

**Town of Pomfret
 Selectboard Special Meeting Agenda
 Town Offices
 5218 Pomfret Road, North Pomfret 05053
 May 25, 2023, 7:00 pm**

Zoom instructions below

Business Items	
1. Call to Order	7:00 pm
2. Agenda Review	
3. Public Comment	
4. Items for Discussion or Vote a. Festival Permit Application (Abracadabra Coffee) b. TPVS Use Agreement Extension Attorney Conflict Waiver c. Brookfield Generator Service Agreement d. Warrants e. Approval of Minutes i. May 17, 2023 Selectboard Meeting ii. May 20, 2023 Special Town Meeting	7:05 pm
5. Meeting Wrap Up a. Correspondence b. Review of Assignments c. Agenda for Next Meeting	
6. 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>	

Zoom Instructions

- Computer or Smartphone <https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09>
- Mobile Phone +19292056099,,95395079923#,,#,306922#
- Landline or Mobile Phone (301) 715 8592, followed by Meeting ID 953 9507 9923 and Password 306922



Application ID: DLL - Application - 28239
Application for: Festival Permit
Category of Business: One Time Occasion

Business/ Entity Information

Business/ Entity Name: Abracadabra Coffee Co.
Business ID: 0355186
Business Address: 35 Wayside Rd.,
Woodstock, Vermont 05091
Entity Type:
Management Type if LLC:
Phone: 4193206845
Email: info@abracadabracoffeeco.com

Foundational License (if applicable)

License Type:
License Number:
Licensee Name:
License Status:
Licensee Address:
,
,
License Start Date:
License End Date:

Event Contact/s

Person:
Sarah Yetter

Business Role:
Partner

Phone:
4193206845

Business Address:
35 Wayside Rd.,
Woodstock, Vermont, 05091

Email:
info@abracadabracoffeeco.com

Violations:

Violation ID	Court/Traffic Bureau	Offense	Date of Offense
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Event Premises Details

Location Name:

Abracadabra Coffee Co.

Start date and time of event June 11 2023 08:00**End date and time of event** June 11 2023 20:00**Location Address:**

35 Wayside Rd.,
Woodstock, Vermont 05091

Approximate Number of Persons Expected**Local Jurisdiction/ Town Clerk:**

Pomfret

Describe the type of event/ OCP Area:

One acre open field area with one large tent containing picnic tables for seating. The consumption area will be cordoned off with signs and rope.

Documents Attached

Name	Document Type	Assosicated With
D-06820	Articles of Organization	Abracadabra Coffee Co.
D-06825	Federal Employee Identification #	Abracadabra Coffee Co.
D-06826	Operating Agreement	Abracadabra Coffee Co.
D-06828	Proof of Worker Compensation Insurance	Abracadabra Coffee Co.

Payment and Acknowledgement

Signed by:

Sarah Yetter

State of Vermont / DLL Application Fee:

125.00

Date and time of Submission:

2023-05-19 12:07:29

State of Vermont / DLL Payment Status:**Local Control Payment Status:**

false

Local Application Fee:

0

May 23, 2023

Via Electronic Mail -benjamin.brickner@pomfretvt.us

Ben Brickner
Selectboard Vice-Chair
Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

Re: Waiver of Concurrent Conflict – Extension of TPVS Use Agreement

Dear Ben:

As you are aware, the Windsor Central Supervisory Union (“WCSU”) has asked Stitzel Page & Fletcher (“Firm”) to review an agreement between WCSU and the Town of Pomfret (“Town”) regarding the Town’s use of The Prosper Valley School building.

The Firm represented WCSU at the time the initial agreement was drafted. We now represent both WCSU and the Town. Ethically, we cannot represent another client in a matter involving the Town without the informed consent of each client. We must disclose the conflict to both the Town and WCSU, and we cannot represent the Town or WCSU unless both the Town and WCSU agree. If either of you declines, we will withdraw from representation of either party in this transaction and facilitate your retention of alternate counsel.

It is our understanding that the Town does not wish us to represent it in this matter. We believe that we can provide competent and diligent representation to the Town in other matters while representing WCSU in this matter. We have ascertained that our representation is not prohibited by law.

If the Town is willing to consent to our representation of WCSU in this matter, the Town must acknowledge and waive the concurrent conflict. To do so, please sign below and return a fully executed copy to us. We will obtain a similar waiver from WCSU.

Ben Brickner
May 23, 2023
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Of course, if you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. E. Fletcher', enclosed in a light blue rectangular box.

