

Town of Pomfret Selectboard
Approved Meeting Minutes
February 1, 2023

Present: Emily Grube, John Peters, Benjamin Brickner, Steve Chamberlin, Jon Harrington

Public: Bill Eydt, Bob Eydt, Laird Bradley, Jim Potter (Road Foreman), Neil Lamson (Lister), Greg Tuthill, Scott Pearce, Scott Barger, Peter Raymond, Andrew Oatway, John Moore, Cathy Peters, Eric Scanlon, Jake Astbury, Rebecca Mitchell, Stephen Oatway, Lindsay Hyde, “iPad(2)”, Cynthia Hewitt (Selectboard Assistant)

1. Emily called the meeting to order at 6:30 pm.
2. Public Comment – None.
3. Executive Session
 - a. Ben moved and Steve seconded that the Selectboard enter executive session pursuant to 1 V.S.A. 313(a)(1)(F) and (a)(3) to discuss confidential attorney-client communication and employee matters. Unanimous. The Selectboard entered executive session at 6:31 pm.
 - b. The Selectboard exited executive session at 6:57 pm, no decisions having been made therein.
4. Emily called the meeting back to order at 7:00 pm.
5. Public Comment – Rebecca Mitchell asked whether Pomfret has any rules around residential or business lighting. Ms. Mitchell was referred to the Zoning Administrator.
6. Agenda Review – Ben moved and John seconded the following changes: add deliberative and executive session at end, delete Noradunghian driveway, add mail ballots. Unanimous.
7. Road Foreman’s Report and Highway Items
 - a. Reconsideration of Eydt Estate driveway access application – Ben noted that the 30-day period for such a request had expired and that a substantially similar new application had been submitted and is to be considered as the next item of business. Accordingly, Ben moved and John seconded that the request for reconsideration of the prior application be dismissed as untimely and potentially duplicative. Unanimous. Without objection, Peter Raymond, attorney for the applicant, asked that any materials in the reconsideration request that were not included in the new application be incorporated by reference.
 - b. Eydt Estate Driveway access new application – Emily called the hearing to order; no conflicts of interest or ex parte communications were disclosed and the parties were sworn in. Mr. Raymond indicated that the new application was intended to address concerns expressed by the board on the prior application, in particular regarding sight distance on Pomfret Road.

Mr. Raymond indicated the Estate believes it has a legal right-of-way as indicated on the final subdivision survey plat, which runs to Pomfret Road at the location of the proposed driveway access. Ben noted this right-of-way was not reserved in the vesting deed. Bill Eydt indicated that it may appear in the contemporaneous purchase and sale agreement, which is not recorded in the Pomfret land records, nor was

included with the driveway access application. Jim Potter, Road Foreman, made a site visit last fall and observed vegetation significantly obstructing the sight line and vehicles travelling above the 45 mph posted speed limit. Mr. Potter also noted that anyone plowing the proposed driveway may need to back into Pomfret Road, creating additional safety concerns. Mr. Eydt acknowledged these concerns and stated that in his 25 years living at the home immediately north of the proposed driveway access, entering on to Pomfret Road was always a bit of a challenge.

Members of the board indicated continued safety concerns with the new application. Ben noted that the town's attorney interprets the 150-foot provision in the 2009 Highway Ordinance^[*] as a floor for sight distances anywhere in town, not as a ceiling for the maximum sight distance the town may require under any circumstances. Ben also noted that the state's standard access sight distance for a 45 mph road is 360 feet, which is more than twice the distance available at the proposed location.

Ben moved and Steve seconded that the hearing be adjourned to the board's next regular meeting on February 15, 2023, so that another site visit can be made.

Unanimous.

- c. Open Culvert Engineering Bids – Five bids were received. Jon will recused himself from this matter as his engineering firm is a bidder. Ben will create a spreadsheet comparing the bids, which were received from:
 - i. B.D. Lefavour P.E.
 - ii. Dubois & King, Inc.
 - iii. East Engineering, PLC
 - iv. Engineering Ventures, PC
 - v. Harrington Civil Engineers, Inc.
 - d. Road Foreman's Report
 - i. Truck #2 was towed to Clark for a heat sensor, which is covered under warranty; however, even though we also bought a towing package, we've been charged \$856.25 – it appears the towing package only covers the first \$550. Jim's truck needs to go to Clark on Thursday for repairs, he will drive it up to Jericho himself.
 - ii. The crew has been cutting trees in the right-of-way. Jim suggested the town purchase with ARPA funds Bluetooth-enabled hearing protection that will enable the crew to safely communicate even when standing near loud equipment. John will research appropriate products in consultation with Jim. Ben moved and John seconded that Jim be approved to spend up to \$2,500 to purchase four such headsets following the process laid out in the town's Purchasing Policy.
8. Items for Discussion or Vote
- a. South Pomfret Scoping Study Recommendations Report will be presented at the March 1, 2023 regular meeting.
 - b. ARPA Funds

* **Editor's Note:** The 2009 Highway Ordinance was superseded by the Highway Ordinance amendments adopted on November 16, 2022, and effective on January 15, 2023. Because the new driveway access application was submitted before January 15, 2023, it is being considered under the 2009 ordinance.

