

Town of Pomfret
 5218 Pomfret Road
 North Pomfret, VT 05053
 Agenda for August 16, 2017 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 – for items not on agenda	Chair	7:00-7:10pm
3. Review of Agenda	Chair	7:10-7:15pm
4. Special Presentations: a) Purchasing Policy Review b) Auditor Discussion c) Act 46 and School Property Update	Various Nancy Matthews Nancy Matthews Bob Coates	7:15-7:25pm 7:25-7:35pm 7:35-7:45pm
5. Recurring Items and Reports, Including Items for Possible Vote: d) Review, discussion, and approval of minutes: 7/26 Special Meeting, 8/02 Regular Meeting e) Review, discussion, and approval of Various Municipal Reports f) Warrants for Payment (1) Accounts Payable (2) Payroll	Chair Chair Chair	7:45-7:50pm 7:50-7:55pm 7:55-8:05pm
6. Business Items for Possible Vote: a) EC Fiber Request b) Transportation Items i) Road Commissioner Duties ii) Road Project Management and Alan Rowell's Time Discussion iii) Discussion of Road Crew Management c) Fire Department Coverage for Outlying Areas of Town Discussion d) Fire Protection Agreement Discussion e) Webpage Policy	Chair	8:05-8:55pm
7. Business Items for Discussion a) Selectboard correspondence	Chair	8:55-9:00pm

7. Closing Public Comments, Review of Assignments, and Adjournment	Chair	9:00-9:05pm
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Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

Draft Minutes of the July 26, 2017 Selectboard Meeting

Present: Sheila Hopkins (Selectboard Member), Frank Perron (Selectboard Member), Emily Grube (Selectboard Member), Scott Woodward (Selectboard Member), Michael Reese (Selectboard Member) and Karen Hewitt.

1. Call to Order: The Chair called the meeting to Order at 7:00pm.
2. Public Comment: None.
3. Appointment of Zoning Administrator:
 - (a) Frank Perron moved, and Scott Woodward seconded, that the Board appoint Karen Hewitt as Zoning Administrator until the first regular meeting following the 2018 Town Meeting. Following discussion, the Board unanimously approved the motion.
 - (b) Michael Reese moved, and Scott Woodward seconded, that Karen Hewitt be compensated at a rate of \$20 per hour for her work as Zoning Administrator. Following discussion, the Board unanimously approved the motion.
 - (c) Scott Woodward moved, and Frank Perron seconded, to authorize payment to Preston Bristow at a rate of \$20 per hour up to 50 hours to be paid for professional fees to assist the Zoning Administrator. Following discussion, the Board unanimously approved the motion.
4. Adjournment: Scott Woodward moved, and Frank Perron seconded, to adjourn the meeting. The Board unanimously approved the motion.

Dated: 8/4/17

Respectfully Submitted,

Michael Reese

**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

Town of Pomfret, Vermont



REQUEST FOR PROPOSALS Purchase of Diesel Fuel, Propane, & Heating Oil August 16, 2017

Proposals due by Noon, September 20, 2017

**Mail responses to:
Town of Pomfret
Attn: Assistant, Pomfret Selectboard
5218 Pomfret Road
North Pomfret, VT 05053**

**Contact Information:
Jonathan Williams, Assistant, Pomfret Selectboard
jonathan.williams@pomfretvt.us
(802) 457-3861**

Introduction

The Town of Pomfret, Vermont, (“Town”) is accepting proposals for written quotes for the following:

1. The ordering and purchasing of on road diesel fuel to be delivered on a weekly basis to the municipality,
2. The ordering and purchasing of heating oil to be delivered to three distinct locations in the municipality.
3. The ordering and purchasing of propane fuel to be delivered to five distinct locations in the municipality.

In prior years, the Town has purchased and used an average of about 11,000 gallons of diesel fuel per year, about 4,050 gallons of heating oil per year, and about 3,400 gallons of propane fuel per year. The Town expects to purchase similar quantities of each fuel during the 2017-2018 season.

Although the Town is not seeking proposals for a guaranteed bulk purchase for specific amount of diesel fuel, heating oil, and propane, it is willing to consider exceptions to the bid which requires purchasing a specific quantity. Please note in any submitted proposal whether or not the town is required to purchase a specific quantity of material. If not, please note whether or not availability of fuel is guaranteed.

The Town is exempt from the Vermont State Sales Tax.

All pricing shall be good through the 2017-2018 season.

