

Town of Pomfret
 5238 Pomfret Road
 No Pomfret, VT. 05053
SELECT BOARD MEETING AGENDA
 August 7, 2019
 8:00 PM

AGENDA ITEM	PRESENTER	TIME
1. Call to order	Chair	7:00
2. Public Comment	Chair	7:00
3. Review of Agenda	Joint	7:10
4. Recurring Items a. Approval of 07/17 & 07/24 Minutes b. Warrants for Approval	Joint	7:15
5. Business items for Discussion or Vote a. Road Foreman Report b. Truck RFP c. Sand Bid Opening d. Town. Garage Maintenance and Additions to Security System e. Fuel RFP f. Aggregate RFP g. John Collier Driveway h. Artistree Driveway Permit i. Discussion of Wade Masure Letter j. Appointments ZBA & Planning Commission k. Proposal Horizon Engineering for How Hill RFP l. Selection of HR Contract Support m. Update on VLCT Funding and next steps on Mediation n. Slack Software o. Information Technology – major issues and next steps p. Discussion of Pomfret Town Website Investigation	Joint	7:30
6. Meeting Wrap Up Select Board Correspondence Review of Assignments Agenda for Next Meeting	Joint	8:45
7. Adjournment	Chair	9:00

Town of Pomfret
Draft Minutes
Select Board Meeting
July 17, 2019

Present: Emily Grube, Steve Chamberlin, Scott Woodward, John Peters Jr., Frank Perron

Public Attendees: Ona Chase, Keith Chase, Christina Chamberlin, Jim Morgan, Neil Lamson (Lister), John Moore (Planning Commission), Susan Bitzer, Ellen DesMeules (Treasurer), Cynthia Hewitt (Select Board Secretary), Betsy Siebeck, Marge Wakefield (Trustee of Public Funds), Kevin Rice, Becky Fielder (Town Clerk), John Zonay, Christian Avard (Vt Standard), Norm Buchanan (Lister), Jim Potter (Road Foreman), Art Lewin (Road Crew)

1. Emily called the Special Meeting to Order at 6:01
2. Special Meeting: HR Contractors Presentations

a. Erika Schramm 6:00 www.skylightcoaching.com

b. Ginny Champney 6:20 **HR Consulting Solutions, LLC. (HRCS), Waterbury, VT**

c. Teresa Miele 6:40 HR Acquired LLC, N. Clarendon, VT

These three candidates were recommended by Jill Muhr, VLTC, as potential HR consultants to the Town. They all have education, experience and background to support their expertise. Each would like the opportunity to work with the town in developing and/or perfecting our personnel policies, procedures, and processes. All determined a preliminary visit to examine our records and existing programs would be necessary so they could then make recommendations to bring up-to-date, streamline, and renovate to suit our purposes. Of particular importance would be to create a timely process of performance review, including a scheduling calendar, help in compliance with DOT CDC Drug testing and licensing regulations, and put in place equitable hiring processes and fair practice workforce compensation in regard to different levels of employment, i.e., full-time, part-time, contract, appointed, elected.

Ms. Schramm, Ms. Champney, and Ms. Miele each participated in a 20-minute telephone conversation with the Board, answering questions, discussing their history and skills, and presenting concrete and distinct ways in which they can bring the Town what is needed to fulfill our needs.

1. Call to Order Regular Meeting. 7:01pm
2. Public Comment. Betsy Siebeck attended the meeting to bring the problem of speeding and limit violations on the public roads. She queried whether the VSP contract included speed checks. Her comments will be taken under advisement. Kevin Rice stated there is a pot hole on River Road which is coincident with river bank erosion, thus creating a hazard. John stated that this problem actually is situated in the town of Hartford
3. Review of Agenda

Regarding Open Meeting Violation. Scott stated that since the decision on 07/03/2019 to limit web site access was not on the agenda and thus warned properly, the decision was not legal. It is included in tonight's agenda. Then Scott read a prepared statement regarding the perceived breakdown in the integrity of the Select Board and asked for remediation by working on this problem. The dysfunction is distressing and has included public verbal assault, witnessed by the Board of Civil Authority meeting. This has produced fear and unrest. Several citizens commented on the unprovoked attack as being contradictory to the demeanor of a Board member. Outside mediation is suggested along with Special Meetings to work towards a solution.

Regarding Web Site Management: Scott asked whether Bob Merrill was finished with the website; Becky is in contact with Bob and Thad Richardson and they are working on it.

Ellen reported that the tax bills have been sent and the State consequently changed the rate; we are currently working on recalculation and resending the statements to all taxpayers. Ellen also asked if the paving funds should be moved to the reserve since they won't be used this year. Scott stated the board does not have that authority, only the voters. Emily will check with VLTC. Chad Hewitt is trying to close the books.

