

**Town of Pomfret Selectboard Meeting Agenda  
EXECUTIVE SESSION**

**Town Offices**

5238 Pomfret Road

No Pomfret, VT. 05053

Wednesday, April 21, 2021

7:00 p.m.

Agenda	Presenter	Time Frame
1. Call to Order	Chair	6:30 pm
2. EXECUTIVE SESSION 3. Exit Exec Session 4. Call To Order 5. Public Comment 6. Agenda review		7:00pm
7. Recurring Items a. Approval of 03/07/2021 minutes b. Warrants for approval c. Road Foreman's Report 8. Items for Discussion or Vote a. Underdrain and Ditching, Pomfret Road b. VTrans Bicycle and Pedestrian Program c. Teago document/site visit/etc d. Access Permit Process & Requirements e. Furnace Replacement Town offices f. Open Meeting Law/Video Streaming g. Employee Handbook h. Veterans Memorial		
9. Meeting Wrap-up 10. Select Board Correspondence 11. Review of Assignments 12. Agenda Items for Next Meeting 13. 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

April 7, 2021

Town Of Pomfret Select Board Meeting

Draft Minutes

Present: Grube, Emily, Chamberlin, Steve, Harrington, Jon, Peters, John, Gundersen, Chuck

Public: Amber, Bannigan Suzy (O'donnell), Bassett Nancy, Bouteillers Matthew, Brickner, Ben (Zoning, Auditor), Burrington Brad, Cellini Richard, Chamberlin Christina, Claflin Cathy, Crean Bob, Cross Susan, Davis Terry , Deans Dottie, DeFoor Joe, Dunn BJ, Emmons Bill (Planning Commission), Field Jerri, Flynn John, Gimenez Clara, Graham Alan (Historical Society), Hartford Greg, Hatfield Bob, Hewitt, Cynthia Select Board Asst.), India, Jamison Jacqueline, Jane , John, Jones Deanna, Lamson Neil (Lister), Lamson Nelson (Planning Commission) , Lawrence Regina, Lendell Jane, Long Joanna, Martin Richard, Matthews Nancy (Auditor), McRae Craig, Mike, Moore John (Planning Commission), Morley John, Ocmoor John, Orthner David, Osnoe Karen (ZBA Admin) (Del Tax Collector), Parsons Lisa, Patti, Pearce Scott, Peters Cathy, Pickett Pam, Pizzani Elly, Potter Jim (Road Foreman), Rauch Lyn, Reiter Tim, Resena Karen, Rhodes Betsy (Library Trustee), Ricketson John, Sangler Janet, Scheurman Sue, Serena, Shepard Caroline, Siebeck Betsy, Skypack Leah, Sloane Mary, Stevens Matt, Surprenant Heather, Wakefield Marge (Trustee of Public Funds), Whitney, Williams, Sean,

1. Call to Order – Emily called the meeting to order at 7:06 pm
2. Public Comment – none
3. Agenda Review – Postpone item 5m. Emily moved and Steve seconded acceptance of the agenda with one deletion. Unanimous roll-call vote
4. Recurring Items
  - a. Approval of 03/17 and 03/24 Minutes. Chuck moved and John seconded to accept the minutes after revising the Pilot Driveway discussion. Unanimous roll-call vote
  - b. Emily moved and Steve seconded approval of the following warrants for approval

21090	\$ 9,183.23	Payroll
21092	21,898.63	Accounts Payable

Unanimous roll-call vote
  - c. Road Foreman's Report  
The excavator was parked on Kenyon Hill overnight when a tree fell and damaged it. There is quite a dent so Jim will initiate an insurance claim. Truck lettering has been completed. The new 6-wheel truck differential is not working. Clarks came to look at it and towed it to their shop and is claiming the problem was caused by abuse. Jim will go to Clarks on Friday to look into the matter. Jim asked for an executive session next week to discuss a personnel matter. Emily mentioned the approval by the Park Service to cut trees on Appalachian Train property – Jim assured her all was good in that regard, i.e., no deadline or pressure
5. Items for Discussion or Vote
  - a. Woodstock Resort Corp/Suicide 6 Act 250 Hearing –Tim Reiter, Manager of S6 reports that ORX has been informed that WRC is no longer willing to host the event.

Emily asked if the Board should participate in Act 250 hearing. We do have party status. All agreed the “last minute” notification did not match what Ford had describe on their web site. Jon Ricketson, Richard Cellini, Regina Lawrence, Lisa Parsons, M&M Scheurman, Tim Reiter, Nancy Matthews, Betsy Rhodes, John Moore and members of the Board discussed the proposal. It was suggested in the future that attending the Act 250 hearing was the proper channel to pursue for information and offering opinions vs. 4-days of list serve exasperation. Heather Surprenant has arranged a Zoom meeting for Thursday evening where residents may continue to discuss the issues.

