

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

February 2009

HOW TO PROMOTE ATTENDANCE AT TOWN MEETING

STRATEGIES TO INCREASE PARTICIPATION AND BUILD COMMUNITY RELATIONSHIPS

Vermonters have an opportunity every year to participate in a quintessential democratic process: town meeting. This annual event provides voters the opportunity to debate issues of town governance, budgets, and the provision of services. The preparation for town meeting is challenging and time-consuming. The selectboard, clerk, board of civil authority, auditors, moderator, and others have statutory obligations

for setting the budget, warning the meeting and all articles for consideration, accurately reporting the financial status of the municipality, and reviewing *Robert's Rules of Order* to ensure business is conducted in an orderly fashion. After all the preparation for town meeting, citizens express their opinions, debate, and vote on issues that will affect them

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BILL FRASER RETURNS TO THE VLCT BOARD

The newest member of the VLCT Board of Directors is also a past member: William Fraser of Montpelier previously served from October 1999 through September 2005. Last September, when Renny Perry left public service and became ineligible for Board membership, the Board appointed Bill to complete Perry's term. He returned in time to attend the annual Board retreat (the day dedicated to defining the Board's role and refining the League's direction for the coming year). Two weeks later, Fraser was elected to his own term on the Board at the VLCT Annual Meeting during Town Fair in Killington. [Editor's Note: For more biographical information, see the *VLCT News* of January 2000, pgs 2-3, which is available on the VLCT website at www.vlct.org/d/aboutvlct/vlctnews/.]

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REMEMBERING DARLENE



After a lengthy and heroic battle with cancer, Darlene Bresett, VLCT Workers' Compensation Claims Manager, passed away on December 19, 2008.

Darlene showed commitment like no one else when it came to her job at VLCT. Trooper that she was, she still showed up for work two days prior to her passing.

Darlene worked with VLCT PACIF for 17 years and had been with the League since PACIF Claims Management was brought in-house. She was dedicated and always treated municipal

officials and claimants (whether employees, citizens or visitors) with the utmost kindness and respect. Darlene was an expert on the laws and professional obligations of insurance claims. She loved her job and the people she served.

Dee was not only a great colleague, but also a special friend. She is truly missed and will always be remembered.

VLCT Claims Staff



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DOES THE ECONOMY HAVE YOU STRESSED OUT?

The Employee Assistance Program (EAP) is especially useful during challenging times by offering financial counseling and personal coaching for stress, anxiety and relationship difficulties. Invest EAP is confidential, free for all Health Trust and PACIF subscribers and their household members, and easy to access 24/7 by phone, email or web.

A study by the American Psychological Association revealed that money and the economic downturn were among the biggest stressors for people in 2008. Work, family health problems, housing costs, and job stability followed close behind. Increased stress takes a toll on our physical and emotional health. Typical symptoms of stress include fatigue, irritability, headaches, dizziness, upset stomach, teeth grinding, insomnia, elevated blood pressure and heart rate, and decreased sex drive. Left unaddressed, these symptoms can add up to dissatisfaction at work or home (or both), diminished productivity, depression, shortened lifespan, and major diseases.

Sometimes people slip into managing their stress in unhealthy ways such as drinking, smoking, abusing drugs, gambling, using credit cards unwisely, or over or under eating. These coping strategies will eventually fail, causing damage and worry for everyone involved. If this scenario reminds you of yourself or someone you know, please call Invest EAP or remind others – especially family – about EAP’s services.

Fortunately, there are things we can do to help take control over our stressors. First, think about what is most meaningful to you. If you were suddenly forced into survival mode, what would be more important: your belongings or your relationships? Then start simplifying your life and directing your choices to better serve what is important to you.

Social supports and connections can help stressed-out people stay healthy and positive. Talking, providing emotional support, and lending a hand are good for both the giver and the receiver, so find daily opportunities to interact supportively with other people. At work, this could be a quick hello in the hallway or a taking a few minutes to share a funny story. Other “stress-busters” include exercising, going outdoors for fresh air and sunshine, playing games, laughing, meditating, talking things out with friends or family, playing with pets, getting enough sleep, staying hydrated, and eating healthily.

EAP SERVICES

While we work on balancing our personal and professional lives (as well as our budgets!), Invest EAP staff members work to support us, confidentially and free of charge. Primarily, EAP provides short-term counseling for us and our household members. EAP also provides legal and financial consultations,

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LEGAL AND REGULATORY NOTES



MOTION FOR REARGUMENT DENIED IN *JAM GOLF* CASE

On December 8, 2008, the Vermont Supreme Court denied a request for reargument of its controversial land use decision, *In re Appeal of JAM Golf, LLC*, 2008 VT 110. This leaves standing the decision in which the Court struck down two sections of a South Burlington zoning ordinance on the grounds that they were so vague and delegated such standardless discretion to the City's development review board that they violated property owners' due process rights. *In re Appeal of JAM Golf, LLC*, 2008 VT 110.

As explained in the October 2008 issue of the *VLCT News*, VLCT does not anticipate widespread invalidation of local zon-

ing bylaws and plans by Vermont courts as a result of the *JAM Golf* decision. Nevertheless, planning commission members and others involved in drafting municipal plans and zoning ordinances should give the decision careful consideration. While plans and bylaws should contain goals for protecting a community's important resources and characteristics against thoughtless development, the *JAM Golf* decision indicates that these goals may be unenforceable if specific standards that address how to achieve these goals are not provided in the bylaw or plan. A copy of the case can be obtained at <http://info.libraries.vermont.gov/supct/current/op2006-307.html>.

In next month's *VLCT News*, we will focus on the potential impacts of the *JAM Golf* decision in more detail and outline some practical approaches for addressing issues that arise from the case.

Jim Barlow, Senior Staff Attorney, VLCT Municipal Assistance Center

VLCT NEWS ONLINE

We still encourage all subscribers, especially single-use readers, to seriously consider switching from paper prints to online viewing of the *VLCT News*. The benefits are many: a smaller carbon footprint, lower printing and postage costs, less paper used, and full-color rendering of color photographs.