4. Recurring Items
 - a. Approve 07/03/2019 Minutes. In the Road Foreman's report, it should be clarified that Scott Jensen performed the site visit on Rudge Road. Scott moved the acceptance with this correction; Frank seconded; unanimous.
 - b. Warrants for Approval. Emily moved and Steve seconded the following warrants for approval:

#19007	\$44,143.93	Accounts Payable
#19006	6,658.13.	Payroll

Passed
 - c. Server Dilemma: Scott asked whether Bob Merrill was finished with the website; Becky is in contact with Bob and Thad Richardson and they are working on it. A new piece of equipment is necessary to set up cloud back-up. There is also a need for updated equipment for the Highway Department, current computer is 6-years old. A new computer would cost ± \$1400.
5. Business Items for Discussion or Vote
 - a. Road Foreman report: Jim was in touch with Mike Blakesly regarding Adelson's culvert; he suggested a consultation by Chris Bumps, who is currently on vacation; he

will come by for a site visit when back to work; they say the 30-inch culvert would be the minimum for this project. In a town garage inspection, it was noted the outlets are not GFI, up to code. The highway garage also is lacking insurance on the salt shed and back shed. Frank stated there is still grant money available for updates by Royal Security. The repair work is finished on truck #2. Truck #3 was returned and after 200 miles the front axle packing failed. It is expected that this will be covered. Rudge road should be finished within 2-3 days. The cost so far has been \$27,000 and there will be an additional cost of ± \$14,000 for hardpack and stone lining, plus man hours. Jim stated it would be advantageous to pull together more accurate cost beforehand on the next project. Jim has put 150 hours on the grader since his hire. Ditching needs to be a priority on all roads. Jim is having to poke cutouts for a short-term solution. Frank stated that Wild Apple needs work. Steve reports that Webster hill has some hazardous areas that need to be addressed. Neil suggested guard rails are needed if the problems aren't solved. Jim and Emily will take Chris Bumps for a site visit when he becomes available.

- b. Truck RFP to be submitted with the additions of disk brakes and outside plow controls. Emily moved and Steve seconded the RFP be submitted on 07/22/2019 with a return date of noon on 08/21/2019. Unanimous approval. Christina Chamberlin suggested it be submitted for pricing of TWO trucks, since one was not purchased last year. This will be accomplished.
- c. Sand RFP in the amount of 3000 ton to be submitted on 07/17/2019 with return due at noon on 08/07/2019. Frank moved and Steve seconded; passed.
- d. Town Garage. Jim will see that the GFI outlets are acquired; Emily has called Tom Mullen of Black Ox Roofing to inspect roof damage and estimate repairs. Scott moved and Steve seconded that Emily be given the authority to ask John Syme to repair the soffit. Jim has removed another precarious tree.
- e. Galaxy Hill Culvert discussion is postponed until Chris Bumps is available.
- f. Crack Sealing. Jim is to determine where these repairs will be most needed. Steve moved and Frank seconded that Nikon be given the contract at \$4350 per day, not to exceed \$25,000; passed.
- g. Regarding inadequate garage insurance, John moved and Frank 2nd, to increase insurance to protect town assets. Unanimous.
- h. Repeater easement. Kevin Rice explained this is necessary in order to get large equipment in and out. The antenna will likely be replaced, but there is no need to add another.
- i. Plumbing Issues. It was voted to investigate moving the pump and switches.
- j. Slack Software. Scott suggested Bob Merrill's opinion should be sought. John will get more information for further discussion
- k. Purple Crayon Update – to be discussed in Executive Session on 07/24/2019 with Joe McLean in attendance. Scott/Frank to provide latest negotiations ahead of time.
- l. Open Meeting violation & website access and management. As per previous discussions (see Review of Agenda above #3) the Board has determined further meetings and discussion will be helpful to further getting along and improving communication. Becky will talk with Bob Merrill re: changing from a code to a text format in the Board Meeting page. John moved and Frank 2nd that web access be

- granted to Becky, Cynthia, and Scott; that Becky and Cynthia only will post agenda, minutes, warnings, etc. Unanimous.
- m. Election of a Select Board Clerk; Scott offered to fill this roll but the Board decided it was no longer necessary in view of the fact that communication, etc. seems to be in transition, communication is on the road to improvement, and the Board needs to move ahead.
 - n. Financial Management Committee: Ellen reports that she and Nancy Matthews are working on this report and it should be completed by November. Emily's input will be sought once they have the final rough draft. They are fine tuning policies. She stated that Nancy is excellent at minutia.
6.
 - a. Meeting Wrap Up. Scott moved that 3 special meetings should be scheduled for open discussion of furthering the Board's improvement. Betsy Siebeck suggested a mediator would be very helpful. Frank agreed that an "outsider" was definitely necessary. VLTC likely has some grant money, assistance along these lines. Scott moved that Emily be authorized to contact VLTC and Jill Muhr regarding a mediator/mediation. John seconded. Passed.
 - b. Selectboard Correspondence: EFC contract is signed and returned.
- Meeting Wrap UP
 Review of Assignments:
- Emily plumbing issues, soffits, Bumps to Webster Hill, VLTC mediator, Fuel RFP
 - John SLACK software.
 - Scott/Frank Purple Crayon paperwork.
 - Frank Aggregate Pricelist
- c. Agenda Items for Next Meeting
 - For 07/24/2019. Purple Crayon (Exec session), Generator maintenance; driveway permits, Jill Muhr
 - For 08/07/2019. Slack software, Garage Maintenance, HR hire, VLTC mediator, Fuel RFP
7. Adjournment: Frank moved for adjournment at 9:40pm, Scott 2nd. Passed

