

Town of Pomfret Selectboard Meeting Agenda

5238 Pomfret Road
No Pomfret, VT. 05053
Wednesday, July 1, 2020
7:00 p.m.

Agenda	Presenter	Time Frame
1. Call to Order	Chair	7:00
2. Public Comment		7:05
3. Agenda Review		
4. Recurring Items a. Approval of 06/17/2020 minutes b. Warrants for Approval c. Road Foreman's Report		
5. Items for Discussion or Vote a. Winter Maintenance Policy b. Vermont State Police Contract c. Appointment Forest Fire Warden d. Conflict of Interest Policy e. Personnel Policy Changes f. ZBA Certificate of Compliance—K. Hewitt-Osnoe g. Town Hall Rental h. ATV/Dirt Bike Ordinance i. Brick Building Repairs		
6. Meeting Wrap-U; a. Select Board Correspondence b. Review of Assignments c. Agenda Items for Next Meeting d. Meeting Adjournment		

<https://zoom.us/j/95395079923?pwd=ZjBEd3ZuZWgvWmx2M0tpOE8zbjg2dz09>

Use the Above Link to Join the Zoom Meeting

Meeting ID: 953 9507 9923

Password: 306922

One tap mobile

+19292056099,,95395079923#,,1#,306922# US (New York)

June 17, 2020 Selectboard Meeting

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters, Chuck Gundersen

Public: John Moore (Planning Comm.), Ellen des Muerles (Treasurer), Richard Martin, Cathy Peters, Cynthia Hewitt (SB Asst.)

1. The Meeting was called to order at 7:07 PM
2. No public comment
3. Review of Agenda: Added Teago Intersection, Labounty Probate, Brick Building repairs. John moved and Steve seconded to add these items. Unanimous roll-call vote
4. Recurring Items
 - a. Review of 06/03/2020 Minutes. Scott moved and John seconded that the minutes be approved with corrections. Unanimous roll-call vote.
 - b. Warrants for Approval -- Emily moved and Steve seconded payment of the following:

19120	\$23,489.21	A/P
19119	8,850.75	Payroll
19121	5371.61	Payroll

Unanimous roll-call vote.
 - c. Road Foreman's Report
Jim is haying, but he reported the following to Emily: Jon is on task with Pike and Jim is happy. Jim, Chuck, and Kevin Rice met with the Teago team re: barricades and barriers, curbing, etc. Jim and Kevin carefully explained the fire department needs and Kevin brought out the firetruck to confirm adequate space for ingress and egress to the north or south with the Pomfret road closed. Chris Bump suggested that Teago exactly paint out all curbing, cross walks, pedestrian walkways etc. The bike path specialist had input re: signage, etc. Mr. Worden the engineer will perform the Auto Turn study. Four-foot culvert needs to be replaced at Ron Gilloty's. Timber Tenders is not available to finish tree work until later in the season. Cy Benoit is in touch with them Jim is working on the Bunker Hill project. There may need to be ledge work. Two Rivers deadline is now 10/15/2020. Scott complimented the grading/ditching, Chuck complimented the roadside mowing.
5. Items for Discussion or Vote
 - a. Howe Hill Financial Issues & Progress
Pike has submitted two bills to date. Jon and Jim are checking the second. Jon has received a change order – Emily suggested Pike be asked to submit one change order at the end of the project. The unit index price for asphalt is declining. Ellen has determined we can use the reserve funds for payment. Pomfret section is paved.
 - b. Two Rivers Notice: Emily has received notice of a Zoom meeting on 07/01/2020 @ 10 am for explanation of some land use maps boundary changes. Details are available on the Two Rivers website.
 - c. Town Hall Rental in Covid 19: Chuck received an inquiry about Town Hall rental on August 5th or 12th for a wedding reception, 35-40 people. The Hall has not been used since Town Meeting and Becky has had no requests. Emily will research VT

requirements for number of people, Pacif Insurance, liability clauses, sanitization, etc., and report back at the next meeting.

- d. Dog Matters. Cathy Peters reports she has been attacked by dogs on horseback, on bikes, and others report attacks while jogging. This is an ongoing, constant issue. Letters going out to dog owners with a copy of the dog ordinance. Cathy also reports an ATVs and dirt bikes menace on Bartlett Brook. Since rider wear helmets and are not registered there is no way to determine the identity of the offenders. The Board suggests we ask the VSP to check the road during their patrols in Pomfret. Chuck moved and Emily seconded the letters be sent immediately. Unanimous roll-call vote. Emily will email the VSP with a request for patrolling Bartlett Brook Road.
- e. Conflict of Interest Policy. Scott distributed the correspondence from the FEMA review with revisions to our Conflict of Interest Policy. Scott explained that these changes are mandatory in order to conform with the Federal Register. The policy will be revised and presented for adoption at the 07/01/2020 meeting. Additional documents:

- Personnel Policy
- Pay Policy
- Conflict of Interest Policy
- Emergency Services Policy
- Highway Maintenance Policy, including Tree Policy
- Highway Ordinance, including Access Permits

Policies that need to be created and adopted:

- Drug Enforcement Policy for Highway Crew
 - Various financial policies under consideration of Financial Management Committee
 - Compensation Policy
- f. Preparation for Personnel Reviews. A copy of the Personnel Review from is included with the agenda. It is also posted to SharePoint. Reviews will take place on 06/24/2020 at the Town Office in an Executive Session. Jim will be reviewed at 7:30 pm, Cynthia at 8:00. The board will meet from 7-7:30 to collate their assessments.
 - g. End of Year Finances & 2020 Tax Collection. Ellen is in favor of sending the tax bills out early. Three quarters of residents generally pay immediately. She has the tax rate from the State but not the educational assistance. She will resend the tax bills after this assessment is applied; the residents will actually get the notice from the State before she does. Chad has gone over the end of year report and finds plenty of money in the checking account to pay bills in July. Mascoma Bank will not charge a penalty for cashing in a CD, \$250,000 slated for a Fire Truck.
 - h. LaBounty Trust Document. – Ellen needs all five Selectboard signatures with notarization. All will make arrangements to do so by Friday.

- i. Brick Building Repairs. John Moore and John Symes would like to finish up the repairs (window sills) at the brick building, now that they roof is completed. This will be added to the July agenda.
- 6. Meeting Wrap Up
 - a. Correspondence: Two Rivers meeting; VTrans does not know when the highway grant for Howe Hill will be funded.
 - b. Review of Assignments. Emily will ask the VSP about patrolling Bartlett Brook Road; she will be in touch with John Symes
 - c. Agenda Items for Next Meeting: Conflict of Interest paperwork, open Truck Bids, Dirt Bike/ATV Ordinance, Brick Building, Renting Town Hall.
 - d. John moved and Steve seconded Adjournment at 8:37. Unanimous roll-call vote. 2

**VERMONT DEPARTMENT OF PUBLIC SAFETY
TRAFFIC CONTROL/ENFORCEMENT SERVICES**

Project/Grant #

LONG TERM CONTRACT

The undersigned, hereinafter referred to as "Client", agrees to reimburse the Vermont Department of Public Safety for traffic control and security services in accordance with 20 V.S.A. §1871(c) described below, performed by the Vermont State Police. The Department of Public Safety shall maintain control over DPS personnel for the duration of this contract. DPS owned equipment/facilities utilized by the trooper(s) assigned to complete these services shall remain under the control of DPS. Cancellation: This contract may be canceled by either party by giving written notice at least 30 days in advance.

TOWN Pomfret	BEGINNING DATE 07/01/2020	ENDING DATE 06/30/2021
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SERVICES PROVIDED
All law enforcement services to include the enforcement of all state and local laws, routine patrol of roads and the investigations of motor vehicle and criminal law violations.

COMPENSATION

The Client will be charged on a per hour basis. **The rate will reflect the actual cost to the Department of the officer(s) providing services based on actual hours worked.** The client agrees additionally to reimburse the Department of Public Safety for overhead costs. The overhead rate includes the operating and administrative costs that are attributable to all programs. The following types of costs are included in this rate: dispatching, vehicle operating, and administrative costs.

State Police Rates - Total \$75.69
SP Overtime (average): \$60.55 | Overhead costs (average) \$15.14

Billing Computation	
1 Number of Officers	1
2 Hours of Service per Officer per week	5.5
3 Multiply Line 1 by Line 2 and Enter Weekly Hours	5.5
4 Multiply Line 3 by total number of weeks of this contract and Enter Total	286
5 Multiply Total by \$75.69 (total contract rate) and enter the estimated total cost to be billed.	\$ 21647.34
6 TOTAL CONTRACT NOT TO EXCEED:	\$21647.34

Payment is required within thirty (30) days from receipt of invoice to the address shown.	Department of Public Safety ATTN: Accounts Payable 45 State Drive Waterbury, VT 05671-1300
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SIGNATURES

By signing this contract, the Client, or Client's Agent, agrees that the Client, or Client's Agent will reimburse the Department of Public Safety for all costs as specified under Compensation.

Client/Client's Agent's Name (Print)	Company Name
Client/Client's Agent's Signature	Address
Date	Phone Number (include area code)

VSP Station Commander (Forward to Support Services Commander)	Date
Support Services Commander	Date
Commissioner, Department of Public Safety	Date

TOWN OF
POMFRET,
VERMONT Conflict
of Interest Policy

ADOPTED JULY 1, 2020
BY THE

POMFRET SELECTBOARD

Town of Pomfret

Revised Conflict of Interest Policy

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

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality is conducted in such a way that no employees, officers, or agents 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:

1. **Conflict of interest** includes, but is not limited to, any of the following:
 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 employees, officers, or agents have 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.
2. **Emergency** means an imminent threat or peril to the public health, safety or welfare.