Of course, we understand that some people simply prefer the portability, look and feel of a paper print, and we won't take that away from you. In fact, we love it when a print is passed around and many readers can benefit from it. So if you want to keep getting the *VLCT News* on paper, we hope you will make it available for others to read.

If you are ready to switch to accessing the *VLCT News* completely online, please email us so we can remove you from our postal mailing list and make sure that your correct email address is on our *News* email list.

To view the current *VLCT News*, or to see the archives, please go to: <http://www.vlct.org/aboutvlct/vlctnews/>.

NEW VECAN WEBSITE

The Vermont Energy and Climate Action Network (VECAN) has launched its new website – www.vecan.net – which includes information for and about town energy committees in Vermont. Locate your town energy committee at the site. Learn how you can form a new committee. Find out what activities energy committees are working on. Download materials from December's statewide VECAN conference.





BILL FRASER

(continued from page 1)

In the time between Fraser's past and current terms on the VLCT Board, his work as Montpelier City Manager has involved two particular situations which were largely anticipated, but which nonetheless proved to be especially challenging. The fact that the public experienced no major negative effects from either of these is a testament to the planning, experience, ingenuity and dedication at work in Montpelier City Hall.



Bill Fraser

First, whereas many of the top-level managers in city government were due to retire within one five-year period, the five years turned out to be a mere 18 months. The heads of all of the largest departments, including Finance, Planning, and Police, changed in a very short time. Most of those retiring were long-time employees who had accumulated vast amounts of institutional knowledge. Fraser quickly found that he could no longer turn to his favorite "go-to" people. However, he says "We have been very fortunate – great people came into the jobs. We had high quality applicants for each position, and because we were able to hire from within for a couple of positions, we had continuity in key areas." Even so, such changes have altered the culture and personality in Montpelier city government. As Fraser says, "it has been interesting, and I am proud of the fact that the outside world hasn't noticed, although it does feel very different from inside."

The second situation that could have had a very negative effect on city residents was the Winooski River's potential ice jam and flood in early 2007. "This was a big exercise in public safety," which occurred when

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SAFE ROUTES TO SCHOOL GRANT

The Vermont Agency of Transportation's (VTrans) Safe Routes to School (SRTS) program is soliciting applications for planning and program development funding. The SRTS program is entirely funded by federal transportation resources and is intended to result in greater numbers of students who walk and bike to school. Funding is used for planning and program efforts such as pedestrian and bicycle safety education, contests and incentives to encourage walking and bicycling, engaging law enforcement, evaluation of student/parent attitudes and behavior, and assessing the existing condition of streets and sidewalks around schools.

Note that the grant is for developing a travel plan, not for things like crosswalks and sidewalks. The travel plan is a way for schools to work with communities to discover why kids don't walk or bike to school. VTrans will offer another grant round in the fall for crosswalks and sidewalks.

The 2009 SRTS application and guidance is available on the VTrans website at <http://www.aot.state.vt.us/progdev/Sections/LTF/SRTS/VTSRTS.htm>. Applications must be received by March 13, 2009. For more information, please contact the SRTS Coordinator, Aimee Pope, at aimee.pope@state.vt.us or 828-5799.

MUNICIPAL EDUCATION GRANTS AVAILABLE – APPLY TODAY!

The Department of Housing and Community Affairs (DHCA) is offering the Municipal Education Grant (MEG) program again this year, and we encourage municipal officials to take advantage of this no cost educational opportunity! Municipalities can submit grant applications before May 15, 2009 to bring MAC staff to their offices for a free on-site training. You may view descriptions of VLCT's Land Use Workshops as well as fill out a MEG application by visiting VLCT's website <http://www.vlct.org/municipalassistancecenter/customworkshops/>. If you would like to schedule a land use training, contact Abby Friedman, MAC Director, at 800-649-7915 or Afriedman@vlct.org. There is more information about the MEG Program on the DHCA website (<http://www.dhca.state.vt.us/Planning/MEG.htm>), or you can contact Brenda Greika at the DHCA Planning Division, 802-828-3243 or Brenda.greika@state.vt.us.

There are 14 VLCT Land Use Training Workshops to choose from, including five new topics (italicized):

- *Adopting Local Act 250 Review*
- *Capital Planning and Budgeting*
- Conducting Effective Meetings and Hearings
- Effective Zoning Enforcement
- Field Guide to Adopting and Amending the Town Plan and Bylaws
- How to Interpret Development Plans
- How to Make and Write an Effective Land Use Decision
- Is a Development Review Board Right for Our Town?
- *Local Regulation of Wireless Telecommunications Facilities*
- Major Types of Development Review
- *Planning for Ancient Roads – What Every Municipality Should Know*
- Should Our Town Adopt On the Record Review?
- Should Our Town Adopt Zoning?
- *Understanding Homeowner's Associations*

REMEMBER TO APPLY EARLY AS FUNDING MAY RUN OUT BEFORE THE MAY 15, 2009 DEADLINE.



ASK THE LEAGUE

COVENANT RESTRICTIONS; CRIMINAL BACKGROUND CHECKS; CEMETERY MONIES

When should an appropriate municipal panel require covenants or other deed restrictions in its decision and conditions?

Generally, covenants and other deed restrictions should not be included as conditions in an appropriate municipal panel's (AMP) decision unless a restriction or covenant is necessary to meet a standard or requirement in the municipality's land use regulations.

For example, consider the use of deed restrictions and covenants in a proposed planned unit development (PUD). In accordance with 24 V.S.A. § 4417, a municipality may adopt standards for the reservation or dedication of open space in a PUD. A decision incorporating a condition that the PUD declarations (the recorded document containing covenants and restrictions applicable to the development) make provision for cre-

ation and maintenance of open space may be necessary to ensure that bylaw standards for open space protection are met.

On the other hand, the applicant might want to include a covenant in the declarations prohibiting erection of accessory sheds in the development. Such a covenant may be a lawful and appropriate tool for creating a more attractive subdivision. From a zoning perspective, however, unless such a covenant is necessary to ensure compliance with some standard in the municipal bylaw, it has no place in the AMP's decision. Such a condition would be unlawful as lacking support in the zoning bylaw. (The bylaw might even allow sheds as an accessory structure in that district.) Further, it might also make the town responsible for enforcing through zoning what amounts to a private agreement between the property owners in the development.

