provide a sketch or a site construction plan including floor drains, work sinks, drywell, etc.

9. List types and amounts of waste disposed through the injection well.

Waste: <u>Vehicle wash water</u>	Gallons/day: <u>50 (estimate)</u>	Concentration (if known) mg/l: _____
Waste: <u>Vehicle snow melt</u>	Gallons/day: <u>10 (estimate)</u>	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____
Waste: _____	Gallons/day: _____	Concentration (if known) mg/l: _____

10. Estimate, to the best of your knowledge:

Number of floor drains that discharge on-site: 1

Number of work sinks that discharge with floor drain waste: 0

11. Status of discharge (circle one):

abandoned proposed existing
 other, explain _____

12. Has this injection well ever had a permit from another DEC program? If so, list permit number, DEC program, dates for operation, etc.

Don't know No Yes: Program granting permit: _____
Permit Number: _____
Date of expiration: _____

13. Has your facility obtained an ACT 250 land use permit? If so, list the ACT 250 permit number and date of issuance.

Don't know No Yes: Program granting permit: _____
Permit Number: _____
Date of expiration: _____

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Neil Lamson, Selectboard Member/Administrative Assistant
Type or print Name, Title

Neil Lamson 8/12/13
Signature Date

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

April 16, 2013

Neil Lamson, Pomfret Select Board
Town of Pomfret
Post Office Box 286
North Pomfret, Vermont 05053

RE: PROPOSAL FOR ENVIRONMENTAL COMPLIANCE ASSISTANCE, POMFRET
TOWN HIGHWAY FACILITY, 100 LABOUNTY ROAD, POMFRET, VERMONT
(P4336)

Dear Neil:

It was a pleasure to meet with you on April 3, 2013 to discuss the concerns raised in the letter dated October 9, 2012 from John Daly at the Vermont Agency of Natural Resources (VANR). The VANR letter identifies the following issues relative to the Highway facility handling of hazardous materials and other concerns:

1. The Highway facility currently generates hazardous waste in the form of waste oils, waste oil filters, waste gasoline filters, and used absorbents. Generators of hazardous waste are required to register as such. Assuming that the generation of hazardous waste continues at the Highway facility, and based on the limited volume, you could register as a "conditionally exempt" generator.
2. Assuming that you continue to handle and store limited volumes of hazardous waste at the Highway facility, a record of volumes, dates generated, and dates manifested must be maintained.
3. Storage containers of used oil must be properly labeled.
4. Waste oils need to be field tested for chlorinated contaminants. I believe this task only applies if you are accepting waste oil and burning it in a waste oil furnace, which you are not doing. I understand that you give your oil to someone who has a waste oil furnace.
5. Generation and storage of oil soaked absorbents (Speedi-Dry) must be stored in a properly labeled container.
6. Storage of greater than 1,320 gallons of petroleum in aboveground tanks (AST's) and drums 55 gallons or greater will require the Highway facility to have a written Spill Prevention Control and Countermeasures (SPCC) plan.
7. Spent diesel or gasoline fuel filters must be handled as hazardous waste unless they are recycled.
8. Spent antifreeze must be stored in properly labeled drums. Spent antifreeze can be recycled.
9. Spent fluorescent bulbs must be disposed of properly. Intact bulbs are considered "Universal Waste." Spent bulbs must be stored in properly labeled containers/boxes.
10. The Highway facility has a floor drain that discharges to an oil/water separator. The oil/water separator discharges across the road, ultimately reaching a small brook. Floor drains in service areas where hazardous waste is stored are prohibited without filing for a permit under the Underground Injection Control regulations. Also, discharging floor drains to surface water is a violation of the Clean Water Act.

We are happy to assist you as necessary to bring the Highway facility into compliance with the VANR Hazardous Waste Rules. However, many of the requirements previously identified are unnecessary if maintenance practices are eliminated at the Highway facility. We understand that the Town has a truck replacement schedule, and some of the recently purchased vehicles are maintained at the dealership where they were purchased, thereby, eliminating the need for Town staff to change oil, filters, and/or antifreeze. This practice could be applied to all vehicles, which would eliminate many of the issues listed above, specifically, items 3, 4, 7, and 8.

The Highway facility has a 1,000-gallon diesel AST and a 275-gallon #2 fuel oil AST. The addition of 55-gallon drums of virgin oils (motor and hydraulic) and waste oils likely increases the total volume of petroleum products at the facility to be over the 1,320-gallon threshold. An SPCC plan is required due to the volume of petroleum on-site. If the Town eliminates servicing its vehicles on-site, the need to store virgin and waste oils can be eliminated. Therefore, you should be under the maximum volume of petroleum products that trigger the need to develop an SPCC plan. I assume that you will need to have some oil on-site, but if the container size is less than 55-gallons, it would not count toward the 1,320-gallon threshold. I recommend purchasing oil in 5-gallon pails, if necessary.

It will likely be necessary to have absorbents on-hand to clean-up minor oil spills, whether or not you service your own vehicles. The use of dry absorbents, such as Speedi-Dry, will result in the generation of oily soaked waste that needs to be stored properly. In lieu of using absorbents, the Town could subscribe to a shop towel service for cleaning-up oil spills. The shop towels are laundered and returned under a rental agreement. It is assumed that a limited amount of oil absorbents will be generated on-site; thus, the Town would still need to file as a "Conditionally Exempt" hazardous waste generator.

The floor drains in the truck bays are connected to an oil/water separator. We understand that the oil/water separator receives truck washing water, along with snow melt from the trucks. The volume of water from truck washing is significant. We propose to review the VANR regulations pertaining to discharges from oil/water separators and vehicle washing practices, and advise the Town of the regulatory requirements.

We see our services as limited, if the vehicle servicing is done off-site. If the practice of servicing vehicles off-site is instituted, our services could be limited to assisting the Town with filing as a "Conditionally Exempt" generator application, limited assistance with operational and/or best management practices, field testing of waste oil, training, and record keeping for managing and handling limited volumes of waste oil, antifreeze, spent oil soaked absorbents, and spent fluorescent bulbs (Universal wastes). In addition, we will develop options pertaining to managing the discharge from the oil/water separator.

We propose to assist the Town with the following services:

1. Filing as a "Conditionally Exempt" hazardous waste generator: This effort will include telephone discussions with you and your staff, and completion of the application. Any application fees will be paid directly by the Town. We estimate four hours of time to complete this task.

Estimated Cost\$400

- 2. Training, establishing best management practices, establishment of appropriate record keeping forms: We recommend allocating eight hours to complete these services.

Estimated Cost\$800

- 3. Oil/Water Separator Options: We will research VANR regulations pertaining to discharges for oil/water separators and provide the Town with several options and recommendations. We have allocated 10 hours of time to complete this service. However, depending on the recommended options and consultation with the Town, additional time may be required for development of a corrective action plan.

Estimated Cost\$1,000

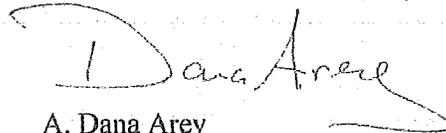
We will also invoice all necessary expenses, such as mileage.

The attached Terms and Conditions are incorporated as part of this proposal.

If you are in agreement with our proposal, please sign one copy and return it to us as your authorization to proceed. Please do not hesitate to contact us if you have any questions concerning this proposal.

Sincerely,

PATHWAYS CONSULTING, LLC



A. Dana Arey
Vice President/Director of
Environmental Services

ADA:mam

Enclosure

I accept this proposal and authorize Pathways Consulting, LLC to proceed.

Signature: Neil Lamson
Pomfret Select Board

Date: 5/1/13

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

July 30, 2013

John Daly, Environmental Assistance Specialist
Vermont Agency of Natural Resources
Department of Environmental Conservation
1 National Life Drive, Main 2
Montpelier, Vermont 05620-3520

RE: TOWN OF POMFRET HIGHWAY FACILITY ENVIRONMENTAL COMPLIANCE,
100 LABOUNTY ROAD, POMFRET, VERMONT (Project No. 12377)

Dear Mr. Daly:

In October 2012, you visited the referenced facility and provided the Town of Pomfret (Town) with a letter identifying issues of concern. We are informing you of improvements and corrective measures that have been taken by the Town to address each item in your letter.

The Town no longer generates hazardous waste from vehicular maintenance or other vehicle maintenance-generated wastes. The Town has opted to have its vehicles serviced off-site or by a contract repair service. The vehicles will be serviced at the dealership in which they were purchased, or by contract service companies that may come to the site to repair the heavy equipment, such as the grader or loader. Waste oil, spent oil, and gasoline/diesel filters will not be generated at the site, and all waste oil has been removed.

It is not expected that the facility will need to use absorbent materials in the Highway Garage, as the servicing of vehicles will be done off-site. However, we have advised the Town to consider using a uniform service to rent shop towels for clean-up of minor drippings, minor releases of petroleum from vehicles in the garage, and/or for checking fluids in equipment. The Town will file as a Conditionally Exempt Generator if it becomes necessary to use absorbents for clean-up of petroleum-related spills. In addition, the Town will manage the spent absorbents in properly labeled containers.

The Town has a 1,000-gallon diesel aboveground storage tank (AST) with secondary containment. As indicated above, the Town will not be servicing its own vehicles on-site; therefore, the staff will not store virgin or waste oils in containers greater than, or equal to, 55 gallons. The garage is heated using #2 fuel oil, which is stored in a 275-gallon AST. With the elimination of virgin and waste oil storage, the Town will not exceed the 1,320-gallon petroleum storage threshold that would trigger the requirement to have a site specific Spill Prevention Control and Countermeasures (SPCC) plan. The maximum volume of storage will be approximately 1,150 gallons (900 gallons of diesel and 150 gallons of #2 fuel oil), given that the two ASTs can only be filled to 90% capacity. The Town will store small volume containers (five gallons or less) of motor oil and hydraulic oil for "topping off" of equipment reservoirs. These small volume containers are not considered in the aggregate volume for SPCC determination.

The Town Highway Department may from time to time replace fluorescent light bulbs in its facility. The light bulbs will be stored in containers/boxes labeled as "Universal Waste - Spent Fluorescent Bulbs." The spent bulbs will be disposed of properly or returned to the light bulb vendor.

We have discussed with Town staff proper management and use of containers such as 5-gallon buckets. We have advised that any container that no longer contains its original content, and is being used for something else, should have the label removed, or the label covered and a new label attached describing the contents.

We have recommended that all petroleum-containing products be stored on spill containment trays. This item includes containers ranging from a quart to a 5-gallon capacity. The center three bay section of the highway garage has a floor drain that is connected to an oil/water separator. The oil/water separator discharges to a field across the road. The floor drain captures snow melt from the vehicles and vehicle wash water. The Town does not conduct more than 30 vehicle washings per week. The Town owns four dump trucks, a 1-ton type truck, a grader, a loader, and a small John Deere tractor. The number of vehicle washings is generally not more than once per week. We will file an Underground Injection Control Floor Drain Registration form with Cynthia Parks at the Vermont Agency of Natural Resources under separate cover.

Please feel free to contact me if you have any questions.

