# Town of Pomfret Selectboard Meeting Agenda Town Offices 5218 Pomfret Road, North Pomfret 05053 August 16, 2023, 7:00 pm

Zoom instructions below

usiness Items	
1. Call to Order	7:00 pm
2. Agenda Review	
3. Public Comment	
4. Road Foreman's Report	7:05 pm
<ul> <li>5. Items for Discussion or Vote <ul> <li>a. Foliage Traffic Management</li> <li>b. Dinsmoor Road Highway Access Applications</li> <li>c. Barber Hill Road Culvert and ROW</li> <li>d. Broad Brook Road ROW crossing permit</li> <li>e. e911 Numbering (Windy Lane)</li> <li>f. Town Office Driveway Paving</li> <li>g. Waiver of Late Homestead Declaration Filing Penalty</li> <li>h. Fire Department Equipment Purchases</li> <li>i. Broad Brook Road Zoning Violation</li> <li>j. Eastern States Cup Permit Applications</li> <li>k. Labounty Trust Probate Filing</li> <li>l. Traffic and Parking Ordinance Amendment</li> <li>m. Delinquent Dog License Fines</li> <li>n. Revised Purchasing Policy</li> <li>o. Warrants</li> <li>p. Approval of Minutes</li> </ul> </li> </ul>	7:30 pm
<ul> <li>6. Meeting Wrap Up</li> <li>a. Correspondence</li> <li>b. Review of Assignments</li> <li>c. Agenda for Next Meeting</li> </ul>	
7. Adjournment <i>Time frames are approximate</i> . <i>Members of the public wishing to</i>	

**Zoom Instructions** 

- Computer or Smartphone https://zoom.us/j/95395079923?pwd=ZjBEd3ZuZWgvWmx2M0tpOE8zbjg2dz09
- Mobile Phone +19292056099,,95395079923#,,#,306922#
- Landline or Mobile Phone (301) 715 8592, followed by Meeting ID 953 9507 9923 and Password 306922



Draft – August 11, 2023 FULL CLOUDLAND CLOSURE

To:The Pomfret CommunityFrom:Town of Pomfret SelectboardDate:August [16], 2023Subject:2023 Foliage Season Traffic Management

### I. Introduction

This memorandum summarizes steps the Town of Pomfret will take to manage and ameliorate traffic issues during the 2023 Foliage Season (as defined below) along Cloudland Road (TH ## 5 and 37, and Woodstock TH #44) and Barber Hill Road (TH #5) created primarily by extraordinary tourism interest in private properties.

Foliage season traffic in this area has steadily increased during the last several years, causing significant safety, environmental, aesthetic, and quality of life issues. The steps summarized in this memo are part of a comprehensive effort, in coordination with area residents, to address these issues on the ground, through dialogue with local government partners, and on social and other information media.

The subject of this memo was discussed at the May 3, June 7, June 21, July 19, August 2 [and August 16], 2023, Pomfret Selectboard meetings and reflects feedback provided by interested parties. This memo was approved by the Pomfret Selectboard on August [16], 2023.

# II. Temporary Traffic Pattern Changes

*Road Closures*. From [Saturday, September 23] through [Sunday, October 15], 2023 (the "2023 Foliage Season"),<sup>[1]</sup> and subject to the exceptions described below:

- All of Cloudland Road in Pomfret will be closed to all motor vehicle traffic.
- [All of Cloudland Road in Woodstock will be closed to all motor vehicle traffic, as authorized by the Woodstock Select Board at its August 15, 2023 meeting.]

PH. 802-457-3861 FAX 802-457-8180

<sup>&</sup>lt;sup>1</sup> Note to Pomfret Selectboard: Columbus Day is Monday, October 9, 2023. In 2022, the Pomfret Selectboard decided to make Cloudland Road one-way northbound from Saturday, September 17 through Sunday, October 16. Ultimately, the road was re-opened to two-way traffic the morning of Wednesday, October 12. In hindsight, the Pomfret Selectboard's consensus was that the traffic pattern change was started one week earlier than necessary and should have been continued through the original October 16 end date.

• All of Barber Hill Road will be closed to all motor vehicle traffic.

For an illustration of the closures described above, see the attached map.

*No Parking Area*. During the 2023 Foliage Season, parking will be prohibited on both sides of Cloudland Road from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 3281 Cloudland Road.

*Exceptions*. Notwithstanding the traffic pattern changes described above, the individuals listed below may continue to travel on Cloudland Road and Barber Hill Road. These individuals are asked to enter and exit the closure area by the shortest available route and to avoid unnecessary travel through the closure area.

- Cloudland Road, Barber Hill Road, Maxham Road (TH #46) and Orchard Hill (private) residents, their guests, deliveries, contractors and service providers
- Individuals actively engaged in the required agricultural practices, accepted silvicultural practices or forestry operations described in 24 V.S.A. 4413(d)(1)
- Operators of emergency vehicles while responding to emergencies
- Patrons of Cloudland Farm restaurant, but only along Cloudland Road between the restaurant and Galaxy Hill Road (TH #6)

*Authority*. The temporary traffic pattern changes described above are authorized by 23 V.S.A. 1010 and Section 8 of the Pomfret Traffic and Parking Ordinance, and were approved by the Pomfret Selectboard on August [16], 2023[, and the Woodstock Select Board on August 15, 2023]. All other traffic and parking regulations continue to apply except as modified herein.

# III. Temporary Signage and Barriers

To alert the traveling public of the traffic pattern changes described above, and as required by Section 8.2 of the Pomfret Traffic and Parking Ordinance, prior to the start of the 2023 Foliage Season, the Pomfret Highway Department will install the signage and barriers described below. Signage and barriers within the Town of Woodstock will be placed in coordination with the Woodstock Public Works Department.

# Cloudland Road in Woodstock

(mileage measured north from the intersection with Old River Road (Woodstock TH #53))

- 0.01 miles (end of paved surface)
  - o "Road Closed (local residents only)" on both sides facing south
  - [Twelve-foot pipe gate with wheel, chained to post to allow local and emergency vehicular traffic to open and close, blocking northbound lane]

o Two eight-foot barricades or reflective barrels narrowing southbound lane

# Cloudland Road in Pomfret

(mileage measured north from the Woodstock town line)

- 0.00 miles (immediately north of the Woodstock town line)
  - o "Road Closed (local residents only)" on both sides facing south
  - Two eight-foot barricades or reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass
- **0.22 miles** (immediately north of the driveway to 4169 Cloudland Road) "Road Closed (local residents only)" on both sides facing south
- 0.76 miles to 1.10 miles (from immediately north of the driveway to 3655 Cloudland Road to immediately south of the driveway to 3281 Cloudland Road) at regular intervals – "No Parking, Stopping or Standing" on both sides facing both directions
- **1.10 miles** (immediately south of the driveway to 3281 Cloudland Road) "Road Closed (local residents only)" on both sides facing north
- **1.21 miles** (immediately south of Barber Hill Road) "Road Closed (local residents only)" on both sides facing north
- 3.24 miles (immediately south of Cloudland Farm restaurant driveway)
  - o "Road Closed (local residents only)" on both sides facing north
  - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass
- 4.35 miles (immediately south of Galaxy Hill Road) -
  - "Road Closed (local residents only)" on both sides facing north
  - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass

# Barber Hill Road

(mileage measured east from the intersection with Pomfret Road (TH #1))

- 0.01 miles (immediately east of the "wye" east of Pomfret Road)
  - o "Road Closed (local residents only)" on both sides facing west
  - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass, and other traffic to reverse direction around the "wye"

- 0.89 miles (immediately north of Maxham Road (TH #46))
  - o "Road Closed (local residents only)" on both sides facing west
  - Two reflective barrels narrowing travelled way but still allowing local and emergency vehicular traffic to pass, and other traffic to reverse direction in the Maxham Road intersection
- 1.41 miles (immediately west of Cloudland Road) -
  - "No Parking, Stopping or Standing" on northwest corner
  - o Reflective barrels as needed to eliminate space for parking

During the 2023 Foliage Season, the signage and barriers described above will be monitored and replaced by area residents as needed, with timely notice of these activities to the Pomfret Highway Department or Woodstock Public Works Department, as applicable. The signage and barriers will be removed by the Pomfret Highway Department after the 2023 Foliage Season.

# IV. Pomfret Highway Department Guidance

The Pomfret Highway Department in its discretion may deviate from the signage and barriers described above in order to promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

While area residents will be primarily responsible for monitoring and replacing signage and barriers that are disturbed or removed during the 2023 Foliage Season, the Pomfret Highway Department may remove or relocate signage or barriers at any time in order to protect the traveling public or highway infrastructure.

# V. Patrol and Enforcement

The Pomfret Selectboard will ask the Windsor County Sheriff's Department to direct its existing patrols to the closure area during the 2023 Foliage Season. The Sheriff's Department will be asked to enforce the temporary traffic pattern changes described above, and to issue warnings or citations as appropriate.

Area residents at their option, sole cost and expense, may contract with the Sheriff's Department or other licensed traffic control professional for additional patrols during the 2023 Foliage Season. Area residents will provide advance notice to the Pomfret Selectboard and Woodstock Municipal Manager of any such additional patrols.

# VI. Communications and Publicity

Copies of this memo will be provided to all residents of Cloudland Road and Barber Hill Road.<sup>[2]</sup> Copies also will be provided to the Town of Pomfret Highway Department, Pomfret-Teago Volunteer Fire Department and Pomfret FAST Squad, the Town of Woodstock Select Board, Public Works, Police and Fire/EMS departments, the Windsor County Sheriff's Department, the Vermont State Police and Agency of Transportation, and the Appalachian Trail Conservancy.

A summary of the temporary traffic pattern changes described above also will be published by the Pomfret Selectboard in *The Vermont* Standard on or about [September 14, 2023], and posted by a Pomfret Selectboard member to the Pomfret and Woodstock list serves on or about [September 12 and September 21], then weekly thereafter through [October 12], 2023.

The public is asked to direct any questions or concerns as follows:

- **Regarding the policies described in this memo**, to the Pomfret Selectboard (https://pomfretvt.us/index.php/boar/sel/) or the Woodstock Municipal Manager (https://townofwoodstock.org/government/town-manager/)
- Regarding town highway conditions, maintenance or damage, to the Pomfret Highway Department (https://pomfretvt.us/index.php/dep/highway/) or the Woodstock Public Works Department (https://townofwoodstock.org/ departments/public-works/)
- **Regarding non-emergency law enforcement matters**, to the Windsor County Sheriff's Department (https://windsorsheriff.org/contact-us) or the Woodstock Police Department (https://townofwoodstock.org/departments/emergency-services/)
- For Emergencies, Fire or Ambulance, dial 911

# VII. Conclusion

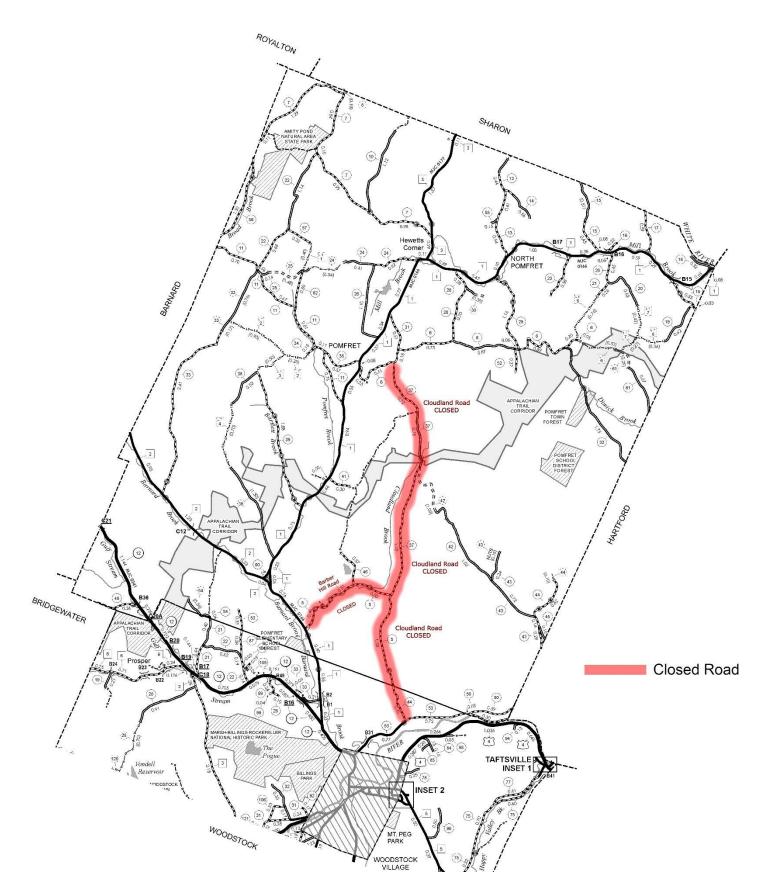
The Pomfret Selectboard recognizes that the traffic pattern changes and other steps summarized in this memo cannot fully address the significant issues created by fall foliage traffic along Cloudland Road and Barber Hill Road. We also appreciate these steps may inconvenience area residents, their guests and others.