Finally, some deed restrictions and covenants that might otherwise be lawful could

(continued on next page)

VLCT'S UPCOMING TRAINING OPPORTUNITIES

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Town Meeting Tune Up

Thursday, February 26, Montpelier

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It will focus on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through Town Meeting unscathed.

Energy Conservation and the Municipal Plan

Thursday, March 5, Vermont Interactive Television

Delivered in the evening via interactive television, this workshop will focus on the requirements and potential of the energy element within the Town Plan. Particular attention will be paid to the connection between energy conservation and land use, energy policy and implementation strategies, and the role of the Energy Coordinator.

Municipal Treasurer's Workshop

Tuesday, March 24, Bennington;

Wednesday, March 25, Middlesex; Thursday, March 26, Milton

This half-day workshop is designed for newly-elected treasurers and those who want to improve the skills they use in their jobs. Discussion includes a review of the statutory duties and responsibilities of treasurers and an introduction to governmental accounting and financial reporting, banking services, and payroll and benefits.

SAVE THE DATE(S)

Selectboard Institute, Saturday, April 4, Montpelier
Conducting Effective Tax Appeals, April 7, 8, and 9, locations TBA



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ASK THE LEAGUE

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violate state law if incorporated in an AMP decision. For example, a condition in an AMP decision that requires a covenant prohibiting modular or prefabricated housing in a PUD could violate the provisions of 24 V.S.A. § 4412(1)(B) to the extent that it excludes modular or prefab construction from the municipality. There are other deed restrictions that are simply unlawful, including racial, ethnic and other restrictions on protected classes, such as persons protected by the Americans with Disabilities Act.

When rendering decisions, an AMP must apply the relevant evidence to the applicable local bylaw at play and set appropriate conditions to safeguard the development standards. Covenants and other deed restrictions between private parties are common and usually legal, including those that regulate type of construction – but don't include deed restrictions that are not relevant, and especially if they violate your municipality's regulations. If your regulations do not control a particular aspect of a proposed project (such as type of construction), leave it out of the decision.

*Stephanie Smith, Senior Associate,
Jim Barlow, Senior Staff Attorney,
VLCT Municipal Assistance Center*

NEW DEADLINES FOR CLIMATE CHANGE GRANTS

Last month's VLCT News contained an article on the Vermont Community Climate Change Grant Program. As we said it might, the application date has changed. Now the proposals will be considered in two separate funding rounds, with application due dates of February 2, 2009 and April 1, 2009.

For more information and to download a grant application, visit <http://www.anr.state.vt.us/air/Planning/html/ClimateChange.htm> or call 802-241-3840, or toll free in Vermont 888-520-4879.

Round 1 Application Deadline
February 2, 2009

Round 2 Application Deadline
April 1, 2009

What is the Process for Requesting a Criminal Background Check?

The Vermont Legislature passed a law (S. 246, Act 165) in the last legislative session that makes it easier for municipalities to acquire criminal background checks. Previously, municipalities could only obtain an in-state criminal conviction record by first providing the Vermont Criminal Information Center (VCIC) with a written release from an applicant for employment or a volunteer position, filing a user's agreement with the VCIC and offering the position conditioned on the results of the background check. Out-of-state criminal conviction records were limited to qualified entities providing care of services to children, the elderly or persons with disabilities.

The new law still requires municipalities to enter into a user's agreement with VCIC prior to receiving an in-state criminal conviction record, but no longer requires municipalities to first obtain a written release from applicants or make a conditional offer of employment. After municipalities have filed their user agreements, they may now immediately access criminal conviction records by utilizing VCIC's online service. While the fee for record requests will increase from \$20 to \$30 on July 1, 2009, qualified entities that provide care of services to children, the elderly or persons with disabilities may make requests free of charge. Municipalities seeking exemption from the fee must first apply in writing to VCIC to officially be designated a "qualified entity." The law still prohibits municipalities from requiring applicants to obtain or pay for a copy of their

own criminal conviction records. 20 V.S.A. § 2056c.

VCIC will conduct national criminal conviction record requests through the Federal Bureau of Investigation for qualified entities upon submission of a user's agreement, conditional offer of employment and written release.

For further information, visit VCIC's website at <http://www.dps.state.vt.us/cjs/recordcheck/>.

VLCT recommends both criminal and civil background checks to gain a more complete history of a candidate for employment, whether paid or volunteer.

*Garret Baxter, Attorney,
VLCT Municipal Assistance Center*

Who Has Control Over Cemetery Monies?

The Vermont Legislature has delineated the various powers and duties of the several municipal offices entrusted with monies from private and public sources for the care of public cemeteries. Figuring out who has control over these monies requires a two-step analysis. The first step involves determining precisely in what fund these monies reside – cemetery trust funds or cemetery funds. *Cemetery trust funds* are those monies donated to a municipality to be held in trust for a specific purpose, while *cemetery funds* are those monies a municipality appropriates for the care and improvement of its public cemeteries. Once this question is answered, the second step in the analysis is to determine in which municipal officer the legislature vested control.

(continued on next page)

VLCT CONSULTING SERVICES

Experienced local officials and professional staff are available to assist cities and towns in a number of areas including:

- municipal law and governance
- law enforcement
- municipal management and administration
- financial reporting and management



FOR MORE INFORMATION, PLEASE CONTACT ABBY FRIEDMAN AT (800) 649-7915.



ASK THE LEAGUE

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CEMETERY TRUST FUNDS

In municipalities that elect trustees of public funds, it is the trustees, unless a donor directs otherwise, who are responsible for the management and investment of all monies received in trust for cemetery purposes. 24 V.S.A. § 2431, 18 V.S.A. § 5384(b). The trustees have the authority to invest the trust's principal in accordance with those parameters set forth by state law [24 V.S.A. § 2432(b), 18 V.S.A. § 5384(b)] and the responsibility for keeping an account of such funds. However, it is the selectboard, or the board of cemetery commissioners if a municipality has elected one, that has the authority to draw orders on the trustees for the expenditure of such income in keeping with the conditions of the trust. 18 V.S.A. § 5385.

