

Town of Pomfret Selectboard
Approved Meeting Minutes
April 5, 2023

Present: John Peters, Benjamin Brickner, Steve Chamberlin, Meg Emmons, Emily Grube

Public: Jim Potter (Road Foreman), Tyler Billingsley (East Engineering), Hillary White, Phil Dechert, Doug Tuthill, Richard Dalton, Andy Mann, Andrew Oatway, Stephen Oatway, Jack Pearsons, John Moore (Planning Commission), Neil Lamson (Lister), Peter Raymond, William Eyd, Alan Graham (Deputy Tree Warden), Tom Gubbins, Jon Vass, Gennie Lawrence, Bill Emmons (Planning Commission)

1. John called the meeting to order at 7:00 pm.
2. Agenda Review – Ben pointed out Items 5a, 5b, and 5c may be discussed a second time after the Executive/Deliberative session later in the meeting.
3. Public Comment – Doug Tuthill reports localized beer bottle smashing on both Pomfret Road and Handy Road, which he has reported to the sheriff.
4. Road Foreman’s Report – Jim and the crew are repairing and grading roads; Mud Season has resolved relatively quickly. Sugarbush Farm Road requires pot hole repair, and needs ledge reduction and tree removal. Trucks are all doing well, check engine light warnings are resolved. The materials budget is holding up. Jim has met with the Brookfield generator installers and discussed burying cables, installing propane tanks, etc.
5. Items for Discussion or Vote
 - a. Sundstrom Driveway Permit Applications – A site visit for the right-of-way crossing and highway access permit applications preceded the meeting. Emily moved and Ben seconded that the right-of-way crossing permit application be approved as submitted. Unanimous. The highway access permit application will be discussed in Deliberative Session later in the meeting.
 - b. Eyd Estate Request to Remove Tree and Vegetation – The process to remove trees in the right-of-way is set forth in the Pomfret Tree Policy. Ben suggested for simplicity that the vegetation removal request proceed together in similar fashion. Jim will make a site visit, take measurements and consult abutting landowners as outlined in the policy, with the goal of reporting back to the Selectboard at the next meeting on April 19, at which time a hearing may also be held. Ben moved and Meg seconded the foregoing. Unanimous.
 - c. Bartlett Brook Road Right-of-Way (at Dinsmoor Road) Request – Andy Mann requested permission to reinstall reflectors along Bartlett Brook Road adjacent to his shared driveway. The other residents who share the driveway indicated their opposition to the request and stated that a land survey was in progress to definitively locate the driveway. The Selectboard declined to make a decision on Mr. Mann’s request^[*] and referred the parties to the Selectboard’s prior decision on the matter.[†]

* **Editor’s Note:** Mr. Mann subsequently withdrew his request by email to the Selectboard on April 9, 2023.

† In relevant part from the Selectboard’s November 9, 2022 special meeting minutes:

Dinsmore Road – Ben moved and John seconded that the driveway permit application by Dr. White be dismissed without consideration of the merits; that the application fee be refunded; that a new, joint submission by all three interested parties be encouraged instead; and that Jim Potter be asked to review and decide the new application as the Selectboard’s designee. Unanimous. Ben will relay the foregoing result to the interested parties.