July 24, 2019 Special Select Board Meeting Minutes

Town of Pomfret

5218 Pomfret Road No Pomfret, VT. 05053

Present: Emily Grube, Steve Chamberlin, Frank Perron Scott Woodward, John Peters

Public Attendees: Lydia Spitzer

1. Call to Order: Emily called the meeting to order at 6:05pm
2. Public Comment: none
3. Review of Agenda: Emily moved that Bob Fletcher handle the payment in lieu of taxes agreement with Artistree since he is familiar with the issue after working with the Listers; Steve 2nd. Emily asked for a motion for Ellen to immediately cut a check to ESC excavating in the amount of \$26,639.67 (30%) so the culvert can be ordered for the Cloudland bridge. Since this is stated in the contract with ESC there is no need for action
4. Business Items for Discussion and/or Vote
 - a. Emily moved and Frank seconded payment of Warrant #19008 in the amount of \$14,322.43 for Accounts Payable.
 - b. Emily moved that Bob Fletcher of Stichel, Page and Fletcher work up an agreement for Payment in Lieu of Taxes with Artistree to present to the board by August 7th. He previously worked with the Listers about this. Ben Brickner and Emily met with Kathleen Dolan on Monday and she is amenable to such an agreement. Ben will contact Bob Fletcher. Discussion followed regarding the payment of Stichel, Page and Fletcher from the Professional Services Fund and whether or not there is a breakdown of which portion of the town was using the services. Ellen is keeping such a breakdown.
 - c. Frank moved and Scott seconded that we contract with Brookfield Maintenance for annual generator inspection. Passed
 - d. Driveway permit for logging access, Sky Line Drive. This is a duplicate permit from 2 years ago. John moved and Frank seconded a temporary permit (12 mos) be issued; motion carried.
 - e. Galaxy Hill Driveway Permit. Emily drove by today and feels that a site visit is necessary. Jimmy will do this. The requested permit involves a subdivision and has been a temporary logging access which involves a water problem to be dealt with. The planning committee has determined there is not a Ridgeline problem and they will be dealing with the subdivision. Ms. Lydia Spitzer was in attendance because she is a neighbor.
 - f. Scott moved and Frank seconded to expand the scope of engagement with Stichel, Page and Fletcher at their current rate. Ben Brickner will contact them.

5. Executive Session: Scott Woodward moved that the board make a finding that premature general public knowledge would place the board at a substantial disadvantage and consequently that the board enter into executive session to consult with the attorney from Stitzel, Page and Fletcher to review the settlement agreement with Purple Crayon.
6. Scott moved and John seconded to go out of ex session at 7:29. Motion carried.
7. John moved for adjournment, Frank second at 7:30. Voted affirmative. End of meeting.

Emails relating to the unethical investigation of Scott Woodward July 2019

The following emails were provided as a result of a public records request. They have been assembled in chronological order.

From: Ellen DesMeules
Sent: Friday, June 28, 2019 11:47 AM
To: 'Tad Richardson' <tad@tadrichardson.com>
Subject: Pomfret question about "computer forensics"

Hi Tad, Hope all is well there. We have a problem with Scott Woodward, one of the selectmen. He has authority (which we want to revoke) to get onto the town website to post minutes, agendas, notices, etc. But what we think he has been doing is actually messing up the work that the Selectboard clerk posts there. Recordings of meetings disappeared off the website, and other odd changes. We need someone to find the proof (assuming through internal computer "logs") of who has been using those documents, when, and doing what to them, to be able to prove he is responsible for the sabotage. Do you, or between you and Bob Merrill, do you have the ability to get into the system to do the kind of audit work that would provide a log of access and changes to demonstrate what has been going on? Many thanks for any insight or suggestions. Best, Ellen

Ellen DesMeules
Pomfret Treasurer
M-W-F 8:30-2:30
treasurer@pomfretvt.us

From: Ellen DesMeules [<mailto:Treasurer@pomfretvt.us>]
Sent: Friday, June 28, 2019 1:13 PM
To: Bob Merrill <bmerrill@bobmerrill.com>
Subject: FW: Pomfret question about "computer forensics"

Hi Bob, I sent this email to Tad earlier today following a brief meeting with Emily Grube. Figured I had better send it to you as well, as you might have some insight into how to solve this issue with all the work you put in on the system recently. We need to discover the source of what is going on, whether it clears Scott or implicates him. Many thanks, and please consider this a confidential matter. Thanks! Ellen

From: Bob Merrill <bmerrill@bobmerrill.com>
Sent: Friday, June 28, 2019 2:53 PM
To: Ellen DesMeules <Treasurer@pomfretvt.us>
Cc: 'Tad Richardson' <tad@tadrichardson.com>
Subject: RE: Pomfret question about "computer forensics"

As far as this goes, I'm probably the guy, since I developed and deployed the website. There are probably some things we can look at to see who has been doing what.
Best,

Bob

From: Ellen DesMeules [<mailto:Treasurer@pomfretvt.us>]
Sent: Monday, July 1, 2019 11:55 AM
To: Bob Merrill <bmerrill@bobmerrill.com>
Subject: Research on website sabotage

Hi Bob, SB has told me that discovering who is responsible for the website trouble is of the highest priority. If there is any way they can get a definitive answer for Wednesday's meeting that would be the best of all worlds. Do you have the time to look into it before then? If not I will ask Datamann if it is something they can work on it. Though I must say I am totally ignorant of the time and expertise involved in rooting an answer out, so maybe Weds is a dream-on deadline. Anyway, just wanted to convey the sense of urgency. Thanks for all your support and help! Ellen

Ellen DesMeules
Pomfret Treasurer
M-W-F 8:30-2:30
treasurer@pomfretvt.us

From: Bob Merrill <bmerrill@bobmerrill.com>
Sent: Monday, July 1, 2019 4:42 PM
To: Ellen DesMeules <Treasurer@pomfretvt.us>
Subject: RE: Research on website sabotage

Ellen,
Some background information on the website:

1. I built it based on a Concrete5 website management system.
2. It is hosted at BlueHost, a webhosting service. There is virtually no connection with the Pomfret server (at the moment).
3. I can see who last edited every page of the website, and a history of editing for each page. I can look at the version before and after the edit.
4. It's not clear to me which pages you are interested in, but I did look at the Meeting Records page, and it looks like Scott and John have been the most recent editors of them. Scott posted the 7/3 meeting agenda today.