Proposal Schedule

Activity	Date
RFP Issue & Publication	08/16/17
Proposals Due	09/20/17, noon
Selectboard Bid Opening	09/20/17
Anticipated Selectboard Decision	09/20/17

Instructions to Bidders

A. Delivery of Bids

As required by the Town of Pomfret Purchasing Policy, *all bids must be submitted in sealed envelopes, addressed to the Town in care of the Selectboard, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be dated stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the schedule time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned. A bidder shall bid to specifications and any exceptions must be noted. A bidder submitting a bid thereby certifies that the bid is made in good*

faith without fraud, collusion, or any kind with any other bidder for the same work, and that the bidder is competing solely on his/her/its behalf without connection with or obligation to any undisclosed person or firm.

Sealed proposals, clearly marked "Pomfret Fuel Proposal" on the outside, **must be received no later than Noon, September 20, 2017** at the following address: Pomfret Town Offices, attn.: Assistant, Pomfret Selectboard, 5218 Pomfret Rd., North Pomfret, Vermont 05053. Proposals shall be opened at the subsequent Selectboard meeting.

B. Evaluation of Bids

As provided by the Town's Purchasing, in evaluating bids, the selectboard will consider the following criteria:

- 1. Price;*
- 2. Bidder's ability to perform within the specified time limits;*
- 3. Bidder's experience and reputation, including past performance for the Town;*
- 4. Quality of the materials and services specified in the bid;*
- 5. Bidder's ability to meet other terms and conditions, including insurance and bond requirements;*
- 6. Bidder's financial responsibility;*
- 7. Bidder's availability to provide future service, maintenance, and support;*
- 8. Nature and size of bidder; and*
- 9. The degree to which the proposals respond to all requirements of the requested specifications.*

The selectboard reserves the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest. The selectboard reserves the right to investigate the financial responsibility of any bidder to determine its ability to assure service throughout the term of the contract.

C. Change Orders

As provided in the Town's Purchasing Policy, if specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to any bidder who already submitted a bid and a new bid process will be initiated. Once a bid has been accepted, if changes to the specifications become necessary, the selectboard will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town must sign the change order.

D. Delivery

The diesel fuel shall be delivered to Pomfret, VT municipal locations on a weekly basis.

The heating oil shall be delivered to three distinct municipal locations in the town of Pomfret, VT. There are no buried tanks currently in use.

The propane fuel shall be delivered to five distinct municipal locations in Pomfret, VT where/when needed: Two buildings have baby Q tanks; one building is heated with propane, and the other uses it only for incidentals. Another building has a 500 gallon buried tank, one building has a Q tank, and one has 2 Q tanks (for building and generator).

E. Specifications

The town of Pomfret, Vermont (“Town”) reserves the right to, upon the selection of a proposal and the subsequent successful fulfillment of fuel delivery needs over the 2017-2018 season, make this and any future fuel purchases a recurring purchase, thereby waiving the need to issue any RFP, or receive other bids, in the future until such time as the selectboard votes to initiate a new bid process, as per the Town’s Purchasing Policy section 9B – ‘Recurring Purchases.’

F. Compliance with Instructions

I have read the above Instructions in its entirety and fully understand all the requirements requested by the Town of Pomfret, Vermont.

Signature _____ Date _____
Print Name & Company _____

PURCHASING POLICY
Town of Pomfret

The current Pomfret Purchasing Policy is listed below in blue. In black are comparisons with Vermont League of Cities and Towns (VLTC) 2016 recommended changes (occurred after the Pomfret Purchasing Policy was drafted and approved. Also in black are comparisons with other Vermont towns.

1. **PURPOSE.** The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Pomfret at the lowest possible price, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, and to provide increased public confidence in the procedures followed in public purchasing.

NOTE no VKTC change to this clause. However, their 2016 revision has many changes from the prior version. Many of other town policies do not yet include these changes.

2. **NOTE VLTC HAS ADDED AFFIRMATIVE ACTION AND LOCAL PREFERENCE, CODE OF CONDUCT, DOCUMENTATION AS FOLLOWS**

***AFFIRMATIVE ACTION AND LOCAL PREFERENCE.** Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed. The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices or rates due to a lack of competition. For purchases funded in whole or in part with federal funding the Town may not exercise a preference for local businesses.*

***CODE OF CONDUCT.** Employees, officers and agents of the Town who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the Town shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:*

- *the employee, officer or agent,*
- *any member of his or her immediate family,*
- *his or her partner, or*
- *an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.*

An employee, officer or agent of the Town who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly-warned Selectboard meeting that occurs before the bid

selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees and agents of the Town will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub - agreements.

Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

DOCUMENTATION. *Records documenting the procurement process for any Minor or Major purchases, as those terms are defined below, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years from the date of the submission to the Federal government of the final expenditure report if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer. Otherwise, records shall be maintained by the Town in accordance with the retention and disposition schedules as set by the Vermont State Archivist.*

PURCHASING AUTHORITY.

Purchasing Agents. *The following employees are designated to act as Purchasing Agents for the Town:*

[insert list of specific positions that have authorization to make purchases]
Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and Purchasing Agents shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Purchasing Agents shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

Incidental Purchases. *Employees who have been designated to act as Purchasing Agents may make purchases of up to \$[insert dollar amount] without prior approval, provided those purchases are limited to the amount of the budget authorized by the Town.*

Minor Purchases. *Employees who have been designated to act as Purchasing Agents may make purchases with a value between \$[insert dollar amount] and \$[insert dollar amount] only with prior approval of the [insert either "Selectboard" or "Town Manager"] and are limited to the amount of the budget authorized by the Town. Although not required, competitive quotes from at least two vendors should be obtained whenever possible.*

Major Purchases. *All purchases over \$[insert dollar amount] require prior approval of the Selectboard. The Selectboard shall review all proposed procurements to avoid*

unnecessary or duplicative purchases of equipment, supplies and services. The Selectboard shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors or bidders, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

If federal funding is used for purchases between \$3,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$150,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

For all major purchases with a value between \$[insert dollar amount] and \$[insert dollar amount], price and rate quotations shall be obtained from at least two qualified vendors to ensure that the Town has received a fair and reasonable price. Vendors will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the Town.

Large purchases with a value of \$[insert dollar amount up to \$150,000, which is the large purchase or simplified acquisition threshold under federal regulations] or more must follow a sealed bid process as outlined below.

Purchases at or exceeding \$150,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the grant agreement. In addition, a pricing analysis must be completed by the purchasing agent or a qualified consultant prior to issuing the request for proposal to ensure that there is a reasonable estimate against which to compare bid proposal pricing.

PURCHASE AUTHORIZATION. No purchases of \$25,000 or more shall be made by any Town Officer or employee without prior approval of the Selectboard. When making any purchase not subject to the bid process described below, officers and employees must solicit quotes from at least two vendors unless the selectboard has approved a sole source vendor. Vendors will be selected based on cost, (Middlebury added based on the best interest of the town) quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts of the Town.

NOTE OTHER TOWNS' LIMIT OF PURCHASE AUTHORITY:

Woodstock: \$3,000 and if not subject to bid process, if over \$500, must obtain at least quotes from two vendor unless vendor is approved as sole source.

Strafford: \$3,000

Middlebury: \$3,000 and requires two quotes single purchases greater than \$2,000.

Middlebury also has extra clause for exceptions Section V)

Norwich: \$2,500

Colchester: varies from \$1,000 to \$25,001

Note that purchase approval details vary based of their type of town government organization such as selectboard/town manager structure and the number/size of departments.

3. **BID PROCESS.** All purchases over \$25,000 shall be made by any Town officer or employee without prior approval of the Selectboard. Notice of the request for bids shall be made by letters of known providers soliciting bid responses, advertisements posted in three public locations within the Town, and advertisements placed in a newspaper of general circulation.

NOTE VLCT REVISION:

SEALED BID PROCESS. *The sealed bid process shall be initiated by the issuance of a Request for Bids prepared by the Selectboard or its designee. Notice of the Request for Bids shall be made by letters to known providers soliciting bid responses, advertisements posted in three public locations within the Town, and advertisements placed in a newspaper of general circulation in the region.*

NOTE OTHER TOWNS' LIMIT OF PURCHASE AUTHORITY:

Woodstock: \$3,000

Strafford: \$30,000

Middlebury: \$3,000

Colchester: Over \$25,000

Norwich: \$10,000

The Director of Public Works shall annually solicit bids for the procurement of materials that are regularly purchased in bulk quantities such as sand, salt, chemicals, fuel, bituminous concrete

NOTE that towns have different procedures for postings, advertisements.