Sincerely,

PATHWAYS CONSULTING, LLC



A. Dana Arey
Vice President/Director of
Environmental Services

ADA:mam

cc: ✓ Neil Lamson, Pomfret Selectboard Member/Administrative Assistant



State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Environmental Assistance Office
103 South Main Street
Waterbury, VT 05671-4911
(802) 241-3471
FAX: 241-3273
john.daly@state.vt.us

Jim Potter, Road Foreman
Town of Pomfret
PO Box 286
North Pomfret, VT 05053

October 9, 2012

Dear Mr. Potter:

It was nice to meet with you and Neil Lamson at the Town of Pomfret highway facility. We enjoyed the chance to speak with you about environmental issues, as well as take some time to walk around your facility and the surrounding yard. During our visit we could see improvements that have been made since you first started working with our program, as well as site improvements that have been made since the recent flooding. We appreciate the work you have done, and encourage you to continue in your efforts. Nice job, Jim.

We are happy to see that you continue to work with our office in an effort to operate your facility in compliance with environmental regulations. Our new employee Maura enjoyed the chance to meet both of you and to learn some very good real world examples of issues facing town highway garages. Opportunities like these are a good way to stay on top of the regulatory requirements, as well as learn valuable Best Management Practices (BMP). I have summarized our visit by listing both direct compliance issues for you to address, as well as BMPs we hope you will consider. Feel free to call me if you have any questions or if you are not sure about something. Again, the fact that you continue to work with our program shows that you are committed to operating your facility in compliance.

Hazardous Waste

Generator Status: Any facility generating hazardous waste must submit a Vermont Hazardous Waste Handler's Site ID Form to the State's Waste Management Division. I checked the generators list and it appears your facility does not have a generator's number. As we discussed, it is important that you notify the State of your hazardous waste generation **as soon as possible**. The forms for your submission have been enclosed and we will be happy to assist you in getting them filed. We encourage you to make this the first step in your effort to bring your facility into compliance.

There are three categories in which a "generator" can be placed: Conditionally Exempt Generator (CEG), Small Quantity Generator (SQG) or Large Quantity Generator (LQG). Very briefly, the CEG status is the preferred generator status; CEGs are subject to fewer regulations and there are less strict documentation and paperwork requirements to follow. In order to maintain a CEG status, **a facility must generate less than 220 pounds of hazardous waste per month and have accumulated less than 2,200 pounds of hazardous waste on-site at any time** (that would be equivalent to about half of a 55-gallon drum of liquid waste per month or about 5 drums full of liquid waste total accumulation). In order to maintain your CEG status it is important that you calculate the amount of hazardous waste *generated* per month and keep detailed records on file. Status is not based on how much hazardous waste is shipped in a month, but rather how much is generated. We noted during our visit



that you only generate CEG quantities of hazardous waste and that you should easily be able to maintain a CEG generators status.

Direct Compliance Issues:

- Remember that you need to fill out and return your hazardous waste generators notification form. Call if you have any questions about what needs to be listed on the form.
- For your used oil, you must use the field screening test kit for total halogens (chlorinated additives) and conduct a one-time test to ensure the oil you are burning meets the specification to be burned. See the Burning Used Oil fact sheet for information. I encourage you to carefully read the test directions and follow them exactly to ensure a good test. Once complete simply record the date the oil was tested, the kit lot number (on the end of the box) and keep the record on file. Please call if you have questions. Remember that you can accept used oil from do-it-yourselfers, other municipalities, or other businesses as long as the oil is tested.
- For **used oil storage**, remember to properly label any tank, drum or other storage vessel with the words “used oil”.
- Used absorbents and other materials soaked in 5% (50,000 ppm) by weight petroleum distillates must be properly disposed of as hazardous waste and can not be thrown in the trash, swept outside with the floor sweepings, or added to the sand pile. You need to set up a drum or metal trash can labeled with the words “**Oil Soaked Hazardous Waste**” to help manage this waste stream. Use as little as possible and reuse it until no longer effective. Even better consider using reusable rags on smaller spills and leaks which will be cleaned and returned for re-use, without generating hazardous waste to dispose of. You must properly dispose of ANY oil soaked waste including used speedy dri, sand/dirt, oil soaking towels and pads, and any other waste.
- If a facility has more than **1320 gallons of above-ground oil storage** capacity, a site specific Spill Prevention Control and Countermeasure (SPCC) plan must be written. For SPCC it is not how much is stored but rather how much potential for storage is on-site. The smallest container that must be counted is 55-gallons, and remember to count diesel fuel, gas, fuel oil, used oil, and **ANY** other oil or fuel. I noted during our visit that you currently have around 1400-gallons of potential storage on-site. SPCC is a Federal program run by USEPA out of Boston. See the fact sheet for more information. As we discussed during the visit, facilities that have under 10,000-gallons of storage capacity can self-certify a plan. We have a template available and can get you started in the right direction if you choose to continue to manage over the SPCC threshold. We did however discuss that you could lower your total storage capacity below the regulatory threshold and no be subject to this requirement.
- Spent **fuel filters** (gas or diesel) must be properly disposed of as hazardous waste and can not be thrown in the trash. Metal incased fuel filters are exempt from being disposed of as hazardous waste if they are recycled as scrap. I recommend you recycle all fuel filters generated onsite with your oil filters, by sending them with your scrap metal. For managing fuel filters you do not have the option of puncturing them and disposing of them as trash like you do with oil filters.
- The container used to store spent antifreeze must be properly labeled with the words, “Spent (or used) Antifreeze For Recycling”. Remember you can drain and reuse antifreeze at any time, and that only spent product should be added to your collection container.
- Spent fluorescent bulbs (including Metal Halide) must be properly disposed of and **can not be crushed** (before being) **thrown in the trash**. You can continue to place spent bulbs back into an empty box that they come in. You must properly label the box with the words “**Universal Waste-**

Lamps”, or “Spent Bulbs for Recycling” and tape it shut when full. You can dispose of them during the town wide hazardous waste collection or at the solid waste district.

Please consider each of these items and check them off once you have addressed them. You can read the fact sheets in the guide book(found online) for additional information, or call if you have questions. I also noted several issues in bullet format for you to consider. These BMPs are ideas we often get visiting other facilities or are ways to manage your facility that can often save you money and/or make your life easier. You should also feel free to call me with questions or if you need additional clarification on anything.

BMPs and other suggestions:

- We encourage you to avoid unlabeled buckets and containers where the label is gone or you can't read it, use a marker to label them to show their contents.
- As we discussed during the on-site, re-usable rags are a good alternative for absorbents on smaller spills and leaks. Simply wipe up the spill and place the rags in your rag collection container for reuse, which will ultimately reduce the amount of clay absorbents being used at each facility. Many facilities use a rag service as a way to help manage oily wastes; and generate less waste that must be properly disposed of. If you continue to use absorbent (ex. Speedy Dri), we recommend that you establish **two** collection containers (**both with closing lids**) one for **“used absorbent to reuse”** and the other for **“oil soaked hazardous waste”**(properly labeled 55-gallon drums with a ring lid or a metal trash can work well for the waste and a metal or plastic bucket works well for the reuse). Place a screw hook in the side of a 5-gallon pail and hang a small dust pan and broom, inside put some speedy dri and a coffee can. This is a great way to help you better reuse any such material before disposing of it.
- Nice job installing the oil water separator and connecting all the floor drains at the facility. This was a big job and we appreciate your effort in addressing this issue. As we discussed, in the future, you will need to establish a vehicle service bay with no floor drains, and store all oils and chemicals in that area. The service area has to be completely physical isolated from the snow melt bays. This can be a back burner issue, but we encourage you to start thinking about it now, so when the new rules come out you already have a plan. As we discussed, you could add a bay with no floor drains, or plug one floor drain and isolated an existing bay where service can be performed.

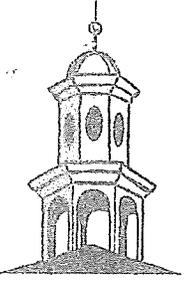
Conclusion

I enjoyed the chance to spend some time at your facility and can see you are doing a nice job managing your operation. I think the Tier 1 Form for SPCC should be pretty straight forward for you to address. Remember to follow the inspection and renewal standards outlined in the form. Please check off direct compliance issues as you address them. I hope you will use this letter as a source of information to help you in your efforts, and please feel free to call if you're not sure about something. Be sure to see our web site www.eaovt.org for fact sheets and other helpful information and resources.

Thank you for continuing to work with our assistance program. We appreciate your positive attitude towards environmental compliance and your willingness to make changes. We look forward to additional work with the Town of Pomfret. We will be happy to assist you whenever possible and encourage you to use all of the resources available from the Environmental Assistance Office. If there is anything we can do in the immediate future, please do not hesitate to call.

Sincerely,

John Daly
Environmental Assistance Specialist



VERMONT LEAGUE
OF CITIES & TOWNS

89 Main Street, Suite 4
Montpelier, Vermont
05602-2948

Tel.: (802) 229-9111
Fax: (802) 229-2211

e-mail:
info@vlct.org

web:
www.vlct.org

October 5, 2012

Jim Potter, Road Foreman
Town of Pomfret
5218 Pomfret Road
Pomfret, VT. 05161

Hi Jim,

This letter confirms my visit on September 20, 2012 for the purpose of conducting a hazard identification survey of the Pomfret highway garage building and grounds located at 5218 Pomfret Road.

My findings and recommendations are listed in the attached action plan. Items are marked A-C, with "A" level items being recommendations that should receive the highest priority. I would appreciate an update when the items are completed or at least a follow-up to indicate the timeframe and plans for addressing the listed items, this can be done by returning a copy of the action plan with your comments.

I appreciate your time and assistance, as well as Neil Lamson's, during this visit. If you have any questions or if I can assist you further, please feel free to contact me. I can be reached at 802- 376-4702 or wmeasure@vlct.org.

Sincerely,

Wade B. Masure
Sr. Loss Control Consultant
Vermont League of Cities & Towns

✓ CC: Hazel Harrington

Sponsor of:

VLCT Health Trust, Inc.

VLCT Municipal Assistance
Center

VLCT Property and Casualty
Intermunicipal Fund, Inc.

VLCT Unemployment
Insurance Trust, Inc.

ACTION PLAN

Member: Town of Pomfret

Loss Control Consultant: Wade Masure

Contact Person: Jim Potter/Neil Lamson

Survey Date: 9/20/2012

The findings listed below were noted during our recent visit. These hazards are ranked A-C, with "A" level hazards having the highest loss probability and/or severity potential. Our intent is to help you control losses by pointing these hazards out to you. While it is beneficial to address all listed items, those that are ranked A or B should receive the highest priority. Feel free to contact us if there are any questions or more information is needed. It would be appreciated if this form (or other correspondence) could be provided to us (within 30 days) to indicate your plans for addressing the listed items.