Nonetheless, we believe these actions will significantly improve safety and quality of life for residents most severely affected by increased foliage season traffic. We thank the Pomfret

<sup>&</sup>lt;sup>2</sup> Note to Pomfret Selectboard: Woodstock resident addresses are needed to complete this mailing.

and Woodstock communities for their patience and careful adherence to these temporary changes so that they may have their intended effect.

# 2023 Foliage Season Road Closure Map



### **TOWN OF POMFRET**

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT (Application fee of \$100 payable to Town of Pomfret)

Applicant Name: Andrew &	Kathy Mann	Phone:	Email:	
Applicant Mailing Address:	PO Box 20		State: S.Pom	fret zip: 05067
	(Complete o	only if Applicant is not the Landowner)		
Landowner Name:		Phone:	Email:	
Landowner Mailing Address:			State:	Zip:
The undersigned Applicant req	uests permission to devel	op, construct, or change the	grade of the access roa	ad type indicated above.
Access Road Location: on the _	East side (ca	rdinal direction) of <u>Bart</u>	lett Brook Road	(town highway name)
at approximately 5300'	_ (feet) from the intersect	ion of Pomfret Road	(nearest tow	n highway intersection).
	on of the work to be done	Widen existing drive on		
Access Permit confe		fications re width, 90 degre	ee intersection, 1' slop	e away nom town road
Access Permit confe	orming to existing specif	fications re width, 90 degre	ee intersection, 1' slop	

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

### (PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

### **General Conditions**

- 1. Application Fee. A \$100 non-refundable application fee shall be submitted before an application will be considered.
- 2. Site Visit. The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
- 3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
- 4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
- 5. Final Approval. Work shall be approved by the Selectboard or its designee before any use of the access may be started.

<sup>\*</sup> Each residence is limited to one driveway access.

### Design Standards<sup>†</sup>

- 1. Intersection Angle. Access roads shall be constructed at a 90 degree angle to the town highway.
- 2. Minimum Sight Distance. Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Posted Speed (mph)	Minimum Sight Distance (feet)
25	155
30	200
35	250
40	305
45	360

#### Minimum Sight Distance

- Access Road Width. Access roads shall be 16 feet wide and graded and sloped such that water from the access road does
  not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10
  feet before extending either up or down slope.
- 4. *Culverts*. Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
- 5. Vegetation. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.

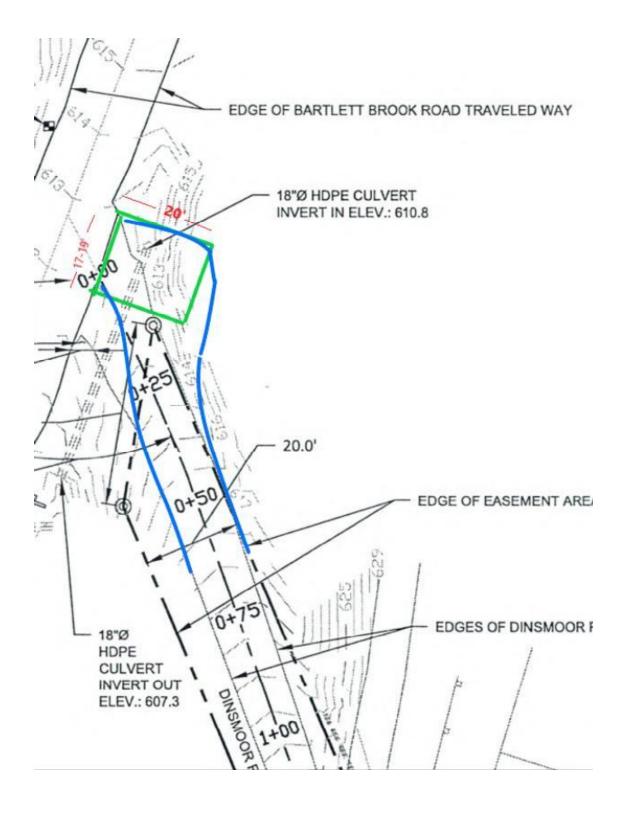
	Andrew Mann	2023-07-17
Applicant Signature	Applicant Printed Name	Date
(Co	omplete only if Applicant is not the Landowner)	
The undersigned Landowner acknowledges they h	ave received a copy of this completed Application.	
Landowner Signature	Landowner Printed Name	Date

[Remainder of page intentionally blank. Application form continues on next page.]

<sup>\*</sup> Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.

OFFICIAL USE ONLY				
Application fee of \$100 received on Culvert Required ( <i>min. 18-inch diameter</i> )?	□ No			
PERMIT APPROVED this day of	, 20			
Road Commissioner	Selectboard Chair			
FINAL APPROVAL. The work described in this permit h restrictions and is acceptable under State and local reg		ove conditions, standards and		
Road Commissioner	Selectboard Chair	Date		

Form adopted by the Pomfret Selectboard June 21, 2023. Supersedes all prior dated forms.



#### Design Standards<sup>†</sup>

- 1. Intersection Angle. Access roads shall be constructed at a 90 degree angle to the town highway.
- 2. Minimum Sight Distance. Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Posted Speed (mph)		Minim	um Sight Distance (feet)
25			155 -
30		۶.	200
35			250
<sup>ح</sup> 40			305
45			360

#### **Minimum Sight Distance**

- Access Road Width. Access roads shall be 16 feet wide and graded and sloped such that water from the access road does
  not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10
  feet before extending either up or down slope.
- 4. Culverts. Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
- 5. Vegetation. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pompret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.

(Anhallan)	Andrew Mann	2023-07-17
Applicant Signature	Applicant Printed Name	Date
	mplete only if Applicant is not the Londowner) ave received a copy of this completed Application.	
Landowner Signature	Landowner Printed Name	Date

[Remainder of page intentionally blank. Application form continues on next page.]

Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and featurements of safe conditions in all seasons for the traveling public.

### **TOWN OF POMFRET**

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT (Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): 🛛 Private Drive*	Agricultural 🛛 🗆 Foresti	γ	
Applicant Name:	ert Phone:	Email:	
Applicant Mailing Address: 195 Dinsmoor Road,	So. Pomfret	State: VT	Zip: 05067
(Complete	only if Applicant is not the Landown	er)	
Landowner Name:	Phone:	Email:	
Landowner Mailing Address:		State:	Zip:
The undersigned Applicant requests permission to deve	elop, construct, or regrade	the access road type indi	cated above.
Access Road Location: on the east side (ca	rdinal direction) of Bartl	ett Brook Road	_ (town highway name)
at approximately $5,100$ (feet) from the intersec	tion of Pomfret Road	d(nearest town	n highway intersection).
Please provide a brief description of the work to be done	application for a pe	with Exhibits. This rmit to create a new plication to restore a	driveway -
C	existing access located been utilized by the	ated in the Town's F applicants for 35 ye andered unsafe and current state of the a	OW which has are cars (+/-).

# (PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or regraded access road (measured from the edge of the traveled way) unless waived herein:

### General Conditions

- 1. Application Fee. A \$100 non-refundable application fee shall be submitted before an application will be considered.
- 2. Site Visit. The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
- 3. Final Site Inspection. Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
- 4. Noncompliance. Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
- 5. Final Approval. Work shall be approved by the Selectboard or its designee before any use of the access may be started.

Each residence is limited to one driveway access.

### Design Standards<sup>†</sup>

- 1. Intersection Angle. Access roads shall be constructed at a 90 degree angle to the town highway.
- 2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a point 15 feet back from edge of the traveled way and at a height of eye of 3.5 feet on the drive to a height of eye of 2.0 feet on the roadway. The "posted speed" for unposted Class 3 highways shall be deemed to be 30 mph.

Posted Speed (mph)	Minimum Sight Distance (feet)
25	155
30	200
35	250
40	305
45	360

### **Minimum Sight Distance**

- 3. Access Road Width. Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
- 4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
- 5. Vegetation. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or regrading of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.

x PHILIP DECHERT JR. 8.7.23 HILLARY D. WHITE 8.7.23 Appligant Signature **Applicant Printed Name** Date (Complete only if Applicant is not the Landowner) The undersigned Landowner acknowledges they have received a copy of this completed Application. Landowner Signature Landowner Printed Name Date

[Remainder of page intentionally blank. Application form continues on next page.]

<sup>\*</sup> Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.

OFFICIA	AL USE ONLY	
Application fee of \$100 received on	, 20by	
Culvert Required (min. 18-inch diameter)?  Yes  No		
Additional conditions, standards and restrictions; waivers of des	ign standards (if anv):	
PERMIT APPROVED this day of	, 20	
Road Commissioner	Selectboard Chair	
FINAL APPROVAL. The work described in this permit has been correstrictions and is acceptable under State and local regulations.	onstructed in accordance with the above condition	s, standards and
Road Commissioner	Selectboard Chair	Date

Form adopted by the Pomfret Selectboard January 4, 2023. Supersedes all prior dated forms.

# Attachment to Application for Town Highway Access Reconstruction/Improvement Road Permit Town of Pomfret, Vermont

This attachment and the appended exhibits are submitted as part of Dr. White's Application for Town Highway Access Road Permit dated August  $\mathbf{F}_{,}$  2023.

# Description of the topography of the Dinsmoor Rd easement and the Public ROW.

The area of travelled way subject to Dr. White's and Mr. Dechert's application allows access by Dr. White and Mr. Dechert via a deeded ROW (see Exhibit) to their dwelling, as well as other property owners uphill from the intersection of Dinsmoor Road and Bartlett Brook Road. As you enter Dinsmoor road from Bartlett Brook Road, there begins a steep ascent adjacent to (and north of) the north apron and a deep ravine adjacent to (and south of) the south apron onto Bartlett Brook Road. The turn into Dr. White's and Mr. Dechert's driveway, as it currently exists requires navigating a sharp and narrow angle with immediate/abrupt/steep/dangerous elevation gain and which can require multi-point turns or travel into oncoming traffic.

# Dinsmoor Rd is a grandfathered and preexisting shared driveway.

Dr. White and Mr. Dechert are parties to the shared driveway, which was first set up by the original division of land into parcels by Ehrick Wood (1965/1966 Wood to Maynes to Griglik to White/Dechert to White) who conveyed a deeded ROW easement access to every parcel along Dinsmoor Rd (as recorded in the town's records). **Book 29, Page 225 (recorded 7/18/1966)** 

As title owner of 195 Dinsmoor Rd, Dr. White and Mr. Dechert holds a right to use this 1966 ROW access easement described within the original warranty deed referenced above. This 1966 easement governs the parts of Dinsmoor Rd not specified in the 1987 easement (referenced below): the town ROW access below the 1987 easement, and the section of Dinsmoor Rd that is above Mr. and Mrs. Mann's lower parcel.

