

**Town of Pomfret
Selectboard Meeting Agenda
Town Offices
5238 Pomfret Road, No Pomfret 05053
July 6, 2022**

Zoom instructions below

Business Items	7:00 PM
1. Call to Order	Chair
2. Public Comment	
3. Agenda Review	
4. Road Foreman's Report & Highway Items <ul style="list-style-type: none"> a. Cloudland Project b. Grant Acceptance Paving c. Caper Street Intersection Speed d. Dental Insurance e. Speed limits Secondary Roads f. School Plowing Request – Bob Crean g. Truck RFP/Grader Replacement 	
5. Items for Discussion or Vote <ul style="list-style-type: none"> a. Tree Policy b. Brick Building c. Ambulance Contract (possible Executive Session) d. School Lot Access e. Right of Way Crossing Application f. Permit Fee Schedule g. Employee Handbook h. VMERS i. ARPA Funding Proposals j. Picnic Area Deed k. Catering Permit Ratification l. Warrants m. Approval of 06/15/2022 minutes 	8:00
6. Meeting Wrap Up <ul style="list-style-type: none"> a. Correspondence b. Review of Assignments c. Agenda for Next Meeting 	
7. Adjournment	
<i>Time frames are approximate. Members of the public wishing to attend for specific business items are encouraged to arrive before the time indicated</i>	

TREE POLICY v.2

Objective

Trees and stone walls along our Town highways contribute significantly to the beauty of Pomfret. Certain shade trees and roadside plantings along the Town right-of-way are protected by state statute. However, proper tree trimming and, where warranted, tree removal, are essential for safe movement of people and vehicles. The purpose of this policy is to provide guidance to Town officials and information to residents and landowners about maintenance, improvements, and alterations to Class 2 and 3 Town highways.

Background

Right-of-way: Municipalities own an easement, or right-of-way, for highway purposes. The width of a highway is usually three rods (49.5 feet), or 24.75 feet each side of the centerline of the currently existing highway but may be wider. For the public benefit of a road, the abutting landowner is stopped from exercising his or her full rights to the land under a right-of-way. The municipality has the authority to remove trees and other growing things, straighten curves, expand the traveled portion, and maintain or improve the road surface, all without the permission of the owners of the land the easement crosses, provided the work is done within the limits of the easement. Towns are obligated to maintain a road to certain standards that are dictated by a road's classification and by state statute. The landowner has rights to remove trees long the public right-of-way, providing that the trees are officially not designated as shade trees by the town.

Public place: Includes cemeteries, greens, parks, lawns around public buildings. Requirements for public shade tree maintenance are similar to those for highways.

Tree Warden: The Tree Warden in each town is appointed by the Selectboard. This person is responsible for preserving shade and ornamental trees in the town public ways and places, determining necessary care of trees, controlling of tree infestations, deciding when diseased, dead, or dying trees should be removed and, planning when new trees are appropriate. The Tree Warden shall hold public hearings when the removal of a shade tree is proposed.

Selectboard: Is responsible for maintaining the usefulness and safety of town roads and will decide on appeals of certain of the Tree Warden's decisions.

Highway Department: Performs or oversees road maintenance, including tree and brush removal.

Pomfret's policy on right-of-way clearing and trees is as follows:

(1) The Town shall comply with State statutes and regulations when performing road work. While the Town is obligated to maintain the usefulness and safety of its roads, it is also interested in preserving their aesthetic qualities.

(2) Except in emergencies, road maintenance that proposes removal of trees from the right-of-way will be reviewed by the Tree Warden. With the Road Commissioner/Road Foreman, the Tree Warden will view trees that have been identified for removal and provide a report to the Selectboard and the Highway Department. The Selectboard and the Highway Department will file the report in the Town Office. The Selectboard will notify the landowners by letter if the report recommends tree removal and hold a public hearing if necessary.

