

Town of Pomfret
 5218 Pomfret Road
 North Pomfret, VT 05053
 Agenda for September 20, 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. Selectboard Vacancy	Chair	7:15-7:20pm
5. Recurring Items and Reports, Including Items for Possible Vote: a) Pomfret Historical Society Request b) Review, discussion, and approval of minutes: 9/06 Regular Meeting c) Review, discussion, and approval of Various Municipal Reports d) Warrants for Payment (1) Accounts Payable (2) Payroll	Alan Graham Chair Chair Chair	7:20-7:30pm 7:30-7:35pm 7:35-7:45pm 7:45-7:55pm
6. Business Items for Possible Vote: a) Transportation Items i) Road Discontinuance b) Fuel RFP Opening/Bid Selection c) Chief Rice's Submitted Letter d) Amendment to Personnel Policy Review and Possible Adoption e) Introduction of Social Service Organization Appropriation Policy and Possible Adoption f) Conflict of Interest Policy Amendments Review g) Selectboard Correspondence – Catering Permits h) Budgeting Strategic Planning	Joint	7:55-8:40pm
7. Closing Public Comments, Review of Assignments	Chair	8:40-8:45pm
8. Executive Session – Employee Evaluation	Chair	8:45-9:00pm
9. Adjournment	Chair	9:00pm

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

Draft Minutes of the September 6, 2017 Regular Selectboard Meeting

Present: Frank Perron (Selectboard Member), Michael Reese (Selectboard member – by phone), Scott Woodward, (Selectboard Member), Emily Grube (Selectboard Member), Ellen DesMeules (Treasurer), Art Lewin, Sr. (Road Foreman), Jonathan Williams (Assistant to the Selectboard), Curt Peterson (Vermont Standard) and Kevin Rice (Fire Chief), John Peters, John Moore, Neil Lamson, Bruce Johnson, Jack Peters, Josh Trimpi, Finnie Trimpi, Ryan Townsend, Steve Chamberlin, Brendan Whittaker, Carol Lamson, Tom Gubbins, and Zack Bowley,

1. Call to Order: Frank Perron called the meeting to order at 7:00pm.
2. Public Comment: There was a public comment related to Selectboard correspondence.
3. Review of Agenda: Michael Reese moved, and Emily Grube seconded, to make several amendments to the agenda (as outlined in the minutes below). The Board unanimously approved the motion.
4. Selectboard Seat Vacancy: Frank Perron briefed the Selectboard on this item and there was discussion. Two potential candidates were discussed. One candidate has withdrawn their name. John Peters reiterated his interest in the position.
5. Review, Discussion, and Approval the Minutes (8/30 Special Meeting, 8/18 Special Meeting, 8/16 Regular Meeting): Michael Reese moved, and Scott Woodward seconded, to approve the 8/30 special meeting, 8/18 special meeting, and 8/16 regular meeting minutes as written. The Selectboard unanimously approved the motion.
6. Review, Discussion, and Approval of Various Municipal Reports: Michael Reese moved, and Scott Woodward seconded, to approve and accept the municipal reports as submitted. The Selectboard unanimously approved the motion.
7. Warrants for Payment (1) Accounts Payable (2) Payroll: Michael Reese moved, and Scott Woodward seconded, to approve AP warrants #17019, #17020, and #17021. There was discussion and a summation of the expenditures provided. The Board unanimously approved the motion.
8. Fire Department Discussion: Fire Chief Kevin Rice briefed the Selectboard on a recent Fire Department meeting. A letter, composed by Frank Perron and which concerned not the draft town/fire department contract but rather a distinct, separate agreement between Pomfret and the town of Hartford on expanding

coverage in North Pomfret, was read aloud by Michael Reese concerning recent contract negotiations, as requested by the Fire Chief. The letter shall be attached to the minutes. There was further discussion by the Selectboard, members of the public, and the Fire Chief. Negotiations regarding the town/fire department contract and the associated process were discussed. The Pomfret Selectboard has requested that Fire Chief Kevin Rice provide the letter he drafted and read in response so that it may also be attached to the minutes of the meeting.

Note: Because the letter Chief Rice provided differs from what was said at the meeting and includes information developed after the meeting's occurrence, it has not been included as an attachment to the draft minutes.