CEMETERY FUNDS

When a municipality elects to place its public burial grounds under the care of a board of cemetery commissioners, that board "shall ... exercise all the powers, rights and duties with respect to such care and management of such burial ground and exercise all the powers, rights and duties with respect to such care and management and all responsibility on the part of the selectmen shall cease." 18 V.S.A. § 5373. This statutory provision vests the board of cemetery commissioners with the sole authority to sign orders for the use of cemetery funds. The board in this regard essentially sits in place of the selectboard with the legal control over municipal cemeteries and their funds. Just as with the selectboard, however, the board of cemetery commissioners must issue orders or warrants unto the municipal treasurer for the release of cemetery funds. The board of cemetery commissioners must also keep a record

of any orders signed that show their number, date, amount and to whom they are payable. 24 V.S.A. § 1622. In this scenario, municipal treasurers retain their primary responsibilities for investment and reporting.

The board of cemetery commissioners may also arrange to sell cemetery lots by deed. The proceeds from the sale of the lots must be paid over to the municipal treasury and kept in a separate fund. Those funds may only be used to maintain, embellish or improve the cemetery unless the town otherwise votes to sell such lots on the condition that the proceeds be paid into a trust. In that case, only the income from the trust can be utilized. 18 V.S.A. § 5377.

As you can see, who controls cemetery monies is as much a function of the monies themselves as it is the local officials in whom the voters have entrusted their management and care.

*Garret Baxter, Attorney,
VLCT Municipal Assistance Center*

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VLCT News has started a new advertising format called "Municipal Marketplace", with two options:

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or
2. Four text lines set in a 3.25" x 1" box.

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YAKTRAX PROGRAM UPDATE

During October and November 2008, PACIF members were eligible to buy Yaktrax winter footwear devices through VLCT at a significant discount off retail prices. The goal was to reduce the number of outdoor slips and falls experienced by members, and although we can't measure the results on that criterion as yet, we can say that we had a **huge** response to the group buying discount. In all, 41 members ordered a total of 1009 pairs!

There were two styles to choose from: the Yaktrax Walker, which was available for \$9 per pair instead of the \$19.95 suggested retail price, and the Yaktrax Pro, which was \$13.50 per pair instead of \$29.95. Both styles have coil-wrapped rubber straps that stretch from toe to heel and criss-cross to fit snugly on the sole of regular shoes or boots; the Pro has an extra strap across the top of the shoe to hold on more securely. The metal coils add traction to the shoes and decrease the chance of slipping on ice and packed snow.

Apparently, whether these Yaktrax were intended for worksite or personal use, by subscribers or people for whom they were gifts, the sensible, practical nature of them had wide appeal. The response to our offer was much higher than anyone expected, and we hope the result is far fewer injuries this year and for many winters to come.

AN OUNCE OF PREVENTION VLCT'S WELLNESS INCENTIVES FOR 2009

As part of VLCT Health Trust's commitment to promoting a wellness culture among members and healthy behavior among subscribers, the VLCT website has a new Wellness page. From www.vlct.org, under the Insurance and Risk Services menu at the top of the page, select Programs, then under Health Trust click on Wellness Initiatives. Below is an introduction to what you will find there.

The **Healthy Lifestyle Rewards Program** is for individual subscribers who can show they are taking steps to live healthier lives. First, you need to have a **health screening** to record your current height, weight, waist size, blood pressure, and total and HDL cholesterol. You can go to a free VLCT health screening (contact Shawna O'Neill at soncill@vlct.org or 1-800-649-7915 for locations and dates), your doctor, or any other reputable provider or clinic to be tested and receive the data you'll need. Second, log in to myCIGNA.com and complete the Health Risk Assessment (HRA) called **MyHealthAssessment**. Each employee earns \$50 just for completing this, and factors such as quitting smoking or exercising regularly can increase your payback up to \$100. For completing this assessment you will also be entered in a drawing to win a trip for two in the continental U.S. The third step is to fill in the **Healthy Lifestyle Rewards Survey** which summarizes all your information for VLCT. You can complete the survey on paper, but if you do it online using the link on VLCT's new Wellness page, you will receive a second entry in the drawing for the trip.

The **Leader Program**, now in its fourth year, is a voluntary workplace-wide system for administering wellness initiatives. At each participating organization, a trained Wellness Coordinator handles information about exercise, nutrition, workshops, and other wellness opportunities and activities, while employees participate in whatever ways they find useful. The wellness coordinator collects data through most of the year on the organization's role in supporting its employees as well as on employees' success in living more healthily. In mid-October, the coordinator turns in all of the records to VLCT to be reviewed and scored. A high score will earn the organization a cash reward of up to 4% of its annual VLCT Health Trust rates.

New for 2009 is a scaled-down version of the Leader Program, called **Leader Light**. For smaller municipalities with limited resources, this is simpler than the Leader Program and can earn a reward of up to 2% of the member's annual VLCT Health Trust rates. Leader Light requires a coordinator who has attended the same training that is required for the Leader program.

All Health Trust members are encouraged to administer employee fitness and wellness activities, and VLCT provides materials for two such programs. The **2009 Fitness Trail Pedometer Challenge** is an eight-week program in which participants get a pedometer to count the steps they take every day and a poster that both explains the challenge and lets them record their progress for themselves and (if their employer is in Leader or Leader Light) for their wellness coordinator. In addition to walking or jumping rope, the challenge suggests other healthy activities including fitness trail exercises demonstrated on the poster by Rusty DeWees in Montpelier's Hubbard Park. The **Keep It Off Challenge** provides participants with tips for eating and living healthily and has a weekly weigh-in to discourage winter weight from accumulating. The goal of all of these initiatives is to learn new techniques and habits for getting and staying fit. Here's to a healthy 2009!

SAFETY VEST REGULATIONS AND REFERENCES TO ANSI 107-2004 AND ANSI 207-2006

As of November 24, 2008, anyone working within the right-of-way of a federal-aid highway is required to wear high-visibility clothing as defined in ANSI 107-2004, with certain common sense exceptions for responders who are engaging in operational activities with other primary hazards (e.g. firefighters who are involved in fighting fire, law enforcement officers who are in potentially confrontational situations).

