

Town of Pomfret Selectboard Meeting Agenda

5238 Pomfret Road

No Pomfret, VT. 05053

Wednesday, October 7, 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 <ul style="list-style-type: none"> a. Approval of 09/16/2020 Minutes b. Warrants for Approval c. Road Foreman’s Report 		
5. Items for Discussion or Vote <ul style="list-style-type: none"> a. Truck Bids b. Truck Payment Cab & Chassis c. Grant in Aid Invitation d. Rock Salt Bids e. Carey Driveway Permit f. Greg Green Access g. VSP – Barbara Kessler @7:30 h. Teago Store Decision Approval i. Options for school division from the Modified Unified School District. j. Local Hazard Mitigation Plan update grant k. Conflict of Interest Policy l. Appointment, Capital Planning Committee m. Discussion of What we Want HR Consultant to do n. Budget Planning 		
6. Meeting Wrap-U; <ul style="list-style-type: none"> a. Select Board Correspondence b. Review of Assignments c. Agenda Items for Next Meeting d. Meeting Adjournment 		

Join Zoom Meeting

<https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09>

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)

September 16, 2020
Pomfret Selectboard
Draft Meeting Minutes

Present: Emily Grube, John Peters, Scott Woodward

Public: Ben Brickner (Zoning, Auditor), John Moore (Planning Commission), John Zonay, Cathy Peters, Ellen DesMeules (Treasurer), Cynthia Hewitt (SB Assist), Amber Erkiletian, Margaret and Stephen Schultz

5. Call to Order – The meeting was called to order at 7:00 pm
6. No Public Comment
7. Agenda Review – John moved and Scott seconded that the Schultz private burial plot be added to the agenda. Unanimous roll-call vote.
8. Recurring Items
 - a. Scott moved and John seconded that the 09/02/2020 minutes be approved with the following changes: indicate there was no recording; move Capital Planning to Agenda for 09/16/2020 meeting. Unanimous roll-call vote
 - b. Emily moved and John Seconded that warrant # 21022 in the amount of \$820,881.91 for Accounts Payable be approved. Unanimous roll-call vote.
 - c. Road Foreman’s Report – Jim not in attendance but reported to Emily that they are Grading the south end of Town; will submit the Bunker Hill paperwork next week; Justin is on vacation until Monday 20th; First new truck will not be delivered until early November.
9. Items for Discussion or Vote
 - a. Amber Erkiletian attended the meeting to ask for road signs on Kings Highway regarding children playing and perhaps for speed limit. Emily explained that Tista Sola owns that piece of road and thus would need to post his own signs, the Town cannot be involved and this is an issue of liability.
 - b. Truck Bids – discussion postponed due to absence of Steve Chamberlin.
 - c. Schultz Private Burial Ground- Mr. Schultz submitted a map of the property he would like to designate as a private burial ground. Emily stated that a site visit would be necessary and she will see that one is scheduled.
 - d. Stolen Road Signs – the Hewitt Hill Road sign was stolen over the weekend and the Galaxy Hill sign was pulled up but removal was thwarted by Ellen DesMeules. The suspects were tearing up with their ATVs in this process. Emily called VSP barracks to report the issue and was not reassured that anything would be done.
 - e. State Police Contract – At the time of renewal for this contract the VSP were asked to submit a monthly report of their activity in pomfret. This has not been forthcoming. Scott suggested we invite the lieutenant of the Bethel Barracks to attend the board meeting on 10/07/2020 so we can explain in detail the ATV/dirt bike madness, road signs, etc. Maryann Murphy has complained about the ATVs as well. Emily will make arrangements. John stated we need a budget for road signs so we can get them replaced or in place.