Item Number	Hazard Description / Recommendation	Completion Date and/or Comments
Highway Garage		
A-09-12-01	<p>Hazard: Employees not wearing high visibility approved vests or clothing when exposed to moving roadway traffic in and alongside a public roadway.</p> <p>Recommendation: At all times when exposed to moving roadway traffic employees should be wearing approved high visibility vests or clothing when exposed to moving roadway traffic in and alongside a public roadway.</p>	
B-09-12-02	<p>Hazard: No approved fire rated cabinet or storage room in this facility for storage of flammable liquids.</p> <p>Recommendation: All flammables not in use should be properly stored in a approved fire rated storage room or cabinet.</p>	
B-09-12-03	<p>Hazard: Gasoline cans being stored near the main exit.</p> <p>Recommendation: These cans when not in use should be stored in a approved location or cabinet.</p>	
B-09-12-04	<p>Hazard: Currently the oxygen tank and acetylene tanks are being stored in the same location.</p> <p>Recommendation: When in storage these cylinders should be separated by a minimum 20ft distance.</p>	
B-09-12-05	<p>Hazard: Chainsaws are not being stored in a secured room or box.</p> <p>Recommendation: Consider keeping these saws under lock and key at all times when not in use.</p>	9/20 JeBox
B-09-12-06	<p>Hazard: In this garage there is no emergency light units and or illuminated exit signs.</p> <p>Recommendation: Install approved emergency lighting for this garage as well as illuminated exit signs, this should be completed by a licensed electrician.</p>	

Our survey of your operation is to assist you in your loss control efforts. We do not assume responsibility for the discovery or elimination of all hazards which could possibly cause accidents or losses. Recommendations are developed from the conditions observed at the time of the survey and may not include every possible cause of loss. Compliance with these recommendations does not guarantee the fulfillment of your obligation under local, state, or federal laws or regulations.

Item Number	Hazard Description / Recommendation	Completion Date and/or Comments
B-09-12-07	Hazard: Plow and grader blades are being stored at floor level. Recommendation: Consider installing a rack where these blades could be stored at approximately waist level.	
B-09-12-08	Hazard: Undetermined how soiled shop rags are being stored after use. Recommendation: Provide a approved fire rated self closing container for storage of soiled rags	
B-09-12-09	Hazard: The lifting beam and hoist has not been inspected and certified for use. Recommendation: Have this beam and lifting device inspected by a qualified person.	
B-09-12-10	Hazard: No eyewash station in place in this facility. Recommendation: Provide a approved eyewash station for this garage.	
B-09-12-11	Hazard: Lighting for this garage is minimal. Recommendation: Consider the install of proper lighting to provide good illumination at the floor level.	
B-09-12-12	Hazard: The overhead mezzanine storage area is not equipped with a proper toe board, and this mezzanine is not posted with the carrying capacity. Recommendation: Provide a proper toe board for this mezzanine and have the capacity determined and properly post, toe board should be not more than 1 inch from floor and minimum 4 inches in height.	
B-09-12-13	Hazard: The bench grinder is not provided with the proper tongue guard. Recommendation: Install proper tongue guard for this grinder.	
B-09-12-14	Hazard: Stairway to overhead mezzanine storage is broken and should not be used. Recommendation: Consider the installation of a approved permanent set of stairs to this upper level.	
B-09-12-15	Hazard: Overhead electric cord reel has a broken cord. Recommendation: Repair or replace this cord as needed.	
B-09-12-16	Hazard: No approved location with proper safeguards in place for performing welding operations. Recommendation: Consider providing a approved area for all welding operations to safeguard against, fumes, sparks, slag and other welding hazards, these safeguards for compliance can be found in OSHA regulation, 29cfr1910.251.	
B-09-12-17	Hazard: Relief valve is not properly piped/vented, existing exhaust vent pipe has corroded and deteriorated boiler overdue for annual service. Recommendation: Have the relief valve properly piped to the floor level, install a new approved vent pipe for this boiler with approved weather cap on the exterior, have this unit properly inspected and serviced by a technically qualified person.	

Our survey of your operation is to assist you in your loss control efforts. We do not assume responsibility for the discovery or elimination of all hazards which could possibly cause accidents or losses. Recommendations are developed from the conditions observed at the time of the survey and may not include every possible cause of loss. Compliance with these recommendations does not guarantee the fulfillment of your obligation under local, state, or federal law

Item Number	Hazard Description / Recommendation	Completion Date and/or Comments
C-09-12-18	Hazard: No safety signs posted at various work benches. Recommendation: Provide approved safety signs as needed at the various workbenches where work takes place.	
C-09-12-19	Hazard: Hot water heater vent pipe does not terminate at the floor level. Recommendation: Have this relief valve pipe extended to within 6 inches of the floor level.	
C-09-12-20	Hazard: It appears there is no written hazard communication plan in place for this department. Recommendation: Establish a approved hazard communications written plan for this department.	
C-09-12-21	Hazard: Overall general housekeeping in this facility could be improved. Recommendation: Improve all around general housekeeping for this garage, a neat organized work place makes for a safer workplace.	
C-09-12-22	Hazard: Portable fire extinguishers are not being inspected and recorded on a monthly basis. Recommendation: Establish a procedure where all fire extinguishers are inspected and recorded monthly including those in the vehicles.	
C-09-12-23	Hazard: This building is not equipped with a automatic fire detection and security system. Recommendation: Consider the install of a fully approved fire and security detection system monitored 24/7 at a central location.	
C-09-12-24	Hazard: Ice and snow overhanging on front and falling off in front of doors. Recommendation: Consider the install of automatic door openers for these doors eliminating the potential of ice and snow hitting the public or employees, also post do not park signs in the winter months to keep vehicle away from this falling hazard.	
C-09-12-25	Hazard: Exhaust fumes inside the structure when working on equipment. . Recommendation: Consider the installation of a approved means of venting these fumes and gases to the exterior of the structure.	
C-09-12-26	Hazard: The fuel nozzle, pump and hose are not equipped with automatic shutoff valves in the event they are damaged. Recommendation: Consider having your fuel supplier install the needed safety shutoff valves and devices for this pump, nozzle and hose .	
C-09-12-27	Hazard: Current employees are overdue for being registered flaggers. Recommendation: Attend a flagger class to have your flagger registration cards renewed.	
C-09-12-28	Hazard: Undetermined if a ppe assessment has been completed for this department. Recommendation: Perform a ppe assessment for all tasks done by this department. (I can assist with this if needed)	
C-09-12-29	Hazard: Overhead beams are not identified with safety markings and no caution signs in place identifying this hazard. Recommendation: Consider providing these safety/caution signs, as well as identifying this overhead hazard.	

Our survey of your operation is to assist you in your loss control efforts. We do not assume responsibility for the discovery or elimination of all hazards which could possibly cause accidents or losses. Recommendations are developed from the conditions observed at the time of the survey and may not include every possible cause of loss. Compliance with these recommendations does not guarantee the fulfillment of your obligation under local, state, or federal law



State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Environmental Assistance Office
103 South Main Street
Waterbury, VT 05671-4911
(802) 241-3471
FAX: 241-3273
john.daly@state.vt.us

Jim Potter, Road Foreman
Town of Pomfret
PO Box 286
North Pomfret, VT 05053

October 9, 2012

Dear Mr. Potter:

It was nice to meet with you and Neil Lamson at the Town of Pomfret highway facility. We enjoyed the chance to speak with you about environmental issues, as well as take some time to walk around your facility and the surrounding yard. During our visit we could see improvements that have been made since you first started working with our program, as well as site improvements that have been made since the recent flooding. We appreciate the work you have done, and encourage you to continue in your efforts. Nice job, Jim.

We are happy to see that you continue to work with our office in an effort to operate your facility in compliance with environmental regulations. Our new employee Maura enjoyed the chance to meet both of you and to learn some very good real world examples of issues facing town highway garages. Opportunities like these are a good way to stay on top of the regulatory requirements, as well as learn valuable Best Management Practices (BMP). I have summarized our visit by listing both direct compliance issues for you to address, as well as BMPs we hope you will consider. Feel free to call me if you have any questions or if you are not sure about something. Again, the fact that you continue to work with our program shows that you are committed to operating your facility in compliance.

Hazardous Waste

Generator Status: Any facility generating hazardous waste must submit a Vermont Hazardous Waste Handler's Site ID Form to the State's Waste Management Division. I checked the generators list and it appears your facility does not have a generator's number. As we discussed, it is important that you notify the State of your hazardous waste generation **as soon as possible**. The forms for your submission have been enclosed and we will be happy to assist you in getting them filed. We encourage you to make this the first step in your effort to bring your facility into compliance.

There are three categories in which a "generator" can be placed: Conditionally Exempt Generator (CEG), Small Quantity Generator (SQG) or Large Quantity Generator (LQG). Very briefly, the CEG status is the preferred generator status; CEGs are subject to fewer regulations and there are less strict documentation and paperwork requirements to follow. In order to maintain a CEG status, **a facility must generate less than 220 pounds of hazardous waste per month and have accumulated less than 2,200 pounds of hazardous waste on-site at any time** (that would be equivalent to about half of a 55-gallon drum of liquid waste per month or about 5 drums full of liquid waste total accumulation). In order to maintain your CEG status it is important that you calculate the amount of hazardous waste *generated* per month and keep detailed records on file. Status is not based on how much hazardous waste is shipped in a month, but rather how much is generated. We noted during our visit



that you only generate CEG quantities of hazardous waste and that you should easily be able to maintain a CEG generators status.

Direct Compliance Issues:

- Remember that you need to fill out and return your hazardous waste generators notification form. Call if you have any questions about what needs to be listed on the form.
- For your used oil, you must use the field screening test kit for total halogens (chlorinated additives) and conduct a one-time test to ensure the oil you are burning meets the specification to be burned. See the Burning Used Oil fact sheet for information. I encourage you to carefully read the test directions and follow them exactly to ensure a good test. Once complete simply record the date the oil was tested, the kit lot number (on the end of the box) and keep the record on file. Please call if you have questions. Remember that you can accept used oil from do-it-yourselfers, other municipalities, or other businesses as long as the oil is tested.
- For **used oil storage**, remember to properly label any tank, drum or other storage vessel with the words "used oil".
- Used absorbents and other materials soaked in 5% (50,000 ppm) by weight petroleum distillates must be properly disposed of as hazardous waste and can not be thrown in the trash, swept outside with the floor sweepings, or added to the sand pile. You need to set up a drum or metal trash can labeled with the words "**Oil Soaked Hazardous Waste**" to help manage this waste stream. Use as little as possible and reuse it until no longer effective. Even better consider using reusable rags on smaller spills and leaks which will be cleaned and returned for re-use, without generating hazardous waste to dispose of. You must properly dispose of ANY oil soaked waste including used speedy dri, sand/dirt, oil soaking towels and pads, and any other waste.
- If a facility has more than **1320 gallons of above-ground oil storage** capacity, a site specific Spill Prevention Control and Countermeasure (SPCC) plan must be written. For SPCC it is not how much is stored but rather how much potential for storage is on-site. The smallest container that must be counted is 55-gallons, and remember to count diesel fuel, gas, fuel oil, used oil, and ANY other oil or fuel. I noted during our visit that you currently have around 1400-gallons of potential storage on-site. SPCC is a Federal program run by USEPA out of Boston. See the fact sheet for more information. As we discussed during the visit, facilities that have under 10,000-gallons of storage capacity can self-certify a plan. We have a template available and can get you started in the right direction if you choose to continue to manage over the SPCC threshold. We did however discuss that you could lower your total storage capacity below the regulatory threshold and no be subject to this requirement.
- Spent **fuel filters** (gas or diesel) must be properly disposed of as hazardous waste and can not be thrown in the trash. Metal incased fuel filters are exempt from being disposed of as hazardous waste if they are recycled as scrap. I recommend you recycle all fuel filters generated onsite with your oil filters, by sending them with your scrap metal. For managing fuel filters you do not have the option of puncturing them and disposing of them as trash like you do with oil filters.
- The container used to store spent antifreeze must be properly labeled with the words, "Spent (or used) Antifreeze For Recycling". Remember you can drain and reuse antifreeze at any time, and that only spent product should be added to your collection container.
- Spent fluorescent bulbs (including Metal Halide) must be properly disposed of and **can not be crushed** (before being) **thrown in the trash**. You can continue to place spent bulbs back into an empty box that they come in. You must properly label the box with the words "**Universal Waste-**

Lamps”, or “Spent Bulbs for Recycling” and tape it shut when full. You can dispose of them during the town wide hazardous waste collection or at the solid waste district.

