

Town of Pomfret Selectboard Meeting Agenda
Town Offices

5238 Pomfret Road
 No Pomfret, VT. 05053
 Wednesday February 17th, 2020
 6:00 p.m.

Agenda	Presenter	Time Frame
1. Call to Order	Chair	6:00
2. Public Comments		
3. Agenda Review		
4. Town Meeting Questions	Moderator	6:05
5. Recurring Items a. Approval of 02/03/21 Minutes b. Warrants for Approval 21065. \$ 8903.62 Payroll 21066. 1019.08 A/P 21067 910,155.06 A/P c. Road Foreman's Report	Chair	7:05
6. Items for Discussion or Vote a. Teago Liquor License b. Approval Process for Venders and Credit Cards c. Consideration of Revised Conflict of Interest Policy d. Continue Employee Handbook e. Defining Town Services Officer Responsibilities f. Reappointment List of Town Officials g. Grader Bid Evaluation Process		
7. Meeting Wrap-Up a. Select Board Correspondence b. Review of Assignments c. Agenda Items for Next Meeting d. Meeting Adjournment		

- <https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09> to start or join a scheduled Zoom meeting
 Join Zoom Meeting via Mobile Phone +19292056099,,953950799233#,,1#306922
- Join Zoom Meeting via Landline or Mobile Phone Dial +1 301 715 8592, followed by the Meeting ID: 953 9507 9923 and Password: 306922

Town of Pomfret. Selectboard Meeting
Draft Minutes
February 3, 2021

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

Public: John Moore (Planning Commission), Neil Lamson (Lister), Scott Pearce, Cathy Peters, Ellen DesMeules (Treasurer), Karen Osnoe (Collector of Delinquent Taxes), Teresa Miele (HR Consultant), Cynthia Hewitt (SB Assistant)

1. Meeting called to order at 6:02
2. Public Comment – None
3. Agenda Review -- None
4. Recurring Items
 - a. Scott moved and Steve seconded approval of 01/20, 1/22, 1/25/2021 minutes with noted edits and corrections. Unanimous roll-call vote.
 - b. John moved and Scott seconded the following warrants for payment:

21058	\$ 7,905.99	Payroll
21059	1,122.56	Accts Payable
21062	4,391.28	Tax refunds
21061	943.88	Accts Payable
21063	22,285.25	Accts Payable
 - c. Road Foreman's Report – Jim was not in attendance, out plowing. He has gotten approval from the Forest Service to remove trees from Biggs' corner. Scott wanted to compliment Jim and said it was impressive to see him with the plow attached to the grader to clear the snow. This was due to Jim's truck's failure. He has learned of a mobile diesel mechanic, a Mr. Wyatt, who will come to make repairs. They suspect it is a ceramic filter in the exhaust. The repairs must be completed in order to achieve the trade-in value with the new truck, which is waiting for the body. Keith Sawyer was working with the small truck during the storm.
5. Items for Discussion or Vote
 - a. Karen Osnoe was here to gain permission to hire a lawyer with delinquent tax sale experience. She learned from Joe McLean that Bob Fletcher of Stitchell-Page does perform tax sales and Ben will reach out to Bob. She plans to proceed with sales on Levinson, Donovan, Carpenter, and Lindsley properties. Scott moved and Steve seconded the Board grant Karen the authority to proceed. The Board asked Karen for an update on Mr. Zubie on Broadbrook Road regarding multiple zoning violations. She explained the State is pursuing his illegal septic system to begin the processes needed.
 - b. Grader Bids – Steve moved and John seconded that the board approve the purchase of a John Deere 672 Grader. He and Jim found this a much sturdier machine than the Caterpillar, that better met the specifications of the RFP. Nortrax also had better service rates than Milton Cat. Scott wanted to first apply for the EPA Diesel Emissions Grant, which would go towards funding both a grader and a loader. Unfortunately, one of the qualifications for the grant was that the machinery is used 500 hours/year. This eligibility threshold had no flexibility, according to John Moore,

who was on the same conference call with Scott. The Town does not reach this condition. The motion carried with 3 ayes, 1 nay. Steve was given authority to sign the paper work with Nortrax.