# Dr. White and Mr. Dechert are also grantees of the 1987 Dinsmoor Rd ROW easement

In 1987 Mr. and Mrs. Mann conveyed an easement to Dr. White and Mr. Dechert which only covers a section of the lower portion of Dinsmoor Rd that runs along Mr. and Mrs. Mann's lower parcel. **Book 36,** Page 137-39 (recorded 6/12/1987)

This easement does not include the Public ROW, nor the bulk of the length of Dinsmoor Rd. The 1987 Dinsmoor Rd easement establishes, amongst other rights, that Dr. White and Mr. Dechert have the right to repair Dinsmoor Rd as necessary to protect their rights of access.

# Safety issues for the town road and its intersection with Dinsmoor Rd.

In 2022, the downhill half of the rolling crown at the bottom of Dinsmoor Road was chiseled out to create an abrupt and steep grade change. Prior to 2022, access was had in the manner and along the route of the plan provided as part of this application. The 2022 change blocked access across the south apron. In 2023, a more substantial berm was constructed within a foot or so of the town travel way.

This "berm" has had the effect of obstructing access to Dinsmoor Road via the south apron and created significant safety issues, to Wit:

- 1. The berm blocks safe and convenient passage by emergency vehicles.
- 2. That berm will be in the path of the town plow lane in winter.

- 3. That berm prevented the Dinsmoor Road plow truck from being able to properly clear the apron lying in the highway right of way.
- 4. Delivery vehicles frequently cannot make the turn onto Dinsmoor Road, so they park at the bottom and block traffic on the town road.
- 5. Service vehicles frequently have to back up Dinsmoor Road or go past and turn around and approach the driveway from the north (this not being suitable for trucks with trailers or other oversized vehicles needing to access uphill landowners).
- 6. The berm forces oncoming traffic into the opposite lane of travel in order to access the driveway. Bartlett Brook Road is slightly curved and has an elevation gain right where Dinsmoor Road meets it, making it difficult to assess oncoming town highway traffic due to such a narrow, angular entryway.
- 7. The berm obstructs the sightlines of those persons entering Bartlett Brook Road from Dinsmoor Road. Drivers who cannot turn their neck far enough to the left are at high risk of not being able to see oncoming traffic on Bartlett Brook Road as it currently exists.
- 8. The berm has the potential to cause harmful water drainage onto the town road since there is no proper drainage swale.

# <u>The engineering plan presented by Dr. White and Mr. Dechert in the permit application provides a</u> <u>solution for all of these safety issues.</u>

The engineering plan prepared by lan McKensie, PE and the survey prepared by Tim Rockwood (licensed surveyor) that define the boundaries of the Dinsmoor Road easement demonstrate that Mr. McKenzie's plan will provide safe, convenient, and long-term access by property owners benefitted by the above referenced easement deeds all within the recorded easement boundaries.

The proposed work is predominantly within the Public ROW. As such, and in consultation with the Town, Dr. White and Mr. Dechert are submitting this permit application. In so doing, however, they reserve all available rights they have in law or equity to maintain safe access along the deeded right of way from Bartlett Brook Road to their property either as between Dr. White and Mr. Dechert and the Town and/or Dr. White and Mr. Dechert and Mr. and Mrs. Mann.

Dr. White's and Mr. Dechert's deeded right of way grants are appended as Exhibit 1.

Tim Rockwood's survey of Dinsmoor Road and Dr. White's and Mr. Dechert's property is appended as Exhibit 2.

Ian MacKenzie's Executive Summary of the proposed plan is appended as Exhibit 3.

Ian MacKenzie's Engineering plans are appended as Exhibit 4

Pictures of the berm and gravel pile as of July 29, 2023 are appended as Exhibit 5

1984 and 1986 Bruno and Associates survey of Mr. and Mrs. Mann's property as referenced in Tim Rockwood' Survey is appended as Exhibit 6.

# Engineering plan highlights:

- 1. The current 1-foot turning radius will become a 15-foot turning radius.
- 2. The current 46-degree angle between town road and driveway centerlines will become a 75degree angle within the first 15-feet. (A minimum of 60-degrees is preferable.)

- 3. An 18-inch precast concrete headwall near the culvert outflow will stabilize the south apron and help prevent erosion, control drainage, etc.
- 4. The town shoulder will be restored.
- 5. A drainage swale with appropriate specifications will be added to improve drainage and protect the town highway.
- 6. Specifications for materials deemed suitable by the engineer will be confirmed prior to placement. Construction with these materials will be a significant improvement for stabilization and drainage:
  - a. <u>Subbase material</u>. An 18-inch minimum layer of 3-inch minus dense grade crushed stone (VAOT 704.06) will be used for the subbase material and crowned.
  - b. <u>Surface material</u>. A 4-inch-thick surface fine (VAOT 704.05B) will be used for the surface material.
- 7. <u>Culverts</u>: The culvert at the bottom of the driveway and parallel to the town road was recently replaced (~2021-2022) as allowed by the town.
- 8. <u>Vegetation</u>: as needed with approval by the town.

Dr. White and Mr. Dechert's engineer carefully considered a north apron expansion but rejected the same since a more northerly access will not meet engineering standards, will prevent reasonable ingress and egress on Dinsmoor Road, and will prevent gain of momentum under icy conditions (i.e., vehicles will not have sufficient travel momentum to ascend Dinsmoor Road if icy).

Dr. White and Mr. Dechert have standing to submit this permit application request: "The nature of a right of way is such that travel or usage as access is encouraged." *Patch v. Baird*, 140 Vt. 60, 64, 435 A.2d 690, 692 (1981) "[T]he owner of the easement is entitled to a convenient, reasonable, and accessible way, having regard to the interest and convenience of the owner of the land as well as their own." *VTRE Invs. v. MontChilly, Inc.*, 2020 VT 77, ¶ 23 (references omitted). A grantee of an easement "has the same right of property therein as he has in land. He is entitled to his specific property and cannot be divested thereof without his consent." *La Fleur v. Zelenko*, 101 Vt. 64, 72, 141 A. 603, 606 (1928). The grantee of a right of way has the duty and the right " to construct or keep in repair the way granted." *Walker v. Pierce*, 38 Vt. 94, 98 (1865).

Respectfully submitted,

Dr. Hillary White Mr. Philip Dechert, Jr.

Hillary D. White Muly Neh TS

### TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY RIGHT-OF-WAY CROSSING PERMIT (Application fee of \$100 payable to Town of Pomfret)

Landowner Name	Scott & Thistle Cone	Phone:	En	nail:
Street Address:	5639 Broad Brook Road	S. Royalton	State: VT	Zip:
		xxxxx over under (orcle one) the right-of-way o	of <u>Broad Bro</u>	ok (road name)
at 5639 Broad	d Brook			(describe precise location)
for the purpose o	fwater supply line	sewage force main and gravity sewer line		_ (describe specific purpose).
The crossing will b	pe approximately1,285	(feet) from the intersection of <u>Allen Hill</u>	Road	(nearest intersection).

See plan by Hogg Hill Design LLC

entitled PLAN PROTECTIVE AREAS dated 7/27/23

and the second second

(PROVIDE DETAILED SKETCH OF CROSSING LOCATION ABOVE)

The following standards, restrictions and conditions shall apply to all crossings of a town right-of-way unless waived in writing:

- 1. Applicant shall contact Dig Safe at 811 at least 48 hours before, but not more than 30 days before, starting excavation activities at any location.
- 2. All work in the right-of-way shall be performed during daylight hours and shall cease on weekends, holidays, during severe weather events, and between December 1 and April 15, maintenance and emergency repairs excepted.
- 3. Applicant shall be responsible for all damages to persons, public or private utilities and property resulting from any work done under this permit, even if the Applicant's contractor performs the work.
- 4. Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.
- 5. All excavation and backfilling shall be done under the supervision and to the specification of the town's designated agent.
- 6. Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.
- 7. Applicant shall do no work nor place any structures or obstacles in the right-of-way, except as authorized by this permit.
- 8. Applicant shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the right-ofway caused by the permitted work, for a minimum of eighteen (18) months after final inspection by the Town.

Additional standards, restrictions or conditions:

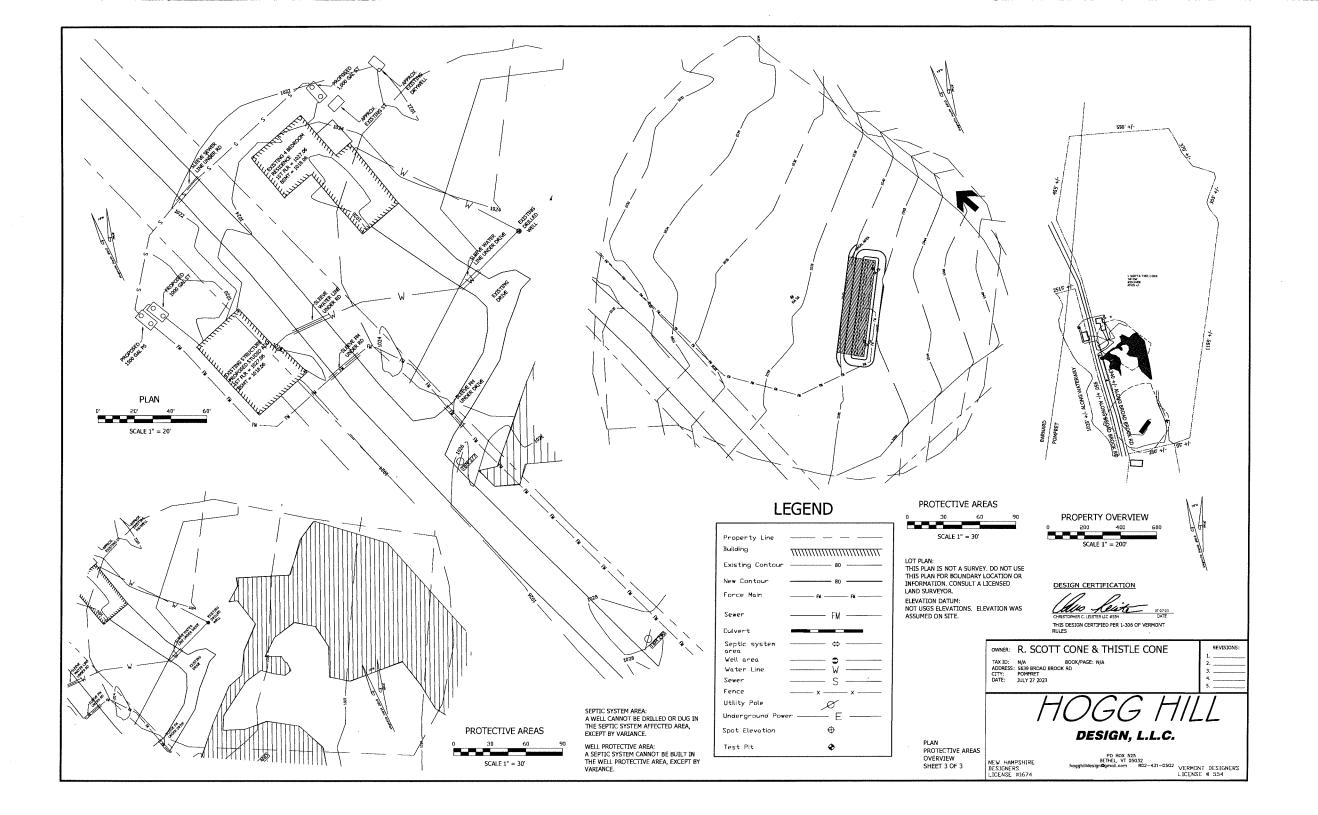
Road Commissioner

~ \* 1.0 The applicant agrees to adhere to the standards, restrictions and conditions forming a part of this permit. Robert Ś Applicant Printed Name Ápplicant Signature 11 , 20 <u>23</u> by Application fee of \$100 received on \_ Agus T This permit is issued in accordance with 19 V.S.A. 1111(c) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the right-of-way crossing within one year of the date of approval. PERMIT APPROVED this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_\_, **Road Commissioner** Selectboard Chair FINAL INSPECTION. The work described in this permit has been constructed in accordance with the above standards, restrictions and conditions and is acceptable under State and local regulations.