Please consider each of these items and check them off once you have addressed them. You can read the fact sheets in the guide book(found online) for additional information, or call if you have questions. I also noted several issues in bullet format for you to consider. These BMPs are ideas we often get visiting other facilities or are ways to manage your facility that can often save you money and/or make your life easier. You should also feel free to call me with questions or if you need additional clarification on anything.

BMPs and other suggestions:

- We encourage you to avoid unlabeled buckets and containers where the label is gone or you can't read it, use a marker to label them to show their contents.
- As we discussed during the on-site, re-usable rags are a good alternative for absorbents on smaller spills and leaks. Simply wipe up the spill and place the rags in your rag collection container for reuse, which will ultimately reduce the amount of clay absorbents being used at each facility. Many facilities use a rag service as a way to help manage oily wastes; and generate less waste that must be properly disposed of. If you continue to use absorbent (ex. Speedy Dri), we recommend that you establish **two** collection containers (**both with closing lids**) one for **“used absorbent to reuse”** and the other for **“oil soaked hazardous waste”**(properly labeled 55-gallon drums with a ring lid or a metal trash can work well for the waste and a metal or plastic bucket works well for the reuse). Place a screw hook in the side of a 5-gallon pail and hang a small dust pan and broom, inside put some speedy dri and a coffee can. This is a great way to help you better reuse any such material before disposing of it.
- Nice job installing the oil water separator and connecting all the floor drains at the facility. This was a big job and we appreciate your effort in addressing this issue. As we discussed, in the future, you will need to establish a vehicle service bay with no floor drains, and store all oils and chemicals in that area. The service area has to be completely physical isolated from the snow melt bays. This can be a back burner issue, but we encourage you to start thinking about it now, so when the new rules come out you already have a plan. As we discussed, you could add a bay with no floor drains, or plug one floor drain and isolated an existing bay where service can be performed.

Conclusion

I enjoyed the chance to spend some time at your facility and can see you are doing a nice job managing your operation. I think the Tier 1 Form for SPCC should be pretty straight forward for you to address. Remember to follow the inspection and renewal standards outlined in the form. Please check off direct compliance issues as you address them. I hope you will use this letter as a source of information to help you in your efforts, and please feel free to call if you're not sure about something. Be sure to see our web site www.caovt.org for fact sheets and other helpful information and resources.

Thank you for continuing to work with our assistance program. We appreciate your positive attitude towards environmental compliance and your willingness to make changes. We look forward to additional work with the Town of Pomfret. We will be happy to assist you whenever possible and encourage you to use all of the resources available from the Environmental Assistance Office. If there is anything we can do in the immediate future, please do not hesitate to call.

Sincerely,

John Daly
Environmental Assistance Specialist

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

REVISED 2013 Meeting Resolution DRAFT #2 12/18/13 with
Proposed Changes by Michael Reese on 2-9-14

Regular meetings of the Pomfret selectboard will be held on the first and third Wednesdays of each month starting on the first Wednesday after town meeting at the town office at 7:00 pm as published in the Annual Report.

Special meetings of the Pomfret selectboard shall be noticed at least 24 hours before the meetings and notices shall be distributed to the town's public email list, given to any local media requesting such notices, posted on the front page of the webpage, in the Town Office, the North Pomfret Post Office and the Teago General Store. Emergency meetings shall only be called when necessary to respond to an unforeseen occurrence or conditions requiring immediate attention by the selectboard. Notice of emergency meetings shall be distributed to the town's public email list and posted on the front page of the website. All selectboard meetings (regular, special and emergency) are open to the public and subject to the Open Meetings Law (1 VSA § 310-314).

Agendas for all meetings shall be posted in the town clerk's office and the town web site along with all documents relating to the Agenda, and distribute copies to persons who have requested copies. Persons wishing to add items to any agenda should contact the selectboard clerk five (5) calendar days before the selectboard meetings.

The minutes of all selectboard meetings shall be taken by the selectboard clerk or another person designated by the selectboard. The selectboard clerk shall approve the draft minutes, clearly label them as "draft" and make them "available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting" 1 VSA § 312. (b)(2). The selectboard clerk shall also arrange to post them on the town website and distribute them to persons who have requested copies. After the draft minutes have been approved by the selectboard, the selectboard clerk shall prepare the approved minutes by making any additions and/or corrections to the draft minutes and clearly labeling them as "approved". The selectboard clerk shall sign the approved minutes and shall arrange to post them on the town web site.

All selectboard meetings will be audio recorded. The audio recordings of selectboard meetings shall be available for inspection and copying and posted on the town web site as soon as possible after the meeting and with the objective of not longer five (5) calendar days after the meeting.

Approved at the _____ regular selectboard meeting.

Red River Computer Co., Inc.
21 Water Street
Suite 500
Claremont, NH 03743
603-448-8880

INVOICE

christina
 SW-0308

Invoice Number: **SW -14V00217**
 Invoice Date: 01/17/14
 Customer ID: 106495
 Tax ID # 02-0483341
 Cage Code # 04MB1
 DUNS#: 933678708

Bill To: TOWN OF POMFRET
 5218 POMFRET RD
 POMFRET, VT 05053

Ship To: TOWN OF POMFRET
 KEVIN LESSARD
 5218 POMFRET RD
 POMFRET, VT 05053

Discount Terms: NET 30 DAYS

Shipping Terms: FOB Destination
 Ship Via:

Customer No. 106495
 P.O. Number: KEVIN LESSARD
 Our Order No.: -13S03358
 SalesPerson: Stephen Schwind

Item No. <i>Tracking Info</i>	Reference <i>Shipment Date</i>	Description <i>Tracking Agent Tracking No.</i>	Quantity <i>Quantity</i>	Unit Price <i>Shipment Status</i>	Total Price <i>Delivery Date</i>
RRMS-POM01		RED RIVER COMPUTER MANAGED SERVICES START UP FEE	0	600.00	0.00
RRMS-POM01		RED RIVER COMPUTER MANAGED SERVICES STANDARD MONTHLY CHARGE INVOICE PERIOD: 1/1/14-1/31/14 DIRECT PAY PERMIT #: 32104 Accounting Contact:christina.fredette@redriver.com	0 0	600.00	0.00
RRMS-POM01	11/25/13	RED RIVER COMPUTER MANAGED SERVICES EMAILED OVERAGES OCTOBER OVERAGES 1.91	1.91	Delivered	11/25/13
RRMS-POM01	12/17/13	RED RIVER COMPUTER MANAGED SERVICES E-MAILED PER MANAGED SERVICES	9.38 9.38	Delivered OVERAGES	12/17/13

Transfer to page

2.....

25/13
 100 7 10 30 641 040

3 hr. setting up Auditors

Item No.	Reference	Description	Quantity	Unit Price	Total Price
<i>Tracking Info</i>	<i>Shipment Date</i>	<i>Tracking Agent</i> <i>Tracking No.</i>	<i>Quantity</i>	<i>Shipment Status</i>	<i>Delivery Date</i>
01/17/14	Sales Invoice	SW-14V00217 for KEVIN LESSARD NOVEMBER OVERAGES 9.38		Transferred from page	1.....
RRMS-POM01		RED RIVER COMPUTER MANAGED SERVICES	12.71	140.00	1,779.40
	01/15/14	E-MAILED PER MANAGED SERVICES DECEMBER OVERAGES 12.71	12.71	Delivered OVERAGES	01/15/14

Backup + support

Total Due: 3,092.60 *pay*

Remit To: Red River Computer Co., Inc. CL # 5195 PO Box 95000 PHILADELPHIA, PA 19195-5195	Banking Information: Bank: TD Bank ABA Bank Routing Number: 011400071 Checking Account Number: 9240225501
--	---

Page: 2 Overdue accounts will be charged a late fee of 1.5 % per month

*See Attached
Time to be credit
in future bills*

Red River Computer Charges

2-19-14

November

Total hours 11.38
- 2.00 Contract
 9.38
- 2.78 TC New Computer issues with virus @ \$140.00 = 389.20
 6.60 @ \$140.00 = \$924.00
 2.99 Auditors computer set up.

December

Total hours 14.71
- 2.00 Contract
 12.71
- 5.75 TC New Computer issues with virus @ \$140.00 = \$805.00
 6.96 @ \$140.00 = \$974.40
 1.15 Auditors comp. Acate problem

Total hours for TC New Computer issues for November & December is 8.53 hours @ \$140.00 = \$1,194.20 (to be credited on future bills) and 13.56 hours over @ \$140.00 per hours = \$1,898.40.

January

Total hours 5.81
- 2.00 Contract
 3.81

So, if I figured correctly (please let me know if I didn't) January overages will be credited and we should still have a credit of 4.72 hours for our next bill.

Thanks for all your help

CHAPTER 2 - POSITION DESCRIPTION

POSITION DESCRIPTION

The role of the Local Emergency Management Director is of vital importance to the community. The Local Emergency Management Director is responsible to ensure that the community:

- ⌚ Knows it vulnerabilities, hazards, and threats;
- ⌚ Plans for any emergencies
- ⌚ Responds timely and effectively in any emergency
- ⌚ Conducts recovery operations

If a Local Emergency Management Director is not appointed by the Selectboard or governing body of a community, the responsibility defaults to the Selectboard Chair or the Town Manager. See Appendix 7 for a draft Emergency Management Ordinance.

The Local Emergency Management Director is responsible for coordinating the various components of the emergency management system: fire, law enforcement, emergency medical services, public works, volunteer groups, and State resources. By incorporating the four phases of emergency management: mitigation, preparedness, response, and recovery, the Local Emergency Management Director can effectively respond to all situations that might occur.

There are several core functions a Local Emergency Management Director must perform:

- ⌚ Identify hazards
- ⌚ Analyze vulnerability
 - Assess capabilities (Develop an Emergency Operations Plan)
- ⌚ Develop effective relationships
- ⌚ Improve preparedness
 - Coordinate response/recovery activities
- ⌚ Encourage hazard mitigation

- ⌚ Develop public information procedures
- ⌚ Remain current through emergency management training
- ⌚ Act as coordinator to prepare and develop response plans, an all hazards plan, and a mitigation plan.