(3) Except in emergencies, landowners will be notified by certified letter when the following work is scheduled in the public right-of-way across their land: tree cutting, road straightening or widening, and any work that will significantly alter the road or right-of-way. The Highway Department will send this notification letter at least two weeks before the work is to begin. The letter will advise landowners of planned work, the tentative schedule for it, and will inform individuals of their opportunity to express their concerns regarding the work. Similar notification of proposed major road reconstruction projects will be mailed at least 60 days before the work is to begin.

(4) Actions that will be taken by the Road Commissioner or Road Foreman before cutting trees or shrubs:

- ◆ Confirm the width of the right-of-way, and measure and mark its edges.
- ◆ Describe the location and proposed work to the Tree Warden.
- ◆ Request the Tree Warden's opinion whether the proposed work will require cutting of shade, fruit, or ornamental trees or shrubs, and whether such plants are in a residential area. If such plants are to be cut, obtain written permission from the Tree Warden, then notify the Selectboard.
- ◆ Send notification letters as required in (3) above.
- ◆ Require a certificate of insurance before a contractor begins any cutting.
- ◆ Roadside mowing will maintain clearances for snow removal and road visibility for drivers.
- ◆ Brush and trees that could interfere with the operation of Town equipment may be removed.

(5) Actions to be taken by the Tree Warden:

- ◆ Consult with the Road Commissioner or Road Foreman on proposed right-of-way clearing.
- ◆ If the cutting of shade, fruit, or ornamental trees or shrubs is recommended, hold a public hearing. When appropriate, issue written permission to the Road Commissioner or Road Foreman to remove trees.

(6) Actions to be taken by the Selectboard:

- ◆ Decide cases involving cutting of shade, fruit, or ornamental trees or shrubs, after the Tree Warden's hearing, when the Tree Warden is precluded from deciding the case or an interested party requests in writing that the Selectboard do so.

Invasive Plant Management

The Tree Warden may make suggestions on management of invasive plants along the Town right-of-way.

Shade Tree Planting Guidelines

Trees planted by the town are officially designated as shade trees, with the protections outlined in the state statutes. All species of shade trees shall be selected from recommendations by the Vermont Urban & Community Forestry. For tree species to be planted, see Vermont Tree Selection Guide:

https://vtcommunityforestry.org/sites/default/files/pictures/complete_vt_tree_selection_guide_2019.pdf

Funding for Shade Tree Plantings and Removal

The Pomfret Selectboard shall create a Town reserve fund for use by the Tree Warden in the implementation of their duty. Funds in this account may be used by the Town Road Commissioner or Road Foreman, with the permission of the Tree Warden. The reserve fund will be important when ash trees damaged by the invasive Emerald Ash Borer need to be removed along the Town right-of-way.

Clean up

Materials cut from the Town right-of-way will be removed as reasonably appropriate.

Material from chipping can be spread on abutters' property with their prior approval.

Logs of an agreed-upon length may be left on abutters' property only with landowners' approval. Any wood from trees less than 6 inches DBH (Diameter Breast Height) that are removed by the Town belongs to the Town. Any wood from trees removed by the landowner, with approval of Tree Warden, belongs to the landowner.

Permit for Public Tree Removal in Pomfret

A permit for public tree removal must be approved by the Pomfret Tree Warden. Here is a link to a Town form that may be used to make such a request see: [Permit for Public Tree Removal](#).

Changes in Pomfret Tree Policy

The Pomfret Board of Selectmen reserves the right to establish internal guidelines consistent with this policy and to amend the policy from time to time without future notice.

TOWN OF POMFRET

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

Landowner Name: _____ Phone: _____ Email: _____

Street Address: _____ State: _____ Zip: _____

The undersigned requests permission to cross over / under (circle one) the right-of-way of _____ (road name)
at _____ (describe precise location)
for the purpose of _____ (describe specific purpose).

The crossing will be approximately _____ (feet) from the intersection of _____ (nearest intersection).

(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 or 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 of an agent designated by the town.
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-of-way caused by the permitted work, for a minimum of eighteen (18) months after final inspection by the Town.