High visibility safety vests are a crucial defense against dangerous traffic when worn by construction and emergency personnel who are deployed on roadways. The current federal regulation governing the requirements of safety clothing is the Code of Federal Regulations Title 23 Part 634 on Worker Visibility (23CFR634). For details on safety clothing requirements, this

regulation refers to ANSI 107-2004 classes 2 and 3. However, in the time between when 23CFR634 was passed (in 2004) and when it went into effect (on November 24, 2008), the US Department of Transportation (DOT) and the Federal Highway Administration (FHWA) proposed changes in safety vest specifications that have recently been published in ANSI 207-2006. This is a standard for high-visibility vests that are more versatile for safety responders deployed on highways, but because ANSI 207 has not been cited by a regulation, it does not yet have the force of law.

What are the differences and similarities between ANSI 107-2004 and ANSI 207-2006? ANSI 107 addresses many forms of high-visibility safety apparel and headwear for use by a variety of workers, and speci-

fies three performance classes for safety vests (with Class 1 as the least visible and Class 3 as the most visible). ANSI 207 focuses on high-visibility safety vests, is intended to meet the particular needs of law enforcement and emergency responders, and provides one set of visibility requirements (based on ANSI 107 Classes 2 & 3) that offers more flexibility for design options. In both 107 and 207, safety is provided by the combination of a fluorescent background material (for daytime visibility) and retroreflective highlighting material (for low-light visibility), and each standard has minimum area requirements for each type of material. ANSI 207 requires less overall surface area, so vests can be shorter to give safety personnel and law

(continued on next page)

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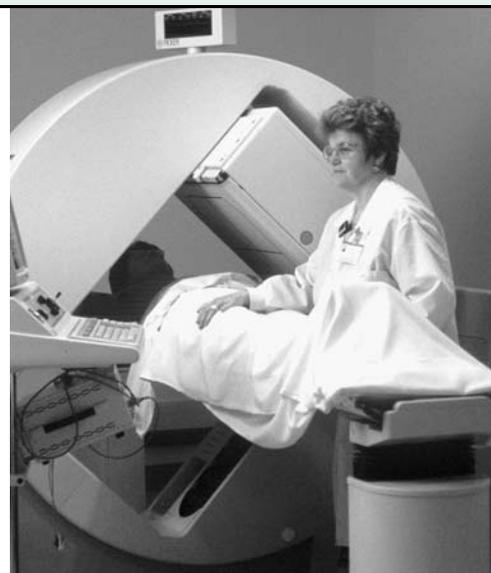
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SAFETY VEST REGS.

(continued from previous page)

enforcement officials easier access to their equipment belts. ANSI 207 also permits design options such as breakaway points to prevent the wearer from being caught and dragged by the vest, colored panels to allow for easy identification of wearers, loops, pockets, and badge holders. These design options are intended to meet end-user needs for design functionality while still offering an effective high-visibility safety garment.

The US DOT and FHWA as well as national fire and law enforcement organizations are working to have ANSI 207-2006 cited in a regulation before the end of 2009. In anticipation of this, many local govern-

ments are already starting to invest in ANSI 207-compliant vests. However, there is as yet no specific regulation that cites ANSI 207, so for the time being, vests that comply with its minimum background material requirement (which is less than the ANSI 107 Class 2 requirement) might not meet the strictest legal interpretation of 23CFR634 when used on highways that receive federal aid. When a regulation is implemented that refers to ANSI 207-2006, it might also be recommended for use on all roadways, not just federally funded ones.

If you have any questions about ANSI 207-2006 and would like some more information, please call your area Loss Control Representative at 800-649-7915. For a video that shows an ANSI 207-compliant vest in action, go to [\[safety.com/FeaturedVideo.aspx\]\(http://www.responder-safety.com/FeaturedVideo.aspx\). This video was produced by the Emergency Responder Safety Institute, a committee of the Cumberland Valley Volunteer Firemen's Association.](http://www.responder-</p></div>
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STRESSED OUT?

(continued from page 2)

childcare assistance, resources for elderly parents, and information and referrals on any subject.

EAP staffers are available to talk anytime, day or night, on any issue, no matter how large or small, to help you figure out your next step. **Call 1-800-287-2173 or email from the website: www.investeap.org** (password: **vlct**). Remember, EAP is free and confidential.

STRESS BUSTERS TO USE AT WORK

- **Make the most of workday breaks.** Even 10 minutes of "personal time" will refresh your mental outlook. Take a short walk, chat with a co-worker about a non-job topic, or simply sit quietly with your eyes closed and breathe slowly.
- **If you feel angry, walk away.** Mentally regroup by counting to 10, then look at the situation again. Walking and other physical activities will also help you work off steam.
- **Set reasonable standards for yourself and others.** Don't expect perfection.

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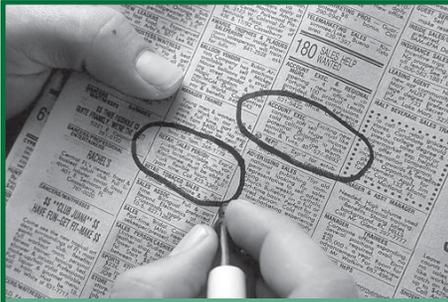
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HAZARD MITIGATION GRANT PROGRAM ACCEPTING APPLICATIONS

The Vermont Department of Emergency Management is now accepting grant applications in connection with the three federally-declared disasters of this past summer.

Funded through the Federal Emergency Management Agency (FEMA), the hazard mitigation grant program (HMGP) awards grants to municipalities for flood mitigation projects. The grants require local matches of 25 percent, with the federal government providing the remaining 75 percent. Eligible activities include repair or alteration of roads and bridges that suffer regular flood damage, the replacement of undersized culverts, stream bank erosion remediation, ditching, and the purchase of damaged homes in designated floodways.

In order to be eligible for a grant, municipalities must have an adopted FEMA approved local mitigation plan, participate in the National Flood Insurance Program, and have completed a "full" application. "Full" applications include maps, lists of alternative proposals, engineering plans, any necessary hydrology studies, and a benefit/cost analysis.

