

Town of Pomfret

5218 Pomfret Road

North Pomfret, VT 05053

Agenda for March 4, 2015 Selectboard Meeting
to be held at 7:00pm at the Town Offices

1. Call to Order
2. Review of Agenda
3. Public Comment
4. Elect Chair and Clerk
5. Minutes of prior meetings
6. Treasurer's Report
 - (a) Review and action on warrants for payment (*see attached*)
7. Road Foreman's Report
 - (a) Update on activities
 - (b) Computer program
 - (c) Federal Disaster Declaration for storm damage (12/9/14 – 12/12/14) (*see <http://vem.vermont.gov/publicassistance> and attached*)
8. New Business
 - (a) Liquor and Tobacco License Renewal Application for Teago General Store (*see attached*)
 - (b) Set Regular Meeting Time - adopt a Meeting Resolution establishing the date, time and place of all regular meetings for the year, among other items (*see attached*)
 - (c) Choose Official Town Newspaper and Alternate
 - (d) Authorize Chair or Alternate to Sign Payroll Warrants (*see attached*)
 - (e) Authorize Chair or Alternate to Sign Accounts Payable Warrants (*see attached*)
 - (f) Re-Adopt Meeting Rules of Conduct for Regular and Special Selectboard Meetings
 - (g) Re-adopt "Selectboard Meeting Procedures for Public Participation" (*see attached*)
 - (h) Appointment of Tree Warden (*see attached*)
 - (i) Appointment of Poundkeeper (*see attached*)
 - (j) Create List of Additional Appointments
9. Other Business
10. Public Comment
11. Adjournment

03/02/15
03:10 pm

TOWN OF POMFRET Accounts Payable
Invoice Edit List-Current-Last-Next FY
Invoices Up To 03/04/15

Vendor	Invoice Number	Purchase Order	Invoice Date	Due Date	Ck Acct	Invoice Amount	Discenc. Amount	Discount Amount
1250 CARGILL, INCORPORATED	2902168263		02/27/15	03/04/15	01	22.51 tons salt		
	150-7-20-75-650.000		Salt			1,699.96	0.00	0.00
	2902170843		02/27/15	03/04/15	01	33.72+32.68 tons salt		
	150-7-20-75-650.000		Salt			5,014.52	0.00	0.00
Total For CARGILL, INCORPORATED						6,714.48	0.00	0.00
1430 DEAD RIVER COMPANY	45765		03/02/15	03/04/15	01	146.3 gal heat oil garage		
	150-7-40-83-430.005		Garage Fuel Oil			503.13	0.00	0.00
	48080		02/27/15	03/04/15	01	133.3 gal prop T Office		
	100-7-10-30-623.000		Propane			243.81	0.00	0.00
	49889		02/27/15	03/04/15	01	142.6 gal heat oil, garag		
	150-7-40-83-430.005		Garage Fuel Oil			490.40	0.00	0.00
	72876-2-9-15		02/27/15	03/04/15	01	242.4 gal oil, garage		
	150-7-40-83-430.005		Garage Fuel Oil			833.61	0.00	0.00
	97780		02/27/15	03/04/15	01	61.0 gal propane Brick bl		
	100-7-20-35-430.005		Brick Bldg Exp			111.57	0.00	0.00
Total For DEAD RIVER COMPANY						2,182.52	0.00	0.00
1755 GREEN MOUNTAIN POWER	BRICK 2-26-1		03/02/15	03/04/15	01	elec brick bldg Feb 2015		
	100-7-20-35-430.005		Brick Bldg Exp			22.54	0.00	0.00
	GARAGE2-26-1		03/02/15	03/04/15	01	garage elec Feb		
	150-7-40-83-410.000		Garage Utilities			147.98	0.00	0.00
	OFFICE 2-26		03/02/15	03/04/15	01	town office elec Feb 2015		
	100-7-10-30-622.000		Town Office Electricity			109.99	0.00	0.00
	TOWNHALL2-26		03/02/15	03/04/15	01	town hall elec Feb 2015		
	100-7-10-65-622.000		Electricity, Town Hall			217.87	0.00	0.00
Total For GREEN MOUNTAIN POWER						498.38	0.00	0.00
1910 IRVING OIL CORPORATION	41336		02/27/15	03/04/15	01	404.1 gal diesel		
	150-7-30-80-330.000		Diesel			1,082.26	0.00	0.00
	650937		03/02/15	03/04/15	01	336.0 gal diesel		
	150-7-30-80-330.000		Diesel			948.50	0.00	0.00
Total For IRVING OIL CORPORATION						2,030.76	0.00	0.00

