

Town of Pomfret
 5218 Pomfret Road
 North Pomfret, VT 05053
 Agenda for October 4, 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. Recurring Items and Reports, Including Items for Possible Vote:		
a) Review, discussion, and approval of minutes: 9/20 Regular Meeting	Chair	7:15-7:20pm
b) Review, discussion, and approval of Various Municipal Reports		
c) Warrants for Payment	Chair	7:20-7:25pm
(1) Accounts Payable		
(2) Payroll	Chair	7:25-7:35pm
5. Business Items for Possible Vote:	Joint	7:35-8:45pm
a) Transportation Items		
i) Road Commissioner Update		
ii) Compensation for Road Commissioners		
iii) Teago Intersection		
iv) FEMA Assistance		
b) Fuel Purchase		
c) Grant Opportunities – Better Roads/ AFG/Transportation Alternatives		
d) Amendments to Personnel Policy Review & Possible Adoption		
e) Draft Social Service Organization Appropriation Policy and Possible Adoption		
f) Conflict of Interest Policy Amendments Review		
g) Annual Financial Budgeting Process		
6. Business Items for Discussion	Chair	8:45-9:00pm
a) Review of Assignments		
i. Historical Society Artifacts Location		
ii. Update on FD Contract Talks		
b) Transfer of School Property		
c) Selectboard Correspondence		

7. Closing Public Comments	Chair	9:00-9:05pm
8. Adjournment	Chair	9:05pm

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

Draft Minutes of the September 20, 2017 Regular Selectboard Meeting

Present: 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), John Peters, Doug Azar, Alan Graham, Curt Peterson (Vermont Standard), and Neil Lamson

1. Call to Order: Frank Perron called the meeting to order at 7:03pm.
2. Public Comment: None.
3. Review of Agenda: ‘Teago Intersection’ and ‘Approval of Agricultural Access Permit’ were items added under the transportation section. ‘Chief Rice’s Submitted Letter’ was moved under ‘Approval of Minutes’. Under Assignments was added ‘Fire Department Contract Status’. Frank Perron moved, and Michael Reese seconded, to modify the agenda as stated. The Selectboard unanimously approved the motion.
4. Selectboard Vacancy: The Selectboard vacancy was discussed. Frank Perron moved, and Michael Reese seconded to appoint John Peters for the open Selectboard seat/vacancy, to serve beginning at tonight’s meeting until Town Meeting day. Emily Grube opted not to participate in the discussion as John Peters is her son-in-law. There was discussion regarding this relationship. John Peters spoke to his desire to serve the community, relations with the Pomfret – Teago Volunteer Fire Department, and other issues. Questions were posed by the Selectboard and answered by Mr. Peters. Potential Conflicts of Interest were discussed. The Board unanimously approved the motion with Emily Grube abstaining. The oath of office was administered.
5. Pomfret Historical Society Request: Alan Graham briefed the Selectboard on a request submitted in the previous week to move the Historical Society’s trailer to another location. There was discussion. Potential new locations for the trailer were considered. John Peters will contact the fire department to see if they have space for the trailer.
6. Review, Discussion, and Approval of Minutes (9/06): Frank Perron addressed the attachment of Chief Rice’s letter to the 9/06 draft minutes and there was discussion. Emily Grube moved, and Michael Reese seconded, to approve the draft 9/06 minutes as the Selectboard Assistant submitted them, and that Chief Rice’s letter be filed as Selectboard correspondence. There was discussion. The Board unanimously approved the motion.

7. Review, Discussion, and Approval of Various Municipal Reports: The Selectboard Assistant briefed the Selectboard on his report, and there was discussion.
8. Warrants for Payment (1) Accounts Payable (2) Payroll: Michael Reese moved, and Scott Woodward seconded, to approve warrants #17022, #17023, #17026, #17027, and #17028. There was discussion. The Board unanimously approved the motion. 'Address Laboury Trust Issues' shall be added to the next regular agenda. Questions were asked of the Treasurer and were answered.
9. Transportation Items: (audio 49:13)
 - (a) Road Discontinuance: Doug Azar and Emily Grube briefed the Selectboard on this item and there was discussion.
 - (b) Teago Intersection: Frank Perron updated the Selectboard on this item and there was discussion. A road safety audit was considered. An informal group looking at this issue was discussed.
 - (c) Approval of Agricultural Access Permit: Frank Perron briefed the Selectboard on this item and there was discussion. Frank Perron and Emily Grube inspected the site on Cloudland Road. A tree will be removed and a berm will be cut off. No culvert is necessary. Frank Perron moved, and Michael Reese seconded to approve the Agricultural Access Permit, under the conditions that the specified berm (from the pink house down to the tree line of the Lila Sears property) be removed, and that no culvert be installed, and that the work be done in compliance with town ordinance. The Board unanimously approved the motion.
10. Amendment to Personnel Policy Review and Possible Adoption: Scott Woodward briefed the Selectboard on this item and there was discussion. Overtime and holiday time was discussed. The policy amendments shall be submitted to John Peters the new Selectboard member for review and shall be added to the next regular Selectboard meeting agenda.
11. Fuel RFP Opening/Bid Selection: The Selectboard Assistant briefed the Selectboard on this item and there was discussion. No bids were received on the RFP. Michael Reese and the Selectboard Assistant shall follow up and obtain quotes from various vendors.
12. Introduction of Social Service Organization Appropriation Policy and Possible Adoption: Scott Woodward briefed the Selectboard on this item and there was discussion. The draft policy shall be submitted to John Peters the new Selectboard member for review and shall be added to the next regular Selectboard meeting agenda.
13. Conflict of Interest Policy Amendments Review: Frank Perron briefed the Selectboard on this item and there was discussion. The policy shall be

submitted to John Peters the new Selectboard member for review and shall be added to the next regular Selectboard meeting agenda.

