

Town of Pomfret
 5218 Pomfret Road
 North Pomfret, VT 05053
 Agenda for December 21, 2016 Regular Selectboard Meeting
7:00pm at the Pomfret Town Offices

Agenda Item	Presenting Individual	Timeframe
1. Call to Order	Chair	7:00pm-
2. Public Comment	Chair	7:00pm-
3. Review of Agenda	Chair	7:00-7:10pm
4. Recurring Items, Presentations, Including Items for Possible Vote:		
a) Stump Dump/Log Landing Proposal Presentation	John McClain	7:10-7:25pm
b) Review, discussion, and approval of minutes: 12/06 Special Meeting, 12/07 Regular Meeting, 12/07 Special Meeting, 12/13 Special Meeting	Chair	7:25-7:30pm
c) Snowplowing of Prosper Valley School	Chair	7:30-7:45pm
d) Treasurer's Report	Treasurer	7:45-7:55pm
i. Warrants for Payment (1) Accounts Payable (2) Payroll		
e) Delinquent Tax Collector's Report	Delinquent Tax Collector	7:55-8:10pm
f) Road Foreman's Report	Road Foreman	8:10-8:25pm
i. General Update		
ii. Wayside Road		
5. Business Items for Possible Vote:	Chair	8:25-8:50pm
a) Traffic Ordinance Rewrite		
b) Road Closure Statute Requirements		
c) Budget FY18		
d) Selectboard Report		
e) Budget Narrative		
f) Fire Department Insurance		
6. Business Items for Discussion	Chair	8:50-8:55pm
a) Selectboard correspondence:		
b) Next meeting's agenda:		
7. Closing Public Comments, Review of Assignments, and Adjournment	Chair	8:55-9:00pm

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

Draft Minutes of the December 6, 2016 Special Selectboard Meeting

Present: Sheila Hopkins (Selectboard Member), Frank Perron (Selectboard Member), Melanie Williams (Selectboard Member), Michael Reese (Selectboard Member), Emily Grube (Selectboard Member), Art Lewin Sr. (Road Foreman), Ellen DesMeules (Treasurer), Art Lewin Sr. (Road Foreman), Jonathan Williams (Assistant to the Selectboard – by phone), and Terri Chamberlin (Assistant Chief), Laura Kent, Scott Woodward,

1. Call to Order: Michael Reese called the meeting to order at 6:35pm.
2. Public Comment: There was a public comment related to discussing the Pomfret – Teago Volunteer Fire Department Budget.
3. Budget Review - Finalize Budget, General Fund Surplus, Reserve Accounts:
Michael Reese briefed the Board and the public on this item and there was discussion. The Board and the public discussed the Pomfret – Teago Fire Department budget, potential appropriations, insurance items, fire department fuel expenditures, and the VLCT insurance inquiry.
Laura Kent briefed the Board on various budget items, and there was discussion by the Board and the public concerning multiple line items including Reserve Funds, Emergency Services, FAST Squad, Communications Equipment, Non – Vehicle Reserve Funds, and other related items.
There was further discussion regarding the portions of the budget concerning law enforcement, Listers, building maintenance/insurance and various related line items (\$15K *Anticipated* Dorothy Moore Town Hall Fund, \$15K *Anticipated* Town Hall Reserve Fund for Town Hall Restoration). Highway Department materials (crushed stone), inventory, and highway equipment costs was discussed.
4. Generator Services Contract: Melanie Williams moved, and Frank Perron seconded, that the Board contract for the same services as in previous years: once a year maintenance for each of the three generators as per the contract document received from Brook Field Services. There was discussion by the Selectboard and the Road Foreman. The Board unanimously approved the motion.
5. Special Budget Meeting Scheduling: The Board tentatively agreed to schedule another Special Budget meeting concerning the Budget Review, including Addressing Surplus and Reserve Account Funding and Finalizing the Budget. The next Special meeting is tentatively scheduled for next Tuesday, December 13, 2016 at 6:30pm. The meeting shall also address the Selectboard Report and Budget Narrative.

6. Closing Public Comments and Adjournment: Emily Grube moved, and Sheila Hopkins seconded, that the board adjourn the special meeting. The Board unanimously approved the motion and the meeting was adjourned at 9:30pm.