I'm not sure where you want to go from here. I can look at edits that happen around particular dates if you want, and can see more or less what got edited.

The people who have been doing the editing have editing rights. I can disable any user account.

The current list of users is:

- Cynthia Hewitt
- John Peters
- Scott Woodward
- Becky Fielder
- Me

I'm not sure where you want to go from here. I have fairly limited time tomorrow as I have a session. I'll have some time on Wednesday.

Best, Bob

From: Ellen DesMeules [<mailto:Treasurer@pomfretvt.us>]

Sent: Wednesday, July 3, 2019 8:48 AM

To: Emily Grube <Emily.Grube@pomfretvt.us>; Bob Merrill <bmerrill@bobmerrill.com>

Subject: FW: Research on website sabotage

Hi Emily and Bob, Becky says it was at the May 1 meeting that everything started. Although Scott is authorized, he has no business on the website. At this time it is Cynthia who is supposed to post minutes and agendas. John posts the recordings, as I understand it. So my guess is that if we could get a list of date, time, who accessed what programs, and hopefully, what they actually did, then we have evidence. Can you provide all that info from May 1 to July 3? This is my guess as to what is needed. Emily can add her own input if there is more I have missed.

Ellen

From: Bob Merrill <bmerrill@bobmerrill.com>

Sent: Wednesday, July 3, 2019 3:44 PM

To: Ellen DesMeules <Treasurer@pomfretvt.us>; Emily Grube <Emily.Grube@pomfretvt.us>

Subject: RE: Research on website sabotage

A few thoughts:

1. I can provide you with info as to who edited a page on a particular date.
2. I can provide that info for any page.
3. I'm pretty sure you don't want me to provide you with all the info for every single page and just gathering the info would take a significant amount of time.
4. I'm guessing there are specific pages you would like me to focus on. I will need to know exactly which ones they are.
5. I can access any page and view a version of it before and after the edit. You could choose particular dates/times/users and I could give you info on roughly what was done. I would recommend that you pick the particular versions you would like me to focus on.
6. In choosing which you want me to focus on, I am assuming you (Emily) are authorizing me to gather this information at the expense of the Pomfret taxpayers.
7. If you would like me to disable Scott's access, please send me a request by email to do so. It's not clear to me that Cynthia is yet capable of posting minutes, and Scott definitely understands how and does it efficiently.

I've attached a report of editing access to the Meeting Records page from 4/21 to 7/2 (the last edit)

If you want to compare versions, please give me the IDs of the versions you want me to look at.
Bob

From: Ellen DesMeules

Sent: Wednesday, July 3, 2019 9:31 PM

To: Bob Merrill <bmerrill@bobmerrill.com>

Subject: RE: Research on website sabotage

Hi Bob, At the SB meeting tonight it was voted to restrict access to the website to Becky and Cynthia, and to use plain text, not HTML. Cynthia will be trained by John Peters to post the recordings, so John's access continues until Cynthia has that routine settled. I got the impression from Becky that Cynthia did okay with minutes if she could use plain text. So yes, please, per SB, remove Scott's access at your earliest convenience. Your access remains unchanged, of course. Have a great 4th! For now, we will not pursue details and dates of activity unless Scott makes a stink.

Ellen

Town of Pomfret, Vermont



REQUEST FOR PROPOSALS Purchase of Assorted Aggregates August 2019

Proposals due by Noon, August 21, 2019

**Mail responses to:
Town of Pomfret
5218 Pomfret Rd
North Pomfret, VT 05053**

**Contact Information:
Emily Grube, Pomfret Selectboard
Emily.Grube@Pomfretvt.us
(802) 457-2994**

Introduction

The Town of Pomfret, Vermont, (“Town”) is accepting proposals for written quotes for the ordering, from time to time, and purchasing of manufactured sand, hard pack, and rip rap material to be delivered within the Town of Pomfret or Town Garage. **In prior years, the Town has purchased an average of about 6,500 tons of sand and is expected to purchase a similar amount during the 2019-2020 snow and ice season. If prices are proposed in cubic yards, then the estimated price in tonnage should also be included in the bid.**

Although the Town is not seeking proposals for a guaranteed bulk purchase for a specific amount of material, it is willing to consider exceptions to the bid which requires purchasing a specific quantity. Please note in any submitted proposal whether or not the town is required to purchase a specific quantity of material. If not, please note whether or not availability of said materials is guaranteed.

The Town is exempt from the Vermont State Sales Tax.

All pricing shall be good through the 15 October 2020.

Proposal Schedule

Activity	Date
RFP Issue & Publication	8 August 2019
Proposals Due	21 August 2019
Selectboard Bid Opening	21 August 2019
Anticipated Selectboard Decision	21 August 2019

Instructions to Bidders

A. Delivery of Bids

As required by the Town of Pomfret Purchasing Policy, 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 dated stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the schedule time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned. Bidders shall bid to specifications and any exceptions must be noted. A bidder shall bid to specifications and any exceptions must be noted. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or any kind with any other bidder for the same work, and that the bidder is competing solely on his/her/its behalf without connection with or obligation to any undisclosed person or firm.

Please use the bid sheet on the last page of this document.

Sealed proposals, clearly marked “Aggregate Proposal” on the outside, **must be received no later than Noon, 21 August 2019** at the following address: Pomfret Town Offices, attn.: Chair,

Pomfret Selectboard, 5218 Pomfret Rd., North Pomfret, Vermont 05053. Or may be emailed to

the Town Clerk at clerk@pomfretvt.us. Proposals shall be opened at the subsequent Selectboard meeting.