9. Transportation Items:

- (a) Better Roads Agreement & Signing: The Selectboard Assistant briefed the board on this item and there was discussion. Emily Grube moved, and Scott Woodward seconded, to approve and sign the Better Roads Agreement for Allen Hill Road. The Board unanimously approved the motion. The Selectboard Assistant shall copy, scan, and submit the scanned grant agreement on Thursday.
- (b) TRORC TAC Appointment: The Selectboard Assistant briefed the Board on this item and there was discussion. The Selectboard Assistant shall remain the TRORC TAC representative despite not being able to attend all of the meetings due to a change in his schedule. The Selectboard Assistant shall continue to track and monitor future TAC meeting agendas for issues relevant to Pomfret.
- (c) Helping Hands Initiative/Wood Use: Scott Woodward briefed the Selectboard on this item and there was discussion. Helping Hands is an initiative designed to provide lower income residents with needed firewood.
- (d) Road Commissioner Update: Frank Perron and Scott Woodward briefed the Selectboard on this item and there was discussion. A contractor is grading the roads so that the Pomfret Road Crew can continue to work on storm damage repair. The completion of FEMA paperwork is imperative. There has been a delay in FEMA services/processes due to other weather-related events they are handling.
- (e) Teago Intersection: Frank Perron briefed the Selectboard on this item and there was discussion. A proposal was displayed and explicated by Frank Perron for the public and the Selectboard's viewing on the town office's projector screen.
- (f) River Road Slide Bank: Frank Perron briefed the Selectboard on this item and there was discussion. Frank shall speak with the Better Roads team. Emily Grube moved, and Scott Woodward seconded, to authorize Frank Perron to pursue the Better Roads grant agreement being amended to cover the additional work on River Road, and if that is not possible, to enable the town to cover the additional associated costs (\$6,500) itself. There was discussion by the Selectboard and the Road Foreman. The Board unanimously approved the motion.

10. Prosper Valley School Snowplowing Bids Opening: The bids were opened and

- read aloud. Steve Chamberlain - \$3,900 for the 17/18 season. Gadways Luxury Property Maintenance \$5,300 per season. Sidewalks were discussed. Scott Woodward moved, and Michael Reese seconded, to award the bid to Steve Chamberlin & co at the price proposed. The Board unanimously approved the motion.
11. Wandering Steers: Scott Woodward briefed the Selectboard on this item and there was discussion. A complaint from a property owner was discussed. The owner of the steers in question has agreed to take measures to resolve the situation.
 12. FEMA AFG Discussion/Meeting Attendance: Scott Woodward briefed the Selectboard on this grant opportunity from FEMA and there was discussion by the Selectboard and members of the public. The Selectboard Assistant shall attend the next FEMA AFG Briefing on September 21st in Montpelier.
 13. Conflict of Interest Policy Discussion & Possible Vote: Frank Perron and Scott Woodward briefed the Selectboard on this item and there was discussion. Additional changes to the Conflict of Interest were considered. The Selectboard Assistant shall generate a redraft based on the edits and comments provided by the Selectboard and the public, and submit it for review. This item shall be added to the next regular agenda meeting in September.
 14. Selectboard Newsletter: Michael Reese briefed the Selectboard on this item and there was discussion.
 15. Vermont Standard Questions: The Vermont Standard had submitted questions which the Selectboard read aloud and addressed.
 16. Selectboard Correspondence:
 - (a) Catering Permits: Liquor catering permits have been issued to Belly Up LLC (The Barnard Inn Restaurant) for events at the Grange Theater/ArtisTree from August 24th through September 10th. A permit has also been issued to The Monkey House for a wedding at 1007 Johnson Road on September 9th.
 17. Review of Assignments:
 - (a) Purchasing Policy Update: The Capital Planning Committee is scheduled to meet on Monday 9/11. There was discussion.
 - (b) Budgeting Strategic Planning: Scott Woodward will continue to work on this. This item will be added to the next regular Selectboard meeting under 'Review of Assignments.'
 - (c) Road Discontinuance: Emily Grube briefed the Selectboard on this item and there was discussion. Research is ongoing.
 - (d) Agricultural Access Permit Site Visit Scheduling: Frank Perron briefed the Selectboard on this item and there was discussion.
 18. Closing Public Comments: There was a public comment regarding the Scoping Study Local Concerns meeting, to be held on September 13, 2017. The Selectboard Assistant shall generate another announcement for the listserv.