4. **BID SPECIFICATIONS. Bid Specifications shall include:**
 - A. Bid Name
 - B. Bid submission deadline.
 - C. Date, location, and time of bid opening.
 - D. Specifications for the project or services (equipment specifications – Norwich) including quantity, design, and performance features.
 - E. Bond and/or insurance requirements.
 - F. Any special requirements unique to the purchase.
 - G. Delivery or completion date.

Once a request for bids has been issued, the bid specifications will be available for inspection at the Town Office.

NOTE VLCT REVISION:

BID SPECIFICATIONS. A list of bid specifications shall be prepared for each purchase over \$[insert dollar amount] and shall be available for inspection at the Town office. Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Specifications for the project, or services, including quantity, design, and performance features.
5. Bond and/or insurance requirements.
6. A copy of the proposed contract.
7. Any special requirements unique to the project or purchase.
8. Delivery or completion date.
9. For construction projects, language that sets a requirement for a bid guarantee in the amount of 5% of the bid price from all bidders, as well as performance and payment bonds in the amount of 100% of the contract price from the contractor awarded the bid. If federally grant funded, the bidders must also include costs for Davis Bacon compliance if that is a requirement of the federal agency providing the funding.
10. For construction projects over \$2,000, a statement that contractors will be provided with a copy of the most current wage determination (from the DOL website at <http://www.wdol.gov/dba.aspx>) and must comply with the Davis Bacon Act.
11. Language that reserves for the Selectboard the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest. The Selectboard reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the Town office.

Other towns have some policy variations.

5. **BID SUBMISSION.** All bids must be submitted in sealed envelopes, addressed to the town in care of the selectboard, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt. (VLCT addition: Any bid may be withdrawn in writing prior to the scheduled time for the opening of the bids). Any bid received after the time and date specified shall not be considered and shall be returned (to the bidder unopened.)

Bidders shall bid to specifications and any exceptions must be noted (by the bidder). A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud,

collusion, or kind with any other bidder for the same work, and the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

6. **BID OPENING.** Every bid received prior to the bid submission deadline will be publically opened and read aloud by the selectboard. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternative; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

NOTE Norwich wording:

Bid opening: All bid openings will be at the Town Managers Office at the prescribed time. Every bid received prior to the deadline will be opened aloud by the Town Manager or designated representative. The bid opening will include the name and address of the bidder; for lump sum contracts, the lump sum base bid and the bid for each alternative; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

7. **CRITERIA FOR BID SELECTION.** In evaluating bids, the selectboard will consider the following criteria:
 - A. Price
 - B. Bidder's ability to meet the bid's specifications.
 - C. Bidder's ability to perform within the specified time limits.
 - D. Bidder's experience and reputation, including past performance with the town.
 - E. Quality of the materials and services specified in the bid.
 - F. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
 - G. Bidder's financial responsibility.
 - H. Bidder's availability to provide future service, maintenance, and support.
 - I. Nature and size of bidder.

VLCT additions:

- J. *Contract provisions that are acceptable to the town.*
- K. *For construction projects over \$2,000, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids.*
- L. Any other factors that the selectboard determines are relevant and appropriate in connection with a given project or service.

VLTC additions:

In addition to the above, in the case of a contract supported by federal funds, the additional criteria shall apply:

- M. *There shall be no preference exercised for local contractors or suppliers.*
- N. *Minority and women-owned businesses must be included in the solicitation list for the request for proposal.*
- O. *The Selectboard will not select a bidder who is listed on the Excluded Parties List System website (<https://www.sam.gov>).*

P. The selectboard reserves the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the town's interest. The selectboard reserves the right to investigate the financial responsibility of any bidder to determine his or her ability to assure service throughout the term of the contract.

8. **CHANGE ORDERS.** If specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to any bidder who already submitted a bid and a new bid process will be initiated. Once a bid has been accepted, if changes to the specifications become necessary, the Selectboard will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town must sign the change order.

9. EXCEPTIONS

NOTE VLTC additions:

Competitive Proposals. *If time does not permit the use of sealed bids, or the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Qualifications (RFQ) prepared by the Selectboard or its designee that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure that the Town has received a fair and reasonable price and all notification and record keeping requirements of the sealed bid process shall be followed. If architectural or engineering services are being solicited, this process should be used with the most qualified firm or individual awarded the bid and price or fees negotiated after the award. If competitive proposals are used, all of the above steps in the sealed bid process should be followed except that: 1) the bid submission need not be sealed; and 2) price will not be the primary factor in the proposal selection.*

Sole Source Purchases. If the Selectboard determines that there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase from the sole source.

Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed \$25,000 during any fiscal year, the bid process shall be utilized and

shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Selectboard votes to initiate a new bid process.

NOTE: Other towns recurring purchase maximum to exceed amount:

Woodstock: \$3,000

Strafford: \$75,000

Middlebury: \$6,000 (also listed exemptions)

Emergency Purchases. The Selectboard may award contracts and make purchases for the purpose of meeting the public emergency without complying with the bid process. Emergency expenditures may include immediate repair or maintenance of town property, vehicles, or equipment if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important Town services.

Professional Services. The bid process shall not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, risk management, and insurance services (*VLTC addition: with a value of up to \$[insert dollar amount].*

Federally funded non-competitive purchases for \$150,000 or more require a cost analysis to determine the reasonableness of the proposed pricing and should be completed in accordance with the requirements of the federal or state agency issuing the grant funding.

(9E) The selectboard shall waive any and all purchasing requirements set forth herein as it may deem to be in the best interest of the Town. Examples of situations whereby the Selectboard encourages Department Heads to seek waivers are: use of Vermont State Purchasing Department procurements, “piggy-backs onto bid awards issued by other government agencies and instances where significant discounts may be obtained by prompt action.

The foregoing Policy is hereby adopted by the selectboard of the Town of Pomfret, Vermont, this 2nd day of April, 2014 and is effective as of this date until amended or repealed. This policy was amended on May 7, 2014 to add Section 9E.

NOTE that VLTC recommends that the most current version be signed by acting Selectboard members.

Also, NOTE, that there are other variations in Purchasing Policies such as guidelines for purchase orders.

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

Website Policy
August 16, 2017

Purpose and Goal

The purpose of the Town of Pomfret's Website is to provide an electronic source of information about the Town's government services. The major goal of the Town's Website is to provide factual information about the Town of Pomfret, through a logical single point of entry, and to increase our citizens' knowledge and participation in Town government and local activities. The Town Website is not a forum to be used for public discourse and may not be used for the expression of opinions or general discussions of any nature. A separate listserv hosted by Vital Communities is available for those purposes. The Town of Pomfret's Website is available at the following Uniform Resource Locator (URL): www.pomfretvt.us. The Select Board shall make changes to the Website Policy as changes are needed.

Managing the Pomfret Domain Name

The Pomfret Select Board shall have the final responsibility for maintaining the domain and the Website. The Select Board may appoint a Webmaster to be responsible for maintaining the Town's Website. If the Select Board designates a Webmaster, that person shall have the following responsibilities:

- working with other Website content owners for the management of site content;
- establishing maintenance procedures and style guidelines;
- handling complaints about the Website and Website Policy

Website Content

The Select Board approves the inclusion of:

- Announcements of upcoming Town events
- Names of all elected Town officials and their terms
- Names of all appointive boards and commissions and their terms
- Contact information for all chairs of appointive boards and commissions
- Text of all Town Ordinances
- Schedule of meeting dates, times and location of Select Board meetings
- Downloadable forms to print and fill in for town permits

Each elected or appointed board, committee, sub-committee, commission, or coordinator will designate a person to be responsible for maintaining and updating their respective section of the Website. Each representative will be provided a username and password, which shall not be shared with other members. All documents posted and available for download must be posted in

PDF format so that no changes can be made to the documents. The design (color/layout, etc) of the section shall be consistent across the site and may not be modified without approval of the Webmaster or Select Board.

Confidentiality and Privacy

Confidential and personally identifiable information (PII) shall not be posted on the Town's Official Website (VT Public Records Act, 1 VSA § 315-320). While the Town of Pomfret's Website may track overall site traffic, it doesn't collect individual user details unless a user voluntarily submits such information. It does not share that information with outside sources, and is committed to keeping such information confidential. If a user believes that the Town Website is not protecting his or her privacy, that person should contact the Select Board, who shall attempt to assess and, if necessary, correct the problems.

The Town Website does not:

- covertly collect user data;
- provide unauthorized data about individuals.

Links to Other Sites

The Town's Website may provide links to websites outside the Town's Website that also serve the purpose of encouraging citizen participation in government, promoting local businesses and attractions, and informing the public of useful information. The Town is not responsible for and does not endorse the information on any linked Website unless the Town's Website states otherwise.