TOWN OF POMFRET Accounts Payable
Invoice Edit List-Current-Last-Next FY
Invoices Up To 03/04/15

Vendor	Invoice Number	Purchase Order	Invoice Date	Due Date	Ck Acct	Invoice Description	Invoice Amount	Discenc. Amount	Discount Amount
2126	MASCOMA SAVINGS BANK	ACT68FORJUNE	02/27/15	03/04/15	01	Act 68 to State			
		100-2-00-00-100.035	ACT 68 funds due State				578,750.00	0.00	0.00
2400	POMFRET SCHOOL DISTRICT	2ND PMT 2014	02/27/15	03/04/15	01	2nd half taxes to school			
		100-6-10-00-300.025	School Tax Pd to School				489,332.00	0.00	0.00
2580	SABIL & SONS, INC.	23575	02/27/15	03/04/15	01	parts Truck 1			
		150-7-35-05-670.015	Truck 1, parts				7.80	0.00	0.00
		71990	03/02/15	03/04/15	01	repairs, truck 4			
		150-7-35-05-673.020	Truck 4, repairs				3,597.42	0.00	0.00
Total For SABIL & SONS, INC.							3,605.22	0.00	0.00
2685	STEVE CHAMBERLIN	2161	02/27/15	03/04/15	01	2nd instl school plow con			
		150-7-50-90-530.025	School Plowing				1,950.00	0.00	0.00
2865	U S TREASURY	65790502	02/27/15	02/27/15	01	payroll tax lib			
		100-2-00-00-100.000	FWT Payable				263.56	0.00	0.00
		100-2-00-00-100.010	FICA/MEDI Payable				104.48	0.00	0.00
Invoice 65790502 Total							368.04	0.00	0.00
3040	VLCT UNEMPLOYMENT INS. TR	18921-Q2	02/27/15	03/04/15	01				
		150-7-15-85-520.025	Unemployment Insurance				462.00	0.00	0.00
3400	WOODSTOCK UNION HIGH SCHO	2ND TAX 2014	02/27/15	03/04/15	01	2nd pmt taxes			
		100-6-10-00-300.025	School Tax Pd to School				540,900.50	0.00	0.00
Report Grand Total							1626,793.90	0.00	0.00

Fund Totals	Expenditures	Dis-Encumbrance
150	16,737.58	0.00
100	1,610,056.32	0.00
	1,626,793.90	0.00

DEPARTMENT OF HOMELAND SECURITY
 FEDERAL EMERGENCY MANAGEMENT AGENCY
 REQUEST FOR PUBLIC ASSISTANCE

O.M.B. NO. 1660-0017
 Expires April 30, 2013

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 10 minutes. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless it displays a valid OMB number. **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT (Political subdivision or eligible applicant) Town of Pomfret		DATE SUBMITTED 02/23/2015
COUNTY (Location of Damages. If located in multiple counties, please indicate) Windsor County	DUNS NUMBER	804863298

APPLICANT PHYSICAL LOCATION

STREET ADDRESS
5218 Pomfret Road

CITY North Pomfret	COUNTY Windsor	STATE Vermont	ZIP CODE 05053
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MAILING ADDRESS (If different from Physical Location)

STREET ADDRESS
5218 Pomfret Road

POST OFFICE BOX	CITY North Pomfret	STATE Vermont	ZIP CODE 05053
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Primary Contact/Applicant's Authorized Agent