- f. Green Driveway Permit was submitted due to a subdivision of property. Decision is postponed to next meeting after Jim can arrange a site visit
- g. Scott moved that the Silo Distillery Catering Permit for October 1st be approved; John seconded; unanimous roll call vote.
- h. The discussion of Conflict of Interest policy is moved to the 10/07/2020 meeting
- i. Human Resources – The Board will take Teresa’s suggestions into consideration and decide which we feel is most urgent, and make suggestions regarding same. Our financial situation is still uncertain
- j. Capital Planning – Emily would like to assign the Capital Plan to the Planning Commission. Neil Lamson has offered to serve as will Scott Woodward. Emily suggested Orson St John might also be interested in order to have a five-member committee. (John Moore and Hunter are members). Scott will arrange a meeting
- k. Town Office Driveway – Becky reported that the town office driveway has been washed out and poses safety issues especially for pedestrians. Jim explains this is from roof run-off; there needs to be a new eaves spout system in place. John Moore volunteered to get options for this work and present at the next meeting.
- l. Emily would like to start working on a budget schedule soon. She would also like to go along with Neil’s layout as she felt it made much more sense in the town plan. We hope to get the state budget figures ASAP and then can begin.

10. Meeting Wrap up

- a. No correspondence. Dog complaint was not followed up.
- b. Review of Assignments: Emily – VSP, Neil, Silo Permit; Scott – Conflict of Interest, Joe McLean, Capital Planning meeting; Steve – Truck Bids; John Moore – Eaves spouts
- c. Agenda Items for Next meeting: Truck bids, Conflict of Interest, VSP,
- d. Scott moved and John seconded adjournment at 8:15 pm

TOWN OF POMFRET
 APPLICATION FOR A DRIVEWAY OR APPROACH ROAD ACCESS PERMIT

Applicant: JOEL + KIMBERLY, CAREY Phone (802) 555-XXXX
 Address: 1170 POMFRET ROAD, WOODSTOCK VT Zip 05091

The undersigned requests an Access Permit to construct an access to serve the landowner's property located on the RIGHT side of POMFRET ROAD (E911 highway name).
 The proposed access will be located approximately 117 (ft.) from the intersection of this road with Rte. 12 (E911 highway name).
 Highway No. 1 (mi.) from the intersection of this road with

(DETAILED SKETCH MUST ACCOMPANY THIS APPLICATION.)

Driveways and approach roads entering a town highway shall meet the following standards:

1. Be constructed at a 90-degree angle to the town highway
2. Have a minimum site distance shall be 150 feet both ways when viewed 15 feet back from the edge of the travelled way.
3. Have a minimum width of 16 feet for the first 20 feet back from edge of town highway shoulder.
4. Be graded and ditched so that water does not run onto the town highway.

Both sides of proposed driveway shall have stakes with ribbons to indicate desired location at point of access to the town highway. The applicant agrees to maintain said access and adhere to the directions, restrictions and conditions forming a part of this permit.

Signature: [Handwritten Signature] Dated at Seb this day of 2008,
 Applicant or Applicant's Agent Name {printed or typed} Kimberly Carey

Application fee of \$50. Received 9 Date by æ-z
 Directions, restrictions and conditions:
 18-inch culvert required yes no
 Other restrictions or conditions

This permit is issued in accordance with Title 19, V.S.A. relative to all highways within the jurisdiction of the Town of Pomfret. This permit may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the access within one year of the date of approval.

Permit to construct access is given this day of _____, 20____.

Road Commissioner

Chair, Selectboard

Final Approval: The first 20 feet of a driveway or access road entering a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.

This access has been installed in accordance with the above directions, restrictions and conditions and is acceptable under State and local regulations. This day of _____, 20 .

Road Commissioner

_____Chair, Selectboard

Form adopted by Pomfret Selectboard June 21 , 2017

TOWN OF POMFRET

APPLICATION FOR A
DRIVEWAY OR
APPROACH ROAD

Owner EDWARD G. GREENE Phone _____
405 WEBSTER HILL ROAD, N. POMFRET
ACCESS PERMIT

Landowner _____ Boz _____ 9035
Address _____ State VT Zip 056 fi3

The undersigned requests an Access Permit to construct an access to serve the landowner's property; located on the EAST side of LABOUNTY ROAD (E911 highway name) Town Highway No. _____

The proposed access will be _____ | 200 GET located (ft•/ mi•) from the intersection of this road with WEBSTER HILL ROAD (E911 highway name).

(DETAILED SKETCH MUST ACCOMPANY THIS APPLICATION.)