Robert E. Fletcher, Esq.

REF/sem

POT23-001 Concurrent Conflict ltr to Client 23-05-22.docx

******ACKNOWLEDGED AND AGREED******

Ben Brickner, Selectboard Vice-Chair
Town of Pomfret

Date: _____



P.O. Box 47 • Northfield, VT 05663 • Toll Free: 866-769-3797 • (802)485-6567 • Fax: (802)485-6690
Email: chrissie@brookfieldservice.com • www.brookfieldservice.com

Dear Valued Customer:

We are pleased to present our **2023** Preventative Maintenance Agreement for your standby generator. Attached to this memo you will find your agreement that is specific to your generator size and location.

Please remember, your generator is a combustible engine that produces electricity. Regular preventative maintenance is essential for your generator to operate safely, correctly and efficiently during power outages.

We are pleased to provide you with two options to consider for your generator's maintenance program.

Program 1 – Once a year maintenance program.

- A technical inspection and testing of your generator (multi-point test and review)
- Upload controller latest software upgrades
- Oil change and oil filters replaced
- Air and fuel filters replaced
- Tune up of engine
- Coolant levels topped off. If coolant change is required an additional charge would occur.
- Automatic transfer switch testing and maintenance (if the ATS is located inside – arrangements must be made for someone to be there or to give an alternate authorization for our tech to reach it.)
- A generator building load test (at your request – this will require an interruption of power.)

Program 2 – Twice a year maintenance program (6 months after Program 1 service)

- Technical inspection of your generator (multi-point Review)
- Upload controller latest software upgrades
- Oil levels checked
- Coolant levels topped off. If coolant change is required an additional charge would occur.
- A generator building load test (at your request – this will require an interruption of power.)
- Vermont State Inspection (if required - this will require an interruption of power.)

Please review the attached agreement and fax, mail or email it to Brook Field Service. If you choose to email it, the address is chrissie@brookfieldservice.com you should remember that you are not required to pre-pay for the service, however if you do pay before the discount date you will be able to take advantage of the discount. If you opt not to pre-pay, returning the agreement with your signature commits us and you to the price of your service as shown on the agreement and it ensures you are flagged for the schedule. I can take email confirmation as your approval. Just be sure to indicate in your email which program you want and whether or not you intend to pre-pay. As always checks are accepted, be sure to put your customer agreement number (located in the upper right corner of the agreement) on your checks.

Thank you for the opportunity of letting Brook Field Service take care of your generator's needs. I'm always available and welcome any questions or comments you may have.

Jim Brochhausen
Brook*Field*Service



P.O. Box 47 • Northfield, VT 05663 • Toll Free: 866-769-3797 • (802)485-6567 • Fax: (802)485-6690

Email: chrissie@brookfieldservice.com • www.brookfieldservice.com

Town of Pomfret
treasurer@pomfretvt.us

Customer Agreement #
C-0009392

PREVENTATIVE MAINTENANCE AGREEMENT
Contractual Year 2023

Please find below, list of services included in your annual preventive maintenance agreement. Prices quoted apply to the following: **(1) Fire Dept. (1) Town Office**

Manufacturer/Model#/Serial#

Engine See attached list
Equipment Driven See attached list
Switch/Controls See attached list

Please indicate your acceptance of this agreement and terms by circling program and signing below.
PLEASE RETURN (1) COPY TO BROOK FIELD SERVICE WITHIN THIRTY (30) DAYS.

PROGRAM #1 – **COMPLETE ANNUAL MAJOR SERVICE** \$737 **OR \$690 If Prepaid By: June 7, 2023**
Parts, labor and mileage included
See cover letter for details

PROGRAM #2 – **TWO VISITS A YEAR** \$1,328 **OR \$1,252 If Prepaid By: June 7, 2023**
(1) Major & (1) Minor Svc.
Operational checkout service/analysis
See cover letter for details

Date _____

DATE: May 24, 2022

Authorized Signature

Jim Brochhausen
James Brochhausen, Brook Field Service

For prompt payment please provide American Express/Mastercard/Visa Card/Discover #; Expiration Date; CCV code and zip code for card. Also feel free to give our office a call with payment information if you would rather. 802-485-6567

EMAIL _____ PHONE# _____

CUSTOMER PREFERENCE: (check on) ___ No appointment needed ___ Coordinate appointment