Applications are available on Vermont Emergency Management's website at www.dps.state.vt.us/vem. An application, along with assistance, is also available by contacting State Hazard Mitigation Officer Ray Doherty at (802) 241-5258 or rdoherty@dps.state.vt.us.

The deadline for HMGP applications is Tuesday, March 31, 2009. Interested applicants should first submit a letter of intent no later than Monday, February 16, 2009. That letter should include a brief description of the proposal and the total estimated project cost. Submit all materials to:

Ray Doherty
State Hazard Mitigation Officer
Vermont Emergency Management
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TOWN MEETING

(continued from page 1)

through the year. Many also see it as a time to gather with old friends and meet new people in the community.

What can municipalities do to improve voter turnout? Some say changing to the Australian ballot system of voting improves participation. It only takes a few minutes as opposed to a couple of hours, and people have the opportunity to participate via absentee ballot or go to the polls according to their schedule. Certainly, the Australian ballot system of voting is quicker; however, casting a ballot is only one aspect of participating in the legislative process. The legislative

process also includes debate and the ability to adjust articles to satisfy the populace. This beneficial form of involvement, embraced at traditional town meeting, is all but lost under the Australian ballot system of voting. Australian ballot articles may be discussed during a preceding informational meeting. In addition, due to a recent legislative change, Australian ballot articles (except the election of officers governed by 17 V.S.A. § 2508) may be discussed during voting day. This was previously not allowed. However, under the Australian ballot system, voters may not amend articles; they can only vote up or down.

Other reasons that citizens do not attend town meeting are outside the control of municipal officials. One of the most common reasons is "I can't attend because I have a job." Last session the law was changed to give all employees and voting age students the right to attend town meeting. At least seven days before town meeting, an individual must notify his or her employer that he or she will attend town meeting. If the absence inhibits the ability of the business to operate, the request may be denied. If leave is granted, it is unpaid unless another arrangement exists between the employer and employee. 21 V.S.A. § 472b. Still, many citizens cannot afford to take unpaid leave.

A divisive issue always spurs attendance at town meeting, but we hope the following suggestions will increase attendance and initiate new traditions for future town meetings.

- **Have the moderator explain the rules governing participation in town meeting.** When individuals understand the rules of conduct (usually, *Robert's Rules of Order* for town meeting), they are more likely to participate. Additionally, have members of the community introduce themselves after being acknowledged by the moderator. Introductions can lead to more civil exchanges between individuals on opposing sides of an issue and bolster community engagement and interaction.

(continued on next page)

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TOWN MEETING

(continued from previous page)

- **Involve children in the day's activities.** Parents are likely to take part in events when their children have a role in the day's proceedings. There are multiple ways to involve children: use the meeting space's walls to display children's artwork; let children lead the Pledge of Allegiance or a pre-meeting invocation; encourage children to report on annual community highlights, or prepare a reflection on local historical events.
- **Publicize Town Meeting.** Those of us who work in local government won't forget that town meeting is around the corner, but typical voters may. Publicize town meeting through the municipal website and the local newspaper. Individuals who are active in local government can visit local senior centers or libraries to spread the word. Design the town report as an overt invitation

to participation and describe the day's events. I never forget town meeting in my community because I provide a dish for a lunch fundraiser, which leads me to ...

- **Provide food.** Food brings people together; we all know it. An intermission in the day's debate to break bread with neighbors provides a deserved respite from debate. Lunch could be potluck or a fundraiser for a local organization. When held annually, it can certainly encourage attendance and strengthen community relationships.
- **Provide amenities and ensure the meeting space is comfortable.** Take away all the reasons why citizens don't attend. Provide childcare, or welcome children to the event. Provide ample organized parking and, if possible, sufficient seating. Make sure the

meeting space is clean, well lit and comfortable.

VLCT will again provide our annual Moderator's Workshop on Thursday, February 26 for those who would like a refresher on parliamentary procedure. Also, please visit VLCT's resource library, <http://resources.vlct.org/>, for past articles on town meeting topics. Another insightful resource for town meeting is *All Those in Favor, Rediscovering the Secrets of Town Meeting and Community*, by Susan Clark and Frank Bryan.

As town officials prepare for the annual town meeting, remember your audience. They have not spent as much time as you have preparing for this day, but they are valued participants in the day's activities and need to understand your decisions. Communicate the importance of their position in the legislative process, and please enjoy yourselves.

*Stephanie Smith, Senior Associate,
VLCT Municipal Assistance Center*



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BILL FRASER

(continued from page 5)

Police Chief Doug Hoyt was Montpelier's only remaining seasoned department head. In March, ice had formed that, under certain weather conditions, could have jammed and caused the river to flood downtown or outlying areas. The threat was clear, but no one could predict exactly what would happen. City government marshaled and coordinated a variety of local, state and federal organizations and kept the public informed in various ways. Expertise came from the Vermont Emergency Management Agency; the National Weather Service; the National Guard; the U.S. Geological Service; the U.S. Army Corps of Engineers; the Montpelier Police, Public Works and Fire departments; the Montpelier Downtown Community Association, and the River Management Program of the Vermont Department of Environmental Conservation. High-tech activities included placing gauges in the river to measure and report water levels, installing pressure monitoring devices in the ice to track its condition and movement, "dusting" the top of the ice to help weaken and melt it, and providing flood status and evacuation information to the public via an email list serve and a new Flood

Watch page on the city's website. Lower-tech activities included releasing warm water into the river to melt ice from below, using a crane to break ice from above, preparing sandbags for citizens to distribute, developing a range of contingency plans, and crossing fingers as if to prevent high temperatures or rain. The middle of March was tense, with Fraser and the heads of several organizations holding frequent conference calls to share information and plan next steps. The crisis passed when gradual melting allowed the ice to flow slowly and safely downstream, and everyone involved heaved a huge sigh of relief. (Documentation of the 2007 event-turned-non-event is available through the Flood Watch page at www.montpelier-vt.org.)

