

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

Draft Minutes of the August 2, 2017 Regular Selectboard Meeting

Present: Sheila Hopkins (Selectboard Member), Frank Perron (Selectboard Member), Michael Reese (Selectboard member), Scott Woodward, (Selectboard Member), Emily Grube (Selectboard Member), Ellen DesMeules (Treasurer) Art Lewin, Sr. (Road Foreman), Jonathan Williams (Assistant to the Selectboard), Karen Hewitt (Delinquent Tax Collector), Jerry Fields, Carol Monroe, Curt Peterson (Vermont Standard), Neil Lamson, and Ona Chase

1. Call to Order: Sheila Hopkins called the meeting to order at 7:00pm.
2. Public Comment: There was a public comment concerning fixing a cemetery road, and a public comment related to brush cutting. There was a public comment related to the constable position. The Selectboard Assistant shall make a note on the town website to contact a Selectboard member if a Pomfret resident is in need of a constable. There was a public comment related to ambient noise. There was a public comment related to the Chipper's appeal.
3. Review of Agenda: (audio 08:09) 'ECFiber', and 'Chipper's ZBA Decision - Possible Decision' were items added to the agenda. The changes to the agenda were approved by consensus.
4. Review, Discussion, and Approval of Minutes (7/19, 7/26): Michael Reese moved, and Frank Perron seconded, to approve the 7/19 regular meeting minutes as written. The Board unanimously approved the motion. The 7/26 meeting minutes have not yet been made available. the Selectboard Assistant shall ensure that the 7/26 meeting draft minutes are available for approval at the August 16, 2017 Regular Selectboard meeting.
5. Review, Discussion, and Approval of Various Municipal Reports: Michael Reese moved, and Emily Grube seconded, to accept the reports from the Highway Department and the Selectboard Assistant. The Board unanimously approved the motion.
6. Warrants for Payment (1) Accounts Payable (2) Payroll: (audio 11:30) Scott Woodward moved, and Michael Reese seconded, to approve warrants #17005, #17007, and #17008. There was discussion. The Board unanimously approved the motion.
7. ECFiber: (Audio 17:40) Carol Monroe (ECFiber CEO) and the Road Foreman briefed the Pomfret Selectboard on this item and there was discussion. Burying of

cable and the placement of conduit was discussed. Dig Safe being contacted and easements were discussed. Work timetables were discussed. Emily Grube moved, and Michael Reese seconded, to figure out the legal implications of the ECFiber issue, to be worked out at the next regular Selectboard meeting. There were 4 votes in favor and 1 opposed, and the motion passed. The 'ECFiber Request' item will be added to the next regular agenda.

8. Transportation Items: (audio 49:13)
 - (a) Road Foreman Report: Grading instruction was raised by Michael Reese and there was discussion by the Selectboard and the Road Foreman.
 - (b) Road Culvert Discussion: Frank Perron briefed the Selectboard on this issue and there was discussion. Areas of culvert work were considered; there are 687 culverts in the town of Pomfret. The culvert inventory was discussed. The Selectboard Assistant shall remind the Selectboard to consider culvert inventory upkeep costs during budget season.
 - (c) Road Commissioner Duties: Scott Woodward and Frank Perron briefed the Selectboard on this item and there was discussion. This item "Road Commissioner Duties" shall be added to the next Regular Selectboard meeting agenda in August.
 - (d) Scoping Study Update: The Selectboard Assistant briefed the Selectboard on this item and there was discussion. The Transportation Alternatives Scoping Study Project Kickoff meeting is scheduled for August 9 at 6:30pm, in coordination with Holden Engineering. Representatives from VTrans and TRORC will be invited to attend; Frank Perron and Sheila Hopkins shall be in attendance.
9. Prosper Valley Snow Plowing RFP Approval: (audio 1:03:00) The Selectboard Assistant briefed the Board on this item and there was discussion. Michael Reese moved, and Emily Grube seconded, to approve the Prosper Valley Snow Plowing RFP as written. The Board unanimously approved the motion. The Selectboard Assistant shall post and distribute the RFP as per normal.
10. Further Discussion of Delinquent Tax Collector Compensation: (audio 1:04:00) Scott Woodward briefed the Selectboard on this item and there was discussion. Appropriate compensation methods and past town meeting minutes were considered. A stipend was discussed. Sheila Hopkins moved, and Emily Grube seconded, based on the 2016 town meeting minutes, that the town pay the delinquent tax collector a \$2500 a year stipend, to be paid quarterly. There was discussion. The Board unanimously approved the motion. This motion was based on the conditional provision of the previous Selectboard motion concerning this item (see 7/19/17 Regular Selectboard meeting minutes).