B. Evaluation of Bids

As provided by the Town's Purchasing, *in evaluating bids, the selectboard will consider the following criteria:*

1. *Price;*
2. *Bidder's ability to perform within the specified time limits;*
3. *Bidder's experience and reputation, including past performance for the Town;*
4. *Quality of the materials and services specified in the bid;*
5. *Bidder's ability to meet other terms and conditions, including insurance and bond requirements;*
6. *Bidder's financial responsibility;*
7. *Bidder's availability to provide future service, maintenance, and support;*
8. *Nature and size of bidder; and*
9. *The degree to which the proposals respond to all requirements of the requested specifications.*

The selectboard reserves 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, and to make a n award which in its sole and absolute judgment will best serve the Town's interest. The selectboard reserves the right to investigate the financial responsibility of any bidder to determine its ability to assure service throughout the term of the contract.

C. Change Orders

As provided in the Town's Purchasing Policy, 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 bidder who already submitted a bid and a new bid process will be initiated. 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.

D. Delivery

The materials shall be delivered to the within the boundaries of the Town of Pomfret or the Town Garage located at 100 Labounty Road, Pomfret, Vermont.

E. Specifications

Pricing per ton for the following aggregates will be completed on the following table below. The Town may review the quality and suitability of the materials prior to approval of quotes.

BID SHEET (2019)

Aggregate Description	Estimated Amounts(tons)	Quoted Price per ton
washed manufactured sand 5/16 inch minus	4400	_____
3/4 inch hardpack	5000	_____
1 1/2 inch hardpack	300	_____
3 inch erosion stone	100	_____
5 to 7 inch minus stone	1500	_____
1 foot minus rip rap	200	_____
2 foot minus rip rap	200	_____
1 1/2 crushed gravel	100	_____
1 1/2 gravel stone	100	_____
1 1/2 crushed stone	100	_____

F. Compliance with Instructions

I have read the above Instructions in its entirety and fully understand all the requirements requested by the Town of Pomfret, Vermont.

Signature _____ Date _____

Town of Pomfret, Vermont

REQUEST FOR PROPOSALS 10-wheeler Municipal Plow Truck July 22, 2019

Proposals due by Noon, August 21, 2019
Questions due by Noon August 7, 2019

Mail responses to:
Town of Pomfret
Attn: Pomfret Selectboard
5218 Pomfret Road
North Pomfret, VT 05053

Contact Information:
Steve Chamberlin, Pomfret Selectboard
Steve.Chamberlin@pomfretvt.us
(802) 763-7820

1. OVERVIEW:

- 1.1. **SCOPE AND BACKGROUND:** Through this Request for Proposal (RFP) the Selectboard of Pomfret VT (hereinafter the "Town") is seeking to establish a contracts with a company that will provide a 10 wheeler municipal highway truck and Upfit the Cab & Chassis with Wing Plow, Body, and Spreader in the below configuration.
- 1.2. **SINGLE POINT OF CONTACT:** All communications concerning this RFP are to be addressed in writing to the Town Contact listed on the front page of this RFP. Actual or attempted contact with any other individual from the Town concerning this RFP is strictly prohibited and may result in disqualification.
- 1.3. **QUESTION AND ANSWER PERIOD:** Any vendor requiring clarification of any section of this RFP or wishing to comment on any requirement of the RFP must submit specific questions in writing no later than the deadline for question indicated on the first page of this RFP. Questions may be e-mailed to the point of contact on the front page of this RFP. Questions or comments not raised in writing on or before the last day of the question period are thereafter waived. At the close of the question period a copy of all

questions or comments and the Town's responses will be posted on the town's web site <https://pomfretvt.us>. Every effort will be made to post this information as soon as possible after the question period ends, contingent on the number and complexity of the questions.

2. DETAILED REQUIREMENTS:

- 2.1. See Attachment 7.5 Configurations
- 2.2. See Attachment 7.6 General Vehicle Requirements
- 2.3. DELIVERY ADDRESS: Town of Pomfret Attn: Steve Chamberlin 100 Labounty Rd North Pomfret, VT 05053.

3. GENERAL REQUIREMENTS:

- 3.1. **PRICING:** Bidders must price the terms of this solicitation at their best pricing. Any and all costs that Bidder wishes the Town to consider must be submitted for consideration. If applicable, all equipment pricing is to include F.O.B. delivery to the ordering facility. No request for extra delivery cost will be honored. All equipment shall be delivered assembled, serviced, and ready for immediate use, unless otherwise requested by the Town. No charge for packing, shipping, or for any other purpose will be allowed over and above the price quoted.
 - 3.1.1. Prices and/or rates shall remain firm for the initial term of the contract. The pricing policy submitted by Bidder must (i) be clearly structured, accountable, and auditable and (ii) cover the full spectrum of materials and/or services required. .
 - 3.1.2. **Evaluation of Responses and Selection of Bidder(s).** The Town shall have the authority to evaluate Responses and select the Bidder as may be determined to be in the best interest of the Town and consistent with the goals and performance requirements outlined in this RFP.
- 3.2. **STATEMENT OF RIGHTS:** The Town reserves the right to obtain clarification or additional information necessary to properly evaluate a proposal. Vendors may be asked to give a verbal presentation of their proposal after submission. Failure of vendor to respond to a request for additional information or clarification could result in rejection of that vendor's proposal. To secure a project that is deemed to be in the best interest of the Town, the Town reserves the right to accept or reject any and all bids, in whole or in part, with or without cause, and to waive technicalities in submissions. The Town also reserves the right to make purchases outside of the awarded contracts where it is deemed in the best interest of the Town.
- 3.3. **SUBSTITUTION:** Vendors may offer, in their bids, substitutes to items identified by a manufacturer's number or brand. When offering a substitution, vendor must describe any differences and provide technical information that will assist in the evaluation.
- 3.4. **SAMPLES:**
 - 3.4.1. **Bidder Supplied Samples:** The Town reserves the right to request from the Bidder/Contractor a representative sample(s) of the Product offered at any time prior to or after award of a contract. Unless otherwise instructed, samples shall be furnished within the time specified in the request. Untimely submission of a sample may constitute grounds for rejection of Bid or cancellation of the Contract. Samples must be submitted free of charge and be accompanied by the Bidder's name and address, any descriptive literature relating to the Product and a statement indicating how and where the sample is to be returned. Where applicable, samples must be properly labeled with the appropriate Bid or Contract reference.
- 3.5. **WARRANTY:** The manufacturer shall include with its proposal a written warranty for each product that it intends to furnish. Warrantees must be based on commercial use, and shall extend for a minimum term of one (1) year from the date a Product is available for use by the purchaser; however, longer term warranties are desirable and will be given favorable consideration, all else being equal.