Fraser is glad to be back on the VLCT Board, working closely with members who he knows are highly dedicated to serving the interests of members. Especially now, with the prospect of extensive cuts in state funding, he sees added value in VLCT's ability to represent the interests of municipalities at the state level. "In a state consisting mostly of small towns, it is important that their voices don't get lost." He gives police coverage as an example. Municipalities that rely on state police services might soon lose that resource. Some can contract with a city such as Montpelier for a degree of police coverage, but a contract

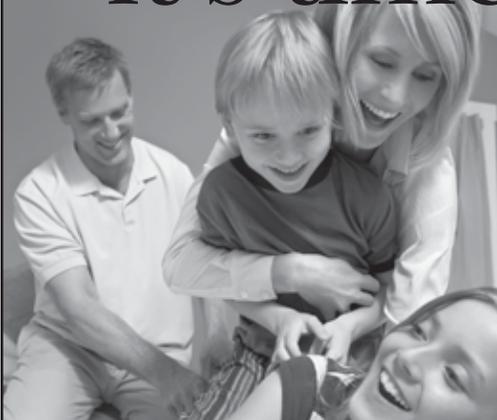
often does not let the smaller community have the level of control it desires. One solution could be for neighboring communities to pool their resources (as with union school districts) and share a police force or other municipal services. Whatever ideas are explored, the League is likely to be involved with the legislation to help communities work together to compensate for the loss of state services.

Fraser's inclination to work in a group where each person's particular talents are put to good use has value in a distinctly non-governmental setting. While he clearly does not have much of an ego to get in the way of performing public service, he *does* have an alter ego which might help him perform on stage. As "Rusty," he sings and plays guitar (mostly rhythm) in Rusty Romance, a seven-piece band that offers "a blend of honky-tonk country and good old rock n' roll, with tastes of western swing, soul, and gospel," according to the band's website. (Did you guess www.rustyromance.com?) In six years, the band has released two CDs and become a reliable staple of central Vermont's local talent scene. With 14 years as Montpelier City Manager under his belt, Bill Fraser is a valuable and effective public servant, and we are glad to have him back on the VLCT Board.

Ione L. Minot, *Contributing Editor,*
VLCT Staff

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The *VLCT News* welcomes classified advertisements from municipal entities, public agencies, businesses and individuals. This service is free for VLCT members (regular, contributing and associate); the non-member rate is \$41 per ad.

Classified ads are generally limited to 150 words and run for one issue. These ads are also placed on the VLCT website for up to one month.

The *VLCT News* is published eleven times per year (the August and September issues are combined) and reaches readers during the first week of the month.

The copy deadline for advertisements is the first Friday of the month prior to the issue date. Space is sometimes available for late additions; please feel free to check with the editor for availability.

For more information on placing classified ads in the *VLCT News*, contact classifieds@vlct.org. For details on display or municipal marketplace advertising, email vlctnews@vlct.org. Instructions for ad requirements may also be downloaded at <http://www.vlct.org/aboutvlct/vlctnewsletter/advertisinginformation/>.

HELP WANTED

Administrative Assistant. The Littleton, New Hampshire Police Department is accepting applications for a part-time (34 hours/week) administrative assistant. All candidates must be detail-oriented, have strong verbal and written communication skills, strong computer skills, be able to multi-task and work in a fast-paced office environment. Must be available Monday through Thursday from 11 a.m. to 6 p.m. and Friday from noon to 6 p.m.

All candidates must have a high school diploma or equivalent and be willing to submit to a background investigation. Previous experience in public safety is a plus, but we are willing to train the right person. Starting wage, \$12.00-\$12.50 per hour DOE plus a small benefits package. A full job description is available upon request. For an application, visit the Littleton Police Department's website (www.littletonpd.org), click on Forms at the bottom of the page, and then click on Employment Application, Non-Sworn. To apply, please submit resume and cover letter to Littleton Police Department, Attn: Human Resources, 264 Cottage Street, Littleton, NH 03561. E.O.E. Position open until filled. (1-8)

Workers' Compensation Insurance Claims

Professionals. Are you interested in joining a mission-driven organization and team of dedicated colleagues? The Vermont League of Cities and Towns seeks licensed claims professionals to serve our municipal membership within our self-insured property, casualty and workers' compensation pool. We are considering adjusters of various levels of workers compensation experience and interviewing at both the Manager and Senior Adjuster levels. Both are key positions providing expertise to members for claims underwritten by the VLCT Property &

Casualty Intermunicipal Fund (PACIF) trust. Knowledge of claim principles and law, especially workers' compensation, is essential; familiarity with risk pooling and/or local government is helpful. Both positions have a high degree of discretionary claim handling authority. The senior adjuster reports to the manager and is required, among other duties, to investigate and negotiate settlements, attend mediations, set reserves, prepare reports, work closely with legal counsel and participate in a variety of special projects. The manager reports to the Deputy Director of Insurance Operations and must be able to conduct high-level investigation of large, complex claims and lawsuits. He or she must have knowledge of all lines of aggregate insurance coverage and contracts and of reinsurance, including reporting procedures and recovery methods. The manager caseload is much smaller than that of adjusters to permit focus on managerial functions such as planning, budgeting, operating results, trend analysis, settlement approval, workflow monitoring and staff supervision. The successful manager will foster strong collaboration with the Deputy Director, the Director and with other VLCT divisions, such as underwriting and loss control. Both positions require a Bachelor's

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degree (or equivalent experience) along with excellent communication and problem solving skills and the ability to analyze information. A current Vermont workers' compensation adjuster license is required and a current Vermont P&C license is a plus. AIC designation is preferred; additional designations are helpful. Valid Vermont driver's license is needed. Some in-state travel and some evening hours, including attendance at select board meetings, will be required. VLCT offers a quality workplace and excellent total compensation package including defined benefit and defined contribution plan choices with 12.1% total employer contribution. Please submit cover letter, resume, and names and phone numbers of three references via email to jobsearch@vlct.org with Claims-Manager or Claims-Senior as subject. Review begins immediately; applications accepted until filled. EOE. (1-2)