Additional standards, restrictions or conditions:

The applicant agrees to adhere to the standards, restrictions and conditions forming a part of this permit.

Applicant Signature Applicant Printed Name Date

Application fee of \$100 received on _____, 20____ by _____.

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.

Road Commissioner Applicant Printed Name Date

Form adopted by the Pomfret Selectboard [July 6], 2022. Supersedes all prior dated forms.

1 Note to Selectboard: The permit fee on the Driveway Access Permit needs to be changed from \$50 to \$100 per the fee schedule update adopted by the board last June.

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3. Applicant shall be responsible for all damages to persons or 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 of an agent designated by the town.
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The applicant agrees to adhere to the standards, restrictions and conditions forming a part of this permit.

Applicant Signature Applicant Printed Name Date

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Road Commissioner Selectboard Chair



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Road Commissioner Applicant Printed Name Date

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² **Note to Selectboard:** The permit fee on the Driveway Access Permit needs to be changed from \$50 to \$100 per the fee schedule update adopted by the board last June.

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for the purpose of _____ (describe specific purpose).

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3. Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's contractor performs the work.
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Additional standards, restrictions or conditions:

The applicant agrees to adhere to the standards, restrictions and conditions forming a part of this permit.

Applicant Signature Applicant Printed Name Date

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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.

Road Commissioner Applicant Printed Name Date

Form adopted by the Pomfret Selectboard [July 6], 2022. Supersedes all prior dated forms.

³ **Note to Selectboard:** The permit fee on the Driveway Access Permit needs to be changed from \$50 to \$100 per the fee schedule update adopted by the board last June.

POMFRET ZONING AND LAND USE PERMIT FEE SCHEDULE

adopted [July 6], 2022

Permit Fees:

Type of Permit	Description	Fee
New Home ¹	<i>all</i>	\$150 + 0.10/sq. ft.
Accessory Dwelling Unit ¹	<i>all</i>	\$150 + 0.10/sq. ft.
Accessory Building ²	over 24x24x15 ft.	\$150 + 0.10/sq. ft.
Addition – Major	over 1,000 sq. ft.	\$100 + 0.10/sq. ft.
Addition – Minor	up to 1,000 sq. ft.	\$100
Home Business	<i>all</i>	\$100
Driveway Access Road ³	<i>all</i>	\$100
Right-of-Way Crossing ³	<i>all</i>	\$100
Pond	<i>all</i>	\$100
Subdivision – Minor	fewer than 4 lots in 15 yrs.	\$100
Boundary Line Adjustment	no new lot created	\$50
Other Permits ⁴	<i>all</i>	\$100
LATE FEE⁵	<i>all</i>	\$200

Notes:

1. Septic permits are now processed by the Vermont Department of Environmental Conservation. See <https://dec.vermont.gov/water/programs/ww-systems/program-education>.
2. No fee is required for accessory buildings under the size described above; however, permit applications must be submitted to ensure the structure meets required setbacks.
3. No fee is required for agricultural and forestry access roads or crossings; however, permit applications must be submitted to ensure the access road complies with Pomfret’s Highway Ordinance.
4. Farm buildings are exempt by state law; however, permit applications must be submitted to ensure the structure qualifies for the farm exemption and meets required setbacks.
5. The late fee applies when any work requiring a permit begins before the required permit is obtained. The late fee does not apply if no permit is required. The late fee will be waived upon a showing by the applicant that the work was necessary to address imminent personal harm, property damage or a threat to public safety. The late fee is intended to offset additional costs to the Town during permit review and is in addition to any penalties or other enforcement remedies that may apply.