14. Selectboard Correspondence – Catering Permits: Catering Permits have been issued for the Catering permits have been issued to Belly Up LLC (The Barnard Inn Restaurant) for the following events:
 - (a) Gallery opening on Friday September 22
 - (b) Performances of “Godspell” September 14,15,16,17,21,22,23,24,28,29,30 & October 1
 - (c) Performances of “The Marvelous Wonderettes” October 5,6,7,8,12,13,14,15,19,20,21,22
15. Budgeting Strategic Planning: Scott Woodward briefed the Selectboard on this item and there was discussion. Planning for the upcoming budget season was discussed by the Selectboard and other municipal officials.
16. Employee Evaluations: The scheduling of employee evaluations was discussed by the Selectboard and other municipal officials. An executive session for the Road Foreman’s employee evaluation shall be scheduled as a special meeting at 6pm before the first October Selectboard meeting.
17. Closing Public Comments, Review of Assignments: Compensation for Road Commissioners shall be added to the next regular Selectboard meeting’s agenda. Better audio records were discussed. Town correspondence from VLCT was reviewed; an FCC licensing document was reviewed. The Selectboard Assistant shall work to get John Peters set up with a Selectboard email account.

A dog bite has occurred in town and was referred to the Town Health Officer.
18. Adjournment: Scott Woodward moved, and Emily Grube seconded, to adjourn the meeting at 9:14pm. The Board unanimously approved the motion.

Date: 09/22/2017

Respectfully Submitted,

Jonathan Williams, Assistant

Approved by the Board at _____ Meeting

Treasurer comments to SB

Ellen DesMeules

Wed 9/27/2017 9:14 AM

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

With regard to a report for next week's SB meeting, I would say:

Next week marks the start of a new quarter, so there will be quarterly payments (payroll taxes to State of VT and VMERS payments) on the warrant. I will send the 3 month financial reports along with comments prior to the meeting, if possible. Becky and I are working on a list of items that the SB should be aware of and (perhaps) involved in, for example, considering insurance from VLCT, whether Dana Kaye can continue to clean the offices if she lacks all insurances, etc. I am working on the various reports I prepare for the annual report. That is it in a nutshell. Ellen

Ellen DesMeules

Pomfret Treasurer

802-457-3861

treasurer@pomfretvt.us

Office hours: Mon-Weds-Fri 8:30-2:30

Re: Request for Reports

Karen Hewitt

Mon 9/25/2017 6:23 PM

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

Hi Jonathan,

Keheler's are all paid in full.
Received a payment from Keith property
In contact with Carnehammar property
Still trying to get Citimortgage property resolved.

Thanks

Karen

Karen L. Hewitt
Collector of Delinquent Taxes/
Zoning Administrator
[5218 Pomfret Road](#)
[North Pomfret, VT 05053](#)

Phone: 802-299-8211

Karen.hewitt@pomfretvt.us



Pomfret, Vermont

5218 Pomfret Road, North Pomfret, VT 05053

(802) 457 3861

Jonathan L. Williams

Selectboard Assistant's Report

September 27, 2017

These past several weeks I have focused on obtaining approval of a modification to our River Road Better Roads grant agreement, so that the contractors could stabilize an additional 50 feet of the embankment. The town obtained permission from VTrans to modify the scope of work as we are still well within the budget for the grant and project. The next step is to close out the grant agreement and receive reimbursement from VTrans.

I have completed follow-up work on the Transportation Alternatives Scoping Study project after our recent Local Concerns meeting, wherein a number of town officials, abutting property owners, and Pomfret residents met with a representative of Holden Engineering to discuss the possibilities surrounding the town hall and town offices with regards to improved lighting, parking, access, ADA compliance, and traffic calming infrastructure.

I attended an informative FEMA Assistance to Firefighters Grants seminar wherein I met with representatives of FEMA and a number of Vermont fire departments and towns to discuss the FEMA AFG application process.

This week I also attended a VLCT Municipal Budgeting workshop, which I found to be very useful.

This work is in addition to my other assigned and regular duties which include the editing and posting of the draft and approved meeting minutes and warrants, the drafting of the Selectboard's meeting agendas and notices, maintenance of the town website and its digital archives, and the generation of emails and correspondence pertaining to Selectboard and town

business. Please let me know if you have any additional questions regarding this or any other work. As always, I am happy to help.

Thank you,

-Jonathan

Town of Pomfret

Draft Conflict of Interest Policy

Formatted: Font color: Text 1

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:

Formatted: Font color: Text 1

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.

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.

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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 and 8, 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

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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: _____

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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.

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

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 tax the Treasurer has received sufficient tax payments.

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