

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

November 2009

## VLCT MEMBERS ADOPT 2010 MUNICIPAL POLICY

Local officials overwhelmingly endorsed the 2010 Municipal Policy, including a renewed call for the legislature and administration to work with local government to replace the current education finance system with a new one.

The position, with its deep and varied connections to property taxes, is a shift back towards a more traditional role for VLCT in the education finance debate. Adopted by officials representing more than 60 municipalities at VLCT's annual meeting in Barre City on October 1, the new legislative platform states:

*"Given the fact that:*

- *Education finance is largely being controlled by the state,*
- *Each year the state has raided the Education Fund, with this year being the largest raid yet,*
- *For next year, there is already discussion of even greater raids on the Education Fund,*
- *While this is happening, local officials continue to spend significant time trying to understand, explain and implement the education finance system,*

*(continued on page 12)*

## GOOD NEWS ABOUT 2010 VLCT HEALTH TRUST RATES

After last year's high rate increase, it is nice to have good news to report for this year!

VLCT Health Trust renewal rates were filed in mid-September with Vermont regulators. As a result of better than expected claims experience, the rates filed, if approved, will result in most Health Trust members receiving rate increases in the low single digits. Please remember that these rates have not yet been approved by the regulators; we hope to have final approval before the Health Trust Annual Meeting on November 13.

Although high deductible plans will see higher increases, the Health Trust will also be offering new high deductible HSA-compatible plans with a fairly flat rate or even a slight decrease when compared to similar 2009

*(continued on page 13)*

## TOWN FAIR 2009

Town Fair, Vermont's foremost conference for local officials, was held on October 1 at the Barre Municipal Civic Center. By all accounts it was a great success, as more than 570 municipal officials and vendors attended the event. (See the photographic spread on page 8.) This annual celebration of local government featured eleven informative workshops, four annual meetings, plus ample opportunities to network among local officials' peers.

Workshop topics included the 2010 census, wetlands issues, unemployment compensation, and the hiring and training of municipal police officers.

*(continued on page 14)*



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# QUILT WHILE YOU'RE AHEAD? NEVER!

The Local Government Quilt Project began in 2005 to celebrate the Town Fair 2005 theme of "Cities and Towns – Working Together, Making a Difference." The first quilt consists of 47 handcrafted squares from municipalities across the state plus a VLCT square. Each square measures 10 inches; the interior design square measures eight inches. Since 2005, Pat Boyle, VLCT Claims Representative and our undisputed Queen of Quilting, has received enough new squares to create a second quilt.



This quilt, unveiled at Town Fair 2009, consists of blocks from Colchester, Dorset, East Haven, Fairfax, Halifax, Hardwick, Killington, Pittsfield, Weathersfield, Williamstown, Winhall, and Woodstock. Some of the quilters put their blocks into historical context. For example, the Halifax block celebrates Vermont's 200th anniversary (1791-1991). It includes 10 smaller blocks that depict historical events of the town. One

block shows Sally Pratt, the first child born in Halifax, walking to a neighbor's house for coals to relight her fire. On the way, she meets a bear. The animal climbs a tree, so she ties her apron around the trunk to keep it from climbing back down while she summons help to dispatch it. So much information in a single panel!

Pat expects to add three more quilt blocks – from Moretown, South Burlington, and Springfield – to the second quilt by February. Although these 59 blocks come from nearly every geographical nook and cranny of Vermont, none calls Lamoille County home. (Odd, that.)

If you live in a town that hasn't yet contributed a quilt block but want to do so, please contact Pat ([pboyle@vlct.org](mailto:pboyle@vlct.org)). Ideally, she would like to see each of Vermont's cities, towns, villages, and gores represented.

As beautiful and evocative as the quilts are, they are sadly not machine-washable – so, no antimacassar duty for them! Instead, they're destined to remain hanging tributes to the superb talents of quilters across Vermont.

*David Gunn*  
Co-editor, *VLCT News*



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# LEGAL AND REGULATORY NOTES



## WASHINGTON SUPERIOR COURT ENJOINS ENFORCEMENT OF BARRE CITY SEX OFFENDER ORDINANCE

In a September 3, 2009 decision, Washington Superior Court Judge Helen Toor upheld an earlier decision that the City of Barre lacked legal authority under its charter and general state statute to adopt a municipal ordinance prohibiting convicted sex offenders from living within 1,000 feet of a public or private school, park, playground, recreation center, beach, pool, gym, sports field, or sports facility owned or operated by the City.