- c. Discussion of EPA grant – see above.
 - d. Approval of Notice for Informational Meeting for Town Meeting. Scot moved to adopt the document as is, Steve seconded. 4 ayes, 1 abstain. Ben will send it to Becky for posting on the website and bulletin boards.
 - e. Parking Permits, etc. Jim is frustrated by cars parked in road ways and ROWs where the crew is attempting to clear the roads, as well as obstructing traffic, and causing safety issues. This is illegal as a local ordinance and State statute. The Board decided to post a warning on the Website and Listserve, and to ask VSP to patrol Skyline, etc. to issue tickets and/or tow the offending vehicles.
 - f. Town Office Furnace – The appliance is at the end of its life. It will be replaced. The vender is to be queried regarding adding a water softener to help extend the life of a new furnace.
 - g. Employee Handbook – Theresa Miele joined the meeting to go over proposed changes to the employee handbook. She has been working closely with Scott and Jim, Ellen and Becky. She went through several areas for Board concurrence with her changes, edits, etc.
 - h. Permitting Events for Compliance with Parking and Emergency Services --Emily noted the Haydock Bog Burn is held virtually this year, however, in years past they have created a tremendous parking/driving hazard on Skyline Drive. During this event there are also many dogs off leash. The Board would like to see private events submit an insurance certificate, and to arrange a parking area, as well as a safety officer or sheriff on premise to supervise parking. She will reach out to them to explain what the future will hold. The Board will continue to address this issue, i.e., see 5e above.
 - i. Conflict of Interest Policy – Scott would like to improve the clarity of Article 5 of the COI policy regarding speaking as a SB member vs member of the public body. Emily apologized for the misunderstanding. Scott will amend the policy along the lines of the excellent VLCT document.
6. Meeting Wrap Up
- a. No Selectboard correspondence
 - b. Review of Assignments – Emily will contact Haydocks and post parking rules on Listserve. Ben will send the notice to Becky and speak with Bob Fletcher on Karen’s behalf. Scott will amend the Conflict of Interest Policy.
 - c. Agenda Items for Next Meeting – Teago Liquor License
 - d. John moved and Steve seconded Adjournment at 7:45. Unanimous roll-call vote.

Town of Pomfret

Conflict of Interest Policy

Originally adopted October 4, 2017, Amended October 7, 2020
Current Revisions adopted February ___, 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.¹

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 or assertion of an actual or perceived conflict of interest, ~~other public officers of the public body, 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.² An employee, public officer, or agent that recuses him or herself must explain the basis for that decision.

B. **Recusal of Appointed Officials 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.³

¹ Such request shall not be considered an order for the officer to recuse him or herself.

² Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

³ Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of

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, 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 13. Enforcement

A. **Enforcement Against Elected Public Officers; 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 7 through 10, the Pomfret Selectboard may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate ~~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

Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

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 ____ day of February, 2021

Emily Grube, Chair

John Peters, Jr., Vice-chair

Steve Chamberlin, Member

Chuck Gundersen, Member

Scott Woodward, Member

\TOWN OFFICERS, APPOINTEES, COMMITTEES AND EMPLOYEES

— OFFICERS — Expires Term

MODERATOR

Kevin Geiger	2021
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TOWN CLERK

Rebecca Fielder	2021
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SELECTBOARD

Steve Chamberlin	2021
Chuck Gundersen	2021
Scott Woodward	2021
John Peters Jr., Vice-Chair	2022
Emily Grube, Chair	2023

TOWN TREASURER & TAX COLLECTOR

Ellen DesMeules	2021
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CEMETERY COMMISSION

Ona Chase, Chair	2021
Holly Strahan (<i>appointed for 1 year</i>)	2021
Bruce Tuthill	2022

LISTERS

Norman Buchanan, Chair	2021
Rebecca Fielder	2022
Neil Lamson	2023

AUDITORS

Nancy Matthews	2021
Benjamin Brickner	2022
Regina Lawrence	2023

LIBRARY TRUSTEES

Heather Durkel (<i>elected 2020 to fill resignation</i>)	2021
Chuck Gundersen (<i>elected 2020 to fill resignation</i>)	2021
Anne Bower, Chair	2022
Jean Souter	2022
Tina Clifford	2023
Betsy Rhodes	2023

TRUSTEES OF PUBLIC FUNDS

Robert Hatfield	2021
Michael Doten	2022
Marjorie Wakefield	2023

WINDSOR CENTRAL MODIFIED UNIFIED UNION SCHOOL DISTRICT DIRECTORS

Robert Coates	2021
William Overbay (<i>appointed for 1 year</i>)	2021

JUSTICES OF THE PEACE

Anne Bower (<i>appointed October 2019</i>)	2021
Chuck Gundersen	2021
Ann Raynolds	2021
Marjorie Wakefield	2021
JoAnn Webb	2021

— APPOINTEES —

Expires

ANIMAL CONTROL OFFICER

Ter
m

vacant

n/a

CITIZEN TRUSTEE OF LABOUNTY FUND

[Redacted]

COLLECTOR OF DELINQUENT TAXES

Karen Hewitt Osnoe n/a

CONSTABLE

vacant e911 n/a

COORDINATOR

[Redacted]

EAST CENTRAL VERMONT TELECOMMUNICATIONS DISTRICT (ECFiber) REPRESENTATIVES

Alan Graham 2021

Kristin Esty (first alternate) 2021 Betsy Rhodes (second alternate) 2021

[Redacted]