Alternate Contact

NAME Mark Warner	NAME Art Lewin
TITLE Selectboard Chair/EMC	TITLE Road Foreman
BUSINESS PHONE 802-457-3861	BUSINESS PHONE 802-457-2767
FAX NUMBER 802-457-8180	FAX NUMBER 802-457-8180
HOME PHONE (Optional) 802-763-2036	HOME PHONE (Optional) 802-763-7044
CELL PHONE 802-233-4534	CELL PHONE 802-369-0225
E-MAIL ADDRESS Mark.Warner@PomfretVT.us	E-MAIL ADDRESS Art.Lewin@PomfretVT.us
PAGER & PIN NUMBER	PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? YES NO

Private Non-Profit Organization? YES NO

If yes, which of the facilities identified below best describe your organization? _____

Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - _____ FIPS# _____ DATE RECEIVED _____

2015 LIQUOR LICENSE RENEWAL APPLICATION

1621-002-SECN-001

SECOND CLASS LICENSE TO SELL MALT AND VINOUS BEVERAGES

Page 1

License Year Beginning May 1, 2015 ending April 30, 2016

Fee: \$140.00 of which
\$70.00 is paid to town/city
\$70.00 is paid to DLC
Town: 14065 - POMFRET

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

Applicant: Stage Road Enterprises, Inc.

Licensee # 1621- 2

Doing Business As:

Teago General Store
Stage Road
South Pomfret VT 05067
Telephone: (802) 457-1626

Mailing Address:
Box 127
South Pomfret VT 05067

PLEASE INCLUDE EMAIL ADDRESS: teagostore@gmail.com

Description of Premises:

Grocery store located on the ground floor of a wood frame building at Jct. of Stage Road and North Pomfret Road, in the Town of Pomfret, Vermont.

Lessor:

Charles & Alice Gundersen
Stage Road
So. Pomfret VT 05067

Last Enforcement Seminar: 03/06/2014

Fed. ID Number: 03-0313205 Incorporation Date: 01/18/1988 Valid Charter?: Yes State of Charter: Vermont

Majority of Directors are US Citizens: Yes

ATTACH AN ADDITIONAL SHEET TO THIS APPLICATION NOTING ANY NECESSARY CORRECTIONS OR CHANGES AND UPDATES THAT HAVE OCCURRED DURING THE PAST YEAR.

Table with 5 columns: Corporation, Name, Address, Town/City, State Zip Code. Rows for Director and Stockholder Charles Gundersen.

Has any director or stockholder been convicted or pleaded guilty to any criminal or motor vehicle offense in any court of law (including traffic tickets by mail) during the last year? Yes No

If yes, please attach the following information: Individual's name, court/traffic bureau, offense and date

In the past year has any director or stockholder of the corporation held any elective or appointive state, county, city, village or town office in Vermont (See VSA, T.7, Ch.9, Sec. 223)? Yes No

If yes, please attach the following information: Individual's name, office and jurisdiction

Charles Gundersen JP Pomfret

Disclosure of Non-profit Organization?: Yes No

ALL APPLICANTS MUST COMPLETE AND SIGN

The applicant understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal record repositories.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, Section 3113)

I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or are in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

I/We have registered the trade name of these premises with the Secretary of State.

I/We hereby certify that the information in this application is true and complete.

Dated this 28th day of January, 2015

Signature of authorized agent of corporation, company, club or association

Signature of individual or partners

Charles Gundersen
President

(Title)

Are you making this application for the benefit of any other party? Yes No

2015 LIQUOR LICENSE RENEWAL APPLICATION
SECOND CLASS LICENSE TO SELL MALT AND VINOUS BEVERAGES

1621-002-SECN-001
Page 2

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the application and transmit it to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

APPROVED

DISAPPROVED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Approved by Board of Control Commissioners of the City or Town of _____.