Date: 12/09/2016

Respectfully Submitted,

Jonathan Williams, Assistant

Approved by the Board at _____ Meeting

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

Draft Minutes of the December 7, 2016 Special Selectboard Meeting

Present: Michael Reese (Selectboard Member), Sheila Hopkins (Selectboard Member), Melanie Williams (Selectboard Member), Frank Perron (Selectboard Member), Emily Grube (Selectboard Member), Jonathan Williams (Selectboard Assistant), Amanda Lafferty (Attorney - By Phone)

1. Call to Order: Michael Reese called the meeting to order at 6:06 p.m.
2. Public Comment: None.
3. Chipper's Case Executive Session:
 - i) Sheila Hopkins moved, and Michael Reese seconded, that the Board enter into executive session related to confidential attorney-client communications made for the purpose of providing professional legal services to the body pursuant to 1 VSA §313(a)(1). The Board unanimously approved the motion. The Assistant to the Selectboard was present for the executive session.
 - ii) Emily Grube moved, and Sheila Hopkins seconded, that the Board exit Executive session. The Board unanimously approved the motion at 6:55pm. No motion was made or actions taken related to the subject discussed in executive session at this time.
5. Closing Public Comments and Adjournment: There were no public comments. Melanie Williams moved, and Sheila Hopkins seconded, to adjourn the meeting at 7:04pm. The Board unanimously approved the motion.

Date: 12/09/16

Respectfully Submitted,
Jonathan Williams, Selectboard Assistant

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

Draft Minutes of the December 7, 2016 Regular Selectboard Meeting

Present: Michael Reese (Selectboard Member), Sheila Hopkins (Selectboard Member), Frank Perron (Selectboard Member), Melanie Williams, (Selectboard Member), Emily Grube (Selectboard Member), Art Lewin, Sr. (Road Foreman), Ellen DesMeules (Treasurer), Jonathan Williams (Assistant to the Selectboard) Karen Hewitt (Collector of Delinquent Taxes) Betsy Siebeck, Alan Graham, and Alex Henzel

1. Call to Order: Michael Reese called the meeting to order at 7:04pm.
2. Public Comment: (audio 1:07) There was public comment related to the town Road Foreman. There was another public comment related to library insurance costs.
3. Review of Agenda: (audio 6:21) The ‘Selectboard Report’, ‘Budget Narrative’, and ‘Pomfret Stump Dump Request for Easement Use for Logging’ was another, were items added to the agenda.
4. Pomfret Historical Society Storage Request: (audio 8:08) Alan Graham and Alex Henzel briefed the Board on this item and there was discussion by the Board and the public. The Selectboard agreed that the Pomfret Historical Society could put a trailer containing artifacts near the Old Brick Building for this current winter.
5. Review, Discussion, and Approval of Minutes (11/15, 11/16, 11/22): (audio 13:52) Michael Reese moved, and Melanie Williams seconded, to approve the 11/15, 11/16, and 11/22 Regular and Special Selectboard meeting minutes as written and prepared. The Board unanimously approved the motion..
6. Treasurer’s Report: (audio 14:45)
 - (a) Warrants for Payment (1) Accounts Payable (2) Payroll: Michael Reese moved, and Melanie Williams seconded, to approve the warrants (#16034, #16035, #16038 and #16040) as read. The Board unanimously approved the motion. The Treasurer and the Board discussed email/communication logistics and workers’ compensation/insurance issues.
7. Delinquent Tax Collector’s Report: (audio 35:00) The Delinquent Tax Collector Karen Hewitt briefed the Board on ongoing collection efforts, and there was discussion. A draft contract for payment document was discussed. . The scheduling of a tax sale was discussed. The tax sale was tentatively scheduled for March 1 at 6pm at the town offices.
8. Road Foreman’s Report: (audio 48:45)