- 3.6. **CONTRACT TERMS:** The selected bidder will be expected to sign a contract with the Town, including the Standard Contract Form and Attachment C as attached to this RFP for reference. The contract will obligate the bidder to provide the services and/or products identified in its bid, at the prices listed.
4. **CONTENT AND FORMAT OF RESPONSES:** The content and format requirements listed below are the minimum requirements for Town evaluation. These requirements are not intended to limit the content of a Bidder's proposal. Bidders may include additional information or offer alternative solutions for the Town's consideration. However, the Town discourages overly lengthy and costly proposals, and Bidders are advised to include only such information in their response as may be relevant to the requirements of this RFP.
- 4.1. **NUMBER OF COPIES:**
- 4.1.1. Submit one (1) paper copy and one digital copy in PDF, CD-ROM, or USB flash drive copy.
- 4.1.2. The bid should include a Cover Letter and Pricing Response.
- 4.2. **COVER LETTER:**
- 4.2.1. Confidentiality. To the extent your bid contains information you consider to be proprietary and confidential, you must comply with the following requirements concerning the contents of your cover letter and the submission of a redacted copy of your bid (or affected portions thereof).
- The successful response will become part of the contract file and will become a matter of public record, as will all other responses received. If the response includes material that is considered by the bidder to be proprietary and confidential under the State's Public Records Act, 1 V.S.A. § 315 et seq., the bidder shall submit a cover letter that clearly identifies each page or section of the response that it believes is proprietary and confidential. The bidder shall also provide in their cover letter a written explanation **for each marked section** explaining why such material should be considered exempt from public disclosure in the event of a public records request, pursuant to 1 V.S.A. § 317(c), including the prospective harm to the competitive position of the bidder if the identified material were to be released. Additionally, the bidder must include a redacted copy of its response for portions that are considered proprietary and confidential. Redactions must be limited so that the reviewer may understand the nature of the information being withheld. It is typically inappropriate to redact entire pages, or to redact the titles/captions of tables and figures. Under no circumstances can the entire response be marked confidential, and the Town reserves the right to disqualify responses so marked.
- 4.2.2. Exceptions to Contract Terms and Conditions. If the bidder wishes to propose an exception to any terms and conditions set forth in this RFP, such exceptions must be included in the cover letter to the RFP response. Failure to note exceptions when responding to the RFP will be deemed to be acceptance of the Town terms and conditions. If exceptions are not noted in the response to this RFP but raised during contract negotiations, the Town reserves the right to cancel the negotiation if deemed to be in the best interests of the Town. Note that exceptions to contract terms may cause rejection of the proposal.
- 4.3. **BACKGROUND AND EXPERIENCE.** Provide details concerning the form of business organization, company size and resources; describe particular experience relevant to the proposed project, and list all current or past Town projects.
- If a Bidder intends to use subcontractors, the Bidder must identify in the proposal the names of the subcontractors, the portions of the work the subcontractors will perform, and address the background and experience of the subcontractor(s), as above.
- 4.4. **REFERENCES.** Provide the names, addresses, and phone numbers of at least three companies with whom you have transacted similar business in the last 12 months. You must include contact names who can talk knowledgeably about performance.
- 4.5. **REPORTING REQUIREMENTS:** Provide a sample of any reporting documentation that may be applicable to the Detailed Requirements of this RFP.

4.6. **CERTIFICATE OF COMPLIANCE:** This form must be completed and submitted as part of the response for the proposal to be considered valid.

5. **SUBMISSION INSTRUCTIONS:**

5.1. **CLOSING DATE:** Bids must be received by the due date and at the location specified on the front page of this RFP.

5.2. The bid opening will be held at **5218 Pomfret Rd North Pomfret, VT** and is open to the public.

5.3. **SEALED BID INSTRUCTIONS:** All bids must be sealed and must be addressed to the **Town Of Pomfret, Steve Charberlin 5218 Pomfret Rd North Pomfret, Vt 05053**. **BID ENVELOPES MUST BE CLEARLY MARKED 'SEALED BID' AND SHOW THE PROPOSAL TITLE, AND NAME OF BIDDER.**

5.3.1. All bidders are hereby notified that sealed bids must be received and time stamped by the Town Clerk by August 21, 2019 Bids not in possession of the Office at said time will not be accepted. **Any delay deemed caused by Security Procedures and courier/mail delivery service will be at the bidder's own risk.**

5.3.2. All bids will be publicly opened, by the Selectboard on August 21 2019 Typically, the Selectboard will open the bid, read the name and address of the bidder, and read the bid amount. However, the Board reserves the right to limit the information disclosed at the bid opening to the name and address of the bidder when, in its sole discretion, the Board determines that the nature, type, or size of the bid is such that the Board cannot immediately (at the opening) determine that the bids are in compliance with the RFP. As such, there will be cases in which the bid amount will not be read at the bid opening. Bid openings are open to members of the public. Bid results are a public record however, the bid results are exempt from disclosure to the public until the award has been made and the contract is executed.