Driveways and approach roads entering a town highway shall meet the following standards:

1. Be constructed at a 90 degree angle to the town highway
2. Have a minimum site distance shall be 150 feet both ways when viewed 15 feet back from the edge of the travelled way.
3. Have a minimum width of 16 feet for the first 20 feet back from edge of town highway shoulder.
4. Be graded and ditched so that water does not run onto the town highway.

Both sides of proposed driveway shall have stakes with ribbons to indicate desired location at point of access to the town highway. The applicant agrees to maintain said access and adhere to the directions, restrictions and conditions forming a part of this permit-

Dated at POMFRET this 26 day of AUGUST 2020

[Signature]

Signature, Applicant or Applicant's Agent Applicant or Applicant's Agent's
Name (printed or typed)

Application fee of \$50. Received Date 9/9/2020 by [Signature]

Directions, restrictions and conditions: 15-inch culvert required
yes no

Other restrictions or conditions

This permit is issued in accordance with Title 19, V.S.A. relative to all highways within the jurisdiction of the Town of Pomfret. This permit may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the access within one year of the date of approval.

Permit to construct access is given this day of _____, ~~99~~
_____ Road Commissioner _____ Chair, Selectboard

Final Approval: The first 20 feet of a driveway or access road entering a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.

This access has been installed in accordance with the above directions, restrictions and conditions and is acceptable under State and local _____
regulations. This day of , 20 _____ Road Commissioner
_____ Chain Selectboard

Form adopted by Pomfret Selectboard January 6, 2010

From: Rita Seto <rseto@trorc.org>

Sent: Tuesday, September 29, 2020 9:35 AM

To: Jim Potter <jim.potter@pomfretvt.us>; Emily Grube <Emily.Grube@pomfretvt.us>

Subject: Grants in Aid Year 4 letter to participate

Morning Emily

I spoke with Jimmy this morning. Here's the grant for this upcoming year (same funding for Bunker Hill that Jimmy just finished up). Sign p. 3 to submit to access construction funds. Construction cannot happen this fall – will have to be next Spring and is due June 30, 2020. I talked with Jimmy and we can at least scope out a project this fall so you're ready to go in the Spring.

Let me know if you have any questions.

Thanks!

Rita

Rita Seto, AICP | Senior Planner



Two Rivers-Ottawaquechee Regional Commission

128 King Farm Rd, Woodstock, VT 05091

Tel: 802.457.3188 | Cell: 802.281.2927 | Fax: 802.457.4728

rseto@trorc.org | www.trorc.org | [TRORC Facebook](#)

***working remotely at this time so email or cell best way to reach me**



INVITATION TO PARTICIPATE IN MUNICIPAL ROADS GRANTS-IN-AID PROGRAM

TO: Selectboard Chair, Town Clerk, Road Foreman, Transportation Advisory Committee,
TRORC Commissioners

FROM: Peter G. Gregory, Executive Director

DATE: September 15, 2020

RE: Letter of Intent to Participate in the **SFY'21 Municipal Roads Grants-in-Aid Program**: Funding Assistance in Municipal Road General Permit Compliance

The Two Rivers-Ottauquechee Regional Commission (TRORC), the Department of Environmental Conservation (DEC) and the Agency of Transportation (VTrans) invite your municipality to participate in the Municipal Roads Grants-in-Aid Program. This program provides funding for municipalities to implement best management practices (BMPs) in compliance with the DEC Municipal Roads General Permit (MRGP).¹ **Funding for this program is pending approval through the State budget in the legislature. Do not move forward with construction of any project until authorization is received.**

VTrans anticipates receiving funding to support BMP implementation under this program. VTrans will work with the RPCs to provide grant funds to participating Vermont municipalities that agree to the terms (see attached participation Letter of Intent). Your municipality must return the signed letter by **October 30, 2020** to be eligible (page 3 of this invitation letter).

VTrans will offer funding to participating municipalities to implement BMPs on hydrologically connected road segments that currently do not meet standards.¹ A municipality's funding award depends upon:

- The number of hydrologically connected roads, sorted into five-mile increments.; and
- The number of participating municipalities. Additional funds may become available should some municipalities decide not to participate. **Refer to the attached VTrans Base Offer for your municipality to see the amount of funding you are eligible to receive.**

¹ Hydrologically connected roads are those that drain directly into surface waters (streams, rivers, ponds, lakes and wetlands) as defined by the MRGP.