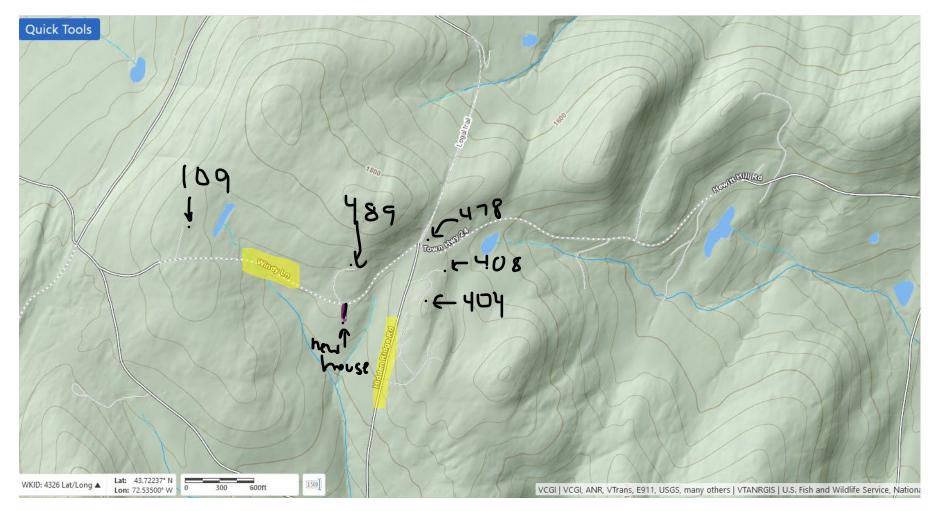
Form adopted by the Pomfret Selectboard July 6, 2022, with a technical correction made on January 1, 2023. Supersedes all prior dated forms.

Selectboard Chair

Date



# Moore/Phillips new driveway



Best option (preferred by e911): wrap Hidden Ridge Road around the corner to just past the second driveway on Windy Lane (now #489). 489 becomes 640 Hidden Ridge Road and the new driveway would be 635 Hidden Ridge Road. Windy Lane now begins at Webster Hill Road and ends at the "new" end of Hidden Ridge Road. Class 4 designation doesn't change, just the road name. e911 Board will work with VTrans to make the change.

Second option (less easy/desireable): designate East and West Windy Lanes with a transfer point in the center-ish. They effectively become 2 different roads, with the Carroll residence becoming 109 West Windy Lane and the St. Cyr and Moore/Phillips residences becoming 166 and 161 East Windy Lane, respectively.

PHONE (802) 457-3861 FAX (802) 457-8180

TOWN OF POMFRET

**5218 POMFRET ROAD** 

NORTH POMFRET, VT 05053

### **APPLICATION FOR A PERMIT TO HOLD AN EVENT**

### ON PUBLIC STREET(S) OR HIGHWAY(S)

Pursuant to Title 24 V.S.A. Section 2291 (5) the Legislative Body of the Town herewith regulate the use of public highways for events.

APPLICANT / ORGANIZATION Easter	States Cup, WAMBA, Woods	tock Inn & Resort
PHONE		:
ADDRESS 14 The Green		
CONTACT PERSON NICK MA	Hoo)PHONE	
LOCATION OF ASSEMBLY AND BEGINNI	NG OF EVENT Saskadena le	
ROUTE ON PUBLIC HIGHWAYS (attach n	nap showing route) <u>Pomfret RJ</u>	Noodstock
Village Streets		
		·
TRAFFIC CONTROL (if any) None		·
EVENT DATE(S) LOL	_HOUR (start) Sam (end) 4pm	<u>^</u>
ESTIMATED NUMBER OF PARTICIPANTS	300 in total small groups act	wally on the roads
	NICE MATLOOD	8823
	Authorized Representative	Date
CONDITIONS:	·······	
Approved Denied	Town Representative	Date

### Town of Pomfret 5218 Pomfret Road North Pomfret, VT 05053

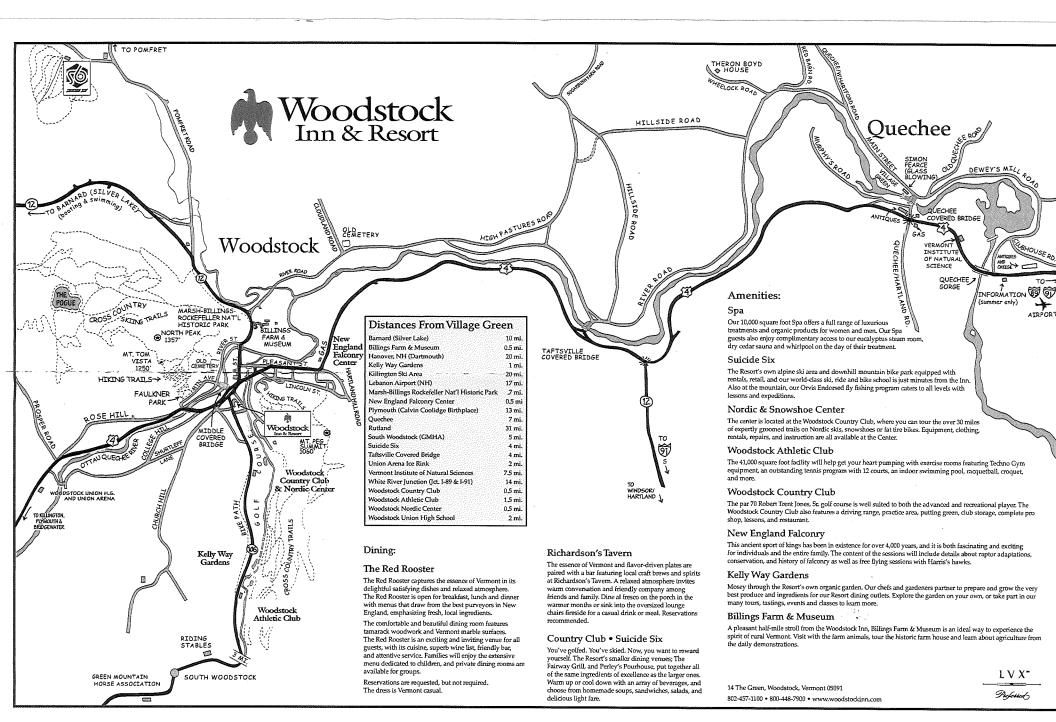
### LIABILITY HOLD-HARMLESS AGREEMENT for use with Outside Special Events within the Municipality

In consideration of the agreement of the Town of Pomfret to allow my organization access to , U JAMRA WIK town roads and highways, Erestern " O(organization) and I agree, and for myself/ourselves and my/our heirs, executors and administrators agree to indemnify, defend and hold forever harmless the Town of Pomfret, its officers, agents and employees from and against any and all claims, demands, liabilities, actions, judgments, settlements, damages, costs and expenses (including attorney's fees and disbursements) for injury to or death of any person, including myself, or damage to property arising out of or resulting from any material, product, equipment, vehicle or service supplied by the organization or by me, or the agents, servants or employees of either, or from any action or failure to act on the part of myself or the organization, or the agents, servants or employees of either, while performing services for, at the behest of, under contract with or on the premises of the Town of Pomfret.

Date: NICK MAHOOI Print Name: Sign Namè Witness:

Eastern States Cup Event at Saskadena 6 (S6) and Mt Peg trails

The Woodstock Inn & Resort and the Woodstock Area Mountain Bike Association will be co-hosting a mountain bike event at S6 and the Mt Peg trails. The competitive part of the event will not take place on any public roads, just on trails at the two venues. The event participants will be using public roads (see attached map) only to ride between the two venues. The event will start at S6 with riders starting individually in a time-trial format, and then the participants will ride either individually or in small groups to Mt Peg and then back to S6.



### **TOWN OF POMFRET**

### APPLICATION FOR LARGE EVENT PERMIT

Pursuant to 24 V.S.A. 2291(14), in order to prevent and abate public nuisances, organizers of events having one hundred (100) or more anticipated attendees must first obtain a Large Event Permit from the Town of Pomfret. A completed application must be submitted no less than thirty (30) days before the proposed event begins.

Applicant Name: NICK MAHOOD	>	Phone:	Email: _	
Mailing Address: 14 the Green	Noves!	tock	State: VI	Zip: 0509, V
	* *	* * *		
Event Name: Eastern States	Cup			
Event Date(s): 9 29 - 10 1 2023	, 7			
Event Hours: Race 10/1 Sam-4pm	Camping	9 29 - 10 1 Antic	ipated Attendees: <u>Z</u> 5	0-300
Event Contact Name: NICK MAHoo)	Phone:		Email:	
Has the event been held in Pomfret before?	Yes D	No If yes, when?	30 2022-10	5 202 2
Please provide a brief description of your ever	י t and its locatio	n: Camping wi	Il take place p	56 9 29-10/1
Race partia of the event	1	with roders s	tarting between	M Bam - 12pm
and finishing by 4pm.	Riders is	ill be racing a	+ 56 and Ren	, whig into
Woodstode to race on t	A .	run an MH Peg	ing Then Refus	n bsle
Will your event involve any of the following?		0		
Use of a Town Highway or Right of Way	Yes DN		o Hold an Event on Publ contact clerk@pomfret	
Use of other Town Property	□ Yes X	per occurrence a	bility insurance in the a and naming the "Town o ed may be required. Plea t.us.	f Pomfret" as
Catering of Alcoholic Beverages	□ Yes □	• • •	-to-Cater Permit may be control.vermont.gov.	required. Please
Additional Requirements				
Zoning: Some zoning requirements ma	y still apply to ev	vents that otherwise do n	ot require a zoning pern	nit. Please contact

Sanitation: Sufficient sanitation facilities and waste removal must be provided. Compliance with the Vermont Universal Recycling Law is required.

the Zoning Administrator at karen.hewitt@pomfretvt.us.

- Parking: Sufficient off-street parking must be provided. No parking is permitted that interferes with ordinary roadway maintenance (including winter plowing) or otherwise reduces the usable travelled way to less than twelve (12) feet.
- Safety: Upon request, organizers may be required to have a medic on site and/or provide traffic control. Adequate emergency vehicle access must be maintained for the event duration.
- Nuisance: Organizers are responsible for preventing public nuisances that create dangerous, injurious or noxious conditions that adversely affect the reasonable use of adjoining or nearby properties.