- i. Generators – Generators are needed at the Town Garage (new installation) and both fire houses (replacements). Emily suggested we circulate an RFP for 3 generators with service contracts because we may get better pricing than if we purchase them one at a time. Emily will work on the RFP.
- ii. Town Hall Kitchen Appliances – Hunter Ulf suggested replacing the stoves at the Town Hall with propane with electronic ignition (thus eliminating pilot lights) and installing two instant heat water heaters. This would eliminate the need to upgrade electrical service. He also recommended combining two bathrooms into one handicapped accessible facility. Becky has received quotes on enlarging the Town Office entry to be ADA approved. These expenses will be paid by ARPA funds.
- iii. Town Hall Solar Installation – John has collected GMP bills from the office, town hall, garage, repeater to calculate usage. He has been in touch with Solar installers. John will obtain estimates from SunCommon, and Catamount Solar.
- iv. AV Equipment – John met with Neil during daylight hours to observe the quality of the projector for Zoom meetings; the current projection equipment is inadequate. The Listers will be using Zoom for the many anticipated grievance hearings following completion of the town wide reappraisal later this year. John and Neil have determined that an 85-inch TV will be produce a better presentation. Ben moved and Steve seconded that John be authorized to purchase an 85” flat screen TV with a fireplace mount for up to \$3,500 following the process laid out in the town’s Purchasing Policy. Unanimous.
- v. Fire Department Pagers – Ben moved and Jon seconded that the pagers previously purchased by the Fire Department by paid for from the Communications Reserve. Unanimous.
- vi. Repeater Batteries – The repeater batteries will be replaced in the spring.
- c. Covered Bridge Half Marathon – All required paperwork has been submitted for this repeat event. Ben moved and John seconded approval of this race to use Pomfret roads on June 4, 2023. Unanimous.
- d. Flood Resilient Communities Fund Grant Applications – Jon suggested this is a good opportunity to apply for funds to “shore up” some notable areas of potential flood damage, i.e., some of the stream banks along Pomfret Road near the Hartford town line, the bank between the North Pomfret fire station and the Church, etc., areas where culverts are not feasible. The applications are due the end of March. Emily and Jon will work on an application.
- e. Mail Ballots – The board supports mailing ballots to all registered voters again this year. Because this item was not on the published agenda, it will be included for a vote at the next regular meeting on February 15, 2023.
- f. Warrants – Ben moved and Steve seconded approval of the following warrants for payments:

23074	\$12,661.88	Payroll
23078	60,269.71	A/P
23077	404.62	Tax Refund

 Unanimous.

- g. Ben moved and Steve seconded approval of the January 28, 2023 and January 21, 2023 meeting minutes. Motion carried (Grube, Peter, Brickner and Chamberlin in favor; Harrington abstained).
9. Meeting Wrap Up
- a. Correspondence – Ben asked whether we should contact the new County Sheriff, who very recently assumed his office. The board will wait to hear from the Sheriff unless an issue arises under the current contract, which runs through June and which Sheriff Palmer indicated he would honor.
 - b. Review of Assignments – John: TV, Solar Estimates; Ben: Engineering RFP Spreadsheet, follow up re Covered Bridges permit; Emily: Ulf electric design, Flood Grant, Generator RFP.
 - c. Agenda Items for Next Meeting – Continue hearing for Eydt Estate driveway permit, A/V Equipment.
10. Executive and Deliberative Session
- a. Ben moved and John seconded that the Selectboard enter executive and deliberative session pursuant to 1 V.S.A. 313(a)(3) and 1 V.S.A. 312(e) to discuss employee matters and deliberate in connection with a quasi-judicial proceeding. Unanimous. The Selectboard entered executive and deliberative session at 9:37 pm.
 - b. The Selectboard exited executive and deliberative session at 10:58 pm, no decisions having been made therein.
11. Adjournment – Steve moved and Ben seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 10:59 pm.