Hearing Fees:¹

Type of Application	Fee	Warning	Compliance Certificate	Total
<hr/>				
Conditional Uses ²				
Kennel	\$300	\$150	\$50	\$500
Wind Energy Systems	\$300	\$150	\$50	\$500
Telecommunications Towers and Facilities	\$300	\$150	\$50	\$500
Mobile Home Parks	\$300	\$150	\$50	\$500
Other Conditional Uses	\$150	\$150	\$50	\$350
Subdivision – Major	\$350	\$150	–	\$500
Visual Impact Approval (<i>Ridgeline and Hillside</i>)	\$150	\$150	–	\$300
Variance and Appeal	\$150	\$150	–	\$300

Notes:

1. Hearing fees are in addition to the permit fees listed above and the cost of any additional information the Zoning Board of Adjustment may request in order to review an application.
2. A certificate of compliance is required for all permits obtained upon conditional use approval before occupancy of the approved structure or commencement of the approved use is authorized.

Send Completed Applications to:

Town of Pomfret
5218 Pomfret Road
North Pomfret, Vermont 05053
Attention: Zoning Administrator

Questions?

Visit our website to contact the Zoning Administrator
<http://pomfretvt.us/index.php/dep/planning-zoning/zo1/>

POMFRET HAS ZONING!

Are you:

- Building a home, bridge or other structure?
- Changing the footprint or elevation of an existing home, bridge or other structure?
- Building, filling, grading or performing other work in a flood zone?
- Building, filling, grading or performing other work within 750' of a ridgeline?

If so, you may need a development permit!

As a landowner, you are responsible for obtaining all required permits before beginning work. Failure to do so could result in monetary penalties. You may also be required to correct any violation, including removal of unpermitted homes, structures or other development.

Please help us keep Pomfret beautiful and safe by following the Zoning Ordinance and Flood Hazard Area Regulations, which are available on the Town website.

When in doubt, ask! Visit our website to contact the Zoning Administrator: <http://pomfretvt.us/index.php/dep/planning-zoning/zo1/>.

REMEMBER

You must obtain all state and local permits before beginning work

Town of Pomfret Select Board
Draft Meeting Minutes
June 15, 2022

6:30 PM Executive Session Called to Order

Discussion of Contracts

7:06 PM Executive Session Adjourned

Present: Emily Grube, John Peters, Steve Chamberlin, Jonathan Harrington, Ben Brickner

Public: Frank Perron, Bob O'Donnell, Christine Dolan (Standard), John Moore (Planning Commission), Allyn Ricker, Jim Potter (Road Foreman), Cynthia Hewitt (SB Asst)

1. Emily called the meeting to order at 7:06 pm
2. Public comment – Frank Perron asked if the Fire Warden was considered a Pomfret employee; Emily stated this was a State appointment and thus not a Town employee
3. Agenda Review – Remove Tree Policy, Employee Handbook, FCC Follow-up; add VMERS dental insurance; Pomfret Associates
4. Road Forman's Report and Highway Items
 - a. Pomfret Associates – Mr. O'Donnell attended the meeting to discuss Pomfret Associates easements and waivers, which were determined by the Planning Commission, in 1982. He provided the background and his recommendation going forward. Bob is a former member and Chair of the Planning Commission, and the scrivener of the Final Subdivision Plan Approval and who cares deeply about Pomfret. Peter Vollers is representing buyers of lots 1-4 and he has raised the issue that Town of Pomfret either approve a recreational easement as required by the subdivision approval OR waive the condition. After discussion, John Moore, representing the Planning Commission, agrees to handing off the decision in this matter to the Select Board and will submit a confirming letter from the Planning Commission.
 - b. Cloudland Project – Allyn reports that construction will begin on July 1. He has scheduled a pre-construction meeting on June 16th, Mr. Emmons will be in attendance. Cloudland Road will be closed during this time. Appropriate detours, etc. will be arranged.
 - c. Kellogg Solar Array – Catamount will be installing solar panels for Mr. Kellogg, across from his house, on Webster Road. Ben moved and John seconded creation of a road ROW crossing permit application with certain requirements for adoption at the 07/06/2022 meeting. Motion carried.
 - d. Lafayette will install bandrail on Pomfret Road from the Hartford Town line to Starbuck Road the week of June 20th. Emily will post a notice on the list serve the road will be closed from 8 am to 4 pm to thru traffic.
 - e. Daniel Sherburne on Sessions Meadow needs to install a new well. He will need a culvert and some fill. This meets the criteria for Better Roads Grant, Class 4, Storm Water improvement.
 - f. Jim alerted Vermont State Police of an incident, which was taken care of with thanks.