Total Membership _____, _____ members present Attest, _____, Town Clerk

TOWN OR CITY CLERK SHALL MAIL APPROVED RENEWAL DIRECTLY TO:
DEPARTMENT OF LIQUOR CONTROL
13 GREEN MOUNTAIN DRIVE
MONTPELIER, VT 05602

If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class license application shall be considered binding except as taken or made at an open public meeting. VSA T-1, Sec.312

License Year Beginning May 1, 2015 ending April 30, 2016

Optional Fee: \$100.00 of which
\$0.00 is paid to town/city
\$100.00 is paid to DLC
Fee due only if licensee does not have a liquor license
Town: 14065 - POMFRET

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

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Licensee # 1621- 2

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Majority of Directors are US Citizens: Yes

ATTACH AN ADDITIONAL SHEET TO THIS APPLICATION NOTING ANY NECESSARY CORRECTIONS OR CHANGES AND UPDATES THAT HAVE OCCURRED DURING THE PAST YEAR.

Corporation	Name	Address	Town/City	State	Zip Code
Director	1. Gundersen, Charles	PO BOX 104	South Pomfret	VT	05067
Stockholder	2. Gundersen, Charles	PO BOX 104	South Pomfret	VT	05067

Has any director or stockholder been convicted or pleaded guilty to any criminal or motor vehicle offense in any court of law (including traffic tickets by mail) during the last year? Yes No

If yes, please attach the following information: Individual's name, court/traffic bureau, offense and date

In the past year has any director or stockholder of the corporation held any elective or appointive state, county, city, village or town office in Vermont (See VSA, T.7, Ch.9, Sec. 223)? Yes No

If yes, please attach the following information: Individual's name, office and jurisdiction Charles Gundersen JP

ALL APPLICANTS MUST COMPLETE AND SIGN

The applicant understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal record repositories.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, Section 3113)

I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or are in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

I/We have registered the trade name of these premises with the Secretary of State.

I/We hereby certify that the information in this application is true and complete.

Dated this 15th day of Feb, 2015

Signature of authorized agent
of corporation, company, club or association

Charles Gundersen
President

(Title)

Signature of individual or partners

Are you making this application for the benefit of any other party? Yes No

MAKE CHECKS PAYABLE TO AND MAIL TO: VERMONT DEPARTMENT OF LIQUOR CONTROL
13 GREEN MOUNTAIN DRIVE
MONTPELIER, VT 05602

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

PROPOSED 2015 Meeting Resolution

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 website.

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.

§ 1623. Signing orders.

Vermont Statutes

Title 24. MUNICIPAL AND COUNTY GOVERNMENT

Part 2. MUNICIPALITIES

Chapter 51. FINANCES; ACCOUNTS AND AUDITS

Subchapter 3. ORDERS DRAWN BY SELECTMEN

Current through 2014 Legislative Session

§ 1623. Signing orders

The selectboard may:

- (1) Authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment. Orders shall state definitely the purpose for which they are drawn and shall serve as full authority to the treasurer to make the payments. The selectboard shall be provided with a record of orders drawn under this subdivision whenever orders are signed by less than a majority of the board; or
- (2) Submit to the town treasurer a certified copy of those portions of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom, and for what purpose each payment is to be made by the treasurer. The certified copy of the minutes shall serve as full authority to the treasurer to make the approved payments.

Cite as 24 V.S.A. § 1623

History. Added 1995, No. 110 (Adj. Sess.), § 1.

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

§ 871. Organization of selectboard; appointments.

Vermont Statutes

Title 24. MUNICIPAL AND COUNTY GOVERNMENT

Part 2. MUNICIPALITIES

Chapter 33. MUNICIPAL OFFICERS GENERALLY

Subchapter 3. ORGANIZATION OF SELECTBOARD; APPOINTMENTS; POWERS

Current through 2014 Legislative Session

§ 871. Organization of selectboard; appointments

Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk. The selectboard shall thereupon appoint from among the legally qualified voters a tree warden and may thereupon appoint from among the legally qualified voters the following officers who shall serve until their successors are appointed and qualified, and shall certify such appointments to the town clerk who shall record the same:

- (1) Three fence viewers;
- (2) A poundkeeper, for each pound; voting residence in the town need not be a qualification for this office provided appointee gives his or her consent to the appointment;
- (3) One or more inspectors of lumber, shingles, and wood; and
- (4) One or more weighers of coal.
- (5) [Deleted.]