5.4. **DELIVERY METHODS:**

5.4.1. U.S. MAIL: Bidders are cautioned that it is their responsibility to originate the mailing of bids in sufficient time to ensure bids are received and time stamped by the Town Clerk prior to the time of the bid opening.

5.4.2. EXPRESS DELIVERY: If bids are being sent via an express delivery service, be certain that the RFP designation is clearly shown on the outside of the delivery envelope or box. Express delivery packages will not be considered received by the State until the express delivery package has been received and time stamped by the Town Clerk.

5.4.3. HAND DELIVERY: Hand carried bids shall be delivered to the Town Clerk.

5.4.4. ELECTRONIC: Electronic bids will not be accepted.

6. **ATTACHMENTS:**

6.1. Certificate of Compliance

6.2. Delivery Schedule

CERTIFICATE OF COMPLIANCE

For a bid to be considered valid, this form must be completed in its entirety, executed by a duly authorized representative of the bidder, and submitted as part of the response to the proposal.

A. **NON COLLUSION:** Bidder hereby certifies that the prices quoted have been arrived at without collusion and that no prior information concerning these prices has been received from or given to a competitive company. If there is sufficient evidence to warrant investigation of the bid/contract process by the Office of the Attorney General, bidder understands that this paragraph might be used as a basis for litigation.

B. **CONTRACT TERMS:** Bidder hereby acknowledges that is has read, understands and agrees to the terms of this RFP, and any other contract attachments included with this RFP.

Bidder Name: _____ Contact Name: _____

_____ Address:

Fax Number: _____

Telephone: _____

E-Mail: _____

By: _____

Signature of Bidder (or Representative) Name: (Type or Print)

Upfit Nine (9) F550 Cab & Chassis in various configurations DATE:

5.

ATTACHMENT 6.2

Delivery SCHEDULE

NUMBER OF DAYS (BUSINESS) FOR DELIVERY AFTER RECEIPT OF ORDER: _____ DAYS

DELIVERY ADDRESS: 100 Labounty Rd North Pomfret, VT 05053

ADVANCED DELIVERY NOTICE REQUIRED. Vendor to provide Five (5) business days advance delivery notice. Delivery accepted Monday through Friday between 7:00 am and 3:30 pm.

Contact person:
Steve Chamberlin

Name of Company/Bidder: _____

Signature of Bidder: _____

Date: _____

6.

Attachment 7.5

General:

The Town of Pomfret Vermont, is soliciting bids for a complete turn-key 10 wheel municipal plow truck. All components must be of rugged design and construction throughout and conform to the high standards of strength, quality and workmanship that are expected of the industry. The completed unit shall be delivered to 100 Labounty Rd North Pomfret, VT 05053 This unit shall be complete and ready for service upon delivery.

The vehicle provided shall have standard equipment normally provided, and not superseded by these specifications, shall be provided. Each truck shall come with two copies of the operating and parts manuals for all installed components as well as warranty information.

Lighting on each unit shall be LED throughout and shall be DOT approved. Lighting shall include amber strobes mounted to be visible in all directions. Strobes shall be Whelen Engineering products. Whelen part numbers will be specified in mounting language of each configuration. All electrical connections shall be soldered, and high quality adhesive lined heat shrink shall be used. No scotchlocks or butt connectors are to be used.

The truck will need to accommodate our current underbody scraper that is currently on our 2015 4WD Western Star 4700. It is a Root underbody Scraper. This truck will be replacing a 2012 4WD 10' plow truck. Special attention should be given to make this truck length as short as possible while still accommodating the required components.

The price for the truck will be priced for a single unit, and also for two identical units to give the town the option of purchasing 2 like units at the same time.

- **Cab and Chassis:**
 - **Options and prices should be given for 3, 5, 6 and/or 7 year vehicle warranty.**
 - **Tandem Axle 10-Wheeler 20,000 lb front end, 46,000 lb Rear**
 - **Set back front axle**
 - **Frame to fit 13-14' body**

Upfit Nine (9) F550 Cab & Chassis in various configurations DATE:

7.

- Locking rear axles (ability to lock all rear tires together)
 - Sun visor
 - Power Locks, Windows, Mirrors
 - Heated mirrors(all)
 - Automatic Transmission geared toward lower speed municipal work. Shifting Lever should be as close to the driver as possible (preferred to be on the steering column)
 - Largest Size fuel tank as will fit and still be compatible with side dump spreader and underbody scraper.
 - Be capable of accommodating of our current ROOT underbody scraper
 - Air Ride drivers seat with adjustment controls
 - Aluminum rims
 - A good year round tire
 - Added leaf to wing side to accommodate added weight
 - Extended front Fenders
 - Options For suspension Prices
 - Pintle hook and trailer hookup for air brakes
 - Sloped hood if possible
 - Horsepower:500
 - Exhaust components under cab with straight Pipe
 - 24.5" Rubber
- Upfitted/Body Specs:
 - 13-14" Side dump spreader body Shortest wheel base practical for a 10 wheeler being able to accommodate the underbody Scraper.
 - Rock Body
 - Hydraulic sander door
 - Asphalt Apron
 - Vibrator for the side dump
 - Hooking Point on center top of tailgate
 - Camera mounted in dump body, Sander door, and back up camera
 - Tarp System with enclosed spring mechanism
 - Ladder, Folding
 - Sides of dump to comply with a JD 524 Loader
 - DEF tank enclosure (stainless)
 - (4) LED spot lights on rear of truck, (1) on head board pointing in body, (1) pointed at spinner, (2) Pointed at Wing (all 4")