- (a) General Update: The Road Foreman briefed the Board on cleaning the culverts, snow plowing efforts, and there was discussion. The new road crew has started working. All of the trucks have been set up for winter time. Several pieces of equipment must be put away. An email received concerning aerial construction was discussed. A weight and highway restriction communiqué was discussed. **The Road Foreman reminds Pomfret residents that it is illegal to put snow back in the roads.** The closure of class 4 roads the week of December 12 was discussed. The Selectboard Assistant shall add 'Road Closure Statute Requirements' to next Regular Selectboard meeting agenda and is to research the applicable statutes/law (class 3 and class 4).
- (b) Wayside Road: Michael Reese briefed the Board and the Road Foreman on this issue and associated correspondence and there was discussion. A culvert of concern was discussed. An agreement between Pomfret and Bridgewater regarding the maintaining of the road shall be worked out.
9. Clifford Driveway: (audio 1:14:00) Frank Perron briefed the Board on this item and there was discussion by the Selectboard and the Road Foreman.
10. Stream Alteration Permits: (audio 1:23:20) Emily Grube and the Assistant to the Selectboard briefed the Board on this item and there was discussion. The Assistant to the Selectboard shall contact Scott Jensen concerning Emily Grube's item of concern and questions.
11. Covered Bridges Half Marathon: (audio 1:26:23) Michael Reese briefed the Board on this item and there was discussion. Michael Reese moved, and Sheila Hopkins seconded, to approve the Covered Bridges Half Marathon request presented in the letter dated November 12, 2016, pursuant to the group's certificate of insurance naming the town as a party insured and that they exercise proper traffic control and safety measures. The Board unanimously approved the motion. The Assistant to the Selectboard shall send an electronic copy of the draft minutes containing this motion to the Covered Bridges Half Marathon organizers.
12. Fire Department Contract/Insurance: (audio 1:28:43) Melanie Williams briefed the Board on this item and there was discussion by the Selectboard, the town Treasurer, the Road Foreman, and the public. This item shall be placed on the first January Regular Selectboard meeting.
13. Traffic Ordinance Rewrite: (audio 1:47:39) The Assistant to the Selectboard briefed the Board on this item and there was discussion. The Selectboard assistant shall put this item on the next regular agenda (as the first agenda item).
14. Document Security and Communication Process: (audio 1:49:27) The Treasurer briefed the Board on this item and there was discussion by the Board and the treasurer. The Assistant to the Selectboard shall ensure that documents are

collected at the end of each meeting, scanned and uploaded to the town servers for digital curation. The Assistant to the Selectboard shall ensure that the town treasurer is provided with, or has access to, digital and physical copies of all pertinent town correspondence/contracts/agreement.

15. Selectboard Report and Budget Narrative: (audio 1:57:00) Michael Reese briefed the Board on this item and there was discussion. This item shall be put on the next Special Selectboard meeting Agenda.
16. Stump Dump Request for Easement Use for Logging: (audio 1:59:00) Michael Reese briefed the Board on this item and there was discussion by the Selectboard and the Road Foreman. The Assistant to the Selectboard shall contact New England Forestry Consultants, Inc. and shall convey the Board's questions and concerns.
17. Selectboard Correspondence: (audio 2:05:00) There was correspondence concerning TRORC's review of the 2016 Pomfret Town Plan and an invitation to the Selectboard.
18. Next Meeting's Agenda: (audio 2:06:00) 'Traffic Ordinance Rewrite' 'Road Closure Statute Requirements', and 'Fire Department Contract/Insurance' were items scheduled for the first December Regular Selectboard meeting. The 'Selectboard Report and Budget Narrative' item shall be placed on the 12/13/16 agenda. The Fire Department/Insurance Item shall be placed on the first January Regular Selectboard meeting's agenda. There was discussion concerning various agenda items and the upcoming 12/13/16 Special Selectboard meeting.
19. Closing Public Comments, Review of Assignments: (audio 2:06:00) There were no closing public comments.
20. Adjournment: Melanie Williams moved, and Emily Grube seconded, to adjourn the meeting at 9:02pm. The Board unanimously approved the motion.

Date: 12/09/2016

Respectfully Submitted,

Jonathan Williams, Assistant

Approved by the Board at _____ Meeting

**Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053**

Draft Minutes of the December 13, 2016 Special Selectboard Meeting

Present: Michael Reese (Selectboard Member), Sheila Hopkins (Selectboard Member), Melanie Williams (Selectboard Member), Frank Perron (Selectboard Member), Emily Grube (Selectboard Member), Scott Woodward, Phil Dechert

1. Call to Order: Michael Reese called the meeting to order at 6:37 p.m.
2. Public Comment: Scott Woodward asked about any questions with the length of the 2 new one-year Selectboard terms and there was discussion.