Applicant agrees to adhere to the specifications, requirements and conditions forming a part of this permit. Applicant acknowledges that this permit is issued in accordance with 24 V.S.A. 2291(14) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to hold the event in accordance with the specifications, requirements and conditions indicated herein.

pplicant Signature **Applicant Printed Name** 

Please mail or email completed application to: Town of Pomfret

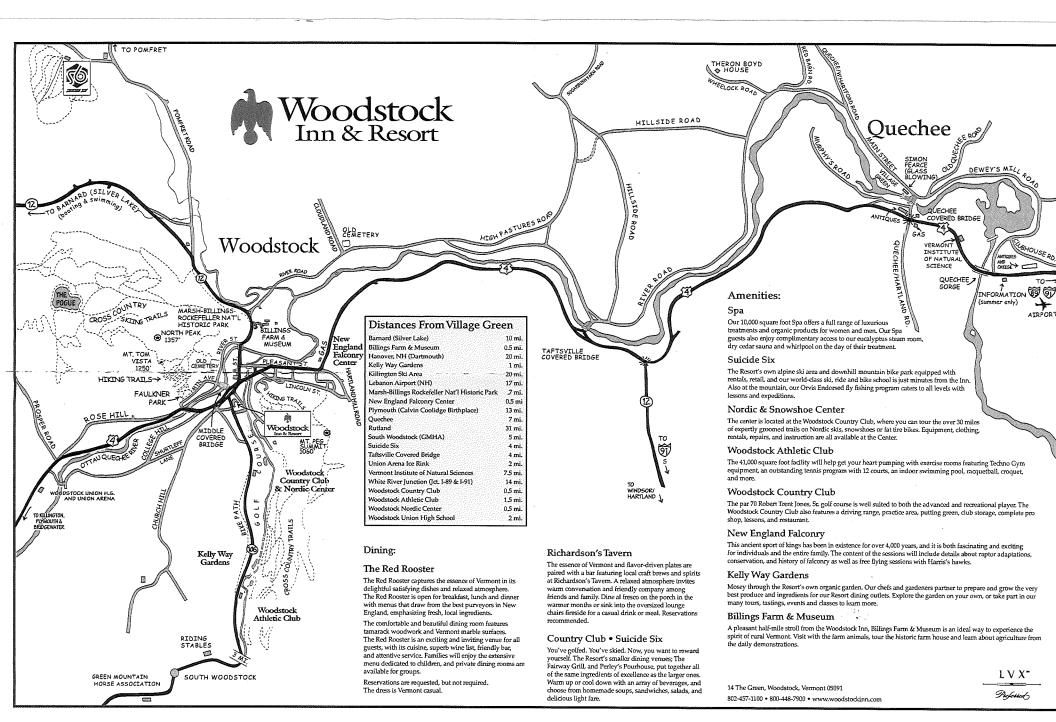
Town of Pomfret 5218 Pomfret Road North Pomfret, Vermont 05053 Attention: Town Clerk, clerk@pomfretvt.us

OFFICIAL USE ONLY	
Date Received: By:	
Zoning Permit Required? 🛛 Yes 🗌 No 🗋 Unknown If yes or unknown, referred to Zoning Administrator on:	
Condition(s) of Approval:	
PERMIT APPROVED this day of, 20,	
Selectboard Chair	
Copies of approved permits to:	
Chief, Pomfret-Teago Volunteer Fire Department	
Head of Service, Pomfret FAST Squad	

Form adopted by the Pomfret Selectboard September 21, 2022. Supersedes all prior dated forms.

Eastern States Cup Event at Saskadena 6 (S6) and Mt Peg trails

The Woodstock Inn & Resort and the Woodstock Area Mountain Bike Association will be co-hosting a mountain bike event at S6 and the Mt Peg trails. The competitive part of the event will not take place on any public roads, just on trails at the two venues. The event participants will be using public roads (see attached map) only to ride between the two venues. The event will start at S6 with riders starting individually in a time-trial format, and then the participants will ride either individually or in small groups to Mt Peg and then back to S6.



Probate Court Form No. 117A	(page 1 of 2)
Summary of Account of Trustee Alternate Form	
STATE OF VERMONT	PROBATE COURT
DISTRICT OF HARTFORD, SS.	DOCKET NO.
IN RE TRUST OF Aldea Labounty	
FOR THE BENEFIT OF the Town of Pomfret	

\_\_\_\_\_

# SUMMARY OF ACCOUNT OF TRUSTEE

### (Alternate Form)

We, the Selectboard of the Town of Pomfret (John Peters, Jr., Chairman; Benjamin Brickner, Steve Chamberlin, Meg Emmons, Emily Grube) and Marjorie Wakefield, Trustees of the above named trust estate account to the court as provided in this summary and the schedules attached hereto for the period to June, 2023,

Total from Inventory of previous accounting:		\$60,131.11	(June, 2022)
Other receipts:	Interest paid	\$ 265.46	(through June, 2023)
Expenses:	None	- \$0.00	
Distributions:		0.00	
Ending balance:		\$60,396.57	(as of June 30, 2023)

The foregoing is a just and true account. The Trustees are the Pomfret Selectboard and a selected town resident, who are named above, and who have signed below:

John Peters, Jr., Selectboard Chair

Benjamin Brickner, Selectboard

Steven Chamberlin, Selectboard

Meg Emmons, Selectboard

Emily Grube, Selectboard

Marjorie Wakefield, member of public

Subscribed and sworn to this 16<sup>th</sup> day of August, 2023,

Before me, Notary Public

**NOTICE:** A certificate of service must be filed with the Court by the person who submits this document. The certificate must list each person to whom copies of this document have been sent, together with the person's address, the date of service and the manner of service (e.g., first class mail) See Form 124.

No service mailing has been done, as the terms of trust do not call for any specific annual mailings or notices other than this annual probate filing.

IN RE TRUST OF Aldea Labounty

FOR THE BENEFIT OF the Town of Pomfret

### MOTION TO ALLOW ACCOUNT\*

We, Trustees of the above named trust, move the court to allow this account.

Dated at Pomfret, Vermont, this 16<sup>th</sup> day of August, 2023.

Signed:

John Peters, Jr., Selectboard Chair

Benjamin Brickner, Selectboard

Steven Chamberlin, Selectboard

Meg Emmons, Selectboard

Emily Grube, Selectboard
Marjorie Wakefield, member of the public

ORDER

Examined on oath and allowed,

Dated \_\_\_\_\_\_\_ Signed \_\_\_\_\_\_, Judge

**Note:** \* V.R.P.P. 66(d) requires that, in a trust proceeding, a motion to allow account be filed no less frequently than every third year. R 10/88

#### As adopted June 15 Selectboard draft – July 27, 2022 2023

### POMFRET TRAFFIC AND PARKING ORDINANCE

#### Town of Pomfret, Vermont

- 1. <u>Preamble</u>: Pursuant to the provisions of 13 V.S.A. § 7251, 23 V.S.A. §§ 1007, 1008, 1753 and 2157, 24 V.S.A. §§ 1971, 1972, 1973 and 2291(1), (4), and (5), the Pomfret Selectboard adopts this Traffic and Parking Ordinance.
- 2. <u>Scope; Civil Ordinance</u>: This Ordinance establishes special traffic regulations applicable to public highways within the Town. In accordance with 24 V.S.A. §§ 1971 and 1974a, this Ordinance shall be designated a civil ordinance and violations thereof shall be enforced in accordance with the requirements of law relative to such ordinances.
- 3. <u>Definitions</u>: The definitions in 23 V.S.A. § 4 are incorporated by reference. See the Vermont General Highway Map of the Town of Pomfret, prepared by the Vermont Agency of Transportation, dated June 11, 2015, on file at the Pomfret Town Clerk's office, for town highway ("T.H.") numbers.
- 4. <u>Traffic Control Devices</u>:
  - 4.1 It shall be unlawful for any person to disobey the direction of a traffic control device except in response to the directions of a law enforcement officer.
  - 4.2 It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter, or tamper with, any traffic control device.
  - 4.3 It shall be unlawful for any person to install any sign or device that may resemble or be mistaken for an official traffic control device without prior approval of the Pomfret Selectboard.
- 5. <u>Speed Regulations</u>: On the basis of traffic and engineering surveys, the following maximum speeds are hereby established for traffic in all directions on the following designated portions of town highways:
  - 5.1 <u>On T.H. 1</u>, Pomfret Road
    - 5.1.1 From the Woodstock town line through the center of Pomfret to the Hartford town line: 45 mph beginning at the Woodstock town line, extending northerly 0.90 miles; then 35 mph to 0.99 miles; then 25 mph extending northerly to 1.25 miles from the Woodstock town line0.05 miles north of the junction of T.H. 60; then 35 mph to 0.35 extending northerly to 0.57 north of the junction of T.H. 60; then 45 mph extending northerly to 0.10 miles south of the junction of T.H. 24; then 40 mph extending easterly 4.43 miles to the Hartford town line.
    - 5.1.2 Speed limit between flashing light and "End School Zone" signs shall be as posted when light is flashing.
  - 5.2 <u>On T.H. 2</u>, Stage Road, from South Pomfret toward the Barnard town line: 25 mph beginning at the junction with <u>of</u> T.H. 1, extending westerly <u>0.11-0.27</u> miles; then 35

#### **Commented [BB1]:** The proposed new location is ~ 250 south of 1806 Pomfret Road driveway and ~ 100 feet south of the Scoping Study boundary. This is the location of the current "25 mph ahead" sign, which would need to be moved south to accommodate this change.

**Commented [BB2]:** The 35 mph sign is currently ~ 0.03 miles north of where the current ordinance says it should be. This change conforms to the current location and is ~ 150 feet north of the Artistree entraance and ~ 100 feet south of the Scoping Study boundary.

#### Commented [BB3]: The

35/45 mph boundary signs were moved ~ 0.22 miles north some time after September 2018. The original location (~ 250 feet north of the 2381 Pomfret Road driveway) aligns with the curent ordinance and can be seen here:

https://goo.gl/maps/WydAsD 8v52pSq3Ni8. This change conforms to the current location and is immediately south of the gravel turnout.

**Commented [BB4]:** The proposed new location is ~ 150 north of the S6 driveway and ~ 175 feet east of the Scoping Study boundary.

mph <u>extending westerly</u> to bridge B13<u>; then 45 mph extending westerly 2.12 miles to</u> the Barnard town line.

- 5.3 <u>On T.H. 3</u>, Howe Hill Road, from the Hewittville corner to the Sharon town line: 35 mph beginning at the junction of T.H. 1-<u>extending northerly 1.25 miles to 0.52 miles south of the Sharon town line; then 40 mph extending northerly 0.52 miles to the Sharon town line.</u>
- 5.4 <u>On T.H. 29</u>, Bunker Hill Road, 25 mph for its entire length.
- 5.5 <u>On T.H. 60</u>, Library Street, 25 mph for its entire length.

### 6. <u>Stop and Yield Intersections</u>:

- 6.1 The following intersections are designated as STOP intersections and shall be so signed:
  - 6.1.1 T.H. 1 southbound at the junction of T.H. 2
  - 6.1.2 T.H. 3 entering T.H. 1
  - 6.1.3 T.H. 60 entering T.H. 1
  - 6.1.4 T.H. 60 entering T.H. 2
- 6.2 The following intersections are designated as YIELD intersections and shall be so signed:
  - 6.2.1 T.H. 7 entering T.H. 3

### 7. Parking Regulations.

- 7.1 It shall be unlawful to stop, park or leave standing any vehicle at any time in the right of way of any public highway within the Town of Pomfret in a manner that interferes with ordinary roadway maintenance (including winter plowing) or otherwise reduces the usable travelled way to less than twelve (12) feet.
- 7.2 It shall be unlawful to park any vehicle at any time on either side of T.H. 37 from 0.60 miles north of the Woodstock town line extending northerly to the junction of T.H. 5.
- 7.3 Any vehicle stopped, standing or parked in violation of this section may be summarily removed by order of any law enforcement officer, Pomfret Selectperson, the Pomfret Road Commissioner or his/her designee, or the Pomfret Road Foreman or his/her designee. Signs indicating that vehicles may be towed away at the owner's expense shall be posted conspicuously at or near all areas affected where parking is restricted.
- 7.4 All costs of vehicle removal, and any expenses incurred in securing removal, including, without limitation, towing and storage costs, may be charged against the owner of the vehicle, which charges shall be a lien against said vehicle, and the vehicle shall not be released to the owner, or person responsible for the vehicle, until all such costs have been paid.
- 7.5 If the owner of a vehicle removed under this section does not claim such vehicle and pay

**Commented [BB5]:** This segment is currently signed at 35 mph and should be resigned to reflect the 2022 speed study results.