11. Trustee of Public Funds Appointment: Sheila Hopkins briefed the Selectboard on this item. Sheila Hopkins moved, and Frank Perron seconded, to appoint Bob Hatfield Trustee of Public Funds. The Board unanimously approved the motion with 4 in favor.
12. Zoning Board of Adjustment Appointment: Sheila Hopkins briefed the Selectboard on this item and there was discussion. The finding of ZBA members was considered. The Selectboard Assistant shall post an advertisement on the community listserv.
13. Fuel Procurement RFP Generation: (audio 1:20:00) Emily Grube briefed the Selectboard on this item and there was discussion regarding: diesel, propane, and heating fuel procurement. Weekly deliveries of diesel were considered. The purchasing policy and recurring purchases were considered. RFP generation was discussed. The Selectboard Assistant shall generate a single RFP and specify the recurring nature of the purchase provision (see Purchasing Policy), for approval at the August 16, 2017 Regular Selectboard meeting. The Treasurer has the fuel amounts to be noted in the RFP. 'Fuel RFP Approval' will be added to the next regular Selectboard meeting agenda.
14. Listers Discussion: (audio 1:25:00) Frank Perron briefed the Selectboard on this item and there was discussion. Frank Perron spoke to the Listers. Frank Perron moved, and Michael Reese seconded, to pay the contracted listers \$20 per hour excluding worker's comp, for FY 2018. There was discussion. It was noted that the contracted listers are listers from Royalton. The Board unanimously approved the motion.
15. Executive Session – Chippers ZBA Decision: (audio 1:29:20 = before executive session; audio of second recording = after executive session)
 - (a) There was a comment from the public requesting an explanation of the appeal and what brought it about. Michael Reese briefed the Selectboard and the public on this issue, and there was discussion.
 - (b) Frank Perron moved, and Michael Reese seconded to find that premature public discussion by the Pomfret Selectboard of the Chipper's ZBA Decision would cause the town to suffer a substantial disadvantage. The Board unanimously approve the motion.
 - (c) Frank Perron moved and Scott Woodward seconded to enter into executive session for the purposes of confidential attorney-client communications made for the purpose of providing professional legal services to the body, as per 1 V.S.A. §§ 313(a)(1) (F). There was discussion. The Board unanimously approved the motion.
 - (d) Scott Woodward moved, and Michael Reese seconded, to exit executive session. The Board unanimously approved the motion. The board exited executive session at 9:08pm. No decision was made during executive session at this time. Michael Reese made a comment re: having the Selectboard better explain its objective concerning its recent actions related to the Chippers ZBA

decision. Michael Reese recommended that the Board do nothing further and that it let the ZBA decision stand. The rest of the Selectboard concurred with this opinion.

16.Selectboard Correspondence: There was Selectboard correspondence received from TRORC regarding regional plan provision and adoption. There was correspondence received from the U.S. Department of Commerce concerning the 2020 census. Gaal Crowl's correspondence concerning the fire protection agreement was discussed. 'Disbursement of Voter Backed Appropriations to the Fire Department' shall be added to the next Regular Selectboard meeting agenda. 'Fire Department Coverage for Outlying Areas of Town Discussion' shall be added to the next Regular Selectboard meeting agenda. 'Road Foreman Review', 'Firework Ordinance' and 'School Board Discussion' shall be considered for future Selectboard action.