Town of Pomfret				
C-0009392				
North Pomfret - 5218 Pomfret Road	Town Office	CH740EP #4227104581	Kohler 14RESA #SGM32355B	RXT #SGM322KDB
South Pomfret - 2026 Pomfret Road	Teago	GM 1.6L, 4 Cyl	Kohler 15RES #2087183	Kohler RDT #12073853

Town of Pomfret Selectboard
Draft Meeting Minutes
May 17, 2023

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

Public: Jim Potter (Road Foreman), Ellen DesMeules (Treasurer), Karen Osnoe (Delinquent Tax Collector), Marie Cross, Bill Emmons (Planning Commission)

1. John called the meeting to order at 7:00 pm.
2. Agenda Review – Ben indicated that items 5D and 5L are not ready for discussion and can be postponed to June 7. Marie Cross will join by Zoom to discuss Item 5J (ArtisTree access permit), which will be moved to just after Road Foreman’s report; add Generator Service Contract approval immediately before Item 5M (Warrants).
3. Public Comment – None.
4. Road Foreman’s Report – Jim spent a day with Rita Seto viewing proposed projects on Sugar House Road and Sugarbush Road – Rita approved the ditching and culvert projects for both. Jim will need to purchase road fabric for the Sugarbush Road project – he estimates 8 rolls (300 ft/per roll). Emily suggested the LaBounty Reserve funds could be used for this. Jim has inspected the Noradunghian driveway and feels Jon Harrington did an excellent job with the use of swales. Ian McKenzie, engineer for Hillary White has approached Jim with questions about use of concrete culvert headers and cement driveway; Jim reiterated that all parties involved will need to endorse any plans, which should then be submitted to the Selectboard for approval. Maryann Murphy has installed orange stakes in the Webster Hill Road right-of-way that are causing traffic problems; Jim believes this is to discourage cars from driving on her lawn. He will speak with her about alternative placement. Jim will call tree services about having the dangling pine branch over Pomfret Road near Rudge Road safely removed. Sue Sundstrom has asked the Selectboard to perform another site visit at her proposed new driveway on Old Kings Highway. This is scheduled for June 7 at 6:30 pm.
5. Items for Discussion or Vote
 - a. ArtisTree Highway Access Permit – Marie Cross attended to discuss this item. ArtisTree would like temporary access for event traffic to exit onto Stage Road, for their 12 scheduled concerts this summer. ArtisTree has obtained a Jurisdictional Opinion from Act 250 and discussed with the Zoning Administrator to determine that no Act 250 or local zoning permit is needed for the event series. The Selectboard will perform a site visit on June 7 at 6:00 pm.
 - b. Paving RFP – Pike has submitted a proposal. Steve moved and Emily seconded that the proposal be accepted. Unanimous. Jim will contact Pike regarding possible changes in scope depending on whether the town receives paving grant funding from the state again this year. ARPA funds may also be available.
 - c. Vermont 100 Endurance Race – Ben moved and Emily seconded approval of the public highway use permit application with the following conditions: (1) informational signage be provided for local motorists, (2) traffic control be provided for holding areas, and (3) holding areas not be placed on any part of a highway traveled way. Unanimous.

- d. Bicycle and Pedestrian Program Grant – The deadline for submission is June 9. Meg and Ben will work on an application for the board to review on June 7. The scope will be based on the preferred alternative described in the draft South Pomfret Scoping Study that is now under review by Vtrans. The work may need to be done in stages; it was agreed the first stage should focus on improvements to the Stage Road, Library Street, and Pomfret Road intersections. ARPA funds can be used for this project as well. Meg determined a letter of support from Two Rivers is also needed, with a shorter deadline.
- e. Delinquent Tax Matters – Karen will send the draft lien letters to the board in the next few days, for approval on June 7. A payment plan has been arranged for Parcel 2302-B. While some payments have been received in respect of other parcels, no other payment plans have been agreed upon. Each parcel has received two letters from Karen. She will send one more with a June 7 deadline for a signed payment plan. The VHAP application deadline has passed and no local abatements were requested. Karen will commence warrants and title searches. The tax sale process will proceed for each remaining parcel unless and until a satisfactory payment plan is agreed upon.
- f. Zoning Matters – ArtisTree has requested to build a 10x10 shed behind the barn, in addition to the garage on Pomfret Road. Since both are in the special flood hazard area a ZBA hearing is required. The ZBA also has a deliberative session regarding the Zube zoning matter on Friday. Highway access on Allen Hill Road – this particular driveway has been in use for 30+ years. The Selectboard will take no action on this.
- g. Large Event Permit – Emily moved and Meg seconded approval of the catering permit on Totman Hill Road. Unanimous. Ben will edit the permit application form to include a CC to the Fire Department and FAST Squad. After discussion, the board felt it was appropriate to require large event permits for events on both commercial and private property, as events of both types create similar traffic, safety and other issues of concern to the town.
- h. Special Town Meeting – If turnout is unexpectedly low, a board member may offer a motion to postpone consideration of the warned articles to a later meeting. At a minimum this would create an opportunity to discuss whether it is appropriate for a gathering of the size assembled to decide the format of future town meetings. In any event, the board feels the meeting was adequately publicized in the newspaper, via listserv, on posters around town, and on the sandwich board at the Town Hall.
- i. Generator Contract – John will contact Brookfield to remove from the service agreement the generator that will be retired later this year. The two new generators will not need to be added immediately. Ben moved and Emily seconded approval of service plan contract as amended. Unanimous.
- j. Warrants – Emily moved and Steve seconded approval for payment of the following warrants:

23115	\$ 8,922.28	Payroll
23116	913,649.25	A/P (incl. April 2023 debit card expenses)

 Unanimous.
 Ben reported that based on the reserve fund summary Ellen circulated, there is a considerable amount of cash held in low interest bearing accounts. Ben will explore whether alternatives exist that enjoy a higher yield without higher risk.

- k. Approval of Minutes -- Ben moved and Meg seconded approval of the May 3, 2023 meeting minutes as presented. Unanimous.
- 6. Meeting Wrap Up
 - a. Correspondence – None.
 - b. Review of Assignments – John to speak with Pike and Brookfield; Ben to work with Meg on Bike/Pedestrian Grant, revise Large Event Permit application form; Meg to work with Ben on Bike/Pedestrian Grant, follow up with Woodstock re: foliage traffic.
 - c. Agenda for Next Meeting – Tax liens and payment plans, draft LHMP review, Bike and Pedestrian Grant, Sundstrom Highway Access Permit, ArtisTree Highway Access Permit, possible Planning Commission appointment
- 7. Adjournment – Meg moved and everyone else seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 10:31 pm.

POMFRET
SPECIAL TOWN MEETING
Saturday May 20, 2023

Moderator Kevin Geiger called the meeting to order at 9:07am. He explained that the meeting was being recorded and also broadcast live as a Zoom webinar where folks could listen in but not participate or vote.

Discussion of the articles centered around two contrasting themes: the preservation of tradition with in-person Town Meeting vs. the accessibility that Australian balloting provides for all voters. Several people spoke to the loss of direct democracy by no longer being able to nominate candidates from the floor, while others liked the idea that candidates had to declare their intentions in advance of the voting. The general consensus was that even those who were in favor of Australian balloting were lamenting the loss of the social in-person meeting tradition. More concern was centered around being able to make amendments from the floor in an in-person meeting, which would be lost to Australian balloting, as no changes could be made once the articles were set. The suggestion of replacing traditional Town Meeting with other community-wide events was popular.

Article 1: Shall Pomfret elect its town officers by Australian ballot pursuant to 17 V.S.A. 2680(b)?

Moved by Jim Robinson and 2nd by Alan Graham. Voice vote was inconclusive and Kevin Geiger asked for a division of the house to determine the result. 44 stood for AYE, 19 stood for NAY, the article passed.

Article 2: Shall Pomfret adopt all budget articles by Australian ballot pursuant to 17 V.S.A. 2680(c)?

Moved by Anne Bower and 2nd by Cathy Peters. Kevin Rice proposed the following amendment, 2nd by Gordon Modarai: "...following an informational meeting by the Selectboard that occurs before the warning is finalized." The amendment passed by voice vote and was added to the original article. The Amended Article 2 passed by voice vote.

Article 3: Shall Pomfret vote on all public questions by Australian ballot pursuant to 17 V.S.A. 2680(d)?

Moved by Cathy Peters and 2nd by Kris Graham. The article passed by voice vote.

Article 4: Shall Pomfret change the date of its annual town meeting to the third day preceding the first Tuesday in March pursuant to 17 V.S.A. 2640(b)?

Moved by Cathy Peters and 2nd by Alan Graham. Due to the changes that had already taken place in Articles 1-3, the general consensus was that Article 4 was moot. The article was defeated by voice vote.

Bill Emmons motioned to adjourn at 11:37am. AYE

Respectfully submitted,

Rebecca Fielder, Town Clerk

Minutes approved by:

Date:
