

January 8, 2020

Draft Minutes Pomfret Select Board Meeting

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Frank Perron

Members of the Public: John Moore (Planning), Orson St. John (Planning), Nelson Lamson (Planning) Alan Blackmer (ZBA), Ben Brickner (Auditor, ZBA), Nancy Matthews (Auditor), Neil Lamson (Lister), Jon Harrington(Horizon Eng.), Cynthia Hewitt (Select Board Assistant)

1. The Public Hearing was called to order at 6:09:pm
2. Public Comments: None
3. Public Hearing, Zoning Regulation Revisions. called to order at 6:09pm.

The Planning Commission submitted a Draft Zoning Ordinance to the Select Board on November 5, 2019. The January 8, 2020 hearing was scheduled and warned at that time. Nelson Lamson, John Moore, and Orson St. John were in attendance to answer any questions. Alan Blackmer praised the document and felt the Planning Commission had done a great job and presented a strong document. He would, however, prefer some stronger language granting authority and enforcement to the ZBA – and suggested the following edits:

Section 1.3.2 (p. 2):

#5 “Decisions made by the ZBA are final and become law. They may not be overruled by any individual or Town Board.”

Decisions may be appealed to the ZBA or to the Environmental Division of the Vermont Superior Court.” (N.B. This information is further detailed in 6.7.1 in Appeals and Appeal Procedures) (p. 38)

Section 12 of the 1975 Zoning Bylaws Violations and Penalties (Enforcement)

“Any person who violates any provision of this ordinance may be fined not more than \$50 for each day the Violation is in effect, provided, however, that the offender must have had at least 7-days-notice that a violation exists. This notice shall be sent to the offender by certified mail, return receipt requested.

[The logical place to insert this statement is after the second paragraph of 6.6.3 on p.37]

Mr. Blackmer went on to stress the significant importance of the ZBA, whose decisions become law. He would like all appeals to take the same direction, to be processed via the state statutes. Scott Woodward stated that the changes above would not be appropriate for the zoning ordinance as the ordinance applies to the public and not between branches of Town government; that the language Mr. Blackmer suggests is more appropriate for a policy agreement.

It was agreed that the Zoning administrator needs to be vigilant in bringing residents into compliance, perhaps more money should be budgeted to increase the ZA’s work hours.

Mr. Blackmer also asked for clarification regarding signage in the town. Mr. Brickner and Mr. Moore provided the clarification. Mr. Blackmer also suggested there may one day be a complaint of smoke pollution and wondered how that would be disputed. He was assured that the VT EPA would likely handle such a situation. Frank raised the example of brush burning. As the fire warden, he once had to call the health officer in for such smoke pollution.

Nancy Matthews had questions regarding set-backs, mixed-use permits, precedents, and waivers. Her questions were addressed by Misters Moore, Brickner, and St. John. Scott asked if this ordinance is consistent with Two Rivers' Regional Plan. Mr. Brickner reported that Two Rivers was involved throughout the revision process, and that the Commission had accepted many of Two Rivers' comments, including several to conform to the forthcoming Regional Plan revision. Mr. Brickner also reported that Atty. Joe McLean had reviewed the draft and provided comments, many of which also were accepted by the Commission. Scott Woodward highlighted that the new zoning ordinance is not consistent with the Town Plan in regard to industrial uses. He mentioned that the Town Plan allows for and encourages light industrial uses in the South Pomfret Village Area and prohibits industrial uses in the Rural Area. The zoning ordinance reverses what's in the Town Plan with industrial uses prohibited in the South Pomfret Village Area and allowed in the Rural Area. Scott also mentioned that the sound provision will need to change to accommodate the promise the Selectboard made to Purple Crayon to adopt a town-wide sound standard that mirrors the settlement agreement achieved with Purple Crayon.

4. John Peters moved for adjournment of the Zoning Hearing at 7:49 pm.
5. Select Board Meeting was called to order at 7:49 pm
6. Public Comment – None
7. Review of Agenda: Emily stressed that we must settle Howe Hill, Cloudland, Truck Pricing, Silo Distilleries, and the Capital Planning tonight.
8. Howe Hill – Jon Harrington presented his Engineering Contract Change of Scope #2. He included a spread sheet with updated plans, engineers estimate, addition of some culverts, and tech specs. Sharon and Pomfret have agreed to the #2 option of submitting two contracts but at the same time, to be considered one job. We have agreed to accept the lowest possible combined bid. Frank moved and John seconded this plan be accepted. Unanimous vote.
 - a. Emily attended SB meeting in Sharon this week. They wish to begin the project by June 1, and finished by August 15. The road will be closed. Culverts will be done 30 days in advance to assure they settle properly.
 - b. Bids will go out next week and will go to Sharon, due by 02/13/2020 at noon. There will be a pre-bid conference on 01/22/2020 at 10 am asking bidders to drive the road. Jimmy and the Sharon foreman will be in attendance, as will Jon Harrington. It was suggested at least one member of the Select Board also attend.
 - c. Jon will tabulate the bids, analyze, and present a spread sheet outlining all options.
 - d. The plans follow VTrans design standards. The bottom line is \$613,195.

9. Cloudland Road Project. Proposals from Horizon Engineering and Willis were reviewed. John moved and Steve seconded that the Board approve Horizon. Unanimous decision.
10. Truck Prices. Steve has heard back from the provider and learned that the trucks are now coming through with much better seats. This causes a price increase of \$1100 per truck. Frank moved and Emily seconded that high-quality seats are not a frivolous expense; passed.
11. Budget. Emily stated that the only change to the budget is an increase in the Ottaquechee Health foundation contribution to \$2500. Ben explained some changes in wording, i.e., removing the words “transferred to” for some items; and there is a new state mandated “land records maintenance reserve” item. After some discussion John moved and Steve seconded that we adopt the 01/08/2020 budget as presented. The motion passed with a vote of 3-2. Scott indicated the presented budget reflected a policy change and that the past 3-years-worth of budgets would need to be restated to reflect such; the auditors disagreed.
12. Capital Plan. John Moore comment on the Capital Highway Reserve Options, i.e. the Flat Plan vs. the Flex Plan. To understand better how the Flex plan might work in practice he created spread sheets spreading out the life of, for instance, a grader, over a 25-year period. He researched notions of leasing equipment vs. buying, financing purchased (difficult since loans generally offer limited terms (5-7 years max.)). The concept of future taxpayers having to pay for half of the purchase price was discussed. John’s conclusions were to strongly urge the SB to consider getting back on track with a fully funded capital plan. This plan will provide true flexibility with reserve balances sufficient to allow changes from time to time. Scott feels that the way the town operates the highway department may very well change in the next several years, as have other departments, for instance, we may be leasing equipment and/or sharing equipment vs buying new equipment. Emily opined that no matter what plan was put into place, the town should consider the expense as a monthly rent or lease payment; no matter the age of said grader, it still costs us to have it, constantly. Discussion and decisions were tabled.
13. Frank moved and Emily seconded and all approved payments of the following Warrants:

a. 19070	\$50,9814.58	Accts payable
b. 19069	3,772.69	Accts payable
c. 19068	9,568.29	Payroll
d. 19065	952.85	Accts payable
e. 19064	6,317.57	Accts Payable
14. Emily moved and Scott seconded to approve two Silo Distillery catering permits for 01/10/2020 and 01/17/2020. Unanimous.
15. Scott moved and Steve seconded for Adjournment at 9:55 pm.