In the earlier decision, Judge Toor held that while Vermont municipalities have the authority under 24 V.S.A. § 2291(14) to define what constitutes a public nuisance and to provide for its abatement "as the public health, safety, or welfare may require," the City's sex offender ordinance addressed concerns "not traditionally within the legal concept of a public right" protected by the public nuisance doctrine and therefore was not lawfully enacted under 24 V.S.A. § 2291(14). Judge Toor also held in the earlier decision that a charter provision allowing the

City to "enact ordinances not inconsistent with the constitution and laws of the State of Vermont" was not intended by the Legislature to create municipal home rule for Barre and was not itself a source of legal authority for enactment of the City's sex offender ordinance.

While it is not binding on other municipalities in the state, those municipalities that have adopted sex offender ordinances should

take heed of Judge Toor's decisions and proceed with due caution. VLCT recommends consulting with a municipal attorney before enacting or enforcing a sex offender ordinance. A copy of the decisions can be obtained by contacting the VLCT Municipal Assistance Center.

*Jim Barlow, Senior Staff Attorney,  
VLCT Municipal Assistance Center*



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## REAPPRAISAL GUIDELINES

Every municipality in Vermont faces the prospect of property reappraisal. This can be a daunting task and often requires a contractor to complete some of the work. The Vermont Assessors and Listers Association (VALA), working with the Property Valuation and Review (PV&R) Division of the Vermont Department of Taxes, wanted to help guide local government officials through this process. Our goal was to produce guidelines to help plan a reappraisal and develop a reappraisal request for proposals (RFP) or a reappraisal contract. After several meetings with members of VALA, PV&R, and a reappraisal contractor, we developed some recommendations. These Reappraisal Guidelines are posted on the PV&R website [www.state.vt.us/tax/pdf.word.excel/pvr/Reappraisal%20Contract%20Guidelines%202009.pdf](http://www.state.vt.us/tax/pdf.word.excel/pvr/Reappraisal%20Contract%20Guidelines%202009.pdf).

*Mark Paulsen, District Advisor Supervisor  
Division of Property Valuation & Review  
Vermont Department of Taxes*

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## FIRST ANNUAL VLCT “STATE OF THE MUNICIPALITIES” SURVEY TO GAUGE THE FISCAL HEALTH OF CITIES AND TOWNS

Local officials throughout Vermont have by now seen the arrival via email of the first ever “State of the Municipalities” survey.

Modeled after similar efforts conducted in other states (such as Minnesota) as well as the National League of Cities, the survey and subsequent report aim to gauge the fiscal health of Vermont municipalities during the economic crisis. Survey results will be used to generate a report that will be used both as an informational tool for members and for VLCT’s advocacy efforts on behalf of local government in the upcoming legislative session.

The questions range from broad qualitative queries to more precise quantitative ones, as we try to calibrate everything from budget and revenue amounts to actions taken by municipalities navigating the most severe economic recession since the Great Depression.

Some questions used in VLCT’s survey are taken directly from or are otherwise modified versions of questions from other state league or national surveys. The majority, however, were created specifically for this analysis.

By using Survey Monkey, an online survey tool, VLCT is trying to conduct the survey entirely in the electronic realm. Municipalities that don’t yet have that technological access can request paper copies by calling Trevor Lashua at 1(800) 649-7915. Responses entered on paper copies will then be entered by VLCT Advocacy staff. To access the survey and corresponding materials online, please visit [www.vlct.org](http://www.vlct.org).

The deadline to fill out the survey is Friday, November 13. For any questions or comments, please contact VLCT Senior Associate Trevor Lashua at 1(800) 649-7915 or [tlashua@vlct.org](mailto:tlashua@vlct.org).

## UPCOMING TRAINING OPPORTUNITIES

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VLCT’S MUNICIPAL ASSISTANCE CENTER

### Wednesday, November 4, Capitol Plaza, Montpelier Preparing for a Successful Town Meeting

This new workshop will help municipal officials prepare for a successful Town Meeting. Learn the legal requirements and best practices for writing articles, petitions, and the town report, as well as how to improve voter turnout.

### Tuesday, November 10, Capitol Plaza, Montpelier Planning and Zoning Forum

Planning officials from around the state will gather to discuss important topics in planning and zoning regulation. Join us for a discussion of topics that include organized and consistent development review hearings, the elements of a defensible land use decision, the new procedures for updating the Vermont significant wetlands inventory maps, and how towns can get involved in wetland protection.

### SAVE THE DATE

Tuesday, December 1, Hartford Town Offices  
Thursday, December 3, Milton Town Offices  
Delinquent Tax Collection

Tuesday, December 8, Hartford Town Offices  
Thursday, December 10, Milton Town Offices  
The Essentials of Payroll Management

Thursday, December 10, Vermont Interactive Television  
Variations on a Theme: Guiding Development through Planned Unit Development Bylaws

### SCHEDULING CHANGE

**Please note:** the Basic Governmental Accounting Workshop has been rescheduled to May 4 and 6.

For registration and other information, please visit [www.vlct.org/eventscalendar/upcomingevents/](http://www.vlct.org/eventscalendar/upcomingevents/), call 1-800-649-7915, or email [info@vlct.org](mailto:info@vlct.org).