Grants-in-Aid awards will be made available through RPCs, which will submit reimbursement requests to VTrans on behalf of municipalities. VTrans will reimburse up to 80% of the municipality's documented construction expenses, including in-kind support, for BMPs on hydrologically connected roads.

Participating municipalities agree to:

- Construct the additional BMPs on hydrologically connected roads to bring road segments into full compliance with MRGP standards.
- Complete the project by June 30, 2021.
- Sign the commitment letter to confirm the municipal responsibilities of the program.
- Document project costs and provide a minimum of 20% local match (cash or in-kind) for BMP construction
- Match for BMP construction can include in-kind contributions such as transportation, municipally-owned road equipment, crew labor, municipal staff time and other costs directly related to the BMP construction project. Funds from other federal or state grant programs or local match for those other federal and state grant programs cannot be included as match.

¹ MRGP available at: <http://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/municipal-roadsprogram>.

- Work with your RPC to select projects, conduct site visits, obtain technical assistance, compile invoices, and seek reimbursement from VTrans.
- Comply with the MRGP before requesting reimbursement from the State for construction and equipment costs. Full compliance with the MRGP includes full payment of MRGP fees, required MRGP forms and Annual Planning Report.

DEC agrees to:

- Use a formula, based on the number of hydrologically connected municipal road miles, in determining the monies appropriated to each participating municipality;

VTrans agrees to:

- Make payments on a reimbursement basis, upon receipt of invoices submitted from Regional Planning Commission on behalf of participating municipalities. VTrans will reimburse 80% of documented costs for BMP construction and purchase of equipment up to the final award amount for each municipality.

TRORC agrees to:

- Assist municipalities by: (a) serving as the municipalities' point-of-contact and fiscal agent for reimbursement of expenses under the program; (b) providing maps of

connected road segments to participating municipalities; (c) providing technical assistance to towns in project selection, mapping and construction techniques; (d) posting Clean Water Project signs for publicly visible projects during construction when feasible, and (e) aiding municipalities in tracking and reporting deliverables.

- Secure letters of intent to participate in the program coordinated statewide through the Northwest Regional Planning Commission in St. Albans.

Eligible BMPs according to the MRGP Standards:

- Grass and stone-lined drainage ditches and stone check-dams;
- Turnouts, cross culverts, and other disconnection and infiltration practices;
- Lowering of high road shoulders;
- Installation or replacement of drainage culverts and driveway culverts on non-perennial streams within right of way and installation of culvert headwalls and outlet stabilization;
- Stabilizing conveyance zones;
- Addressing gully erosion on Class 4 roads; and
- Stabilizing catch basin outlets.

If you have any questions about the Municipal Grants-in-Aid Project, please contact **Rita Seto**, rseto@trorc.org / 802457-3188. For questions about the Municipal Roads General Permit please refer to the DEC website:

<http://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/municipal-roads-program>.

We look forward to hearing from you soon.

Sincerely,



Peter G. Gregory, AICP
Executive Director

**LETTER OF INTENT TO PARTICIPATE IN THE (page 3 of 3)
MUNICIPAL ROADS GRANTS-IN-AID PROGRAM**

We, the Legislative Body of the Municipality of

_____ certify that the municipality will:

- Construct one or more road best management practices (BMPs) to bring connected road segments into full compliance with Municipal Roads General Permit (MRGP) standards, to be completed by June 30, 2021.
- Construct the road BMPs on hydrologically connected road segments – roads that drain directly into surface waters (streams, rivers, ponds, lakes and wetlands). Contact your Regional Planning Commission or refer to the Vermont Department of Environmental Conservation (DEC) map layer for *hydrologically-connected* municipal roads in Vermont. This map layer is available at: <http://anr.vermont.gov/maps/nr-atlas>.
- Consult with the Regional Planning Commission prior to construction of the BMPs to conduct a required site visit and verify the appropriate location of the connected road segment and BMP(s) to meet MRGP standards.
- Post a Clean Water Project sign during construction (select projects only).
- Provide a minimum of 20% local match (in-kind and/or cash). Match can include quantified in-kind contributions such as transportation, municipally-owned road equipment, crew labor, municipal staff time and other costs directly related to the BMP construction project as part of this program. Funds from other federal or state grant programs or local match for those other federal and state grant programs cannot be included as match.
- Work with the Regional Planning Commission to complete all reporting and invoicing requirements.
- Comply with the MRGP before requesting reimbursement from the State for construction and equipment costs. Full compliance with the MRGP includes full payment of MRGP fees, required MRGP forms and Annual Planning Report.