The Town Website does not link to sites:

- promoting illegal activities;
- containing pornography;
- containing obscenity;
- containing overtly political activities;
- representing candidates for local, state or federal offices;
- representing political organizations or other organizations or individuals advocating a position on a local, state or federal issue;
- supporting individual or personal home pages;
- providing chat rooms, blogs or other social networks.

The Webmaster or Select Board may remove a link to content deemed obscene or inappropriate.

The Town's Website may provide links to Website for:

- Government and educational institutions;
- Organizations with some relationship to the Town (including but limited to: organizations sponsoring Town activities or programs, and organizations participating in Town activities or programs);
- Generally recognized community organizations;
- Organizations providing information about art, cultural, environmental, and sporting activities in the Town's area;

- Businesses physically located within the Town of Pomfret

Disclaimer

The materials and information contained on or obtained from this Website are distributed "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability of fitness for a particular purpose. Information contained on this Website, including information obtained from external links thereon, is provided without any representation of any kind as to accuracy or content and should be verified by the user. The Town of Pomfret is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the Website and/or the materials contained on the site whether the materials contained on the Website are provided by the Town of Pomfret, or by a third party. Data contained on the Website are subject to change without notice.

Sheila Hopkins, Chair

Frank Perron, Vice-Chair

Emily Grube, Member

Michael Reese, Member

Scott Woodward Member

Town of Pomfret, Vermont

Job Description

Road Commissioner

Job Summary

The Town of Pomfret Road Commissioner is responsible for supervising and assisting the road crew, which includes truck driver/laborers and equipment operators. This position is also responsible for road construction and maintenance, scheduling, coordinating and supervision of the work performed on Town roads. The Road Commissioner also is responsible for various administrative duties as required to oversee the work of the department including payroll records and budget oversight. Work is performed under the general guidance of the Board of Selectmen, but requires the ability to work independently following established procedures and routines. This position entails extensive public contact.

The Job Duties Include the Following:

1. Supervises and assists a crew of laborers in the construction and maintenance of municipal roads and drainage systems.
2. Inspects work to ensure conformance with specifications and standards as specified in state statutes, local ordinances, and applicable operating procedures and given engineering specifications and standards, and makes necessary adjustments in assignments and methods to correct deficiencies.
3. Supervises and assists in repairing streets and drainage systems; compacting and grading gravel roads; repairing ditches, landscaping, tree/branch cutting and removal, culvert repair and replacement and related activities.
4. Will plan ahead and discuss all roadwork, repair, maintenance and other projects with the Select Board. He/she must develop a work schedule detailing the work to be done, a cost estimate for the work, and the location of the work projects. This schedule will be adhered to except in emergency situations such as snowstorms or other unpredictable occurrences. The Road Commissioner will keep a log detailing the work done, material costs, and the time spent on each of the roads in the Town.
5. Will meet on a regular basis with the road crew to discuss work schedule.
6. Oversees the maintenance of all department equipment and vehicles. The Road Commissioner will keep a complete and detailed maintenance log on all Town vehicles and road equipment. These logs will be submitted to the Select Board for semi-annual review.
7. Will, without delay, repair sudden injury to roads and bridges. In these emergency cases prior approval from the Select Board is not required; however, the Road Commissioner must file a detailed report after the emergency repair is completed. For this purpose, an emergency is defined as any incident, which could immediately endanger life and/or property.
8. Supervises and assists in the placement and removal of street signs and decorations as required.

9. Shall keep an accurate inventory on the condition of Town roads and ways. The Road Commissioner will inspect the Town ways in October of each year and report to the Select Board the status of the Town ways and needed repairs.
10. Assists in the Highway Budget and oversees the budget after adoption. The Road Commissioner will approve all bills and code to the appropriate budget line.
11. Is responsible for the clearing of brush, loose obstructions and road debris.
12. Shall work with the Tree Warden for tree cutting activities.
13. The Road Commissioner and all employees of the highway department, both full and part time, will maintain and sign weekly time sheets for all hours worked for the Town.
14. Participates in required training and certification courses related to job duties and responsibilities.
15. Maintains and safely keeps records, instruments, plans, profiles, records of surveys and all other property and papers related to engineering work of every description belonging to the Town.
16. Works closely with the Town Treasurer regarding financial requirements and grants.
17. Receives citizen inquiries or complaints and attempts to resolve the issues.
18. Coordinates and reviews plans and specifications prepared by consultant firms for Town projects.
19. Keep road communication two-way radios in working order and be able to operate appropriately.
20. As needed, may possess a valid Class A CDL and be trained on heavy equipment.