- b. Paving RFP Emily. Moved and Chuck 2<sup>nd</sup> submission of the RFP as soon as possible with Jon’s name replacing Emily’s as contact person. Unanimous roll-call vote.
- c. Sand RFP. Chuck moved and Steve 2<sup>nd</sup> submission after dates are corrected. Unanimous roll-call vote.
- d. Pilot Driveway -- no need to discuss further
- e. One driveway to be used by 3 homes. Eric Chase has subdivided a piece of property on Allen Hill into 3 sites. He would like to change the driveway to a private road. They need to assure E911 address are confirmed. Becky is reaching out to the state with this idea.
- f. Hunnewell Driveway. The board had a favorable site visit. They have a pending application with the State to install a bridge. Chuck Hunnewell will remove the culvert if he must. Karen Osnoe confirmed the ZBA has the permit for the bridge to consider. Emily moved and Scott 2<sup>nd</sup> to approve the permit if the culvert is removed. Unanimous roll-call vote
- g. TA 60 Report – This must be submitted to Vtrans District 4 within 60 days of passing the budget. Steve moved and John seconded approval. Unanimous roll-call vote
- h. Capitol Plan Adoption – Steve moved and Chuck seconded that the board adopt the “Pay as you Go” capital plan as presented at the last meeting. Unanimous roll-call vote
- i. Teago Intersection – we must reopen the Pomfret Road now that winter is over. The 3-way stop should be retained, in the Board’s opinion. Two Rivers has sent an illustration of the final appearance. The library will be given back space on both sides of Library street, and their parking lot will have appropriate signage to indicate it is for Library Patrons. Emily would like to view the final project, esp. re: handicap parking and deliveries.
- j. K Dolan dedication of Teago improvements back to the town. Chuck moved and Steve seconded to send the document to Joe McLean and also to get Jim Potter’s input.
- k. LEMP – Kevin Rice presented the completed LEMP paper work. Chuck moved and John 2<sup>nd</sup> the report be approved to submit. Unanimous roll-call vote.
- l. Dog complaint – still attempting to gain address of the offending dog’s owner
- m. Furnace replacement – postpone to next meeting
- n. Proposed Veterans’ Memorial – Alan Graham presented preliminary design/description for the memorial. Some felt the open design would not hold up

under weather conditions at the top of the hill. Many suggestions were discussed. This topic will be continued at the next meeting

- o. Structures Grant – Jon Harrington completed the grant application and has conferred with Christ Bump at Vtrans. This is for work on Cloudland Road. Emily moved and Steve seconded the application be filed. Unanimous roll-call vote
  - p. Highway Grant – Paving from Hartford town line to Starbuck Road. Emily moved and Steve seconded the application be filed. Unanimous roll-call vote
6. Meeting wrap-up
- a. No correspondence
  - b. Review of Assignments – Furnace – John; Hunnewell – Emily
  - c. Agenda for next meeting: Veterans Memorial, Furnace, Open Meeting Law
  - d. Steve moved and Chuck seconded for Adjournment at 9:53 pm



**Jon Kaplan, P.E.**  
**Bicycle and Pedestrian Program Manager**  
**State of Vermont**      [jon.kaplan@vermont.gov](mailto:jon.kaplan@vermont.gov) *Agency of Transportation*  
**Highway Division**  
**Municipal Assistance Program**  
219 North Main St.      [phone] 802-498-4742  
Barre, VT 05641      **[www.vtrans.vermont.gov](http://www.vtrans.vermont.gov)**  
[ttd] 800-253-0191

TO: Interested Parties  
FROM: Jon Kaplan, Bicycle and Pedestrian Program Manager  
DATE: April 14, 2021  
RE: **2021 VTrans Bicycle and Pedestrian Program**

I am happy to announce that we are soliciting applications for projects through the Bicycle and Pedestrian Program. The intent of the VTrans Bicycle and Pedestrian Program is to improve access and safety for bicyclists and/or pedestrians through the planning, design and construction of infrastructure projects.

The Bike/Ped Program provides funding for the following facilities:

- Bicycle lanes (on-road facility delineated with pavement markings and signs)
- Shoulders (generally a minimum of 3-feet wide to accommodate bicyclists)
- Sidewalks
- Pedestrian crossing improvements, including median pedestrian refuge islands • Pedestrian signals
- Improvements that address requirements of the Americans with Disabilities Act
- Shared-use paths (designed for use by both bicyclists and pedestrians)

Projects may be combinations of any of the above facilities.

Projects with the following emphasis will be considered favorably:

- Facilities that address a documented safety concern such as a high crash location
- Connectivity within overall bicycle and pedestrian networks
- Proximity and access to and within village centers and downtown areas
- Facilities that serve multiple uses e.g. access to businesses, residences and schools
- Pedestrian safety improvements that are consistent with the Federal Highway Administration "Safe Transportation for Every Pedestrian (STEP)" initiative.