17.Closing Public Comments, Review of Assignments: there was no public comment.

18.Adjournment: Michael Reese moved, and Frank Perron seconded, to adjourn the meeting at 9:31pm. The Board unanimously approved the motion.

Date: 08/04/2017

Respectfully Submitted,

Jonathan Williams, Assistant

Approved by the Board at _____ Meeting

Regarding 8/2 Agenda Item 5c - Further Discussion of Delinquent Tax Collector Compensation

Andrew Mann <andy@andrewmannconsulting.com>

Tue 8/1/2017 3:41 PM

To: Emily Grube <Emily.Grube@pomfretvt.us>; Sheila Hopkins <sheila.hopkins@pomfretvt.us>; Frank Perron <Frank.Perron@pomfretvt.us>; Michael Reese <Michael.Reese@pomfretvt.us>; Scott Woodward <Scott.Woodward@pomfretvt.us>;

Cc: Karen Hewitt <karen.hewitt@pomfretvt.us>; Jonathan Williams <jonathan.williams@pomfretvt.us>;

📎 1 attachments (17 KB)

DelTaxElevenYrs.png;

Please include this in the record for reference in case the issue is revisited sometime in the future.

For all but one of the 11 years below, well over 60% of the year's delinquent taxes were deposited less than 60 days after the due date. Some years we had a Del Tax Collector receiving only the 8% penalty, some years we paid an annual salary, and some years we didn't have an active Del Tax Collector. The Fy15, Fy16, and Fy17 Current Year's Delinquent Tax collected should be looked at, but experience shows us that a large percentage of the annual collected Current Year's Delinquent Tax comes in automatically, not long after the Delinquent Tax Warrant is issued and regardless of time spent by the collector.

The average collected within the 7 weeks after the due date was 73%. If 4% were paid at that point to the Del Tax Collector, this would average \$3700, an enormous, unnecessary, and potentially problematic front-loading of the Del Tax Collector's annual compensation.

(Numbers copied from Town Reports, but not proofed. Please forward any errors noted.)

	Curr Year Tax Declared Delinquent Nov 6 th	Curr Year Del Tax Collected Next 7 Wks	% Curr Year Del Tax Collected Next 7 Wks	4% Curr Year Del Tax Collected Next 7 Wks
2003	113,375	95,235	84%	\$3,809
2004	64,916	52,985	82%	\$2,119
2005	100,637	79,550	79%	\$3,182
2006	91,100	66,901	73%	\$2,676
2007	180,076	165,317	92%	\$6,613
2008	141,640	108,649	77%	\$4,346
2009	142,762	111,424	78%	\$4,457
2010	136,642	91,162	67%	\$3,646
2011	138,041	84,188	61%	\$3,368
2012	160,773	107,650	67%	\$4,306
2013	132,679	59,316	45%	\$2,373
AVG			73%	\$3,718

4% compensation here would reflect neither the amount, the quality, nor the timing of the Delinquent Tax Collector's efforts. A reasonable hourly rate coupled with commensurate expectations can and should reflect the amount, quality, and timing of the work. In my opinion doubling the current hourly rate would be about right (\$30-35/hr).

There is also good reason to make any current raise retroactive to acknowledge the serving collector's efforts, and I encourage the board to do so. The fact that a year ago nobody recognized that \$17/hour was woefully inadequate shouldn't prevent the board from squaring accounts now.

This wouldn't be a bonus, but fair pay for essential work performed in good faith.

As I've indicated before, there are other aspects and angles to this issue, many of which were discussed when the town voted to make the position an appointment. I won't clutter this email, but if there is interest in any factors that may not have been considered by the current board, catch up to me before tomorrow's meeting, which I can't attend.

Andrew Mann