

# Town of Pomfret

5218 Pomfret Road

North Pomfret, VT 05053

Agenda for April 16, 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. Public Comment
4. Town Clerk's Report
5. Treasurer's Report
  - (a) Review and action on warrants for payment ([See attached pages 2-4](#))
  - (b) Update from Ad Hoc Financial Reporting Committee
6. Road Foreman's Report
  - (a) Paving needs
  - (b) Purchase authorization of new truck
  - (c) Determine process for receiving estimates for Barber Hill Road culvert replacement
7. Vacancies: Emergency Management Director, Town Service Officer, Emergency 911 Coordinator and Road Commissioner ([See attached pages 5-7](#))
8. Unfinished Business:
  - (a) Bill from Red River Computer Co. [See 3/19/14 Agenda pages 26-29 for more information](#)
  - (b) Formation of Committee on Special Funds ([See Special Funds Report at Link to Special Funds Report](#))
  - (c) Public Records Policy ([See attached pages 7-13; See also 3/19/14 Agenda pages 49-50 for more information](#))
  - (d) Purchasing Policy
9. New Business
  - (a) Listers' request for software purchase
  - (b) Short and Long Term Priorities
10. Approval of minutes of prior meeting: 4/2/14: [Link to Minutes of 4/2/14 Meeting](#)
11. Public Comment
12. Other Business

For checks For Check Acct 01 (General Fund) >= 8806 04/16/2014 To 04/16/2014

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
1030	AIRGAS EAST	9917391265 lease 1 large cyl, acety	60.00	0.00	60.00	8806	04/16/14
1150	BLUE CROSS & BLUE SHIELD	BCBS4MAY 3 highway for May	2887.92	0.00	2887.92	8807	04/16/14
1250	CARGILL, INCORPORATED	2901655026 21.93+23.72 tons salt	2580.13	0.00	2580.13	8808	04/16/14
1250	CARGILL, INCORPORATED	2901658972 33.22+32.4 tons salt	3708.84	0.00	3708.84	8808	04/16/14
1272	CASELLA WASTE SERVICES	84915 March trash	25.00	0.00	25.00	8809	04/16/14
1430	DEAD RIVER COMPANY	64087MARCH Pom FD 244.3 propane	471.25	0.00	471.25	8810	04/16/14
1430	DEAD RIVER COMPANY	70384 garage heat oil 185.5 ga	647.56	0.00	647.56	8810	04/16/14
1430	DEAD RIVER COMPANY	82537 heat oil 79.5+124.9 gal	717.51	0.00	717.51	8810	04/16/14
1430	DEAD RIVER COMPANY	93245 Teago FD 170.5 heat oil	647.73	0.00	647.73	8810	04/16/14
1595	FAIR POINT COMMUNICATIONS	1125MARCH Teago FD phone march	119.84	0.00	119.84	8811	04/16/14
1595	FAIR POINT COMMUNICATIONS	2767MARCH garage phone March	72.18	0.00	72.18	8811	04/16/14
1595	FAIR POINT COMMUNICATIONS	3730MARCH Pom Em Svcs phone march	134.64	0.00	134.64	8811	04/16/14
1595	FAIR POINT COMMUNICATIONS	OFFICESMARCH town offices phone march	111.01	0.00	111.01	8811	04/16/14
1620	FASTENAL COMPANY	51443 parts and tools	200.30	0.00	200.30	8812	04/16/14
1770	GUVSWMD	3142 60 punch cards	2400.00	0.00	2400.00	8813	04/16/14
1880	HOWARD P. FAIRFIELD, LLC	206029 blades and rake teeth	3550.24	0.00	3550.24	8814	04/16/14
1880	HOWARD P. FAIRFIELD, LLC	206487 rake teeth	834.75	0.00	834.75	8814	04/16/14
1910	IRVING OIL CORPORATION	448409 230.4 gal diesel	792.27	0.00	792.27	8815	04/16/14
1910	IRVING OIL CORPORATION	757739 186.1 gal diesel	658.54	0.00	658.54	8815	04/16/14
2080	LOWELL MCLEODS INC.	18472 spring, ubolts, truck 4	549.71	0.00	549.71	8816	04/16/14
2380	PIKE INDUSTRIES, INC.	744596 crushed stone, 34 loads	10547.96	0.00	10547.96	8817	04/16/14
2543	RED RIVER COMPUTER CO., INC.	14V01487 monthly fee	600.00	0.00	600.00	8818	04/16/14
2705	TDS LEASING INC.	1045345 savin monthly fee	94.25	0.00	94.25	8819	04/16/14
2930	VERIZON	CELL4MARCH Neil cell phone March	198.32	0.00	198.32	8820	04/16/14
3000	VLCT	2014-14701 SB training-M Reese	60.00	0.00	60.00	8821	04/16/14
3140	VT DEPT. OF TAXES	SWT1STQTR 1st qtr St withhold tax	1790.17	0.00	1790.17	8822	04/16/14
3260	WELCH'S TRUE VALUE HARDWARE	MARCH2014 supplies garage	21.97	0.00	21.97	8823	04/16/14
3270	WELLS COMMUNICATION SERVICE IN	672713 pager repairs Emerg Svcs	36.25	0.00	36.25	8824	04/16/14
2865	U S TREASURY	62726894 payroll taxes 4-16	2191.45	0.00	2191.45	62726894	04/16/14

For checks For Check Acct 01(General Fund) >= 8806 04/16/2014 To 04/16/2014

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
Report Total			36,709.79	0.00	36,709.79		

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 \$ \*\*\*\*36,709.79  
 Let this be your order for the payments of these amounts.

\_\_\_\_\_  
 Mark Warner, Chair

\_\_\_\_\_  
 Michael Reese

\_\_\_\_\_  
 Philip Pechert

04/04/14  
01:23 pm

TOWN OF POMFRET Accounts Payable  
Check Warrant Report # 166  
For checks For Check Acct 01(General Fund) 04/04/14 To 04/04/14

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Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
2580	SABIL & SONS, INC.	MAR31BILL Feb+March bills	271.66	0.00	271.66	8796	04/04/14
2890	UVM EXTENSION	TCLERK ED TC training, error in fe	1.96	0.00	1.96	8797	04/04/14
3170	VT MUNICIPAL EMPLOYEES RETIRE.	2104 1ST QTR VMERS 1st qtr retire	3149.74	0.00	3149.74	8798	04/04/14
Report Total			3,423.36	0.00	3,423.36		

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 \$ \*\*\*\*\*3,423.36  
Let this be your order for the payments of these amounts.

\_\_\_\_\_  
Mark Warner, Chair

*Michael Reese 4/7/14*  
\_\_\_\_\_  
Michael Reese

\_\_\_\_\_  
Philip Pechert

## CHAPTER 27. ROAD COMMISSIONER

### *Roles and Responsibilities*

**The road commissioner plays an important but limited role in many Vermont towns as the individual charged by the selectboard to maintain the town's highways. The road commissioner has no independent authority to act, and can only carry out the orders of the selectboard. This is true whether the road commissioner is elected by the voters or is appointed by the selectboard.**

**History.** The office of the road commissioner has had a long and interesting history. Beginning in 1799, the General Assembly gave the selectboard in each town the responsibility “to lay out and alter highways.” These first highway laws provided for a kind of draft of all male inhabitants from the ages of 16 to 60 (with the exception of ministers) to work on the roads of their own towns under the direction of a town surveyor (the precursor to the modern road commissioner), for a four-day period each year. The individuals on the road crews were credited with 18 shillings a day, to be paid at the end of the four-day period. To keep absenteeism to a minimum, each worker was fined 30 shillings for each lost work day. In the event that the fine amounted to more than the work credit, the town was empowered to collect the difference by selling off enough personal property of the “draft dodger” to pay the debt! This same work crew could also be summoned by the surveyor to repair highways damaged during a natural disaster.

In 1827, the General Assembly appointed commissioners from each county to supervise the roads. The practice was abolished in 1830 but reinstated many years later, with the county commissioners having much less power than their predecessors. Today, county commissioners may still be appointed annually by county judges to serve as an appeal body from decisions of the selectboard in case the board fails to act on complaints to repair a highway or bridge in the county, or in decisions with respect to the laying out, reclassifying, and discontinuing of roads. 19 V.S.A. §§ 970, 971.

By 1850, changes in highway law enabled selectboards to present candidates for the post of town surveyor of the several local highway districts established in the town. The town could elect either surveyors or road commissioners; a choice that remained with the electorate until 1892, when the post of surveyor was abolished and the office of road commissioner permanently substituted. In that year, responding to shrill criticism, the General Assembly put the roads under the supervision of a state highway commission to oversee local roads, and provided for the election of a local road commissioner in each town with specific statutory duties and the financial wherewithal from local taxes to do the job. In fact, the Vermont Supreme Court recognized the independent authority of the road commissioner and held that the selectboard could not interfere with the road commissioner or dictate how he did his job. (They were all men back then.) *Couture v. Selectmen of Berkshire*, 121 Vt. 359 (1960).

In 1973, the General Assembly removed the independent authority of the road commissioner and gave the selectboard responsibility for maintaining local roads and for supervising and guiding the work of the road commissioner. Shortly after this change in law, the General Assembly abolished the position of road commissioner as an elective office and gave to the selectboard the power of appointment of a road commissioner, with all its attendant powers, duties, and responsibilities, including the power of removal for just cause after a legally-warned hearing. However, this change was not popular, so in 1976 the General Assembly returned to voters the option of electing a road commissioner if they so chose. Nevertheless, the selectboard continues to oversee the work of the road commissioner, whether he or she is appointed by the board or elected by the people.

**Election/Appointment.** Road commissioners (one or two) can either be elected by ballot or appointed to office. They serve for a one-year term, unless the town votes they serve for a two- or three-year term. The term length remains in effect until rescinded by the voters. 17 V.S.A. § 2646(16).

## CHAPTER 27. ROAD COMMISSIONER

According to 17 V.S.A. §§ 2646(16) and 2651(a), one or two road commissioners are to be appointed by the selectboard unless the town has voted to have the commissioners elected. If voters want to have the road commissioner elected, they must petition the selectboard at least 40 days prior to the annual town meeting to insert an article in the warning on the question of whether or not the town shall elect a road commissioner. 17 V.S.A. § 2652. If the voters choose not to elect a road commissioner, then the selectpersons will continue to appoint someone to that office. If the town votes to return to the election process to choose a road commissioner, the election of a specific individual to fill that position will be held at the following annual meeting. If the town has voted to elect its road commissioner, in order to go back to appointing the commissioner, there must be a vote at an annual meeting to reauthorize the selectboard to appoint the commissioner.

- An elected commissioner must be a legally qualified voter of the town. However, there is no requirement that an appointed road commissioner be a resident of the town. 17 V.S.A. § 2646(16), 2651(a).
- If it chooses, the selectboard may appoint one or two members of the selectboard to serve as road commissioner. 17 V.S.A. § 2651(a).

**Town Managers.** In communities that have adopted the town manager form of government, the town manager acts as the local road commissioner, so no other road commissioner may be elected or appointed. 24 V.S.A. § 1236(5).

**Removal.** An appointed road commissioner may be removed by the selectboard for “just cause” and after “due notice” and a hearing. This means that if the selectboard has good reason, it may remove the road commissioner, but only after informing him or her of the reasons and providing a hearing before the board. 17 V.S.A. § 2651. Elected road commissioners cannot be removed from office.

**Duties.** The road commissioner must work closely with the selectboard to maintain the town highways and to keep the bridges, culverts, and roads in good repair. 19 V.S.A. § 303. The road commissioner generally supervises the road crew and makes suggestions to the selectboard with respect to personnel matters. In addition, in many towns the road commissioner regularly reports to the selectboard on the status of the town roads and requests specific expenditures, suggests when roads should be reclassified, and sees that roads are properly graded, surfaced, graveled, and maintained for winter use.

**Compensation.** The selectboard determines the town road commissioner’s pay, which cannot be less than \$2.00 per day for time actually spent and must be drawn from the transportation fund. 32 V.S.A. §1225.

responding to records requests, to preserve the security of public records, and to protect public records from damage. This model policy has been developed for adoption by municipal clerks but can be modified for adoption for other officials who may be custodians of municipal records.

This model policy has been revised to comply with the provisions of H. 73 of 2011.

**This model policy has been developed for illustrative purposes only. VLCT makes no express or implied endorsement or recommendation of any policy, nor does it make any express or implied guarantee of legal enforceability or legal compliance, nor does VLCT represent that any policy is appropriate for any particular municipality. Your legal counsel should review any proposed financial policy before adoption.**

**Town of \_\_\_\_\_, Vermont  
Office of the Town Clerk**

### **Public Record Inspection, Copying and Transmission Policy**

**PURPOSE.** The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides that the Town of \_\_\_\_\_ is required to provide access to public records for inspection and copying unless the records are exempt by law from public access. The \_\_\_\_\_ Town Clerk is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the Town's public records.

**APPLICABILITY.** A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of Town business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

This policy applies only to requests for public records in the custody of the Town Clerk. Other public records may be in the custody of other officers or employees of the Town. In such cases where a public records request is made for a document that is not in the custody of the Town Clerk, the Town Clerk will promptly forward the request to the proper custodian and inform the requestor who that custodian is. This policy does not apply to the Town's land records, which are subject to the Town of \_\_\_\_\_ Land Records Policy.

**PUBLIC RECORD REQUEST FORMS.** It is not intended that every public record request require the requestor complete a form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, may not exist, or may result in charges for copying or staff time, the requestor will be required to complete a Public Records Request Form designated by the Town Clerk.

**INSPECTION OF PUBLIC RECORDS.** Upon receipt of a request to inspect a public record, the Town Clerk will produce the record for inspection within three business days of receipt of the request, subject to the following:

1. If the record does not exist under the name given by the requestor or by any other name known to the Town Clerk, the Town Clerk will inform the requestor of this fact in writing.

2. If the Town Clerk considers the record to be exempt from public access, the Town Clerk will inform the requestor of this fact in writing. The Town Clerk will identify the record or portion of record withheld, the statutory basis for withholding the record, and a brief statement of the reasons and supporting facts for denial. The Town Clerk will also inform the requestor of the right to appeal this determination.

3. If the record is in active use or in storage and therefore not readily available at the time of the request, the Town Clerk will inform the requestor of this fact in writing and set a date and hour within one calendar week of the request when the record will be available for inspection.

For the purpose of this policy, a business day means a day that the Town Clerk's office is open to provide services.

In the following circumstances, the time limits described above may be extended up to ten business days from receipt of the request:

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the Town Clerk's office;

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

3. The need for consultation with other Town officers or departments having a substantial interest in the determination of the request; or

4. The need for consultation with the Town's attorney.

In responding to a request to inspect or copy a record, the Town Clerk will consult with the requestor in order to clarify the request or to obtain additional information that will assist the Town Clerk in responding to the request and in facilitating production of the requested record for inspection or copying. In the circumstances cited above, the Town Clerk may request that a requestor seeking a voluminous amount of separate and distinct records narrow the scope of the public records request.

If the time limits described above must be extended, the Town Clerk will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the Town Clerk will respond to the request.

The Town Clerk will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the Town Clerk will redact the information the Clerk considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

**COPIES OF PUBLIC RECORDS.** Upon receipt of a request to make a copy of a public record, the Town Clerk will make and produce a copy within 5 business days, subject to the following:

1. **Charges.** Except where otherwise provided by law, the Town Clerk will charge and collect the following costs for making a copy of a public record:

a. The actual cost charge for a copy of a public record [as determined by the selectboard under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State].

b. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes [as determined by the \_\_\_\_\_ selectboard under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State.].

A copy of the actual cost charge and staff time rate schedule is attached. Upon request, the Town Clerk will provide an estimate of the cost of making a copy of a public record prior to complying with the request. All charges for copies and staff time must be paid in full prior to delivery of the requested copy.

2. **Standard formats.** The Town Clerk will make a copy of a public record in the following standard format:

a. For any public record maintained by the Town Clerk in paper form, a paper copy of the record.

b. For any public record maintained in Town Clerk in electronic form, either a hard copy print out of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

Any other format is non-standard and the Town Clerk is not required to comply with the request. If the Town Clerk agrees to provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format), the requestor will be charged the time involved in producing the record in a non-standard format when the time exceeds 30 minutes as such costs are determined by the \_\_\_\_\_ selectboard under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State.

If the time limit set forth above must be extended, the Town Clerk will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the Town Clerk will produce the copy.

**PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION.** In order that all public records in the custody of the Town Clerk may be protected from damage or loss, such records may only be inspected in locations in the Town Office designated by the Town Clerk. No public record may be removed from a designated location, marked, altered, defaced, torn,

damaged, destroyed, disassembled, or removed from its proper location or order. The Town Clerk or other staff person may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the Town unless approved by the Town Clerk.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the municipality or would jeopardize the security of the original record, the custodian will provide an electronic copy of the original record in read only format, less any exempt information redacted from the record, at no cost to the requestor.

**CREATION OF PUBLIC RECORDS.** The Town Clerk is not legally obligated to create a public record that does not otherwise exist. If the Town Clerk agrees to create a public record that does not exist, the Town Clerk will charge the requestor the cost associated with creating the record. Requests for creating a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Town Clerk will provide an estimate of the cost of creating a public record prior to complying with the request.

**TRANSMISSION OF PUBLIC RECORDS.** The Town Clerk is not legally obligated to transmit any public record by mail, facsimile, e-mail or any other means. If the Town Clerk agrees to transmit a public record, the Town Clerk will charge the requestor the costs associated with doing so. Requests for transmission of a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Town Clerk will provide an estimate of the cost of transmitting a public record prior to complying with the request.

**DENIAL OF A PUBLIC RECORD REQUEST.** If the Town Clerk denies a public record request in whole or in part, the denial may be appealed to the Town of \_\_\_\_\_ selectboard. In accordance with 1 V.S.A. § 318(c)(1), the selectboard will make written determination on the appeal within five business days after receipt of the appeal.

The foregoing Policy is hereby adopted by the Town Clerk of the Town of \_\_\_\_\_, Vermont, this \_\_ day of \_\_\_\_\_ and is effective as of this date until amended or repealed.

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Town Clerk

**Town of \_\_\_\_\_, Vermont**  
**Request for Public Record Copies**

Date \_\_\_\_\_

Dear Town Clerk:

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request copies of the following public records:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

I am addressing this request to you in the belief that you are the custodian of such documents. If you are not the custodian, please forward my request to the proper custodian of such documents and inform me of who that person is.

I hereby agree to pay reasonable and customary costs for these photocopies.

If the law does not allow me to have access to some of these records, please so inform me within three business days, as provided by law, and inform me of the specific exemption that applies to each record or portion of a record being withheld. If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to the portion withheld.

If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom appeal may be made.

If you have questions about this request, please call me at \_\_\_\_\_

Thank you for your help.

Signed,

\_\_\_\_\_

**Town of \_\_\_\_\_, Vermont  
Office of the Town Clerk**

**Certification of Denial Access to Public Records  
1 V.S.A. § 318(a)(2)**

On \_\_\_\_\_, the Town Clerk of the Town of \_\_\_\_\_, Vermont received a request from \_\_\_\_\_ for access to the following public record(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_

In response to this request, the Town Clerk is withholding the following record(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_

These records are being withheld pursuant to  [insert exemption citation] . This exemption applies to the record withheld because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Therefore, the request for access to the above-described record(s) is denied.

This denial may be appealed to the Town of \_\_\_\_\_ selectboard. In accordance with 1 V.S.A. § 318(c)(1), the selectboard will make written determination on the appeal within five business days after receipt of the appeal.

\_\_\_\_\_  
Town Clerk  
Town of \_\_\_\_\_, Vermont

Date signed \_\_\_\_\_.

**Town of \_\_\_\_\_, Vermont  
Office of the Town Clerk**

**Certification of Partial Denial Access to Public Records  
1 V.S.A. § 318(a)(2)**

On \_\_\_\_\_, the Town Clerk of the Town of \_\_\_\_\_, Vermont received a request from \_\_\_\_\_ for access to the following public record(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_

In response to this request, the Town Clerk is making available the following record(s):

- a. \_\_\_\_\_
- b. \_\_\_\_\_

Certain portions of this record(s) have been withheld pursuant to  [insert exemption citation] . This exemption applies to the record withheld because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Therefore, the request for access to the above-described record(s) is partially denied.

This denial may be appealed to the Town of \_\_\_\_\_ selectboard. In accordance with 1 V.S.A. § 318(c)(1), the selectboard will make written determination on the appeal within five business days after receipt of the appeal.

\_\_\_\_\_  
Town Clerk  
Town of \_\_\_\_\_, Vermont

Date signed \_\_\_\_\_.