- d. Runamuck 50K Race Event Permit Applications – Emily moved and John seconded approval of the Public Street Permit and Large Event Permit applications as submitted. Unanimous.
 - e. Municipal Highway Grant Application
 - i. Wild Apple Road Culvert – Tyler Billingsley from East Engineers presented initial plans along with the nearly complete Municipal Highway Grant Application for funding to replace the culvert on Wild Apple Road. Ben moved and Emily seconded that the application be completed and submitted by the deadline. Unanimous. John will copy Ellen and Tyler when submitting the application.
 - ii. Paving Grant – Jim will get specifics to John re: Library Street paving, and then Stage Road paving from the Barnard town line south. He also will get current prices from Pike for two miles of paving and the mile post information. Emily will prepare an RFP for paving contingent upon grant funding for the Selectboard to review at its next meeting on April 19.
 - f. Municipal Energy Resilience Grant – Meg has researched this opportunity. Hunter Ulf will meet with the Selectboard at a special meeting at 6:00 pm on April 19 (immediately before the Selectboard’s regular meeting at 7:00 pm) to consider town hall options, including solar installation. Meg also the grant can be used to fund an energy audit. She will attend a VLCT training session in this regard report back.
 - g. Special Town Meeting Warning – Emily moved and Steve seconded approval of a warning for a special town meeting to be held on Saturday, May 20, starting at 9:00 am in the Prosper Valley School Gymnasium for the purpose of deciding whether to adopt the Australian ballot for future town meetings. Unanimous. The warning will be posted around town on or after April 10 and published in the Vermont Standard in early May as required by state law.
 - h. Administrative Policy on Delinquent Tax Collection – Ben moved and Emily seconded adoption of the amended policy as presented. Unanimous.
 - i. Selectboard Record Storage and Sharing – John has granted administrative privileges for SharePoint/One Drive to all Selectboard members. He briefly demonstrated and explained the system. John will present an educational session in this regard at a date to be determined.
 - j. Renewal of TPVS Use Agreement – The current agreement expires in June but can be renewed for an additional 5 years. Ben will prepare a letter agreement extending the term for review at the Selectboard’s next meeting on April 19.
 - k. Public Communication from the Selectboard – The Selectboard discussed best practices for clear and consistent communication with the public and press via the listserv and newspaper.
 - l. Ben moved and Emily seconded approval for payment of the following warrants:

23097	\$12,501.18	Payroll
23098	2,160.48	A/P
23102	13,607.62	Payroll
23103	61,284.78	A/P

 Unanimous.
 - m. Approval of Minutes – Emily moved and Meg seconded approval of the March 15, 2023 meeting minutes. Unanimous.
6. Executive and Deliberative Session

- a. Ben moved and John seconded that the Selectboard enter into executive session pursuant to 1 V.S.A. 313(a)(1)(F) and (a)(3) to discuss confidential attorney-client communications and public officer evaluations and appointments, and a deliberative session pursuant to 1 V.S.A. 312(e) to discuss a quasi-judicial proceeding. Unanimous. The Selectboard entered executive session and a deliberative session at 9:51 pm.
- b. The Selectboard exited executive session and a deliberative session at 11:01 pm, with no decisions having been made therein.
7. In Re: Silver Birch Properties, LLC Appeal – Ben moved and Emily seconded that Stitzel Page be authorized to file a response to the motion dismiss with prejudice. Unanimous.
8. Sundstrom Driveway Permit Applications (continued) – Ben moved and Emily seconded that the highway access permit application be approved on the conditions that (1) visual obstructions be removed to obtain the 200’ sight distance required by the Highway Ordinance and (2) the existing driveway be abandoned. Unanimous.
9. Public Officer Appointments – Ben moved and Emily seconded the following appointments, each for a one-year term expiring March 31, 2024 unless otherwise noted:
 - a. Emergency Management Director – Kevin Rice
 - b. Planning Commission – Doug Tuthill (2 years to finish a 3-year term expiring 2025)
 - c. Tree Warden (deputy) – Bruce Tuthill
 - d. TRORC Board of Directors (alternate) – Gennie Lawrence
 - e. TRORC Transportation Advisory Committee – Jon Harrington
 - f. Zoning Board of Adjustment – Susan Burgess (3-year term expiring 2026)
10. Meeting Wrap Up
 - a. Correspondence – None.
 - b. Review of Assignments – Ben will send the 2022 paving RFP file to Emily, prepare TPVS use agreement renewal; contact VLCT regarding appointments. Emily will prepare a paving RFP. John will speak with Jim regarding information needed to complete the two Municipal Highway Grant Applications.
 - c. Agenda for Next Meeting – Hunter Ulf (special meeting at 6:00 pm), paving RFP, TPVS use agreement renewal, Eydt cutting request, remaining officer appointments.
11. Adjournment – Emily moved and everyone else hastened to second that the meeting be adjourned. Unanimous. The meeting was adjourned at 11:08 pm.