3. Budget Review:

- a. Addressing Surplus and Reserve Account Funding:

The Board discussed the current surplus levels in conjunction with a review of the various reserve accounts and their funding. The board discussed the funding of reserve accounts to include a discussion of the option of asking voters to approve the use of surplus money to fund reserve accounts.

- b. Finalizing the Budget: The Board briefly reviewed the budget for any unresolved items.

4. Selectboard Report and Budget Narrative Review:

The Board discussed and edited draft versions of the Budget Narrative and Selectboard Report.

5. Closing Public Comments and Adjournment: Phil Dechert raised a point suggesting the board put an article on the Warning to change one of the one-year terms to a two-year term and at the 2018 Town Meeting there be an article to change the remaining one-year term to a two-year term. The Board shall investigate the procedure and legality of changing the two add-on terms to two years before the Warning is formulated.

Sheila Hopkins moved, and Frank Perron seconded, to adjourn the meeting at 8:50 pm. The Board unanimously approved the motion.

Date: 12-13-16

Respectfully Submitted,

Melanie Williams, Clerk

Approved by the Board at _____ Meeting

Road Closures

Sarah Jarvis <sjarvis@vlct.org>

Wed 12/14/2016 3:49 PM

To: Jonathan Williams <jonathan.williams@pomfretvt.us>;

Hello Jonathan -

Garrett forwarded your message to me since I was on call in the Municipal Assistance Center when it was received. Below is information and advice about road closures:

The selectboard is authorized by 19 V.S.A. §§ 303 and 1110 to restrict the use of a town highway or even close that highway for a period of time when necessity demands. Selectboards frequently use this authority to prevent damage that might otherwise occur to a town highway during mud season. This authority is not seasonal however; the selectboard may restrict or close a highway at any time when conditions are such that the traveling public, or the highway itself, might suffer harm caused by vehicles.

To restrict or temporarily close a town highway a selectboard must pass a resolution at a duly-warned open meeting, and post notice of the restriction or closure in at least two public places in town. In addition, signs provided by the Agency of Transportation must be "conspicuously placed" at each end of the portion of the highway that is restricted. 19 V.S.A. § 1110. The Municipal Assistance Center (MAC) recommends as a best practice that the town maintain documentation of the time and date that a highway or bridge is posted for a seasonal restriction or closure and keep this documentation on file with the State Department of Motor Vehicles (DMV), even though such documentation is not explicitly required in statute. The selectboard may also have physical barriers placed in the highway to prevent travel as long as those barriers are clearly visible and are accompanied with clear signage. 23 V.S.A. § 1112.

MAC's interpretation of the law is that there are no vehicles that are exempt from highway closures, seasonal or otherwise, and therefore all vehicles must abide by those closures. The same is true for restrictions such as those that limit travel over a highway to "residents only."

The penalty for violating a road closure is set by statute and therefore a town may not alter that penalty. Nineteen V.S.A. § 1110 states that "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." This means that the person who is found to be in violation may be issued a traffic ticket by a law enforcement officer. In addition to that ticketing process, the town may sue the person in Small Claims Court or Superior Court for the cost of the damage caused to the road. A town may also recover the cost of aiding a stranded operator or moving a disabled vehicle that has been operated on a closed highway. 23 V.S.A. § 1112(c).

Private parties may not block or obstruct a public highway, including class 4 roads or trails, except with permission of the selectboard. 19 V.S.A. § 1105. There is an exception to this rule for "one or more items of logging or other equipment temporarily within the right-of-way of a trail ... if located in such a way as not to unreasonably impede passage." Enforcement of this statute requires the town to sue the individual responsible for the obstruction in Small Claims Court or Superior Court. A court may impose a financial penalty of not more than \$1,000.00 plus the actual costs of repairing the damage and reasonable attorneys fees.

I hope that the above is helpful. Please let us know if you have further questions.

Regards,
Sarah

Sarah Jarvis, Esq.