19. Adjournment: Michael Reese moved, and Scott Woodward seconded, to adjourn the meeting at 9:12pm and the Board unanimously approved the motion.

Date: 09/11/2017

Respectfully Submitted,

Jonathan Williams, Assistant

Approved by the Board at _____ Meeting

From: Frank Perron <Frank.Perron@pomfretvt.us>

Date: September 1, 2017 at 8:31:21 AM EDT

Subject: Explanation of frustration

Pomfret Teago VFD members,

You may or may not have heard that I blew up at Chief Rice at a Selectboard meeting. While some viewed my remarks as a breach of decorum, I feel it displayed the depth of my frustration. The following letter is an attempt at letting you hear my side as the President of the FAST Squad.

Earlier in the year Chief Rice showed up at a SB meeting (with a Hartford fire officer) to pitch the idea of expanding the McKenna agreement to other areas of town. Since this was viewed as good idea, Chief Rice was instructed by the SB to work with me and the fire chiefs of Hartford and Woodstock to come up with a plan. He was tasked with setting up the meetings. He came back maybe 6 weeks later with a plan on what areas he wanted to turn over to Hartford. This was all without my participation or input. Now I know he has preached to you all on how he feels the SB has been sticking their noses in your fire department business (and I know that some of you feel this way). Well, compare his complaint with the fact that he has been making (and brokering) plans that affect the operational capabilities and responsibilities of the FAST squad without consulting us in the least. If I had not been on the Selectboard I probably wouldn't have even known this was going on. In what the our squad views as a power play, Chief Rice has it set up so that the FAST squad members have to wait for Hartford or the Pomfret Teago VFD to show up to unlock the gate at the McKenna property before we can gain access to the home. I asked him about this and his reply was "Oh someone from the house can let you in." If that is the case then why does Hartford and PTVFD need keys? What happens if the person with the keys is the subject of the call and is incapacitated? Do we just stand around? Hence this is part of the source of my frustration. During the FD/SB meeting Kevin Geiger stressed how important trust would be moving forward. I don't feel this was a trustworthy effort.

Frank Perron

President of the Pomfret FAST

In my opinion, this incident is no reflection of my feelings about the contract process we have been working on. It is still my hope (as one SB member) to

come up with something that will satisfy both sides. Even if it is a simple document that states that the FD will provide emergency service to the Town and the Town will provide financial support to the FD. Maybe we have been over thinking this whole situation.

Thanks, Frank

Town of Pomfret

Draft Conflict of Interest Policy

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Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the selectboard of Pomfret hereby adopts the following policy concerning conflict of interest.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials are based on the best interest of the community at large.

Article 3. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** may mean any of the following, however this list shall not serve to restrict or limit the definition of what constitutes a Conflict of Interest. Such a Conflict of Interest may be 'actual' (i.e. 'existing in fact') or 'perceived' (i.e. regarded as such by an outside party); means any of the following:

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Commented [SW1]: Need to convey here that this is by no means an exhaustive list of what constitutes a "conflict of interest." What's particularly challenging to define is a "personal interest."

This section also should address the definition of an "actual" COI and a "perceived" COI. That concept doesn't get addressed until later, but it's not defined.

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1. A direct or indirect personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding. A "conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

B. **Emergency** means an imminent threat or peril to the public health, safety or welfare.

- C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- D. **Official act or action** means any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- E. **Public body** means any board, council, commission or committee of the municipality.
- F. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include any municipal employee.
- H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 4. List of Officials Governed by this Policy. All public officials of the municipality and all municipal employees appointed or elected, and any public body whole or in part, shall be subject to the requirements of this policy. This includes, but is not limited to, all town employees (full or part-time), public officers, commissions, committees, boards and other entities of the municipality.

Article 5. Procedure for Determining if a Conflict of Interest Exists. When reviewing or considering the potential outcome of a cause, proceeding, application or any other matter pending before the public official or before the public body in which he or she holds office or is employed, said public official shall consider if there is a Conflict of Interest, as defined in Article 3(A) of this policy.