Cite as 24 V.S.A. § 871

History. Amended 1963, No. 74, § 2; 2007, No. 121 (Adj. Sess.), § 18.

CHAPTER 33. TREE WARDEN

Roles and Responsibilities

Vermont law provides for the appointment of a tree warden by each town and city to act as overseer of public trees, organizing and implementing tree planting, and maintenance and protection programs. Today's tree warden need not be an arborist, a horticulturist, or an entomologist. Rather, it is more important that he or she is an organizer and a catalyst – one who can get things done.

The selectboard must appoint a tree warden who must be a resident of the town. 24 V.S.A. § 871. He or she has the responsibility of caring for the shade and ornamental trees in public ways and places. The tree warden may also appoint and dismiss deputies. 24 V.S.A. §§ 2502-2511.

The tree warden enforces all laws relating to public shade and ornamental trees. These regulations become effective when adopted as local ordinances under authority of 24 V.S.A. § 2506 and 24 V.S.A. Chapter 59.

There are penalties for the destruction of public shade trees and anyone who, willfully, critically injures or cuts down such a tree may be fined up to \$500 for each tree so damaged. 24 V.S.A. § 2510.

There are three major areas of a tree warden's responsibilities:

- to remove trees that cannot be saved;
- to salvage those that can be saved; and
- to implement a tree preservation program for the town.

The removal of diseased trees is a major part of the tree warden's responsibility to the town. 24 V.S.A. § 2502. The slow but inexorable destruction of New England's majestic elms by Dutch Elm Disease is an example of the significance of a program to remove dead and dying trees, as it is only through removal and burning of the wood that this disease can be eradicated.

When widespread disease threatens shade or ornamental trees, whether publicly or privately owned, the tree warden will call upon the expertise of the Vermont Agency of Agriculture, Food and Markets and put into practice such control measures as it may advocate. These measures can extend to any trees, shrubs, or plants that harbor insect pests or disease, and may, at the recommendation of the secretary of the Agency, extend to private and/or public land. The tree warden may enter into negotiations with private landowners concerning disease control measures to be used upon the trees on their lands, but he or she has the right to use those measures with or without the owner's permission where necessary. 24 V.S.A. § 2511.

Other trees, not necessarily diseased, may still pose a hazard. Old or damaged trees threaten homes, utility lines, and the public. It is not always necessary to totally remove such trees; sometimes rigorous pruning will allow a tree to continue to exist after top-heavy limbs or dangling branches have been removed.

Though removal of a tree may often appear to be the only remedy to save other trees in the area, whether on public or private land, people who live in that area may take exception to the tree warden's exercise of his or her authority. Thus, a public shade tree in a residential area may not be removed without a public hearing, except where the tree warden finds it to be infested, infected, or a hazard to public safety. Practically and politically speaking, a tree warden should hold a public hearing before removing any tree whose disappearance might prove controversial. The warden's decision to remove a tree is final unless he or she, or another interested party, requests that the selectboard make the final decision. 24 V.S.A. § 2509.

CHAPTER 33. TREE WARDEN

The warden's work is not all negative, however. The warden's duties include beautifying the town with new plantings, while preserving shade and ornamental trees already growing there, and involving the community in a planting and preservation program. 24 V.S.A. §§ 2502, 2507. To this end, the warden may solicit help from local, state, and federal agencies, public and private foundations and individuals, and acquire from any of them money, equipment, supplies, or services. 24 V.S.A. § 2507.

For more information about tree care and management, please contact the Urban and Community Forestry Program within the Vermont Division of Forestry at http://www.vtfpr.org/urban/for_urbcomm.cfm or call 802-828-1531.

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

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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.