12/16/2016

Road Closures - Jonathan Williams

Staff Attorney, Municipal Assistance Center
Vermont League of Cities and Towns
89 Main Street, Suite 4
Montpelier, VT 05602

Town of Pomfret, Vermont
5218 Pomfret Road
North Pomfret, VT 05053

Draft Traffic Ordinances

Incorporating the Existing Traffic Ordinance Document and all Subsequent Amendments

1. Preamble: Pursuant to the provisions of Title 23 V.S.A. §1007 and §1008, 24 V.S.A. Chapter 59, §1971 – 1973, 24 V.S.A. §2291 (1), (4), and (5), 23 V.S.A. §1007 and 13 V.S.A. §7251. The Selectboard of the Town of Pomfret, Vermont, adopted the following Traffic Ordinance on [REDACTED], 2016.
2. Scope: This ordinance establishes special traffic regulations applicable to public highways within the Town.
3. Definitions: The definitions in Title 23 V.S.A. §4 are incorporated by reference. See the Vermont General Highway Map of the Town of Pomfret, prepared by the Vermont Agency of Transportation, dated 2015, for town highway numbers.
4. Traffic Control Devices:
 - 4.1 It shall be unlawful for any person to disobey the direction of a traffic control device except in response to the directions of a law enforcement officer.
 - 4.2 It shall be unlawful for any person intentionally to remove, injure, obstruct, deface, alter, or tamper with, any traffic control device.
 - 4.3 It shall be unlawful for any person to install any sign or device that may resemble or be mistaken for an official traffic control device without prior approval of the Town Selectboard.
5. Speed Regulations: On the basis of traffic and engineering surveys, the following maximum speeds are hereby established for traffic in both directions on the following designated portions of town highways:
 - 5.1 On T.H. 1,
 - 5.1.1 From the Woodstock town line through the center of town to the Hartford town line: 45 mph beginning at the Woodstock town line, extending northerly 0.90 miles; then 35 miles per hour to 0.99 miles; then 25 mph extending northerly to 1.25 miles from the Woodstock Town Line; then 35 miles per hour to 0.35 north of the junction of T.H. 60; then 45 mph extending northerly to 0.10 mile south of the junction of T.H. 24; then 40 mph extending easterly 4.43 miles to the Hartford town line.
 - 5.1.2 Speed limit between flashing light and “End School Zone” signs shall be as posted when light is flashing. Lights shall be flashing on days when school is in session at times agreed upon in writing between the Pomfret Selectboard and the School Board.
 - 5.2 On T.H. 2, Stage Road, from South Pomfret toward the Barnard town line: 25 mph beginning at the junction with T.H. 1, extending westerly .11 mile; then 35 mph from to bridge B13.

5.3 On T.H. 3, Howe Hill Road, from the Hewittville corner toward the Sharon town line: 35 mph beginning at the junction of T.H. 1 extending northerly 1.25 miles to 0.52 mile south of the Sharon town line.

5.4 On T.H. 29, Bunker Hill Road, 25 mph for its entire length.

5.5 On T.H. 60, Library Street, 25 mph for its entire length.

6. Stop and Yield Intersections:

6.1 The following intersections are designated as STOP intersections and shall be so signed:

6.1.1 T.H.1 southbound at the junction of T. H. 2

6.1.2 T.H.3 entering T.H.1

6.1.3 T.H.60 entering T.H.1

6.1.4 T.H.60 entering T.H.2

6.2 The following intersections are designated as YIELD intersections and shall be so signed:

6.2.1 T.H.7 entering T.H.3

7. Violations:

7.1 Each violation of a provision of this ordinance shall be deemed a separate offense.

7.2 A person who violates a provision of this ordinance shall be subject to prosecution.

8. Severability: The provisions of this ordinance are declared severable, and if any provision hereof be judged invalid, such judgment shall not affect the validity of any other provision.

9. Adoption: Subject to the provision of 24 VSA §1973 this ordinance is adopted on the [redacted] day of [redacted] 2016 by the Selectboard of the town of Pomfret and shall become effective on the [redacted] day of [redacted] 2016.

Selectboard Member, Chair

Selectboard Member, Vice Chair

Selectboard Member, Clerk

Selectboard Member

Selectboard Member