EMERGENCY MANAGEMENT DIRECTOR

Kevin Rice n/a

FIRE WARDEN

Frank E. Perron, Jr. 2025

Fred S. Doten, Sr. (deputy) 2025

GREATER UPPER VALLEY SOLID WASTE MANAGEMENT (GUVSWD) REPRESENTATIVES

Hugh Hermann, M.D. 2021

PLANNING COMMISSION

Nelson Lamson 2021

Orson St. John 2021

John Moore 2022

Ann Reynolds 2022

Cyrus Benoit 2023

William Emmons, Chair 2023

vacant n/a

[Redacted]

[Redacted]

HEALTH

OFFICER

POUNDKEEPER

[Redacted]

ROAD COMMISSIONER

vacant

n/a

TOWN AGENT

[Redacted]

TOWN SERVICE OFFICER

[Redacted]

— COMMITTEES —

Expires Term

— APPOINTEES (cont.) —

Expires Term

CAPITAL PLANNING COMMITTEE

Neil Lamson n/a John Moore n/a

Jon Ricketson n/a

Hunter Ulf n/a TWO RIVERS-OTTAUQUECHEE REGIONAL Scott Woodward n/a

TREE WARDEN

[Redacted]

[Redacted]

ENERGY COMMITTEE

[Redacted]

[Redacted]

[Redacted]

TRORC TRANSPORTATION ADVISORY COMMITTEE

COMMISSION (TRORC) BOARD OF DIRECTORS

William Emmons

2021

Amos Esty 2022

Anne Bower 2023

Frey Aarnio n/a

vacant n/a

FINANCIAL MANAGEMENT COMMITTEE

Ellen DesMeules n/a

Emily Grube n/a

Nancy Matthews n/a

[Redacted]

ZONING BOARD OF ADJUSTMENT

[Redacted]

ZONING ADMINISTRATOR

Karen Hewitt Osnoe

2021

Benjamin Brickner 2022

Shaun Pickett 2022

Phil Dechert 2023

Seth Westbrook 2023

— EMPLOYEES —

ASSISTANT TOWN CLERK

Sally Weglarz

ASSISTANT TOWN TREASURER

Sally Weglarz

HIGHWAY TEAM

Jim Potter, Road Foreman

Art Lewin

Justin Ricard

~~SELECTBOARD~~

ADMINISTRATIVE

ASSISTANT Cynthia Hewitt

2021 LIQUOR LICENSE RENEWAL APPLICATION

9478-001-SECN-001

SECOND CLASS LICENSE TO SELL MALT AND VINOUS BEVERAGES

Page 1

License Year Beginning May 1, 2021 ending April 30, 2022

Fee: \$140.00 of which
\$70.00 is paid to town/city
\$70.00 is paid to DLC
Town: 14065 - POMFRET

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

Applicant: Pomfret Road General Store, LLC, The Licensee # 9478- 1

Doing Business As:

Teago General Store
2035 Pomfret Road
South Pomfret VT 05067
Telephone: (802) 457-1626

Mailing Address:
2035 Pomfret Road
South Pomfret VT 05067

PLEASE INCLUDE EMAIL ADDRESS: christteago@gmail.com

Description of Premises:

2nd class store located on the ground floor of a wood frame building.
Located at the intersection of Stage Road and North Pomfret Road,
Designated as #2035 Pomfret Road in the Town of South Pomfret, Vermont

Lessor:

2035 Pomfret Road, LLC
2035 Pomfret Road
South Pomfret VT 05067

Last Enforcement Seminar: 01/06/2020

Filed Articles of Organization: Yes
Majority of Members are US Citizens: Yes

Date Filed: 09/26/2017

Federal ID Number: 82-2913690

ATTACH AN ADDITIONAL SHEET TO THIS APPLICATION NOTING ANY NECESSARY CORRECTIONS OR CHANGES AND UPDATES THAT HAVE OCCURRED DURING THE PAST YEAR.

Limited Liability

Table with 5 columns: Company, Name, Address, Town/City, State Zip Code. Row 1: Member, 1. Dolan, Kathleen, 94 B Bowman Road, Barnard, VT 05031

Has any person been convicted or pleaded guilty to any criminal or motor vehicle offense in any court of law (including traffic tickets by mail) during the last year? Yes No
If yes, please attach the following information: Individual's name, court/traffic bureau, offense and date

In the past year has any person held any elective or appointive state, county, city, village or town office in Vermont (See VSA, T.7, Ch.9, Sec. 223)? Yes No
If yes, please attach the following information: Individual's name, office and jurisdiction

Disclosure of Non-profit Organization?: Yes No

ALL APPLICANTS MUST COMPLETE AND SIGN

The applicant understands and agrees that the Liquor and Lottery Control Board may obtain criminal history record information from State and Federal record repositories.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, Section 3113)

I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or are in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

I/We have registered the trade name of these premises with the Secretary of State.

I/We hereby certify that the information in this application is true and complete.

Dated this 12 day of January, 2021

Signature of authorized agent of corporation, company, club or association

Handwritten signature: Christina Cole - Manager

Signature of individual or partners

(Title)

Are you making this application for the benefit of any other party? Yes No

Continued on next page