**Commented [BB6]:** There is no "yield" sign at this intersection. Delete?

all towing and storage expenses within thirty (30) days of the date of such removal, said vehicle shall be deemed "abandoned" under this Ordinance, and the title to such vehicle shall escheat to the Town and the vehicle may be sold or otherwise disposed of by the Town, as authorized by 23 V.S.A. § 2157.

7.6 Nothing in this section shall be construed to prohibit vehicular stops in response to the direction of a law enforcement officer or emergency services personnel, for causes beyond the operator's control, or to undertake a use described in 24 V.S.A. § 4413(d)(1).

### 8. <u>Special Traffic Regulations</u>:

- 8.1 The Pomfret Selectboard may adopt special traffic regulations from time to time as to the maximum speed, permitted direction or exclusion of motor vehicles as the public good requires, in accordance with 23 V.S.A. § 1010.
- 8.2 The Town shall conspicuously post and maintain signs indicating the special traffic regulations in and near all affected roadways or portions thereof during while such regulations are in effect. When feasible, the Town also shall disseminate such information via electronic means, such as on the discussion list for Pomfret sponsored by Vital Communities.
- 8.3 A special traffic regulation adopted in accordance with this section shall take precedence over any other traffic regulation to the contrary.

#### 9. Enforcement; Violations and Penalties; Other Remedies:

- 9.1 Those enforcement officers identified in 23 V.S.A. § 4(11)(A) shall be issuing and appearing officials for the purpose of enforcing any and all provisions of this Ordinance. In addition, those persons identified in § 7.3 of this Ordinance shall be issuing and appearing officials for the purposes of enforcing those provisions of this Ordinance constituting civil Ordinance violations, and not constituting a traffic violation, as defined in 23 V.S.A. § 2302(a), but including violations relating to parking.
- 9.2 Except as otherwise required by State law or provided herein, any person who violates any provision of this Ordinance shall be liable for a civil penalty of not more than \$250.00 for each offense. The waiver penalty for each violation of this Ordinance shall be \$125.00 and such waiver penalty, if duly paid, shall be in lieu of the civil penalty.
- 9.3 Any person who commits a traffic violation, as defined in 23 V.S.A. § 2302(a), under this Ordinance shall be liable for the penalty amount required by law and/or set forth in the Vermont Judicial Bureau Waiver Penalty Schedule.
- 9.4 Nothing herein shall preclude the Town from pursuing any other civil remedies available by law for the purpose of enforcing this Ordinance, collecting penalties for violations thereof, or from pursuing any other any other remedy at law or in equity, including injunctive relief and process for contempt.
- 9.5 Each violation of a provision of this Ordinance shall be deemed a separate offense. Each day a violation continues shall constitute a separate offense.

- 9.6 The provisions of this Ordinance shall be cumulative to the fullest extent permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.
- 10. <u>Severability</u>: The provisions of this Ordinance are severable, and if any provision hereof be judged invalid, such judgment shall not affect the validity of any other provision.
- 11. <u>Designation</u>: This Ordinance may be referred to as the "Traffic Ordinance" and in a prosecution hereunder a copy of such Ordinance, certified by the Town Clerk shall be *prima facie* evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this Ordinance shall be a sufficient reference hereto.
- 12. <u>Repeal of Prior Ordinance</u>: The <u>"approved traffic ordinances"</u> <u>Traffic and Parking Ordinance</u> adopted <u>December 21June 15</u>, <u>2016</u> 2022 and effective <u>February 19August 14</u>, <u>2017 are 2022 is</u> hereby repealed.
- 13. <u>Adoption</u>: Pursuant to 24 V.S.A. § 1972 and such other provisions of law as set forth above, this Ordinance is adopted by the Pomfret Selectboard at its meeting on the <u>15th</u> [\_\_\_\_] day of <u>June</u> <u>2022</u> [\_\_\_\_] <u>2023</u> and shall become effective on the <u>14th</u> [\_\_\_\_] day of <u>August</u> <u>2022</u> [\_\_\_\_] 2023.

Emily Grube, Chair

John Peters Jr., Vice-Chair

Benjamin Brickner, Vice-Chair

Steve Chamberlin

Jonathan Harrington

Meg Emmons

Emily Grube

Summary Report		
Title	pdfDocs compareDocs Comparison Results	
Date & Time	7/30/2023 7:09:30 PM	
Comparison Time	0.33 seconds	
compareDocs version	v5.0.100.42	

Sources		
Original Document	Pomfret Traffic and Parking Ordinance (adopted 2022-06-15).docx	
Modified Document	Pomfret Traffic and Parking Ordinance (draft 2023-07-27).docx	

Comparison Statistics		Word Rendering Set Markup Options	
Insertions	5	Name	Standard
Deletions	6	Insertions	
Changes	15	Deletions	
Moves	0	Moves / Moves	
Font Changes	0	Font Changes	
Paragraph Style Changes	0	Paragraph Style Changes	
Character Style Changes	0	Character Style Changes	
TOTAL CHANGES	26	Inserted cells	
		Deleted cells	
		Merged cells	
		Changed lines	Mark left border.

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after saving	General	Always
Report Type	Word	TrackChanges
Character Level	Word	False
Include Comments	Word	False
Include Field Codes	Word	True
Flatten Field Codes	Word	True
Include Footnotes / Endnotes	Word	True
Include Headers / Footers	Word	True
Image compare mode	Word	Insert/Delete
Include List Numbers	Word	True
Include Quotation Marks	Word	False
Show Moves	Word	False
Include Tables	Word	True
Include Text Boxes	Word	True
Show Reviewing Pane	Word	True
Summary Report	Word	End
Detail Report	Word	Separate (View Only)
Document View	Word	Print

То:	Traffic Engineering File
From:	Pomfret Selectboard
Date:	June 15, 2022 [], 2023
Subject:	Howe Hill Road Speed Limit (0.52 miles northerly to the Sharon town line) <u>Stage</u> Road and Pomfret Road New and Changed Speed Limits

## New Speed Limit – Stage Road (T.H. 2)

Pursuant to 23 V.S.A. 1007, on the basis of the Howe Hill Stage Road Speed Study Analysis dated June 2July 25, 2022 2023 and prepared by the Two Rivers-Ottauquechee Regional Commission, attached hereto, and investigation into the traffic considerations described below, the Pomfret Selectboard has established the following speed limit:

- On T.H. 3, Howe Hill Road, 40 mph from 0.52 miles south of the Sharon town line to the Sharon town line.
- On T.H. 2, Stage Road, 45 mph extending westerly from bridge B13, 2.12 miles to the Barnard town line.

The attached Speed Study Analysis indicates that 85% the 85th percentile of vehicles traveling on the subject portion of Howe Hill Stage Road were traveling at 47 mph southbound and 48 mph northbound 49 mph eastbound and 56 mph westbound during the study period. The Pomfret Selectboard concludes it is appropriate to set establish the speed limit for this portion of Howe Hill Stage Road at 40-45 mph based on the Speed Study Analysis and the following considerations:

- Predominantly residential character of the area;
- Several homes close to the traveled way;
- Several driveways with short sightlines;
- Several road bends with short sightlines;
- Presence of hikers at the Appalachian Trail crossing; and
- Presence of slow moving agricultural vehicles; and

Changed Speed Limits – Pomfret Road (T.H. 1) and Stage Road (T.H. 2)

Pursuant to 23 V.S.A. 1007, on the basis of the attached Speed Study Analysis and investigation into traffic considerations described below, the Pomfret Selectboard has changed the following speed limits:

- On T.H. 1, Pomfret Road, 25 mph extending northerly from 0.90 miles (previously 0.99 miles) from the Woodstock town line to 0.05 miles north of the junction of T.H. 60, Library Street (previously the junction of T.H. 60, Library Street);
- On T.H. 1, Pomfret Road, 35 mph extending northerly from 0.05 miles north of the junction of T.H. 60, Library Street (previously the junction of T.H. 60, Library Street) to 0.57 miles north of the junction of T.H. 60, Library Street (previously 0.35 miles north of the junction of T.H. 60, Library Street); and
- On T.H. 2, Stage Road, 25 mph extending westerly from the junction of T.H. 1, Pomfret Road, to 0.27 miles from the junction with T.H. 1, Pomfret Road (previously 0.11 miles from the junction of T.H. 1, Pomfret Road).

The Speed Study Analysis indicates that the 85th percentile of vehicles traveling on the subject portion of Stage Road were traveling 36.5 mph eastbound and 36.5 mph westbound at the boundary between the current 25 mph and 35 mph zones. The Pomfret Selectboard concludes it is appropriate to change the speed limit for this portion of Stage Road and the portions of Pomfret Road as described above based on the Speed Study Analysis and the following considerations:

- Predominantly residential character of the area;
- High density of residential dwellings and businesses including Teago General Store, Artistree, Grange Theater and Saskadena Six Ski Area;
- Presence of significant pedestrian and bicyclist traffic;
- Numerous homes close to the traveled way;
- Several driveways with short sightlines; and
- Several road bends with short sightlines.
- Undesirability of having three speed zones within 0.52 miles (the zone contemplated by this memorandum, the existing 35 mph zone to the south, and the existing 40 mph zone to the north).

[Remainder of page intentionally blank. Attachment follows.]

## ATTACHMENT TO

# Memo re: <u>Howe Hill-Stage Road and Pomfret</u> Road Speed <u>Limit(0.52 miles northerly to the</u> <u>Sharon town line)Limits</u>

TRORC HOWE HILL STAGE ROAD SPEED STUDY ANALYSIS 20222023

See Attached.

## For publication in The Vermont Standard on [

], 2023

#### TOWN OF POMFRET, VERMONT

#### NOTICE OF AMENDMENT OF TRAFFIC AND PARKING ORDINANCE

On June 15, 2022 [ ], 2023, the Selectboard of the Town of Pomfret, Vermont, adopted amendments to the existing Approved Traffic Ordinances and Parking Ordinance. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of these amendments and of qualified voters' right to petition for a vote to disapprove the same.

To (i) rename the ordinance as the "Traffic and Parking Ordinance", (ii) designate a speed limit of 40-45 mph on a portion of Howe Hill Stage Road (T.H. 3), (iii) adopt parking limitations including a prohibition on a portion of Cloudland 2), (ii) extend the north, south and west limits of the existing 25 mph speed zone on Pomfret Road (T.H. 37), (iv) provide that the Selectboard may adopt temporary traffic regulations during special occasions, and (v) provide for enforcement and penalties for violations of the ordinance.1) and Stage Road (T.H. 2) in the vicinity of South Pomfret village, and (iii) extend the north limit of the existing 35 mph speed zone on Pomfret Road (T.H. 1) north of South Pomfret village.

The full text of the ordinance may be examined during regular office hours at the Pomfret town office at 5218 Pomfret Road and may be viewed online by visiting pomfretvt.us.

## **CITIZENS' RIGHT TO PETITION FOR VOTE**

Twenty four V.S.A. § 1973 grants qualified voters the right to petition for a vote at a special or annual town meeting to disapprove ordinance amendments adopted by the Selectboard. To exercise this right, qualified voters must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the amendments signed by not less than five percent (5%) of the town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the amended Traffic and Parking Ordinance shall become effective sixty (60) days from the date of said adoption.

## PERSON TO CONTACT

Additional information pertaining to this ordinance may be obtained by contacting Rebecca Fielder, Town Clerk at 5218 Pomfret Road, or by calling 802-457-3861 during regular office hours, or by emailing clerk@pomfretvt.us.