- g. Steve reports that the RFPs for Ford 550 and a new loader are not likely to be pursued due to back ups in production. He feels we should order directly from the manufacturer. Approved
 - h. Jim asked if Allyn could be available to supervise the next Pomfret Road paving project, likely to occur in August. Allyn will check his schedule and let Jim know.
 - i. Grant Acceptance - Emily has received word the paving grant is accepted. Paper work should arrive in next two weeks.
 - j. Traffic Ordinance. John moved and Ben seconded the Ordinance be adopted as written; unanimous vote. The notice will be submitted for publication in the 06/23/2022 edition of the Vermont Standard.
 - k. Ben moved and John seconded a one-year temporary access permit be granted to ArtisTree for expanded parking and access for their summer concert series. Motion carried.
5. Items for Discussion or Vote
- a. Pomfret Associates (See 4a)
 - b. Ambulance Services Decision – no action. Further discussions with Woodstock and Hartford to continue
 - c. Sherriff’s Contract – Mr. Weyant confirmed with Emily we may arrange for extra coverage in 4-hour blocks during Foliage season for Cloudland Road with enough notice. Ben moved and John seconded approval of the Sherriff’s Contract as is. Unanimous vote
 - d. COLA and Merit Raises. The board decided to use an analogous methodology to figure our COLAs as the state uses for VMERS's (see [24 V.S.A. 5067](#)). That is, the 12-month percent change in the Northeast Region CPI-U as of the December prior to the COLA effective date. The Northeast Region CPI-U is reported here: https://www.bls.gov/regions/mid-atlantic/news-release/consumerpriceindex_northeast.htm. Following this approach, Ben moved and Steve seconded that hourly employees receive a 5.9% cost of living adjustment effective July 1, 2022. Road crew merit raises were approved as per Jim’s recommendations.
 - e. ARPA Follow-Up—Ellen has paid the following expenses which are approved under ARPA parameters: Garage Ventilation, Audio Visual Installation, and Dataman contract. A/V needs some electrical work. Alex Eastman will be contracted.
 - f. Noise Complaint Bartlett Brook – This is not under the Board’s jurisdiction. There is no noise ordinance. The Planning Commission will consider this issue during the town plan update now underway.
 - g. May Financial Update – Ben suggests there will be a significant amount of unused money at the end of the year, and he feels this might be discussed prior to budget season. Emily cautioned there are some highway projects, i.e., crack sealing, guardrail installation, etc. still to be completed.
 - h. State Financial Checklist – has been signed and submitted.
 - i. Brick Building Repairs. John Barnes has inspected problems with the brick building and could do the repairs late next summer. Further discussion at the next meeting.
 - j. Picnic Area – Ben and Jon have crafted a revised deed which is under review of Stitzell Page. Once approved, Nancy Bassett’s signature will be sought.

- k. Warrants – Emily moved and Steve seconded the following warrants be paid; unanimous vote
 - 22116 Payroll \$11,657.73
 - 22117 A/P 14,635.11
 - l. Ben moved and Steve seconded approval of 06/01/2022 minutes with suggested changes. Motion carried
 - m. Dental Insurance – will require an employer contribution from the Town. Will ask Jim to discuss with crew. Merit raises were calculated as per Jim’s recommendation. It was decided to invite a State employee familiar with VMERS to discuss pension plan options
 - n. Pomfret Associates – Ben will contact Stitchell Page for legal opinion, re: easement expiration.
6. Meeting Wrap Up
- a. No correspondence
 - b. Review of Assignments – Emily to call Marie @Artistree, WCS Claude, Ellen; Ben will work on road crossing permit, Pomfret Associates, revised picnic area deed
 - c. Agenda for next meeting: Tree Policy, Dental Insurance, VMers, Brick Building