_____ Date:

(Duly Authorized
Representatives)

This signed letter is due by **October 30, 2020**

Return signed Letter of Intent to: Municipal Roads Grants-in-Aid Program, c/o Northwest Regional Planning Commission, 75 Fairfield Street, St. Albans, Vermont 05478 or email to GIA@nrpcvt.com.

**APPENDIX: Municipal Roads Grants-in-Aid Pilot Project
Hydrologically Connected Roads by Vermont Municipality
(Excerpt from VDEC Data Map Layer:
<http://anr.vermont.gov/maps/nr-atlas>)**

	Town	State Estimate: Connected RoadMile by Range	VTrans Base Offer	20% Local Match (Cash or In-Kind)	Total
1	BARNARD	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875
2	BETHEL	45-50 Connected Road-miles	\$24,000	\$6,000	\$30,000
3	BRADFORD	25-30 Connected Road-miles	\$13,900	\$3,475	\$17,375
4	BRAINTREE	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
5	BRIDGEWATER	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
6	BROOKFIELD	25-30 Connected Road-miles	\$13,900	\$3,475	\$17,375
7	CHELSEA	35-40 Connected Road-miles	\$18,900	\$4,725	\$23,625
8	CORINTH	45-50 Connected Road-miles	\$24,000	\$6,000	\$30,000
9	FAIRLEE	10-15 Connected Road-miles	\$6,300	\$1,575	\$7,875
10	GRANVILLE	15-20 Connected Road-miles	\$8,800	\$2,200	\$11,000
11	HANCOCK	5-10 Connected Road-miles	\$4,300	\$1,075	\$5,375
12	HARTFORD	60-65 Connected Road-miles	\$25,000	\$6,250	\$31,250
13	HARTLAND	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
14	NEWBURY	45-50 Connected Road-miles	\$24,000	\$6,000	\$30,000
15	NORWICH	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875
16	PITTSFIELD	10-15 Connected Road-miles	\$6,300	\$1,575	\$7,875
17	PLYMOUTH	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
18	POMFRET	35-40 Connected Road-miles	\$18,900	\$4,725	\$23,625
19	RANDOLPH	35-40 Connected Road-miles	\$18,900	\$4,725	\$23,625
20	ROCHESTER	25-30 Connected Road-miles	\$13,900	\$3,475	\$17,375
21	ROYALTON	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875

22	SHARON	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
23	STOCKBRIDGE	25-30 Connected Road-miles	\$13,900	\$3,475	\$17,375
24	STRAFFORD	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875
25	THETFORD	25-30 Connected Road-miles	\$13,900	\$3,475	\$17,375
26	TOPSHAM	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875
27	TUNBRIDGE	40-45 Connected Road-miles	\$21,500	\$5,375	\$26,875
28	VERSHIRE	30-35 Connected Road-miles	\$16,400	\$4,100	\$20,500
29	WELLS RIVER VILLAGE	0-3 Connected Road-miles	\$4,300	\$1,075	\$5,375

30	WEST FAIRLEE	15-20 Connected Road-miles	\$8,800	\$2,200	\$11,000
31	WOODSTOCK VILLAGE	5-10 Connected Road-miles	\$4,300	\$1,075	\$5,375
32	WOODSTOCK	45-50 Connected Road-miles	\$24,000	\$6,000	\$30,000
			\$517,700	\$129,425	\$647,125