# PURCHASING POLICY TOWN OF POMFRET

# Original Adoption April 2, 2014 Amended June 20, 2018

## **DRAFT POLICY UPDATE 8/14/23**

# Note: Yellow: new language from VLTC Red: notes per VLTC Green: notes per Pomfret existing language with comments & recommended language

**PURPOSE.** The purpose of the Purchasing Policy is to obtain the highest quality goods and services for the Town of Pomfret at the lowest possible price to exercise financial control over the purchasing process, to develop contracts for equipment and repetitive supplies, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, and to provide for increased public confidence in the procedures followed in public purchasing.

**AFFIRMATIVE ACTION AND LOCAL PREFERENCE.** Whenever possible, local, small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases and all other affirmative action requirements outlined in the grant provisions must be followed.

The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices or rates due to a lack of competition. For purchases funded in whole or in part with federal funding the Town may not exercise a preference for local businesses.

**CODE OF CONDUCT.** All purchases of town equipment, supplies and services must be in compliance with the applicable provisions of the Town of Pomfret Conflict of Interest Policy. Copies of these can be obtained at the Town Offices, 5218 Pomfret Road, North Pomfret, Vermont 05053 or found on the Town's Website (http://pomfretvt.us/).

Employees, officers and agents of the Town who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the Town shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when

- the employee, officer or agent,
- any member of his or her immediate family,
- his or her partner, or
- an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.

An employee, officer or agent of the Town who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly-warned Selectboard meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees and agents of the Town will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub - agreements.

Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards

**DOCUMENTATION.** Records documenting the procurement process for any Minor or Major purchases, as those terms are defined below, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years or as long as it is in use from the date of the submission to the Federal government of the final expenditure report if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer. Otherwise, records shall be maintained by the Town in accordance with the retention and disposition schedules as set by the Vermont State Archivist.

**INSURANCE:** Vermont League of Cities and Towns, the town's insurer, requires that all work done by 3<sup>rd</sup> parties on town property or equipment on town premises must carry general liability and workers' compensation insurance.

**PURCHASING AUTHORITY.** Purchasing Agents are defined as employees, officers, or other individuals authorized by the Selectboard to purchase for the Town. Specific positions that have been authorized to make purchases are: Treasurer, Town Clerk, Road Commissioner(s), Road Foreman, Selectboard. Is this still correct?

Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained by creating and utilizing pricing agreements and contracts. Each purchase and proposed procurements are to be reviewed to avoid unnecessary or duplicative purchases of equipment, supplies and services. Vendors will be selected based on cost and the best interest of the town, the quality of the goods and services offered, compatibility with existing equipment and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the Town or references from other customers.

Purchasing Agents shall also ensure that the competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications, restricted

with limits on the geographic location of vendor, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

**Incidental Purchases**. Those designees authorized to act as Purchasing Agents may make purchases of up to \$3,500 \$15,000 \$1,000 without prior approval, provided those purchases are limited to the amount of the budget line item authorized by the Town.

**Minor Purchases**. Those designees authorized to act as Purchasing Agents by the Selectboard may make purchases with a value between \$3,500 and 15,000 \$50,000 \$1,000 \$25,000, only with prior approval of the Selectboard, accompanied with a quote Competitive written quotes from at least two vendors must be obtained and are limited to the amount of the budget authorized by the town. Although not required, competitive quotes from at least two vendors should be obtained whenever possible. VLTC language for "Those designees" is "Employees"

**Major Purchases.** Those designees authorized to act as Purchasing Agents by the Selectboard may make purchases with a value between \$15,000 and \$50,000 over \$25,000, only with prior approval of the Selectboard, accompanied with competitive written price and rate quotations from at least two vendors, and are limited to the amount of the budget authorized by the town.

Purchases over \$50,000 require a request for quotation (RFQ) and a sealed bid process as outlined below, with prior approval of the Selectboard. The Selectboard shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Written price and rate quotations shall be obtained from at least two qualified vendors to ensure that the Town has received a fair and reasonable price. Vendors will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the Town. Amounts discussed by the Selectboard

The Selectboard shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors or bidders, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

**Major Federal Purchases:** Large purchases with a value of \$[insert dollar amount up to \$150,000, which is the large purchase or simplified acquisition threshold under federal regulations] or more must follow a sealed bid process as outlined below.

All purchases at or exceeding \$150,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the grant agreement. In addition, a pricing analysis must be completed by the purchasing agent or a qualified consultant prior to issuing the request for proposal to ensure that there is a reasonable estimate against which to compare bid proposal pricing.

If federal funding is used for purchases between \$3,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$150,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

Purchases funded by the Federal Government, the State of Vermont, or grants from any other entity must follow all the requirements of those agencies and entities issuing the grant funding. Note that the above requirements are subject to change and the town is responsible for reviewing Federal, State, and other grant requirements for such changes.

**SEALED BID PROCESS.** The sealed bid process shall be initiated by the issuance of a Request for Bids prepared by the Selectboard or its designee. Notice of the Request for Bids shall be made by letters (**U.S mail or email**) to known providers soliciting bid responses, advertisements placed in a newspaper of general circulation in the region, and on the town's website. **Note U.S mail or email language not in VLTC recommendation. Do you want to keep this?** 

**BID SPECIFICATIONS.** A list of bid specifications **may be prepared from purchases between \$15,000 and \$50,000**, shall be prepared for each purchase over **\$50,000** and shall be available for inspection at the Town office. Bid specifications should include:

- 1. Bid name and address.
- 2. Bid submission deadline.
- 3. Date, location, and time of bid opening.
- 4. Requirement that responses to specifications are in the same order as listed in request for bid.
- 5. Specifications for the project or services including quantity, design, and performance features.
- 6. <u>For lump sum contracts</u>: the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated.
- 7. Bond, and/or insurance and liability requirements.
- 8. A copy of the proposed contract.
- 9. Any special requirements unique to the project or purchase.
- 10. Delivery or completion date.
- 11. For construction language that sets a requirement for a bid guarantee in the amount of 5% of the bid price from all bidders, as well as performance and payment bonds in the amount of 100% of the contract price from the contractor awarded the bid. If federally grant funded, the bidders must also include costs for Davis Bacon compliance if that is a requirement of the federal agency providing the funding.
- 12. For construction projects over \$2,000, a statement that contractors will be provided with a copy of the most current wage determination (from the DOL website at <a href="http://www.wdol.gov/dba.aspx">http://www.wdol.gov/dba.aspx</a>) and must comply with the Davis Bacon Act.
- **13.** Request for Customer references with names and contact information.
- 14. Language that reserves for the Selectboard the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein,

to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, to make an award which in its sole and absolute judgment will best serve the Town's interest. The Selectboard reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the Town Office and the Pomfret web site.

**BID SUBMISSION.** All bids must be submitted in sealed envelopes, addressed to the Town in care of the Selectboard, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt.

Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.

Bidders shall bid to specifications and any exceptions must be noted by the bidder. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

**BID OPENING.** After the specified bid deadline, every bid received prior to the bid submission deadline will be publicly read aloud by the Selectboard. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required. Note that in the current policy "After the specified bid deadline" replaced VLTC "Every bid received prior to the bid selection" This language was inserted in our existing policy assuming that the bid was received before the deadline should not be announced before the deadline.

**CRITERIA FOR BID SELECTION.** In evaluating bids, the Selectboard will consider the following criteria:

- 1. Price.
- 2. Bidder's ability to meet bid specifications.
- 3. Bidder's proven ability to perform within the specified time limits.
- 4. Bidder's experience and reputation, including past performance for the Town and references including bidder's customers.
- 5. Quality of the materials and services specified in the bid and compatibility with existing materials and equipment.

- 6. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
- 7. Bidder's financial capacity and responsibility.
- 8. Bidder's availability to provide future service, maintenance, and support.
- 9. Nature and size of bidder.
- 10. Contract provisions that are acceptable to the Town.
- For construction projects over \$2,000, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids. VLTC new language
- 12. Any other factors that the Selectboard determines are relevant and appropriate in connection with a given project or service.

In addition to the above, in the case of a contract supported by federal funds, the additional criteria shall apply:

- 12. There shall be no preference exercised for local contractors or suppliers.
- 13. Minority and women-owned businesses must be included in the solicitation list for the request for proposal.
- 14. The Selectboard will not select a bidder who is listed on the Excluded Parties List System website (https: //www.sam.gov).

**BID AMENDMENTS.** If specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to any known bidder and bidders who already submitted a bid and a new bid process may be will be initiated soliciting bid responses and updated on the Pomfret web site. VLTC included this language under Change Orders which concentrates on events occurring after the bid has been accepted.

**CHANGE ORDERS.** Once a bid has been accepted, if changes to the specifications become necessary, the Selectboard will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town must sign the change order.

**CREDIT CARD PURCHASES.** A town credit card may be issued to a town employee authorized by the Selectboard to be used solely for purchases for the Town of Pomfret. All receipts or invoices, must be promptly submitted to the town treasurer for documentation. No personal purchases may be made with a town credit card. Use of the Town credit or debit card is subject to the Town's Credit and Debit Card Policy. Note: not included in VLTC document.

**PURCHASES FOR ORGANIZATIONS/BOARDS/OFFICIALS.** The Selectboard shall consult with organizations/boards/officials for purchases used by their department

**EXCEPTIONS.** The following exceptions may apply; however, there must be written documentation created and maintained that outlines the process and rationale for such exceptions:

**Competitive Proposals.** If time does not permit the use of sealed bids, or the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Qualifications (RFQ) prepared by the Selectboard or its designee that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure that the Town has received a fair and reasonable price and all notification and record keeping requirements of the sealed bid process shall be followed.

If architectural or engineering services are being solicited, this process should be used with the most qualified firm or individual awarded the bid and price or fees negotiated after the award. If competitive proposals are used, all of the above steps in the sealed bid process should be followed except that: 1) the bid submission need not be sealed; and 2) price will not be the primary factor in the proposal selection.

**Sole Source Purchases.** If the Selectboard determines that there is only one possible qualified source for a proposed purchase after conducting a good faith review of available sources, it may waive the bid process and authorize the purchase from the sole source after determining that the price offered is fair and reasonable and reasons for such a purchase are documented..

**Recurring Purchases.** If the total value of a recurring purchase of a good or service is anticipated to exceed **\$25,000** during any fiscal or multiple years, the bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Selectboard votes to initiate a new bid process.

**Emergency Purchases.** The Selectboard may award contracts and make purchases for the purpose of meeting the public emergency without complying with the bid process. Emergency expenditures may include immediate repair or maintenance of town property, vehicles, or highway equipment if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important Town services.

**Professional Services.** The bid process may not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, risk management. and **insurance services.** 

Federally funded non-competitive purchases for \$150,000 or more require a cost analysis to determine the reasonableness of the proposed pricing and should be completed in accordance with the requirements of the federal or state agency issuing the grant funding.

Vermont State Purchasing Office. The town may purchase items from vendors who offer the same price to the Town as was successfully bid to provide goods or services to the State of Vermont, without going through the bid process described herein. Note: Language, in green, already on current policy.

The foregoing Policy is hereby amended by the Selectboard of the Town of Pomfret, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_ and is effective as of this date until amended or repealed.

John Peters, Jr., chair

Benjamin Brickner, Vice-Chair

Meg Emmons

—

Steve Chamberlin

Emily Grube

## PURCHASING POLICY ACKNOWLEDGEMENT BY AUTHORIZED USER

#### TOWN OF POMFRET, VT

I have read the Purchasing Policies and will comply with their requirements.