Article 6. Prohibited Conduct

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A public officer shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.
- C. A public officer shall not accept gifts, or other offerings, for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer shall not use resources unavailable to the general public, including but not limited to town staff time, equipment, supplies, or facilities for private gain or personal purposes.

Commented [SW2]: Is there any person that wouldn't be included?

Commented [PS3R2]: Hi Scott, There are no municipal personnel, officers, or any public officials that should be excluded from this policy, to my mind.
-Jonathan

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Article 7. Disclosure. A public officer who has determined that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest.

Article 8. Public Assertion. There may occur instances where a member of the public asserts that a public officer has Conflict of Interest, real or perceived, in a particular matter. In such an instance the member of the public shall make their assertion known to the Pomfret Selectboard and the public officer in question at a public meeting. The public officer in question shall then follow the Procedure for Determining if a Conflict of Interest Exists, as outlined in Article 5 above.

Article 98. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

Article 109. Recusal.

A. Recusal of Appointed and Elected Officers. After taking the actions listed in Articles 7, 8, and 9, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest. Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses him or herself may, but not must, explain the basis for that decision.

B. Recusal of Appointed Officers. The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.

Article 110. Recording. The minutes of the meeting or the written decision from the hearing shall document the actions taken in Articles 7 through 109.

Article 121. Post-Recusal Procedure.

A. A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.

B. The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 132. Enforcement.

Commented [SW4]: We need language to address instances where someone from the public asserts that a public official has a COI. There needs to be a procedure for this kind of assertion which would probably be the most common.

Commented [P55R4]: Hi Scott, I believe I've addressed this in the new Article 8, which follows below.
-Jonathan

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Commented [SW6]: This is tricky language because it suggests that the board would immediately switch into its quasi-judicial role to "take evidence." Imagining how that would play out in reality sounds tough to go from a regular meeting to a quasi-judicial role and then potentially to executive session. I guess the executive session would be the quasi-judicial part?

Commented [P57R6]: Hi Scott, I am uncertain, but that may well be the case. I have developed no revisions to this article.
-Jonathan

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A. Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 6, or has not followed the conflict of interest procedures in Articles 6 through 10, the Pomfret Selectboard may take progressive action to discipline such elected officer as follows:

1. The chair of the Pomfret Selectboard and another member of the Selectboard together may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair, selectboard member, and the public officer in question together constitute a quorum of a public body.

2. In the event of an Enforcement Action against another Selectboard member, another member of the Pomfret Selectboard, may, along with a member of another Pomfret board or commission, meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair, board or commission member, and the public officer in question together constitute a quorum of a public body.

2. The Pomfret Selectboard may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the [name of municipal legislative body] may admonish the offending public officer in private.

3. If the Pomfret Selectboard decides that further action is warranted, the Pomfret Selectboard may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.

4. Upon majority vote in an open meeting, the Pomfret Selectboard may request (but not order) that the offending public officer who is not a Selectboard appointee resign from his or her office.

5. Upon majority vote in an open meeting, the Pomfret Selectboard may direct a public officer who is a Selectboard appointee to resign from his or her office.

B. Enforcement Against Appointed Officers. The Pomfret Selectboard may choose to follow any of the steps articulated in Article 132A. In addition to or in lieu of any of those steps, the Pomfret Selectboard may choose to remove an appointed officer from office, subject to state law.

Article 143. Exception. The recusal provisions of Article 109 shall not apply if the Pomfret Selectboard determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 7.

Article 154. Effective Date. This policy shall become effective immediately upon its adoption by the Pomfret Selectboard.

Signatures:

Frank Perron _____

Emily Grube _____

Michael Reese _____

Scott Woodward _____

Date: _____

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Commented [SW8]: I don't like this provision at all! It's not in the open and should involve the whole board.

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Commented [SW9]: This should include language that the board may order its appointees to resign if it desires. Any SB appointee theoretically serves at the pleasure of the board. Ah, I see removal is addressed in 12(B). I would recommend removing "(but not order)" from this section.