From: Smith, Stephanie A <Stephanie.A.Smith@vermont.gov>
Sent: Tuesday, September 22, 2020 10:38 AM
To: Smith, Stephanie A <Stephanie.A.Smith@vermont.gov>
Subject: Funding for Local Hazard Mitigation Plan Development

Municipal Official,

The State of Vermont is in the process of developing a grant application to fund Local Hazard Mitigation Plan (LHMP) updates or to develop a new LHMP under FEMA's Building Resilient Infrastructure and Communities (BRIC) grant program. Your community currently has an approved LHMP that will expire within the next couple of years, or you have never had an approved LHMP. Please note, it can take six months or more for grants to be awarded and an additional twelve months to develop your plan and receive approval.

Having an approved LHMP is important because it allows you to apply for other FEMA mitigation grant opportunities. If you have met a couple of other requirements, you will also be eligible for an increased State share when applying for FEMA Public Assistance funding following a disaster.

To participate, fill out and email the attached 25% Match Certification Form to:
stephanie.a.smith@vermont.gov by Friday, December 4, 2020. Two versions are attached, one with notes to help you fill out the form and a clean version.

This application will allow municipalities to contract out the work of updating their LHMP. FEMA funding will cover 75% of the plan update costs. Total grant amount will be \$10,150 for a plan update, including local match. The town will be required to cover the roughly \$2,500 match financially and/or in-kind. For a new plan, the total is \$14,150 including around \$3,500 in local match.

To view your LHMP status, visit: floodready.vermont.gov/assessment/community_reports. Scroll down to "Expanded Community Report" and select your community from the drop down. Hit "Submit" and a new window will open showing your community report and LHMP status (#4).

Questions? Contact: Stephanie A. Smith, stephanie.a.smith@vermont.gov



Stephanie A. Smith, MUPP
State Hazard Mitigation Officer
Vermont Emergency Management
Cell: (802) 989-6793
Stephanie.A.Smith@vermont.gov

I am currently involved in the State Emergency Operations Center's response to COVID-19. I apologize if my reply to your email was delayed. Thank you for understanding.

LOCAL MATCH COMMITMENT LETTER

<MM-DD-YYYY>

<Town/Village Name>

<Address>

<City, State Zip Code>

Hazard Mitigation Assistance (HMA) Sub-application Local Match Commitment Letter – Local Hazard Mitigation Plan Grant

Dear State Hazard Mitigation Officer:

As part of the Hazard Mitigation Assistance Program process, a local match funding commitment is required. This letter serves as <Town/Village Name>'s commitment to meet the local match fund requirements for this grant.

Source of Local Match Commitment Funds:	Local Agency Funding <input checked="" type="checkbox"/>	Other Agency Funding <input type="checkbox"/>	Private Nonprofit Funding <input type="checkbox"/>	In-Kind Match <input checked="" type="checkbox"/>
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Name of Local Match Commitment Funding Source:

Financial Match Source: <Financial Match Source>

In-Kind Match Source:

- Staff time for hiring a consultant and plan coordination/development tasks
- Volunteer time at planning meetings and travel

Total Project Cost:

\$

Requested Federal Share (75%):

\$

Local Match Commitment (25%):

\$

We understand that in order for match to be accepted, it must be allowable, reasonable, allocable, consistently applied, and included in the approved budget. We are aware that appropriate documentation is required to record the cost match being provided. The records of all cash and in-kind contributions, including volunteer time will be documented.

We are aware that none of the cash or in-kind contributions can be paid from a federally funded source (including salaries) or currently being utilized as a cost match toward another federal grant.

Please contact <Name of Contact> at <Phone Number and Email> with questions.

Sincerely,

<Add Signature of Authorized Agent>

<First and Last Name of Authorized Agent>

<Title>

<Phone>

<Email>

Town of Pomfret

Conflict of Interest Policy

Originally adopted October 4, 2017

Revisions adopted October 7, 2020

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Pomfret Selectboard 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 employees, public 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:

A. **Agent** means a person authorized by the Town to act for or in place of it; one instructed with carrying out the Town's business.