The individual duties of the Local Emergency Management Director will vary based on the town's location, local concerns, ordinances, and other regulations. The following is a list of the duties typically performed by the local Emergency Management Director:

- ⌚ Act as the lead point of contact in any emergency situation.
 - Develop an Emergency Operating Center (EOC) facility, a protected site from which key local officials control operations.
- ⌚ Develop EOC staffing and internal procedures to permit key local officials to conduct coordinated operations in emergencies.
 - Conduct tests and exercises to give local officials practice in directing coordinated operations under simulated emergency conditions.
 - Develop a local government emergency operations plan, outlining what each local agency and supporting group would do in the case of any emergency.
 - Establish a system to alert key local officials in the event of an emergency.
 - Coordinate and lead emergency communications planning, secure all required equipment, and exercise emergency communications.
 - Coordinate with doctors, hospitals, and public/private sector medical personnel to develop emergency medical plans and capabilities, as part of local emergency plans.
 - Establish and maintain a shelter system.

CHAPTER 2 - POSITION DESCRIPTION

Establish and maintain an emergency public information system and train personnel to utilize it.

Coordinate with the Red Cross and other volunteer groups to develop an emergency welfare capability to care for people needing mass care as a result of any emergency.

- ⌚ Establish and maintain relationships with industry to develop industrial emergency plans and capabilities in support of local emergency plans.

Assist local operating departments such as the police department, fire department, and public works with their training needs.

Coordinate and participate in training programs for the public during local emergencies.

Assist in the establishment of mutual aid agreements to provide needed services, equipment, or other resources during an emergency.

Prepare, submit, and justify the annual emergency management budget.

- ⌚ Secure matching funds and other assistance available through the State Emergency Management program and through other Federal programs.

YOUR JOB AND THE LAW

When a disaster occurs you must move swiftly according to your preparedness plan. Even though you may be in charge, you cannot do anything you want or act irresponsibly. Your actions must be consistent with those provided for by the law. There are federal, state and local laws that govern what you can do. It is extremely important that you act within these laws so that you are legally carrying out your duties and are not subject to criminal or civil lawsuits because you acted beyond your authority as specified by the federal, state or local laws.

Federal Law

The Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as amended, is the legal basis for national civil defense and emergency management in the United States. This Act of Congress establishes that the responsibility for national civil defense and emergency management is vested jointly in the federal government, your state government, and the political subdivision in which your responsibility lies. In other words, you are a partner with the federal and state government when it comes to the actions you must take in disaster situations.

State Law

20 V.S.A. § 6. Local organization for emergency management

§ 6. Local organization for emergency management

(a) Each town and city of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program. The executive officer or legislative branch of the town or city is authorized to appoint a town or city chair for emergency management who shall have direct responsibility for the organization, administration and operation of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch.

(b) Except as provided in subsection (d) of this section, each local organization for emergency management shall perform emergency management functions within the territorial limits of the town or city within which it is organized, and, in addition, shall conduct such functions outside of the territorial limits as may be required pursuant

CHAPTER 2 - POSITION DESCRIPTION

to the provisions of this chapter and in accord with such regulations as the governor may prescribe.

(c) Each local organization shall participate in the development of a hazardous chemical or substance incident response plan with the local emergency planning committee and the emergency management district.

(d) Each local organization shall annually notify the local emergency planning committee on forms provided by the state emergency response commission of its capacity to perform emergency functions in response to radiological and hazardous chemical or substance incidents. Each local organization shall perform the emergency functions indicated on the most recently submitted form in response to radiological or hazardous chemical or substance incidents. (Amended 1989, No. 252 (Adj. Sess.), § 8; 1993, No. 194 (Adj. Sess.), § 2, eff. June 14, 1994.)

Local Laws

Every local jurisdiction, such as a city or county, needs its own emergency management laws to ensure the legality of the local emergency management program. Since each local jurisdiction may have different specific needs or requirements, the local law or ordinance must be drafted with the individual needs of the jurisdiction in mind. You can get guidance on these laws from state or federal emergency offices, but you will have to tailor them to your jurisdiction.

The local law or ordinance gives you the legal authority to operate. It should clearly define your authority, duties, and specific responsibilities. It should also spell out exactly who has final authority for emergency management operations in the normal day-to-day operations of the local government. This person also normally has the responsibility for the planning decisions that affect future emergencies as well as the final authority in actual emergency situations. This person is probably a mayor, city manager, county executive, select board chair or other local official.

Things To Think About

- ⌚ Local Emergency Management Directors (EMDs) are best at raising awareness of both local needs and solutions.
- ⌚ Disaster preparedness and protection begin at home and at work. Educate the members of your community, businesses, schools, scouts, and other youth groups.
- ⌚ Develop a close relationship with your State EMD. The State is a valuable source of knowledge and experience.
- ⌚ Home and business preparedness and mitigation make a big difference in the amount of damage incurred as well as reduction in injuries and deaths.
- ⌚ Individuals need to know when to call for help and who to call to report damages. The town needs to have a good tracking system of these calls.
- ⌚ Your knowledge of your town, its needs, and its strengths is invaluable.
- ⌚ Your knowledge of Emergency Management procedures is invaluable to your town in keeping an event from becoming catastrophic, in helping the town plan to avoid disaster, and in helping the town respond safely in the event of an emergency.

CHAPTER 2 - POSITION DESCRIPTION

TRAINING

Whether paid or a volunteer, everyone performing emergency management functions must be trained in a broad range of emergency procedures. The training necessary for anyone working in this field continues to increase because of Federal Regulations, Industry Safety Requirements, Court Decisions, and the need to keep up with increasingly complex environmental demands.

As in any profession, training is a very important part of the process, which is vital if one is going to keep pace with ongoing changes in the field of Emergency Management.

Vermont Emergency Management Director Training and Certification Levels

In January of 2009, the VEM EMD Certification Levels were established. In an effort to recognize EMDs who have completed emergency management training as well as further support individual capabilities to manage disasters, two certification levels have been established:

Level I –

The first level comprise 41 hours of course completion - 4 Emergency Management Institute Independent courses (21hrs), attendance at the Vt. Emergency Management Local EMD Program (3hrs), VEM Basic DisasterLAN System training (3hrs), American Red Cross orientation and mass care overview (6hrs), and hazardous materials awareness training (8hrs).

Level II –

The second level builds upon the capabilities learned in level I - ICS 200 (12hrs), ARC Shelter Operations (12hrs), HSU Exercise & Evaluation Program (HSEEP) (20hrs), Vt. EMD

Operations Course (3hrs), Principles of Emergency Management (20hrs) and Emergency Planning (16hrs).

These levels of training are designed to provide EMDs with a well rounded understanding of disaster preparedness, response, recovery and mitigation. In recognition of those who complete these training levels, VEM will be providing certificates and other incentives. For details on this program see **Appendix 20**.

Federal Emergency Management Agency (FEMA)

Independent study courses are available that can be completed at home. These are highly recommended to get an overview of specific subject areas. These courses are an excellent way to begin and continue your emergency management education.

Contact Vermont Emergency Management for information on the above courses or check the source for emergency management training on the web at <http://www.vtemergencytraining.org>.

These training courses, developed and funded by the Federal Emergency Management Agency (FEMA), are available to emergency services personnel from all levels of government, representatives from private sector organizations, representatives of business and industry, and other personnel with responsibility for response to or management of resources related to emergency preparedness activities of government.

Course offerings, dates and locations are subject to change based on student enrollment, availability of instructors, facilities and funding. Additional courses will be announced separately when they become available. For further information,

CHAPTER 2 - POSITION DESCRIPTION

call the Training Office at Vermont Emergency Management, 1-800-347-0488 or 1-802-244-8721.

FEMA Independent study (IS) courses are listed on **Appendix 1** or may be found on - <http://training.fema.gov/EMIWeb/IS/crslist.asp>

Eligibility

Anyone involved in emergency management can apply for any of the courses sponsored by Vermont Emergency Management. Applicants must meet the selection criteria included with each course in this catalog.

How to Apply

Application for enrollment for all courses will be made on FEMA 75-5, General Admission application, which is available from the State Training Office.

Vermont Emergency Management should receive applications at least 14 days before scheduled course dates to ensure enrollment and receipt of pre-course information and course materials when appropriate. Late enrollments will be accepted by phone, if spaces are available.

Lodging and Meals

Participants living 50 miles or more from the training site will be provided overnight lodging for courses of more than one day duration and all participants will be provided the noon meal. Students qualifying for overnight lodging will be responsible for their morning and evening meals.

Travel

Travel to and from the training site will be the responsibility of the participants or their sponsors unless approval is secured for a federal training program out of state.

For more information about the office of town constable, contact the VLCT Municipal Assistance Center at (800) 649-7915.

D. EMERGENCY MANAGEMENT

In accordance with the state emergency management plan and program, each town and city is required to establish a local organization for emergency management. The selectboard must appoint an emergency management director who is responsible for the organization, administration and operation of local emergency management activities in the town, subject to the direction and control of the selectboard. 20 V.S.A. § 6(a).

Many communities appoint their fire chief as the local emergency management director. The responsibilities of the director office can include, for example:

- acting as local point of contact for emergency management issues;
- helping to develop an emergency operations center (EOC);
- developing emergency operations center staffing and internal procedures;
- conducting tests and exercises;
- developing a local emergency operations plan;
- establishing and implementing a notification system to alert key officials in cases of emergency;
- coordinating and leading emergency communications planning and securing equipment;
- coordinating the establishment of an emergency shelter with the American Red Cross;
- establishing and maintaining a relationship with local businesses;
- coordinating training programs for local emergency management officials;
- helping to develop mutual aid agreements; and
- acting as a liaison to the Department of Public Safety's Emergency Management Division.

The local emergency management organization must participate in the development of an all-hazards plan with the local emergency planning committee and the public safety district in which the municipality is located. 20 V.S.A. § 6(c). Each local organization must annually notify the local emergency planning committee of its capacity to perform emergency functions in response to an all-hazards incident and must perform the emergency functions indicated on the most recently submitted form in response to an all-hazards incident. 20 V.S.A. § 6(d).

On the state level, the Vermont Department of Public Safety has an Emergency Management Division. The State Commissioner of Public Safety, with the approval of the Governor, appoints the Director of the Emergency Management Division. 20 V.S.A. § 3. The Director of Emergency Management is charged with coordinating all emergency management efforts within the state.

The Emergency Management Division has provided the following outline of suggestions for emergency management response:

Major emergency management activities fall into one or more of four phases: response, recovery, mitigation or preparedness.

Preparedness. Prior to any emergency – natural, manmade, accidental or deliberate – the major activities undertaken by any community include preparedness. Of the four phases of emergency management, the preparedness phase is often the easiest place to start. In some cases, such as a flood or hurricane, a municipality may have an early warning and several hours to act. However, often there is no prior warning of an impending emergency, such as with earthquakes, tornadoes, explosions, terrorist attacks or major fires. Preparedness is being ready to react promptly and effectively in the event of an emergency regardless of the nature of the event.

Response. Efficient disaster response depends on an organized and prepared government. Preplanning and practice are key to successfully dealing with a disaster. Each community in Vermont is strongly encouraged to develop a Rapid Response Plan to be used in the event of a local emergency. It is easy to complete and it can be an invaluable tool to have when the need arises. It outlines emergency points of contact, the location of emergency shelters, Vermont Emergency Management phone contacts, and other resources, including the American Red Cross, as well as response activities and who or what organization has that responsibility. Send a completed copy of this form to Vermont Emergency Management; give additional copies to selectboard members and the Emergency Manager. You can download this form at www.dps.state.vt.us/vem/rapid/htm.