Signed by authorized town Selectboard Member or Purchasing Agent:

\_\_\_\_\_Date\_\_\_\_\_

LOWEST LEVEL: Incidental Purchases		Purchasing Authority for all levels (Usually depends on size or type of order)	
Under \$500	Montpelier	May be paid out of petty cash or billed to the Department. Limited by Budget. Reviews prices between suppliers	Department Heads, City Manager or designees involved based on level of purchase
Under \$500	Hartford	Purchases by departments with no Purchase Order except for employee reimbursement. Department codes and signs the invoice. Department Heads approve all purchases in advance or delegate this authority one level down	Town Manager, Finance Director, Department Heads
Under \$500	West Windsor	No SB approval for purchases under \$500	Selectboard, Town Clerk, Highway Foreman
Under \$1,000	Pomfret	Purchases made without prior approval. Purchases limited by budget	Selectboard, Treasurer, Town Clerk, Road Commissioners and Road Foreman
Under \$1,000	Strafford	Purchasing agents up to \$1,000 may purchase without prior approval. Purchases limited by budget	Selectboard, Town Clerk, Town Treasurer, Road Foreman, Asst Town Clerk & Treasurer
Under \$1,500	Bridgewater	Selectboard is acting Purchasing agent. If practical, quotations should be solicited	Selectboard or designee
Under \$2,500	Norwich	Town Manager is the Purchasing Agent for the Town & reviews all proposed procurements. Department Heads purchase all budgeted items without prior approval, Purchases limited by budget	Selectboard, Town Manager, Department Heads
Under \$5,000	Thetford	Bid process required for annual recurring goods or service exceeding \$1,000	Selectboard Approval (over \$5,000)

Note: Information based on data found on each town website.

	Vermont I	Purchasing Policy Authorization Comparisons by Town	
MIDDLE LEVEL: Minor Pu	MIDDLE LEVEL: Minor Purchases		
\$500 - \$7,500	Montpelier	Approved by Department head or designee. If more than \$5,000, approved by City Manager or designee. Service or goods receipt/condition checked before invoice paid	
\$500 - \$15,000	West Windsor	Usual and customary purchases allowed by Town Clerk & Highway Foreman without SB approval Other types of purchases require solicitation of quotes from at least two vendors	
\$501 - \$4,000	Hartford	Approval by Department Head. Price quotations not necessary	
\$1,000 - \$10,000	Strafford	Prior approval by SB. Limited by budget. Recommends at least 2 competitive quotes	
\$2,500 - \$10,000	Norwich	Department heads, under Town Manager supervision and prior approval, via a purchase order, make purchases requiring at least 3 competitive bids. Federal Funding purchases, \$3,000 to \$150,000 require quotes from 3 or more sources. Use of designated & special purchase funds, at all levels, requires SB approval. Prefers obtaining 3 bids	
\$5,000 - \$10,000	Thetford	Approval by SB. Required quotes from at least 2 vendors. Vendor selected based on cost, goods/service quality, skill shown by prior contracts	
\$1,501 - \$14,999.99	Bridgewater	Supervised by SB. Required formal bids or quotes from at least 3 vendors under the supervision and consultation with the department	
\$4,001 - \$20,000	Hartford	Requires approval of Department Head, Town Manager & Finance Director. 3 written quotations required. Vendor recommended by Department Head	
\$1,000 - \$25,000	Pomfret	Prior approval by SB. Written quotes from at least 2 vendors. Purchases limited by budget	

		Vermont Purchasing Policy Authorization Comparisons by Town		
HIGHEST LEVEL:	Major Purchases			
Over \$7,500	Montpelier	Requires at least 2 bids. Sealed bid & advertised in at least 1 newspaper. Contract required as		
		well as other requirements. Seeks trade-in value.		
Over \$10,000	Thetford	Process approval by SB. Sealed Bid preferable with advertisements posted in 3 location within		
		the town plus 1 in newspaper. Recurring purchases require bid process if the total value of the		
		purchase of goods or service exceeds \$1,000 per year		
Over \$10,000	Strafford	Requires prior review & approval by SB. Price or rate quotes must be obtained from 2 or more		
		qualified sources. Large purchases require a sealed bid process requested by mail to known		
		providers with notification posted in 3 locations & 1 newspaper. Recurring purchases require the		
		bid process if the total value of the purchase of goods or service exceeds \$10,000 per year		
Over \$10,000	Norwich	Requires prior approval of SB & purchase order approval of Town Manager. At least 3		
		competitive bids. If over \$25,000, follows a sealed bid process posted in 3 public locations & 1		
		newspaper. Prepared by Department Head under Town Manager supervision. If over \$150,000		
		or construction, projects of any size must follow a special bid process. Recurring Purchases: if		
		the total value of a recurring purchase of goods or service is anticipated to exceed \$!0,000		
		during a fiscal year, the bid process shall be used		
Over \$15,000	Bridgewater	SB or designee act as purchasing agent preparing Invitation to Bid with a newspaper		
		advertisement. Requires formal bid process. Recurring purchases may require competative		
		solicitations through formal bids, written or oral quotation		
Over \$15,000	West Windsor	Sealed bid process over \$15,000 required preparation by SB. Request for bid to known providers		
		with advertisements in 3 public locations & newspaper. Recurring purchases exceeding \$15,000		
		per year require a bid process		
Over \$20,000	Hartford	Requires competitive sealed bid or proposal. Note: Bidding process is described in detail.		
Over \$25,000	Pomfret	Prior approval by Selectboard Required sealed bid to known providers with advertisements in a		
		newspaper & on the Town's website. Required pricing analysis. Recurring purchase of goods or		
		service over \$25,000 requires a bid process		

Town of Pomfret Selectboard Draft Meeting Minutes August 2, 2023

Present: Benjamin Brickner, Meg Emmons, Emily Grube

Public: Nancy Matthews (Auditor), Ted Matthews, Claudia Tupanjanin, Scott Barger, Jake Astbury, Cy Benoit (Tree Warden), Cathy Emmons, Lisa Parsons, Mike Doten, John Moore (Planning Commission), Doug Tuthill (Constable), Neil Lamson (Lister), Andy Mann, Gerry Fields, Mark Montella, Bill Emmons (Planning Commission), Chad Hewitt, Mark Montella, Greg Hartford

- 1. Ben called the meeting to order at 7:01 pm.
- Agenda Review Chad Hewitt, the town's certified public accountant, will join the meeting at or around 7:45 pm to discuss FY 2023 financial results and setting the FY 2024 tax rate; Scott Barger asked to add approved of Fire Department turn-out gear, which he indicated was time-sensitive to enable to members to attend trainings this fall. Meg moved and Ben seconded the foregoing. Unanimous.
- 3. Public Comment None.
- 4. Road Foreman's Report None.
- 5. Items for Discussion or Vote
  - a. Foliage Traffic Management There has been no answer from Woodstock regarding financial or in-kind assistance with traffic control on the Woodstock portion of Cloudland Road. Cathy has spoke with a Woodstock Select Board member who indicated they were waiting for Pomfret to make a decision on road closure before committing any Woodstock resources. A Woodstock Select Board committee will meet on Tuesday, then the full Woodstock Select Board will meet the following Tuesday, at which point we hope to have an answer. Some Cloudland Road residents have expressed concerns around needing to exit their vehicles to open a movable gate. Meg moved and Ben seconded that the entire lengths of Cloudland Road and Barber Hill Road be closed (other than to residents, guests, agricultural use and emergency vehicles), from September 22 through October 22. Brickner and Emmons in favor; Grube against. Motion did not carry.<sup>[\*]</sup> The matter will be discussed again at the August 16 meeting with the full Selectboard present.
  - b. Stage Road Traffic Study Two Rivers performed a traffic speed study needed to establish a speed limit on Stage Road outside of South Pomfret village. The 85th percentile (the starting point for setting speed limits) was 56 mph toward Barnard and 49 mph toward South Pomfret. The Selectboard will consider other factors that may allow a lower limit to be established. An amendment to the Traffic and Parking Ordinance will be required. Once a speed limit is established, the Selectboard will ask the Sheriff's Department to direct enforcement patrols in that area.
  - c. Large Event Permit (589 Stage Road) This is for a wedding on September 9 and 10. Meg moved and Ben seconded that the application be approved with the condition

<sup>\*</sup> Editor's Note: Pursuant to 1 V.S.A. 172, the concurrence of at least three members is required, regardless of the number of members present.

that no cars be parked on the paved surface or gravel shoulder of Stage Road. Unanimous. The applicant was urged to have their catering company submit a Request-to-Cater Permit application (if required) in time for review at the August 16 meeting.

- d. FY 2024 Town Tax Rate Chad Hewitt, the town's certified public accountant, explained the town's FY 2023 financial results and answered questions about how the Selectboard should consider the town's account balances, the small deficit in the highway account, and other matters when setting the FY 2024 tax rate. Ben moved and Emily seconded that the FY 2024 town tax rate be \$0.3479 per \$100 assessed value (up from \$0.3406 to cover the aforementioned deficit) and that the FY 2024 local agreement rate be \$0.0007 per \$100 assessed value. Unanimous. The Selectboard also reviewed and approved with minor modifications a letter to accompany tax bills explaining how the tax rate was set and how it has changed from last year.
- e. Fire Department Turn-Out Gear Scott Barger reported that the Fire Department obtained a second quote for turn-our gear that came in lower than the first. Meg moved and Ben seconded approval to purchase from the second vendor three sets of such gear, to be paid for first from the related FY 2024 budget line item, with any balance to be paid from the Fire Dept Non-Vehicle Reserve. Unanimous.
- f. Purchasing Policy Authorization Thresholds Nancy researched several nearby towns' policies to determine the typical thresholds for Selectboard authorization, competitive quotes and sealed RFPs for large purchases. As two of the most experienced Selectboard members were absent, it was felt this decision should wait until August 16. In the meantime Nancy will prepare the revised Purchasing Policy with the threshold numbers blank.
- g. Dog Ordinance Matters/Delinquent Dog Licenses Doug Tuthill reported on an ongoing dog nuisance matter. John Peters will follow up with the Sheriff's Department regarding the same. Cynthia called dog owners who have previously licensed their dogs but failed to do so this year. Some have since obtained licenses. John Peters will follow up with the Sheriff's Department to contact those who still have not. Becky Fielder prepared a separate list of dog owners who have never licensed their dogs. Cynthia will call these residents as well, with the Sheriff making follow-up visits as the next step. Emily moved and Ben seconded the foregoing. Unanimous.
- h. Broad Brook Zoning Issue The appeal period for Zoning Board of Adjustment's decision has expired and the violation persists. Ben will follow up with Stitzel Page on next steps.
- i. Warrants Ben moved and John seconded approval for payment of the following warrants:

24005 \$11,470.24 Payroll 24007 49,666.26 A/P (includes materials for storm damage) Unanimous.

j. Approval of Minutes – Emily moved and Ben seconded approval of the July 17, 2023 special meeting minutes with a typo correction, and the July 19, 2023 regular meeting minutes as presented. Unanimous.

- 6. Meeting Wrap Up
  - a. Correspondence Hillary White anticipates submitting a highway access permit application for the shared private driveway known as Dinsmoor Road. The Selectboard previously received a highway access permit application from Andy Mann for work on the same driveway. A site visit to review the Mann application was scheduled for August 16, 2023 at 5:45 pm. If the White application is timely received, a site visit to review the same will be scheduled for August 16, 2023 at 6:15 pm.
  - b. Review of Assignments Emily to discuss foliage traffic management with Jim; John to discuss Dog Ordinance matters with the Sheriff; Ben to contact Stitzel Page regarding the zoning violation.
  - c. Agenda for next meeting Foliage traffic management, revised Purchasing Policy, Dinsmoor Road highway access applications, Labounty probate filing, Windy Lane e911 numbering matter, Stage Road speed limit/revised Traffic and Parking Ordinance.
- 7. Adjournment Ben moved and Emily seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 10:08 pm.