B. **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):

1. A direct or indirect personal or financial interest of an employee, public officer, or agent, 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 employee, public officer, or agent or before the public body in which he or she holds office or is employed.
2. A situation where an employee, public officer, or agent 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 an employee, public officer, or agent 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 employee, public officer, or agent 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, similarly situated persons affected by the decision.

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

D. **Employee** means a person employed by the Town pursuant to Vermont state law criteria

for determination of employment.

E. **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.

F. **Official act or action** means any legislative, administrative or judicial act performed by any employee, public officer or agent while acting on behalf of the municipality.

G. **Public body** means any board, council, commission or committee of the municipality.

H. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

I. **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.

J. **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, public officers, or agents of the municipality, and any public body whole or in part, shall be subject to the requirements of this policy. This includes, but is not limited to, 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 employee, public officer, or agent, or before the public body in which he or she holds office or is employed, said employee, public officer, or agent shall consider if there is a Conflict of Interest, as defined in Article 3(B) of this policy.

Article 6. Prohibited Conduct

A. Employees, public officers, or agents shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

B. Employees, public officers, or agents 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 employee, public officer or agent holds office or is employed.

C. Employees, public officers, or agents 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. Employees, public officers, or agents 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. An employee, public officer or agent 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, employees, public officers, or agents may request that other employees, public officers, or agents recuse themselves 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 an employee, public officer, or agent has Conflict of Interest, real or perceived, in a particular matter. In such an instance the member of the public shall make that assertion known to the Pomfret Selectboard and the employee, public officer, or agent in question at a public meeting. The employee, public officer, or agent in question shall then follow the Procedure for Determining if a Conflict of Interest Exists, as outlined in Article 5 above.

Article 9. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other employees, public officers, or agents 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 10. Recusal

A. Recusal of Employees, Public Officers and Agents. After taking the actions listed in Articles 7, 8, and 9, an employee, public officer, or agent shall declare whether he or she will recuse him or herself and explain the basis for that decision. An employee, public officer, or agent that recuses him or herself must explain the basis for that decision.

B. Failure to Recuse. The failure of an employee, appointed public officer or agent to recuse himself or herself in spite of a conflict of interest is grounds for discipline or removal from office.

Article 11. Recording. The minutes of the meeting or the written decision from the hearing shall document the actions taken in Articles 7 through 10.

Article 12. Post-Recusal Procedure

A. An employee, public officer, or agent 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.

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 13. Enforcement

A. **Enforcement Against Elected Public Officers.** 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 7 through 10, the Pomfret Selectboard must take progressive action to discipline such elected public officer as follows:

1. Less than a quorum of the Pomfret Selectboard may meet informally with the elected public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the elected public officer together constitute a quorum of a public body.
2. The Pomfret Selectboard may meet to discuss the conduct of the elected public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The elected public officer may request that this meeting occur in public. If appropriate, the Pomfret Selectboard may admonish the offending elected public officer in private.
3. If the Pomfret Selectboard decides that further action is warranted, the Pomfret Selectboard may admonish the offending elected public officer at an open meeting and reflect this action in the minutes of the meeting. The elected 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 may not order) that an offending elected public officer resign from his or her office.

B. **Enforcement Against Employees, Appointed Public Officers and Agents.** The Pomfret Selectboard must follow any applicable steps articulated in Article 13(A). In lieu of the action described in Article 13(A)(4):

1. The Pomfret Selectboard may remove an offending employee, appointed public officer or agent who has been hired or appointed by the Pomfret Selectboard, subject to applicable requirements of state law.
2. The Pomfret Selectboard may request (but may not order) that an offending employee, appointed public officer or agent who has not been hired or appointed by the Pomfret Selectboard be removed from his or her office.

Article 14. Exception. The recusal provisions of Article 10 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, an employee, public officer, or agent who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 7.

Article 15. Legal Counsel. The Pomfret Selectboard in its sole discretion may retain and utilize legal counsel for the purpose of administering this policy.

Article 16. Effective Date. This policy shall become effective immediately upon its adoption by the Pomfret Selectboard.

Adopted this 7th day of October, 2020

POMFRET SELECTBOARD

Emily Grube, chair

John Peters, Jr., vice-chair

Steve Chamberlin

Chuck Gundersen

Scott Woodward