Upfit Nine (9) F550 Cab & Chassis in various configurations DATE:

- 8.
- **Bright Colored Spinner**
 - **Welded step over conveyor drive**
 - **Electronic over Hydraulic System**
 - **External controls for plow and wing located in an area with clear view of plow and wing.**
 - **Heavy Duty Wire Harness**
 - **Tank and Controls Mounted behind cab**
 - **Stainless Lines everywhere practical**
 - **Joystick Controls inside = to or similar to Force 5 (unit mounted with armrest, able to swing to rear of cab) 1 joystick for plow, 1 for wing, 1 for dump, side dump, and one for the scraper. The hyd door will be controlled by a fifth single function joystick**
 - **Bright LED heated plow lights**
 - **10' wing (non Shelving)**
 - **LED light bar 32" mounted on plow frame between headlights.**

Attachment 7.6

VEHICLE GENERAL SPECIFICATIONS AND REQUIREMENTS

TITLES: ALL TITLES WILL BE WRITTEN TO THE TOWN OF POMFRET VT

1. A DETAILED SPECIFICATION SHEET FOR THE VEHICLE BID INDICATING THE MAKE, MODEL, MODEL NUMBER AND BASE PRICE
2. A CUT SHEET DETAILING ALL STANDARD AND SELECTED EQUIPMENT FEATURED ON THE VEHICLE YOU ARE BIDDING.

PLEASE NOTE THAT ALL EQUIPMENT NORMALLY ADVERTISED AS STANDARD IS TO BE INCLUDED ON THE VEHICLES ORDERED UNLESS SUPERSEDED BY THE DETAILED SPECIFICATION.

AT THE TIME OF DELIVERY, THE VEHICLE MUST MEET THE FOLLOWING CONDITIONS:

1. CONFORM AND BE EQUIPPED TO MEET THE REQUIREMENTS OF THE VERMONT DEPARTMENT OF MOTOR VEHICLES.
2. MEET CALIFORNIA EMISSIONS STANDARDS
3. BE COMPLETELY SERVICED BY VENDOR.

Upfit Nine (9) F550 Cab & Chassis in various configurations DATE:

9.

4. INCLUDE MANUFACTURERS STANDARD QUANTITY OF KEYS AND FOBS THAT NORMALLY ARE INCLUDED WITH THE VEHICLE.
5. ALL NECESSARY PAPERWORK REQUIRED TO REGISTER VEHICLE
6. BE ELIGIBLE TO BE REGISTERED IN VERMONT

VENDOR IS TO PROVIDE ORDER ACKNOWLEDGEMENT TO “INVOICE TO” ADDRESS OR AN ADDRESS DETERMINED BY THE ORDERING PARTIES.

Upfit Nine (9) F550 Cab & Chassis in various configurations DATE:

10.

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

Landowner William A. Nassal and Cynthia L. Nassal *40 Peter Volles* Phone 802-657-2420
Address 9054 S.W. 9th Street Rd, Ocala State FL Zip 34481

The undersigned requests an Access Permit to construct an access to serve the landowner's property, located on the eastern side of Galaxy Hill Road (E911 highway name) Town Highway No. 31

The proposed access will be located approximately 1/3 mile (ft./mi.) from the intersection of this road with Pomfret Road (E911 highway name).

(DETAILED SKETCH MUST ACCOMPANY THIS APPLICATION.)

Driveways and approach roads entering a town highway shall meet the following standards:

1. Be constructed at a 90-degree angle to the town highway
2. Have a minimum site distance shall be 150 feet both ways when viewed 15 feet back from the edge of the travelled way.
3. Have a minimum width of 16 feet for the first 20 feet back from edge of town highway shoulder.
4. Be graded and ditched so that water does not run onto the town highway.

Both sides of proposed driveway shall have stakes with ribbons to indicate desired location at point of access to the town highway. The applicant agrees to maintain said access and adhere to the directions, restrictions and conditions forming a part of this permit.

Dated at 13 this 15 day of July, 20 19.

Signature, Applicant or Applicant's Agent *W.A.N.* Applicant or Applicant's Agent's Name WILLIAM A NASSAL
(printed or typed)

Application fee of \$50. Received Date 7/12/19 by *W.A.N.*

Directions, restrictions and conditions:
18-inch culvert required yes no
Other restrictions or conditions

This permit is issued in accordance with Title 19, V.S.A. relative to all highways within the jurisdiction of the Town of Pomfret. This permit may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the access within one year of the date of approval.

Permit to construct access is given this _____ day of _____, 20 ____.

_____ Road Commissioner _____ Chair, Selectboard

Final Approval: The first 20 feet of a driveway or access road entering a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.
This access has been installed in accordance with the above directions, restrictions and conditions and is acceptable under State and local regulations. This _____ day of _____, 20 ____.

_____ Road Commissioner _____ Chair, Selectboard

Form adopted by Pomfret Selectboard June 21, 2017

□