Many emergency responders are trained in the Incident Command System (ICS) and all should be. In a large-scale incident, ICS will become very important. Simply put, ICS is the model tool for command, control and coordination of a response. It provides a means to coordinate the efforts of individual agencies as they work toward the common goal of stabilizing the incident and protecting life, property, and the environment. ICS uses principles that have been proven to improve efficiency and effectiveness in a business setting and applies them to emergency response. In any major incident, many local, state and federal agencies may become involved. ICS provides an important framework from which the various agencies can work together in the most efficient and effective manner. The principles of ICS enable emergency response agencies to utilize common terminology, span of control, organizational flexibility, personnel accountability, comprehensive resource management, unified command and incident action plans. We strongly urge local government officials to become familiar with the concepts of ICS to better understand emergency systems employed by the local responders, the state and supporting federal agencies.

When the jurisdiction is affected by a disaster, local officials must respond immediately to provide lifesaving operations, restore vital services and provide for the human needs of those affected by the emergency. Sometimes, local jurisdictions can manage the situation without further assistance, but often the State is asked to supplement local resources. State response can range from coordinating and providing State aid following local government's request, to requesting federal help. Local government officials will then work with federal and state personnel to determine which recovery programs are appropriate for implementation.

Recovery. It is difficult to pinpoint exactly when the response phase ends and the recovery phase begins. Generally, it begins when the situation starts to stabilize, sometimes following the response phase and but often overlapping it. It is categorized as either short-term or long-term. Short-term recovery is defined as restoration of vital services and facilities to minimum

standards of operation and safety. Examples include sheltering, feeding and life comforting efforts. Long-term recovery may continue for a number of months or years, as the community returns to pre-emergency conditions. Long-term recovery can include debris clearance, contamination control, disaster unemployment assistance, temporary housing and facility restoration. Local government continues to play an important role during the recovery phase because it is the first line of contact for citizens of the community. As a result, open lines of communication are established that enable local concerns and issues to be communicated to state and federal agencies.

The local emergency management director is most often the primary point of contact for these communications. This is the most effective method for addressing local issues, including setting or changing priorities and procuring additional resources so that the community can be returned to pre-disaster conditions. Additionally, mitigation measures begun during this phase reduce the community's vulnerability to similar disasters that may occur in the future. Lessons learned from the disaster will be considered when developing updated and improved protective measures, including the evaluation of the local emergency operating plan.

Mitigation. Mitigation is the ongoing effort to lessen the impact of natural disasters on people and property. Examples include local efforts to comply with codes and standards, fuel tank tie downs, and zoning. The Federal Emergency Management Agency has designated mitigation as the cornerstone of emergency management. Vermont Emergency Management also believes that the best response to natural disaster is to proactively prevent or diminish its impact. Consequently, the State of Vermont is invested in creating mitigation opportunities in all of its emergency management initiatives.

A number of programs directly support mitigation in Vermont: the National Flood Insurance Program (NFIP), the Flood Mitigation Assistance Program (FMAP) for NFIP-insured properties, the Hazard Mitigation Grant Program (HMGP) and the Pre-Disaster Mitigation Program (PDM). Local communities can address mitigation by assessing their risks and repetitive problems, making a plan that creates solutions to these problems, and taking action to implement the plan through corrective steps. Each of these measures is designed to reduce the vulnerability of local citizens and property.

For information and training opportunities for local emergency management directors, visit <http://www.dps.state.vt.us/vem/emd>, or call Vermont Emergency Management at (800) 347-0488.

E. FLOOD PROTECTION

Anyone who has ever been a selectperson or a road commissioner during a flood and its aftermath can appreciate the power of water and ice. Combine that power with Vermont's steep hills and narrow valleys, and major destruction is the frequent result. Your entire road budget may be consumed by the damage done to just one of your town highways in a few hours.

One major concern in town is the prevention of flood damage to highways. If the answer to a successful real estate transaction is "location, location, location," the answer to successful highway protection is "drainage, drainage, drainage." The selectboard has broad powers to maintain town highways, including the authority to change stream courses, erect embankments and construct drains and ditches. 19 V.S.A. § 304. In addition, specific statutes deal with

CHAPTER 31. TOWN SERVICE OFFICER

Roles and Responsibilities

The town service officer is charged with assisting individuals within the town who require emergency food, fuel, or shelter. He or she is the municipal official who administers the “general assistance” program after normal business hours of the Vermont Economic Services Division. This program provides emergency financial assistance to help Vermont’s residents and those transients in the state who have nowhere else to turn and require support. The town service officer will provide support within program limits to assist a family or individual until the Vermont Economic Services Division office is next open. General assistance consists of financial aid for food, emergency temporary housing, clothing, transportation, electricity, fuel, and medical care.

- The town service officer receives applications for assistance, investigates to determine eligibility, grants funds advanced to him or her for emergency general assistance, and performs such other duties, including investigations, as the state commissioner of the Department for Children and Families may direct. 33 V.S.A. § 2102.
- When an individual contacts the service officer for assistance, the officer must determine if the individual is eligible, and then notify the district social welfare director of his or her findings. To obtain eligibility requirements, contact the Vermont Department for Children and Families Economic Services Division at 800-479-6151. However, if the officer believes that an individual who is applying for or receiving assistance came into the state for the purpose of receiving general assistance, the service officer may find that applicant or recipient ineligible. 33 V.S.A. § 2107.
- The town service officer may provide relief to an individual who may be homeless or who is transient, so long as that individual is not found in a home, hospital, or jail. 33 V.S.A. § 2112.
- If a person, including a transient, dies and no one comes forward to make funeral arrangements, whoever is in charge of that person must report the death to the nearest welfare officer or town service officer. 33 V.S.A. § 2111.

Appointment. On or before April 15 of each year, the selectboard must appoint a town service officer and notify the commissioner of the Department for Children and Families of the appointment. If no appointment is made, the commissioner may make the appointment for the town. It is not a conflict for a member of the selectboard to serve as town service officer or for an individual to serve in multiple towns. In the absence of a town service officer, a selectboard member may act on his or her behalf. Upon the retirement, removal, dismissal or death of a town service officer, the selectboard may immediately fill the vacancy and must notify the commissioner of the change. 33 V.S.A. § 2102(a).

Compensation. After appointment, the commissioner must give the town service officer a certificate of appointment. The state compensates the officer for his or her services in the town. 33 V.S.A. § 2102 (a).

Statutory Duties. The duties of the town service officer are to receive applications for assistance, to investigate, make determinations of eligibility for general assistance, grant from funds advanced to him or her for emergency general assistance, and to perform other duties, including investigations under the welfare code as the commissioner may direct. The town service officer must promptly notify the district welfare director of all determinations which he or she makes as to an applicant’s eligibility. 33 V.S.A. §§ 2102 (b), 2104(b).

CHAPTER 31. TOWN SERVICE OFFICER

Training/ Assistance. The town service officer may call the Vermont Department for Children and Families Economic Services Division district office, 800-479-6151, to consult with an economic service staff person.

For more information or technical assistance, contact the VLCT Municipal Assistance Center, 800-649-7915, or the Vermont Department for Children and Families Economic Services Division district office, 800-479-6151.

CHAPTER 26. POUNDKEEPER

Roles and Responsibilities

The poundkeeper is an individual (or organization) who may care for animals that are impounded by the town. Animals can be impounded for a variety of reasons, including mistreatment by their caretakers, running at large, worrying other animals or people, or if rabies infection is suspected. The poundkeeper is responsible to feed and care for the animals until they are reunited with their owner, sold, or humanely destroyed. As a practical matter, in many towns the poundkeeper is the veterinarian, the local constable, or the Humane Society. In other towns, an individual may be appointed to fill this position.

Appointment. The town poundkeeper may be appointed by the selectboard until he or she resigns, retires, or is replaced. The selectboard is not required to appoint a poundkeeper. The poundkeeper is not required to be a resident of the town. 24 V.S.A. § 871(2).

Maintenance of a Pound. Each town is expected to maintain one or more pounds, if necessary. The pounds may be in an adjacent town if the adjacent town consents. 20 V.S.A. § 3381. If a town fails to maintain a pound for six months, it will be fined \$30.00. 20 V.S.A. § 3382. If a town has no pound, an individual wishing to impound an animal may do so in an enclosure, but must notify the animal's owner of its location. 20 V.S.A. § 3383.

Regulations. The selectboard may adopt regulations that govern the pound, so long as they do not contradict matters regulated by state statute. 20 V.S.A. § 3381.

Animals Subject to Impoundment. A town may impound an animal if:

- It is found in an individual's (not the owner's) enclosure doing damage. 20 V.S.A. § 3411.
- Stallions, cattle, horses or swine are running at large. 20 V.S.A. §§ 3451, 3454.
- Domestic pets (cats, dogs, and ferrets) and wolf-hybrids are running at large in violation of the law, are suspected of having been exposed to rabies, are known to have been attacked by another animal that may be either rabid or wild, or whose rabies vaccination history is unknown. 20 V.S.A. § 3806.

Security to Poundkeeper. A poundkeeper may require that the individual impounding an animal to his care provide security to recompense him or her for keeping and caring for the animal. 20 V.S.A. § 3384. If the individual does not provide this security within 24 hours, the poundkeeper may release the animal to its owners. 20 V.S.A. § 3384.

Caring for Impounded Animals. The poundkeeper must supply an impounded animal with food and water and is liable to pay the owner of any damages occasioned by neglecting to do so. 20 V.S.A. § 3412.

Notice to Owner. A person who impounds an animal must notify the owner within 24 hours after the animal's impoundment, either personally or in writing. That notice must require the animal's owner to present him or herself to the impounder to arrange for appraisal of the damages the animal has done. 20 V.S.A. § 3413. Failure to provide such notice to the owner shall result in penalties to the impounder. 20 V.S.A. § 3414.

Damages. When an impounded animal has done damage – such as a cow that jumps a fence and devours a neighbor's garden – there must be an appraisal of that damage. If the owner comes to claim the animal, he or she may appoint someone to assess the damage. This individual, along with one appointed by the poundkeeper, will determine the amount to be paid to the injured party. If they cannot agree on the amount, they may appoint a third person to assess the damages. 20 V.S.A. § 3415. If the owner does not

CHAPTER 26. POUNDKEEPER

appear or if none of the appointed appraisers can agree on the damages to be paid, the poundkeeper can take the problem to a district judge, who has the power to appoint appraisers whose decision shall be binding on the parties. 20 V.S.A. § 3417. The poundkeeper may not release the animal until the damages are paid, but once paid, the animal must be released. 20 V.S.A. § 3416.

Unclaimed Animals. If the owner does not appear to claim his or her animal, it may be sold by the poundkeeper after giving a 48-hour notice to the owner. 20 V.S.A. § 3419. If the owner is unknown, the poundkeeper must post notices within the town and adjoining towns describing the animal and time and place where it was impounded. 20 V.S.A. § 3420. The poundkeeper must wait 30 days before the animal can be sold. After that time, the animal may be sold at public auction, after six days' notice posted in a public place in the town. 20 V.S.A. § 3421. To prevent the sale, the owner must pay the damages done by the animal, the charges of impounding and keeping the animal, and the cost of advertisement. 20 V.S.A. § 3421.