The two funding categories available in this solicitation are Federal aid and “small projects”. Federal aid projects use funds received from the Federal Highway Administration for either scoping (feasibility studies) or design/construction projects and “small projects” are state funded.

The intent of the “small projects” solicitation is to assist in implementing necessary safety improvements like signs, pavement markings, crossing enhancements or on-road bike facilities through striping. These projects may be bid out, or done by local forces. This category is not to be used to match federal funds on a larger project.

For a copy of the VTrans 2021 Bicycle and Pedestrian Grant Program Guides for both categories of projects and to access the application materials, visit the VTrans Bike/Ped Program website: <http://vtrans.vermont.gov/highway/local-projects/bike-ped>. You may also obtain a copy or ask any questions about the program or application process by contacting me by phone at (802) 498-4742 or email at [jon.kaplan@vermont.gov](mailto:jon.kaplan@vermont.gov). As in previous years, a workshop is available for potential applicants. It is strongly recommended that an official representative of the applicant attend. This year, the workshop will be provided as a webinar and attendees will **access it using a link provided in the Grant program guides**. The workshop is scheduled for Tuesday April 27, 2:00 PM to 3:30 PM. You can participate in the workshop from any computer connected to the internet. If you do not have an internet connection, you may access the training via phone by calling 1-802552-8456 and entering the following conference ID: 485 844 470#. **Reservations are not required** for the workshop.

Due to COVID-19 and remote working, all applications must be submitted in electronic format as Adobe .pdf files. Hard copy applications will NOT be accepted. Complete applications are **due by 1:00 PM on June 4, 2021**.

I strongly urge you to work with your Regional Planning Commission. These organizations are valuable resources and can help you refine your project. Additionally, VTrans staff are available to consult regarding project scope and to visit potential projects, if necessary, to help communities decide which category is best suited for the project. Contact Jon Kaplan regarding possible site visits.

The Vermont Agency of Transportation is committed to this program and working with applicants to complete successful projects. This is not a block grant but rather a reimbursement program. Successful applicants will enter into a grant agreement with VTrans that will lay out respective responsibilities as all projects must be developed in accordance with applicable federal and state rules and regulations.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Kaplan". The signature is written in a cursive style with a large, stylized initial "J".

Jon Kaplan, P.E.  
Bicycle and Pedestrian Program Manager  
Municipal Assistance Program

**From:** Joseph McLean <jmclean@firmspf.com>  
**Sent:** Tuesday, April 13, 2021 11:08 AM  
**To:** Emily Grube <Emily.Grube@pomfretvt.us>  
**Subject:** RE: Teago documents

Dear Emily: Following up on our telephone conversation this morning, I am writing to outline for the Selectboard the process for accepting the infrastructure referenced in the Irrevocable Offer of Dedication and Bill of Sale from Kathleen Dolan/Teago Store. As I mentioned, there is no “magic” to it – essentially, the Selectboard is free to vote at any time to accept the offer of dedication and bill of sale and record those documents, perhaps with a copy of the minutes reflecting the vote, in the Pomfret Land Records. Note that the Irrevocable Offer of Dedication contains a place for a signature by a representative of the Town (and a notary block). This can be signed by an authorized agent of the Selectboard contemporaneous with the vote.

Prior to voting to accept any dedication of infrastructure, however, the Selectboard or its designee should conduct a site visit and inspect all of the infrastructure proposed for conveyance to the Town. If there are any issues or problems with the infrastructure as installed, they should be noted and corrected BEFORE any vote to accept occurs. Also, if any of the infrastructure has the potential to be impacted by winter conditions or frost heaves, it may be reasonable to wait some period of time (e.g., at least one winter season) before voting to accept to confirm that the infrastructure was installed appropriately for the conditions and that the Town will not have to bear the cost of reinstalling/repairing in the spring.

When and if the Town does accept the offer of dedication, the infrastructure will become the property of the Town and the Town will be subject to maintenance and repair obligations going forward (similar to any other highway infrastructure). Therefore, it is important to ensure that the Town is satisfied with the infrastructure as installed and that it will not become a source of unreasonable cost in the future.

Please let me know if you have any questions or wish to discuss further.

Thank you,

Joseph S. McLean, Esq.  
Stitzel, Page & Fletcher, P.C.  
PO Box 1507  
171 Battery Street  
Burlington, VT 05401-1507  
Phone 802-660-2555  
Fax 802-660-9119  
[www.firmspf.com](http://www.firmspf.com)



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

Landowner

\_\_\_\_\_ Phone

\_\_\_\_\_ Address State Zip \_\_\_\_\_

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

\_\_\_\_\_ The proposed access will be located approximately \_\_\_\_\_ (ft./mi.) from the intersection of this road with (E 911 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 this day of , 20\_\_\_\_\_.