3. **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.
4. **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.
5. **Public body** means any board, council, commission or committee of the municipality.
6. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
7. **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.
8. **Employee** means any full or part-time employee of the Town.
9. **Agent means** a person or business authorized by the Town of Pomfret to act on behalf of or in place of the Town in the conduct of Town business.
10. **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 employees, officers, or agents 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 employees, officers, or agents or before the public body in which he or she holds office or is employed, said employees, officers, or agents shall consider if there is a Conflict of Interest, as defined in Article 3(A) of this policy.

Article 6. Prohibited Conduct

1. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
2. 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.
3. 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.
4. 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.

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. 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 9. Recusal.

A. Recusal of Appointed and Elected Officers. After taking the actions listed in Articles 7 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. A public officer that recuses him or herself 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 is grounds for discipline or removal from office.

Article 10. Recording. The minutes of the meeting or the written decision from the hearing shall document the actions taken in Articles 7 through 9.

Article 11. 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 12. Enforcement.

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 must take progressive action to discipline such elected officer as follows:

1. Less than a quorum of the Pomfret Selectboard 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 and the public officer 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 Pomfret Selectboard 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 resign from his or her office.

B. Enforcement Against Appointed Officers. The Pomfret Selectboard must follow any of the steps articulated in Article 12A. 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 13. Exception. The recusal provisions of Article 9 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 14. Effective Date. This policy shall become effective immediately upon its adoption by the Pomfret Selectboard.

Signatures:

Emily Grube _____

John Peters, Jr. _____

Steve Chamberlin _____

Scott Woodward _____

Chuck Gundersen _____

APPLICATION FOR CERTIFICATE OF COMPLIANCE

IMPORTANT: Please read Notice to Applicants on next page.

The applicant is required to obtain a Certificate of Compliance from the Town of Pomfret before use of a structure or commencement of a use that has received conditional use approval. See Section 6.8 of the Pomfret Zoning Ordinance adopted May 6th, 2020 on next page.

Until this application has been received by the Zoning Administrator, counter-signed below and returned to the applicant, use of an approved structure or commencement of an approved use may not begin, and the related permit will remain open in the Pomfret land records. The purpose of the Certificate of Compliance is to ensure the applicant has completed the project in compliance with all applicable provisions of the Pomfret Zoning Ordinance and the conditions of the permit as issued.

* * * * *

I/we certify that I/we have completed the project in full compliance with all applicable provisions of the Pomfret Zoning Ordinance and the conditions of Zoning Permit #_____.

_____	_____	_____
#1 APPLICANT NAME (PRINTED)	#1 APPLICANT SIGNATURE	DATE
_____	_____	_____
#2 APPLICANT NAME (PRINTED)	#2 APPLICANT SIGNATURE	DATE

* * * * *

I certify that the applicant has completed the project in full compliance with all applicable provisions of the Pomfret Zoning Ordinance and the conditions of Zoning Permit #_____ and direct that such permit be shown as closed in the Pomfret land records.

_____	_____	_____
ZONING ADMINISTRATOR (PRINTED)	ZONING ADMINISTRATOR SIGNATURE	DATE

Comments: _____

Completed Certificate of Compliance to be attached to permit
and filed in the Land Records of the Town of Pomfret.

NOTICE TO APPLICANTS

Structures that are not substantially complete within three (3) years of the issuance of a zoning permit shall be considered abandoned. Should the applicant wish to proceed with the project after that time, a new permit will be required.

Except as otherwise provided in a zoning permit, should the applicant wish to modify the project after issuance of a zoning permit, a new or modified permit will be required. The application should contact the Zoning Administrator to determine how to proceed.

Except as otherwise provided in a zoning permit, and unless a project has been abandoned, permits that have not been closed by the Town of Pomfret remain in effect and run with the land (meaning that the rights and obligations of the permit remain with the land regardless of ownership).

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POMFRET ZONING ORDINANCE

adopted May 6th, 2020

6.8 CERTIFICATE OF COMPLIANCE

All permits obtained upon a conditional use approval shall require a certificate of compliance before use of the approved structure or commencement of the approved use is authorized. The certificate shall show that the premises comply with all applicable provisions of this ordinance and the conditions of the permit as issued.

A certificate of compliance shall be issued or denied within 15 days after written notice of completion by the applicant to the ZA, and shall remain in effect as long as such building or use is in compliance with the standards and conditions authorized by the permit. If the ZA does not respond within the 15-day period, the certificate shall be deemed issued on the 16th day but shall not be conclusive evidence that the premises comply with the provisions of this ordinance.

If the ZA denies a certificate of completion, the ZA shall state the reasons for such denial in writing and immediately mail notice of such denial to the applicant at the address indicated on the permit application. See Section 6.7 for appeals from decisions of the ZA.