Superintendent of Solid Waste. The Department of Public Works of the City of

Nashua, N.H. seeks a professional to provide leadership, knowledge and managerial abilities necessary for the operation, maintenance, upgrade and any construction associated with 100,000 tons per year at a solid waste landfill facility, and 40,000 tons per year at solid waste and recycling collection programs. Other primary duties include being responsible for environmental management, final closure and monitoring of various former landfill and asbestos disposal sites throughout the city. The landfill currently has approximately 30 full-time employees. Minimum requirements: Bachelor's degree in Civil Engineering/Business Management or Administration (solid waste, chemical, biology, environmental studies, recycling management) plus at least 5 years relevant work experience; NH DES Level IV Landfill Operators License; experience working in a union environment; proficiency in the use of personal computers and software applicable to this position; Hazardous Waste Operations and Emergency Response (HAZWOPER) management certification; Landfill Gas Management and SWANA Manager of Landfill Operations (MOLO) certifications; a valid driver's license. A combina-

tion of equivalent education and experience will be considered. Salary, \$65,977 to \$70,254. For an application, call 603-589-3220, or email jobs@nashuanh.gov. To apply, submit application and resume to City of Nashua, Human Resources Department, 229 Main Street, Nashua, NH 03060, or via email to jobs@nashuanh.gov. Position open until filled. Equal Opportunity Employer. M/F/H. (12-31)

Public Works Division Director. Primary duties for this position with the City of Nashua, N.H. include providing the overall leadership and development of all Public Works functions (engineering, traffic, streets, park/recreation, wastewater, solid waste, business administration); and ensuring that programs, policies and operational responsibility of the Division are carried out in an efficient and cost effective manner within the approved budgets. Requirements: Master's degree in Civil Engineering or Environmental Sciences, or an MBA/MPA with at least 8 years of progressively responsible technical knowledge and management experience in public works; experience working in a union environment; working knowledge of budget development, public bidding process, and employee relations; effective oral, written and interpersonal communication skills; proficiency in the use of PCs and Microsoft Windows/Professional Office Suite; a valid driver's license. A combination of equivalent education and experience will be considered. Starting salary, \$87,206 to \$95,223. The Public Works Division currently has approximately 175 full-time employees. The Director reports to the Mayor and the Board of Public Works. To apply, submit cover letter and resume to City of Nashua, Human Resources Department, 229 Main Street, Nashua, NH 03060, or via email to jobs@nashuanh.gov. Position open until filled. E.O.E. M/F/H. Employment recruitment shall be consistent with all state and federal laws. (12-31)

Water and Wastewater Operator. The Winhall-Stratton Fire District has an opening for a year-round full-time operator. Requirements: minimum Vermont Grade I Wastewater, Class 3 Water and a valid Vermont driver's license; experience with snowmobiles and ATVs preferred;

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CLASSIFIEDS

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good communication skills and a strong mechanical background. Must be in good physical health and willing to work outdoors in all kinds of weather. Various duties include inspecting water production and storage systems; monitoring sewer lift station operation; maintaining grounds of facility and all outbuildings including mowing, snow removal, landscaping, cleaning and painting; measuring, bailing and sampling groundwater monitors; collecting weekly (and monthly) required water and wastewater samples for analysis as per State permits; performing flow checks on and calibrating flow meters; inspecting and performing routine maintenance on a wide range of operational equipment (pumps, motors, valves, gauges and meters); sampling water systems for EPA required Phase II and V, lead and copper analysis; inspecting manholes, sewer lines and water tanks; assisting Intrawest Development and Stratton Corporation with construction and permitting projects. Starting salary depending upon qualifications. Benefits include 20 days paid time off annually, health insurance, 401K, season's pass to Stratton Mountain Resort, uniforms and lots of fresh air! To apply, please send resume to Stratton Mountain Resort, Human Resources Department, 5 Village Lodge Road, Stratton Mountain, VT 05155. (12-30)

Zoning Administrator. The Town of Hardwick seeks a part-time Zoning Administrator. Duties include review and issuance of zoning permits, participation in Development Review Board meetings, flood plain management, record keeping, planning and considerable public interaction. Qualified candidates must have excellent communication and organizational skills, computer experience, a high school degree or equivalent and a work history demonstrating reliability and sound judgment. Experience in zoning administration and planning, further education, and experience working with the public are a plus. To apply, send cover letter, resume and three references to Zoning Administrator, Town of Hardwick, PO Box 523, Hardwick, VT 05843. Position open until filled. (12-22)



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Calendar

For more information about the following workshops or events, please contact Jessica Hill, Manager, VLCT Administrative Services, tel. (800) 649-7915; e-mail jhill@vlct.org. Or visit www.vlct.org's Events Calendar and select a workshop for more information or to register on-line. For non-VLCT events listed below, please contact the individuals directly. (The on-line registration option is available for VLCT workshops and events only.)

Local Government Day in the Legislature.

Wednesday, February 18. Capitol Plaza Hotel and the Vermont State House. Sponsored by the Vermont League of Cities and Towns and the Vermont Municipal Clerks and Treasurers Association. A special day at the Vermont State House for local officials to hear about the status of pending legislation from VLCT and VMCTA representatives, attend legislative hearings and speak with their representatives about the Vermont Legislature.

Town Meeting Tune Up. Thursday, February 26. Capitol Plaza Hotel. Sponsored by the VLCT Municipal Assistance Center. A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It will focus on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through Town Meeting unscathed.

Energy Conservation and the Municipal Plan.

Thursday, March 5. Sponsored by the VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions. Delivered in the evening via interactive television, this workshop will focus on the requirements of the energy element within the Town Plan. Particular attention will be paid to the connection between energy conservation and land use, energy policy and implementation strategies, and the role of the Energy Coordinator.

Municipal Treasurers Workshop. Tuesday, Wednesday or Thursday March 26, 27 and 28. Sponsored by the VLCT Municipal Assistance Center. This training will be held at the Bennington Fire Station, Middlesex Town Hall and the Milton Town Office, respectively, to better serve VLCT members. This half-day workshop is designed for newly-elected treasurers and those who want to improve the skills they use in their jobs. Discussion includes a review of the statutory duties and responsibilities of treasurers and an introduction to governmental accounting and financial reporting, banking services, and payroll and benefits.

Selectboard Institute.

Saturday, April 4. Capitol Plaza Hotel, Montpelier. The Selectboard Institute will focus on the fundamentals of municipal governance, such as understanding the municipal organization, essentials of municipal law, running effective meetings, and managing the town budget.