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To: Frank Perron, Art Lewin
From: Scott Woodward
Subject: Proposed Highway Related Changes to Pomfret Personnel Policy
Date: September 11, 2017

The following are proposed changes to the Pomfret Personnel Policy to address issues discussed at Highway crew team meeting on the morning of September 11, 2017. The changes relate to two provisions in the existing policy. New language is indicated by bold, underline text.

Section 6: Hours of Service

The Selectboard shall set Rregular work hours for non-exempt **employees** persons employed at the Town hall, or other town offices, ~~shall be set by the Selectboard.~~ Regular work hours for the road **Highway** crew shall be set by the Road Foreman **and Road Commissioner(s)**. Regular work hours may be changed and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require. All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who ~~are calling~~ in sick are expected to notify their Supervisor as soon as possible, but in any case no later than the time they are expected at work.

Call out: Highway crew employees shall be credited with a minimum of two (2) hours of work if called in to work outside his or her regularly scheduled work hours.

Section 27: Overtime and Compensatory Time Off

In accordance with the Fair Labor Standards Act, the Town compensates all nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty **(40)** hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by the FLSA are exempt from this requirement.

Town employees may be requested to work overtime on occasion. The possibility of such overtime shall be included in the formal job descriptions of positions likely to incur overtime. No employee may work over forty (40) hours in a give workweek without prior authorization of his or her supervisor. Requests for employees to work overtime will be made with as much advance notice as possible. However, unexpected circumstances or emergencies may arise which make advance notice impossible. Acceptance of a directive to work overtime is considered a condition of employment. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime. Supervisors and/or department heads will make every effort to distribute requests for overtime fairly amongst available employees within their departments.

Excessive overtime hours for Highway employees are also a consideration. State of Vermont guidelines for highway departments require employees to have at least four hours rest after a 16-hour shift.

Holiday Hours count toward the overtime calculation. Full-time hourly employees shall be compensated for holidays as though the employee has worked his or her normal workday, including alternate schedules such as four (4), ten (10) hour days, and thus holiday hours shall count toward the minimum 40 hours requirement before overtime pay is required. Any full-time or part-time regular hourly employee who is required to work on a holiday shall, in addition to the holiday pay, be paid at his regular rate and if the combination of holiday hours and hours worked exceeds 40 in any week, those hours in excess of 40 shall be paid as overtime pay (1 and ½ hours of pay for time worked).

In lieu of overtime pay, nonexempt employees may accrue compensatory time off (“comp time”) subject to the following conditions:

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours in any workweek.
- An employee may accrue a maximum of forty hours of comp time (40 hours of comp time represents 26.67 hours of actual overtime work). An employee who has accrued 40 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town’s discretion, be paid in cash in lieu of compensatory time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee’s final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town’s operations. Requests for use of comp time must be submitted to the employee’s supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

A. Town employees may be requested to work overtime on occasion. The possibility of such overtime shall be included in the formal job descriptions of positions likely to incur overtime.

B. Requests for employees to work overtime will be made with as much advance notice as possible. However, unexpected circumstances or emergencies may arise which make advance notice impossible. Employees are expected to honor such requests for overtime work. Repeated failure or refusal to perform overtime work will result in disciplinary

action. Supervisors and/or department heads will make every effort to distribute requests for overtime fairly amongst available employees within their departments.

C. No employee may work overtime without the express prior consent of his or her immediate supervisor or, in the event of an emergency in which the supervisor cannot be reached, the permission of the department head or the Town Manager.

SOCIAL SERVICE ORGANIZATION APPROPRIATION POLICY
Town of Pomfret, Vermont
5218 Pomfret Rd.
Pomfret, Vermont 05053

Enacted by the Pomfret Selectboard on MM/DD/YYYY

1. PURPOSE

1.1. Under Vermont law, a town may appropriate such sums of money as deemed necessary to support social service organizations that provide programs and services to town residents (24 V.S.A. § 2691). The purpose of this policy is to establish procedures for managing social service organization appropriations that may be voted upon at the Town of Pomfret's Annual Town Meeting.

2. APPLICABILITY

2.1. This policy applies to appropriation requests from social service organizations subject to the provisions of Chapter 73, Title 24 of Vermont Statutes Annotated. Such organizational programs include, but are not limited to transportation, nutrition, medical, day care, and other rehabilitative services for persons with low incomes, senior citizens, children, disabled persons, drug and alcohol abusers, and persons requiring employment to eliminate their need for public assistance. This policy does not apply to municipal membership organizations such as the Vermont League of Cities and Towns, the Two Rivers Ottauquechee Regional Commission, or the Greater Upper Valley Solid Waste Management District. Unless otherwise determined by the Selectboard, any other organization not listed above and requesting an appropriation shall be considered the equivalent of a social service organization and shall adhere to the procedures below. These other organizations include, but are not limited to the library (22 V.S.A. § 142) and the cemetery commission (18 V.S.A. § 5361), including appropriation requests for Memorial Day and other observances of historical events (24 V.S.A. § 3907).

3. PROCEDURES

3.1. The Town Clerk and Selectboard shall review any request for appropriations or petitions for appropriations to determine that they meet the requirements of applicable Vermont law(s).

3.2. Any organization requesting an appropriation for the next fiscal year that is the same or less than the appropriation for the current fiscal year shall submit a request to the Selectboard Assistant on a form provided by the Selectboard on or before the Friday preceding the last Monday in October. The organization will not be required to submit a voter-backed petition. The Selectboard shall add the funding request to the list of appropriations as a separately warned article.

- 3.3. Any organization requesting an increase in appropriation, an appropriation to cover a capital expenditure not being made out of an existing reserve fund, or a new appropriation shall submit a petition signed by the statutory minimum of 5 percent of registered Pomfret voters not less than 45 days before Town Meeting. Additionally, the organization shall submit information to the Selectboard Assistant on a form provided by the Selectboard. The Selectboard may reject, amend, or edit any petitioned article that does not meet the requirements of 17 V.S.A. § 2642(a) and 24 V.S.A. § 2691. Petitions submitted after the statutory deadline will be rejected.
- 3.4. Any new organization requesting funds must provide their prior year's publicly available Federal tax documents, such as the Federal 990 (Return of Organization Exempt from Income Tax Documentation) and a statement detailing the organization's benefit to the residents of Pomfret. All organizations will be required to provide the Selectboard with the organization's Federal 990 and the organization's annual report, which will be used to provide voters with information for the Town Report. The annual report shall include, but is not limited to providing an overview of the importance of the Town's funding to the organization, the impact the organization has on the community, and the number of Pomfret residents served in prior years and benefits to be received by the community.
- 3.5. At the Selectboard's discretion, a requesting organization may be required to attend a budget hearing at a time and place determined by the Selectboard.
- 3.6. Depending on the size and/or the nature of the appropriation request, the Selectboard may condition the organization's receipt of an appropriation on entering into a contract with the Town of Pomfret (24 V.S.A. § 2692; *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989)).
- 3.7. If in the judgment of the Selectboard a request is unreasonably high or low, the Selectboard may modify the request by warning its own article for Town Meeting.

4. **FORM OF WARNED ARTICLE**

- 4.1. The following is the general form of a ballot article to appropriate monies for social service organizations. It includes information on the character and purpose of the requesting organization to provide voters with information needed to make a reasonable judgment on whether they support an appropriation for the organization and a finding that the appropriation would benefit Pomfret residents.

“Shall the voters of the Town of Norwich appropriate [amount requested] to [name of organization] to be used to [describe character and purpose of use of funds], such amount being reasonably necessary for the support of programs to benefit Town residents in accordance with (Applicable Statute Number)?”

5. **PAYMENT OF APPROPRIATIONS**

- 5.1. After an appropriation has been approved at Town Meeting, the organization may invoice the Town of Pomfret for quarters ending: September, December,

March and June. Each invoice submission must include a log summarizing the work or programs completed and where requested by the Selectboard receipts for the purchase of goods and services. Agencies will be reimbursed up to the amount appropriated after Selectboard approval. For appropriations of less than \$2,500, the organization may request full and immediate payment after the start of the new fiscal year. The Selectboard may authorize immediate payment upon advice of the Treasurer and after the Treasurer has received sufficient tax payments.

- 5.2. The library and cemetery will submit payment requests to the Treasurer as expenses are incurred. Payment of library and cemetery bills will be incorporated into the regular Accounts Payable process.