Proceeds from the Sale of Animals. The proceeds from the sale must first be applied to the damage done by the animal (determined by the fence viewers), and then to the expenses of impounding, keeping, advertising, and selling the animal. Any money left over must be given to the town treasurer, to be paid to the animal's owner if he or she requests payment within one year of the sale. If the owner does not request the remaining money, it is to be included in the town treasury. 20 V.S.A. § 3422.

Record of Sale: After a sale of an animal, the impounder must give to the town clerk for recording a description of the animal, an account of the damages, charges and expenses, and the sum for which it was sold. 20 V.S.A. § 3423.

Cruelty to Animals. In some situations, the poundkeeper may also be appointed by the local board of health as the town's "humane officer." In many towns, the poundkeeper is also the local chapter of the Humane Society, which is governed by the Vermont Animal Welfare Act. In such cases, the poundkeeper may also be charged with the prevention of cruelty to animals, which includes mistreatment, abuse, starvation, etc. of one animal or an entire herd. 13 V.S.A. §§ 351, et seq. If the humane officer has probable cause to believe that animals are being abused, he or she may obtain a warrant to search and seize the animals in question. 13 V.S.A. § 354(b)(2). If a humane officer witnesses a situation in which the animal's life is in jeopardy and immediate action is needed, he or she may seize the animal without a warrant. 13 V.S.A. § 354(b)(3). Animals thus seized must be provided suitable care. If such care cannot be given, the animal may be humanely euthanized, and all costs associated with the care and/or euthanasia may be recovered from the owner. An animal that is not euthanized may be kept in custody until it is in suitable condition to be returned and the owner has arranged for its proper care and has paid all costs of its custody, or until other arrangements have been made by the court. 13 V.S.A. § 354.

If the poundkeeper or humane officer believes that an animal within the town is being mistreated, he or she should contact the Vermont Agency of Agriculture, Food and Markets, 802-828-2430, or the state public health veterinarian through the Vermont Department of Health, 802-863-7200, for assistance. Note that **cruelty to animals is a criminal offense**, so the town attorney, law enforcement officer, and the state's attorney may be helpful in providing advice and assisting with enforcement.

RE: Inquiry with VLCT

Mark Warner <Mark.Warner@pomfretvt.us>

Sun 3/9/2014 6:34 PM

To: Garrett Baxter <gbaxter@vlct.org>; Art Lewin <Art.Lewin@pomfretvt.us>;

Cc: Michael Reese <Michael.Reese@pomfretvt.us>; 'Phil Dechert' <pdechert@sover.net>;

Garrett thank you for the explanation. I'll run this by our Road Foreman and the rest of the Selectboard for their review.

Regards,

Mark C. Warner
Pomfret Selectboard Chair
5218 Pomfret Road
North Pomfret, VT 05053



Phone: (802) 457-3861
Cell: (802) 233-4534

Mark.Warner@PomfretVT.us
www.PomfretVT.us
www.EveryoneGoesHome.com

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

From: Garrett Baxter [mailto:gbaxter@vlct.org]
Sent: Sunday, March 09, 2014 4:17 PM
To: Mark Warner
Subject: RE: Inquiry with VLCT

Hi Mark,

Sorry for the delay in getting back to you but we were dealing with a flood of pre and post-town meeting questions. To answer your question, a town may be liable for damages upon public use of unmaintained highways depending on the classification of the highway. Below is a summary of the maintenance standards for town highways. All town highways fall into one of four classes (1-4). The town has a legal duty to maintain its class 1, 2, and 3 town highway to these statutory standards. Maintenance of class 4 highways is discretionary. There is no duty to maintain town trails.

Class 1: A town must keep class 1 highways "in good and sufficient repair during all seasons of the year." 19 V.S.A. § 310(a).

Towns are responsible for general maintenance, including, spot patching, traffic control devices, curbs, sidewalks, drainage and snow removal, and major reconstruction. 19 V.S.A. § 306(a)-(c).

- VTrans has responsibility for scheduled surface maintenance at no expense to the municipality. 19 V.S.A. § 306a(a).

Class 2: A town must keep class 2 highways “in good and sufficient repair during all seasons of the year.” 19 V.S.A. § 310(a).

- The selectboard may decide not to plow a class 2 road in winter based upon “safety considerations for the traveling public and municipal employees.” 19 V.S.A. § 310(a).
- An aggrieved property owner may appeal to the Transportation Board. 19 V.S.A. § 310(a) and (d).

Class 3: A town must keep class 3 highways “in good and sufficient repair during all seasons of the year.” 19 V.S.A. § 310(a).

- The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This includes sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance. 19 V.S.A. § 302(3)(B).
- The selectboard may decide not to plow a class 3 road in winter based upon “safety considerations for the traveling public and municipal employees.” 19 V.S.A. § 302(a)(3)(B).

Class 4: A class 4 highway may be “maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town.” 19 V.S.A. § 310(b).

- A town is not required to regularly maintain a class 4 highway. *Calais v. County Road Commissioners*, 795 A.2d 1267 (2002).

Trails: A town is not responsible for construction, maintenance, repair or safety of trails, including culverts and bridges on trails. 19 V.S.A. § 302(a)(5); 19 V.S.A. § 310(c).

There is a separate statute addressing bridges and culverts:

19 V.S.A. § 985. Injuries from defective bridges and culverts

(a) If damage occurs to a person, or his or her property, by reason of the insufficiency or want of repair of a bridge or culvert which the town is liable to keep in repair, the person sustaining damage may recover in a civil action. If the damage accrues in consequence of the insufficiency or want of repair of a bridge erected and maintained by two or more towns, the action shall be brought against all the towns liable for the repairs. The damage and costs shall be paid by the towns in the proportions in which they are liable for the repairs. The court may issue execution against any or all towns for their proportion only; provided that the liability to any town shall not exceed \$75,000.00 or, where insurance is carried, the maximum policy liability limits, whichever sum is greater, on account of injury to or death of a person and damage to his or her property.

(b) Towns and other corporations shall not be liable for damage to a person or his or her property by reason of the insufficiency or want of repair of a bridge or culvert while traveling on the highway or bridge in violation of the provisions of Title 23 regarding motor vehicle use. (Added 1985, No. 269 (Adj. Sess.), § 1.)

The town is not completely immune from liability, and does face some measure of exposure, if someone suffers a personal injury or property damage because the town has failed to maintain its highways to the proper standard. That being said, if the selectboard knows of a dangerous condition on a town highway and fails to correct that condition, the town will have some liability exposure.

As to your specific scenarios, there is no possible way to quantify the degree of liability a town may be exposed to in the many possible fact patterns that could occur. In the situations you describe the town needs to focus on

the class of town highway, whether or not the town is allowed not to plow it, and whether it is following the proper statutory process for not doing so. If the town is not maintaining a class 3 town highway and has no record of the selectboard deciding not to then the selectboard either needs to plow it, follow the statutory process for deciding not to, or to close it for the season (see 19 V.S.A. § 1110). If the selectboard does not to do any of these things and an injury or damages result then yes, the town most certainly could be sued and yes the town most certainly could lose that lawsuit. In my opinion, merely posting signs that a class 3 town highway is not plowed is not the same as closing it and is not the same as voting not to plow it.

19 V.S.A. § 1110. Posting of highways

(a) If the use of a town highway is to be restricted, the selectmen shall post copies of the rules in at least two public places in the town. Posting signs provided by the agency informing the traveler of the restriction shall be conspicuously placed at each end of the highway or portion of the highway. The secretary shall be responsible for furnishing notice of any restricted use of state highways.

(b) A person who violates these rules shall be guilty of a traffic offense under 23 V.S.A. chapter 23, for which he or she shall be fined not more than \$100.00, and shall be liable to the state or town in which the damage is done for all damages to the highway to be recovered in a civil action. (Added 1985, No. 269 (Adj. Sess.), § 1.)

Sincerely,

Garrett A. Baxter

Garrett A. Baxter, Esq.
Senior Staff Attorney, Municipal Assistance Center
Vermont League of Cities and Towns
1-800-649-7915
gbaxter@vlct.org

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) to whom it is addressed above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is prohibited. If you are not the intended recipient, please contact the sender by reply email or telephone and destroy all copies of the original message. Thank you.

From: Mark Warner [<mailto:Mark.Warner@pomfretvt.us>]
Sent: Friday, February 28, 2014 3:13 PM
To: Garrett Baxter
Cc: Art Lewin
Subject: RE: Inquiry with VLCT

Garrett thank you. Indulge me one more time please?

The specific question that was asked was: *"is the town liable for damages upon public use of unmaintained town highways?"* As far as I know, the town has (since I moved to the town in 1994) never plowed the road during the winter. No houses, no real reason to do so. When exactly and why this was decided may be lost to history.

The road is posted that it is not maintained during the winter months.

What happens if someone is on the road during this "closed" or unmaintained period and gets stuck or does damage to their vehicle? Is the town liable for any damages?

Then add the 2nd half of the question. If someone (not the town) made tracks (think of tractor or someone with 4-wheel drive) travels the roads; it was not "plowed", but more in the lines of a truck equipped with a plow did travel through 12+ inches of snow and may have "plowed" just due to the depth of the snow coming in contact with a raised plow. Some are questioning if the town might be liable if something were to happen to another vehicle traversing the road?

The general thought is no, but we are looking for a stronger response.

Regards,

Mark C. Warner
Pomfret Selectboard/EMC
5218 Pomfret Road
North Pomfret, VT 05053



Phone: (802) 457-3861
Cell: (802) 233-4534

Mark.Warner@PomfretVT.us
www.PomfretVT.us
www.EveryoneGoesHome.com

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

From: Garrett Baxter [<mailto:qbaxter@vlct.org>]
Sent: Friday, February 28, 2014 2:58 PM
To: Mark Warner
Subject: Re: Inquiry with VLCT

Hi Mark,

Sorry I missed your call the other day. I hope my response is still timely.

The degree of the Town's liability exposure would depend in part on whether it adhered to the prescribed statutory process for electing not to plow and make negotiable the particular Class 3 town highway in question. State law sets the minimum maintenance standards of various classes of town highways. "The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance..." 19 V.S.A. § 302(a),(3),(B). If a town fails to properly maintain a class 3 highway, the Vermont Transportation Board may require the town to return all state aid generated by that portion of highway. 19 V.S.A. § 302(b).

A selectboard may decide not to plow a class 3 highway in winter based upon "safety considerations for the traveling public and municipal employees." 19 V.S.A. § 302(a)(3)(B). If the highway was not routinely plowed before July 1, 2000, the selectboard may make such a decision without a notice and hearing. 19 V.S.A. § 310(d). If the highway was routinely plowed prior to July 1, 2000, the decision can be made only after following the

notice and hearing requirements prescribed by 19 V.S.A. § 709 and the selectboard would have to make this decision “by rule adopted under 24 V.S.A. chapter 59...”, which would require the selectboard to follow the ordinance adoption process. 19 V.S.A. § 302(a)(3)(B). Whether or not the highway was plowed prior to July 1, 2000, an aggrieved property owner may appeal the selectboard's decision to the Transportation Board. 19 V.S.A. §§ 302(a)(3)(B) and 310(d).

With respect to your question of whether private citizens may plow unmaintained town highways, they are not unless they have prior authorization to do so from the Selectboard.

If a private party wishes to maintain a town highway in winter, it should only be done with permission of the town. Title 19 of Vermont Statutes Annotated provides municipalities with the authority to control, through issuance of a permit by the Selectboard, construction or development projects that occur in, or affect, the public right of way. Specifically, 19 V.S.A. § 1111(b) declares that “(I)t shall be unlawful to develop, construct, regrade or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the agency, in the case of state highways, or the legislative body, or designee of a municipality, in the case of town highways.” The penalties for performing unauthorized work within the town highway right-of-way, can be found in 19 V.S.A. §§ 1111 (h),(i), and (j).

In my opinion, the town has the authority to control plowing of town highways by private parties under this statute. The town can require a written permit and place conditions on the permit to protect the highway, the traveling public, other property, etc.

To that end, the town may want to consider adopting a policy that spells out under what circumstances it will permit private maintenance of town highways and if such permission is granted to what standards private maintenance will be held to. You may want to contact your VLCT PACIF representative for further recommendations for policy conditions such as requiring indemnification, hold harmless agreement, surety bonds for any resulting damage and having the town added as an additional insured on the permittee insurance policy. Once the policy is in place, a Selectboard can give permission (or not) under authority granted to it pursuant to 19 V.S.A. § 1111, and provide enforceable standards and conditions in its permits to ensure it is performed correctly.

I hope you find this information useful. Please let me know if you have any additional questions.

Sincerely,

Garrett A. Baxter

Garrett A. Baxter, Esq.
Senior Staff Attorney, Municipal Assistance Center
Vermont League of Cities and Towns
1-800-649-7915
gbaxter@vlct.org

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) to whom it is addressed above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is prohibited. If you are not the intended recipient, please contact the sender by reply email or telephone and destroy all copies of the original message. Thank you.

This issue raises a recurring theme throughout the review of the town's special funds: the lack of investment oversight. Preserving principal is one component of this oversight. The standard the town must meet is that of the "prudent investor." Arguably, the prudent investor would also try to invest the fund for growth of income to benefit the town purpose of the fund. According to Vermont law, either the Treasurer or the Trustees of Public Funds, or a combination of both, are to oversee this type of fund, which includes how it is invested, as well as how it is expended. .

The accounting method used to track special funds is at risk for error.

Year-end reports are not requested from the banks in which these funds are invested.

The treasurer uses the interest reported at the time the CDs are rolled over, rather than seek year-end amounts to be reported in the treasurer's annual accounting.

In addition, the interest is tracked by means of a check register, rather than an Excel spreadsheet where amounts can be automatically calculated, thus reducing error.

A related question is can NEMRC accommodate the tracking of investment assets.

6. Recommendations

a. Perhaps more research could be done to identify the "Hawkins Fund" portion of the overall fund.

b. The SB should determine if the fund's income can be usefully expended for its purpose, and if not, seek permission from the court to re-direct its purpose or terminate it via the Attorney General's Office.

c. The SB should review investment practices ensure that the SB is fulfilling its fiduciary duty to preserve principal, reasonably maximize growth, and expend income as intended by the donor. It should seek expert advice on developing an appropriate investment policy for all its permanent funds, such as from the VLCT.

d. The role of the Trustees for Public Funds should be reviewed and an assessment made as to whether these positions have any present-day applicability, if so, then those who are appointed should be educated in their duties and should perform them as required.

e. All special funds that are held in trust by the SB should have documentation establishing donor intent so that the SB is not only fulfilling their legal responsibility to the public, but also to ensure that future SBs will know and honor their obligation to the donor. The treasurer does maintain binders on the special funds. Narratives about the funds' history would be a helpful addition, along with identifying any issues associated with their management.

Henry T. LaBounty Trust Fund

1. Documentation

Documents at hand are copies of the first 4 pages of Aldea LaBounty's will, dated August 1981, in which she bequeathes $\frac{1}{4}$ of her estate remainder to the Town of Pomfret. According to the treasurer's record, the principal was \$53,433.61 in 1986, presumably when the trust was realized. There are no documents at hand of the trust terms being accepted by the Select Board (SB). Also, there is no information whether or not the Probate Court appointed a co-trustee, or if the SB accepted this term of the trust. There is a treasurer's record of the fund account from 1986 to 2013.

2. Description and Purpose

Established by the will of Aldea LaBounty, $\frac{1}{4}$ of the remainder of her estate to the Town of Pomfret to be known as the Henry T. LaBounty Trust. Income is to be used to “improve the dirt and gravel roads.” The testator made clear that the income from the trust was not to substitute for expenditures by the town, but to be in addition to what the town spends on road improvement.

The testator had the foresight to establish an alternative use clause if the income could not be used for the stated purpose. If income cannot be used for the stated purpose, then income to “maintain, improve, or expand” the town hall.

The testator also required that an annual accounting of the fund’s use be published in the town report.

The SB members are the co-trustees under the trust created by the will. In addition, a resident of at least five years in the town should be appointed by the Probate Court to serve as co-trustee, whose vote is the deciding vote in the event of a tie. According to the current treasurer, she is co-trustee, too, presumably meeting the five-year residency requirement.

The testator further required that if her appointed trustees (the SB members and a Pomfret citizen of five years’ residency in the town) fail to carry out the purposes, then the principal of the trust should go to the Ottauquechee Health Center.

3. Type of Fund and Use

The principal and income of this trust fund are permanently restricted to the purposes stated above. In 1991 almost \$10,000 in income was spent on the Town Hall. Gravel expenditures were made in 1994-1997, plus a new furnace for the Town Hall. Every few years there are expenditures on either roads or the Town Hall. Since 2010, the only annual expenditure has been a court filing fee of \$31.50, presumably with the Probate Court.

4. Investment

This trust is invested in a Mascoma Savings Bank one-year term CD at a rate of .747%. The last accounting of the treasurer on December 31, 2013 shows a principal amount of \$53,433.61, and an interest earning of \$434.90. An income accounting from the treasurer shows \$33,480.59 has been earned on the principal amount. The total value of the fund at year-end is \$86,914.20.

5. Issues

As recently as 2010, the interest earned was \$1,175.16 that year, compared to \$434.90 in 2013. Presumably, the investment vehicle for the trust must have changed.

The accounting method used to track special funds is at risk for error. Year-end reports are not requested from the banks in which these funds are invested. The Treasurer reports the interest earned at the time the CDs are rolled over, which generally do not coincide with year-end.

In addition, the interest is tracked by means of a check register, rather than an Excel spreadsheet where amounts can be automatically calculated, thus reducing error.

A related question is can NEMRC accommodate the tracking of investment assets.

6. Recommendations

Review the appropriateness of the investment vehicle for this trust fund. A drop in the interest on an \$87,000 fund to less than half (\$1,200 to less than \$500) in three years is a significant decline. This issue raises a recurring theme throughout the review of the town’s special funds:

the lack of investment oversight. Preserving principal is one component of this oversight. The standard the town must meet is that of the “prudent investor.” Arguably, the prudent investor would also try to invest the fund for growth of income to benefit the town purpose of the fund and also to meet the settlor’s intent.

Keith Educational Trust Fund

1. Documentation

Documents at hand are copies of the trust agreement, dated January 1945, from Avis Keith of Gloucester, MA, in which she gives the town \$5,000 in trust whose income is to be used to assist worthy women of the town. A copy of the trust was received for the record in April 1945. There is a copy of a letter from the settlor dated July 1947 that further explains her intentions and motivation regarding the gift, and clearly directing that it is for women only. A journal from 1945 to 1969 tracks the amount of annual awards. There is also a copy of an accounting from 1970’s to 2013. Also available is a separate binder in the treasurer’s office that contains information about the awards and copies of the award checks.

2. Description and Purpose

This fund is a trust established by a trust agreement between Avis Keith and the Select Board (SB) of the Town of Pomfret in January 1945 with \$5,000. The terms are that the principal is to be invested with income only to be used for “worthy young women of the town who lack financial resources to obtain a higher education.”

Ms. Keith in her handwritten letter clarifies that the award can be given for either a high school or college education. There are other considerations that she elucidates on which the SB is not bound to by the terms of the trust, but to the extent the SB can comply with the settlor’s clarifications without undue burden, they should.

The School Board of Pomfret is to make the annual selection.

3. Type of Fund and Use

This is a trust fund restricted in principal and income for the purpose stated in the trust agreement.

The award has been consistently made from 1945 to 1969 in varying amounts over the years, generally in the \$200 range. There was a purchase of securities from the principal, but monies were added to maintain the \$5,000 principal amount. Starting in 1969 forward, the accounting does not mention an annual award, then in 1982, \$1,279.49 was awarded. Since 1999, there have been only six (6) awards made: 2005-07, and 2009-2011.

4. Investment

Currently the fund is invested in a one-year Mascoma Savings Bank CD at the rate of .399%.

The principal amount is now \$5,410.49. The source is unknown regarding the additional \$410.49. Interest earned in 2013 is \$25.08 and total interest accrued is \$85.57. The total trust fund value as of December 31, 2013 is \$5,521.14.

DRAFT

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053
(802) 457-3861

Public Records Policy

Whereas, with the advent of personal computers, it has become an accepted practice for town employees, appointed officials and elected officials to use personal computers to create and store public records, and

Whereas, public records created during the course of public agency business must be properly and securely archived so that they can be inspected and/or copied.

Therefore, the following public records policy shall be adhered to by all town employees, appointed officials and elected officials:

1. Each town public agency, including but not limited to boards, committees, subcommittees, departments and commissions, shall designate a custodian of the public records created by that public agency and shall inform the town clerk of said designation.
2. Members of town public agencies who create public documents shall immediately forward a copy of said documents to the appropriate custodian of public records.
3. The custodians of public records shall make reasonable efforts to insure that public records in their charge are not destroyed, given away, sold, discarded, or damaged.
4. The custodians of public records shall forward copies of all public records in their charge to the town clerk for archiving.
5. Email communications and attachments created during the course of public agency business are public records and are subject to this policy.
6. Persons wishing to inspect or request copies of public records shall make their requests to the appropriate custodian of public records.
7. Requests to inspect or obtain copies of public records that are received by persons other than the appropriate custodians of public records shall be immediately forwarded to the appropriate custodian of the public records.
8. Every effort shall be made to provide copies of any requested written or recorded information in pdf format on CD with a duplicate copy retained by the custodian of public records.

Reference is made to the following state statutes:

1VSA § 317. Definitions; public agency; public records and documents (b): As used in this subchapter, "public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.

1VSA§ 317a. Disposition of public records: A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to 3 V.S.A. § 117(a)(5).

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053
(802) 457-3861

So agreed to this _____ day of _____, 20__.

Pomfret Selectboard

So agreed to this _____ day of _____, 20__.

Pomfret Board of Listers

So agreed to this _____ day of _____, 20__.

Pomfret Board of Auditors

So agreed to this _____ day of _____, 20__.

Pomfret Planning Commission

So agreed to this _____ day of _____, 20__.

Pomfret Town Clerk

So agreed to this _____ day of _____, 20__.

Pomfret Town Treasurer