Signature, Applicant or Applicant's Agent  
Applicant or Applicant's Agent's Name (printed or typed) Application fee of \$50. Received Date by \_\_\_\_\_

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 AN AGRICULTURAL/FORESTRY ACCESS ROAD PERMIT  
 Landowner Phone \_\_\_\_\_ Address State Zip \_\_\_\_\_  
 The undersigned requests an Access Permit to construct an agricultural/forestry access road to serve the landowner's property; located on the \_\_\_\_\_ side of \_\_\_\_\_ (E911 highway name) Town Highway No. \_\_\_\_\_ The proposed access will be located approximately \_\_\_\_\_ (ft./mi.) from the intersection of this road with \_\_\_\_\_ (E911 highway name). Please describe the agricultural or forestry activity on this property (definitions of agricultural/forestry uses can be found in the Town Highway ordinance): (DETAILED SKETCH OF THE PROPOSED ACCESS ROAD MUST ACCOMPANY THIS APPLICATION.) Agricultural/forestry access 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. Be graded and ditched so that water does not run onto the town highway. Both sides of proposed access road 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 this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. Signature, Applicant or Applicant's Agent Applicant or Applicant's Agent's Name {printed or typed} 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 road within one year of the date of approval. Permit to construct agricultural/forestry access road is given this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. \_\_\_\_\_ Road Commissioner \_\_\_\_\_ Chair, Selectboard Final Approval: This access has been installed in accordance with the above conditions and is acceptable under State and local regulations. This \_\_\_ day of , 20\_\_\_. \_\_\_\_\_ Road Commissioner \_\_\_\_\_ Chair, Selectboard Form adopted by Pomfret Selectboard, January 6, 2010 Form amended by Pomfret Selectboard, November 6, 2017

**PLEASE NOTE:** this is not a comprehensive treatment of the Open Meeting Law; it does not address topics such as electronic participation at meetings and the use of executive session and deliberative session. FAQs on these topics are available on the VLCT website at:

<https://www.vlct.org/resource/open-meeting-law-faqs>.

### **TYPES OF MEETINGS:**

- "**Regular meetings**" are meetings that take place at a regularly occurring, pre-arranged time and day.
- "**Special meetings**" are meetings that take place at any time or date outside of the "regular" meeting schedule.
- "**Emergency meetings**" may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. 1 V.S.A. § 312(c)(3).

### **ANNOUNCING / POSTING NOTICE OF A MEETING:**

**Regular meetings** must be clearly designated by ordinance or resolution of the public body and this information shall be available to any person upon request. 1 V.S.A. § 312(c)(1). Designation of the regular meeting schedule should take place at the body's first meeting after Town Meeting day. Although not required by law, we recommend posting notice of the regular meeting schedule in a prominent place in town for the entire year.

**Special meetings** must be "publicly announced" at least 24 hours in advance. This means that notice is:

- (1) given to all members of the body either orally or in writing (unless previously waived by that member);
- (2) given to an editor, publisher or news director of a newspaper or radio station serving the area (although there is no requirement that the notice is actually published or broadcasted);
- (3) given to any person who requests to be notified of special meetings;
- (4) physically posted in or near the clerk's office; and
- (5) physically posted in at least two public places in town that have been designated for posting. 1 V.S.A. §§ 312(c)(2), 310(4).

**Emergency meetings** "may be held without public announcement, without posting of notices and without 24hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting." 1 V.S.A. § 312(c)(3).

**AGENDAS:**

- Required for all regular and special meetings but not required for emergency meetings.
- At least 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting, must be:
  - (1) physically posted in or near the municipal office;
  - (2) physically posted in at least two other public places in town that have been designated for posting; (3) posted electronically to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(d); and
  - (4) available to a person prior to a meeting upon specific request.
- If a quorum or more members will attend electronically, the agenda must designate at least one physical location where a member of the public can attend and participate in the meeting. 1 V.S.A. § 312(a)(2). At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

**MINUTES:**

- Must be taken at every public meeting. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. §§ 312(b)(1), 313(a).
  - Minutes must give a true indication of the business of the meeting - which may require supplementing the following statutorily-required elements: (1) the members present; (2) active participants; (3) motions, proposals, and resolutions made, offered, and considered, and what disposition is made of the same; (4) the result of any votes taken; and (5) a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1). □ Must be kept by the secretary or clerk of the public body (not necessarily the Town Clerk). 1 V.S.A. § 312(b)(1).
  - Five calendar days after the meeting minutes must be available for inspection and copying and must be posted to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(b)(2).
  - Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2).
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