# ASK THE LEAGUE

## DECISIONS OF AN APPROPRIATE MUNICIPAL PANEL; NOTICING A SITE PLAN HEARING

### *Must the chair of an Appropriate Municipal Panel (AMP) sign its decisions?*

No. Although state law authorizes both the chairperson and the vice-chair of an appropriate municipal panel (board of adjustment, development review board, or planning commission performing development review) to sign decisions on its behalf, the law is enabling and, as such, is an authority that the chair or vice-chair may – but does not have to – exercise. “Any decision or order approved for issue by a board, commission, committee, agency or authority of any municipal corporations, including the legislative body of a municipal corporation, which is required by law to be in writing, may be signed by the chairman or vice-chairman on behalf of the issuing body.” 24 V.S.A. § 1141. AMPs may utilize this option as they are municipal boards whose decisions are required by law to be in writing. “Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of its conclusions.” 24 V.S.A. § 4464(b)(1). Alternatively, AMPs could opt instead to have their decisions signed by the entire board or only by those who constituted a concurrence of the majority necessary for the decision to be rendered.

Oddly enough, state law does not mandate that development review decisions be signed. Decisions, however, cannot be made without the “... concurrence of a majority of the panel.” 24 V.S.A. § 4461(a). The most common way of memorializing and authenticating this concurrence is by signature of those granting their approval. Another very practical reason why signatures and an approval date are needed is because the Environmental Court will start counting from the date of the signed decision to

determine if an appeal is timely. “The only reasonable way to determine a date on which a DRB decision is ‘issued’ is to refer to the

date appearing on the decision itself over the signatures of the DRB members (or, in the

*(continued on next page)*

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## ASK THE LEAGUE

(continued from previous page)

case of a decision rendered on the minutes of a board or commission hearing, the date on which those minutes were approved and signed by the board's members)." *In re Charbonneau.*

*Garrett Baxter, Staff Attorney,  
VLCT Municipal Assistance Center*

**Our municipal bylaws require a 15-day hearing notice for site plan review; however, state law says seven days. We posted and sent out appropriate notice to the applicant and adjoining but failed to meet the 15-day requirement in the bylaw. Should the town repost and notice the site plan hearing?**

Yes, the town should repost and notice the site plan review hearing complying with the time limit outlined in its bylaws, but only when they provide more, not less, notice than required by state law. (See table.) Two different notice requirements for the quasi-judicial hearings are governed under 24 V.S.A. § 4464. Subsection (a) (1) requires at least a 15-day notice prior to the public hearing for final plat review of a subdivision, appeals of administrative officer decisions, variances, and condition use review requests. Subsection (a) (2) requires a seven-day minimum notice for all other types of hearings, including site plan review. These time limits, set out in Vermont law, are a starting point, but a town can adopt higher standards for the time limits, and

specify where posting must occur and who is directly notified via mail. If your town's bylaws are silent, then land use officials

must comply with the notice and posting requirements in the law.

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

### Hearing Notice Requirements as Governed by 24 V.S.A. § 4464(a)

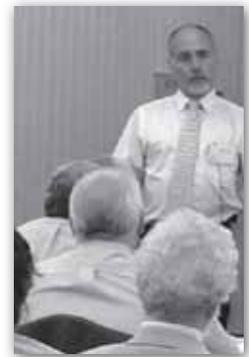
Posting Requirements	Conditional Use Review <sup>1</sup>	Appeals of ZA Decision <sup>1</sup>	Variance <sup>1</sup>	Final Plat for Subdivision <sup>1</sup>	Site Plan <sup>2</sup>	Design Review <sup>2</sup>	Sketch/Preliminary Subdivision Review <sup>2</sup>	Local Act 250 <sup>2</sup>
Publication of the date, place, and purpose of the hearing in a newspaper.	×	×	×	×				
Posting the date, time, place and purpose of the hearing in three or more public places within the municipality in accordance with 1 V.S.A. § 312 (c) (2).	×	×	×	×	×	×	×	×
Posting the date, time, place and purpose of the hearing within view from the public right of way most nearly adjacent to the subject property.	×	×	×	×				
Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties across public rights of way.	×	×	×	×	×	×	×	×
Notification includes a description of the proposed project, where the recipient may obtain additional information, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.	×	×	×	×	×	×	×	×

1. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing.  
 2. Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing.  
 3. When a variance is sought regarding setbacks from a state highway, written notification to the secretary of transportation is required.

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*Bill Hall*

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# TOWN FAIR 2009

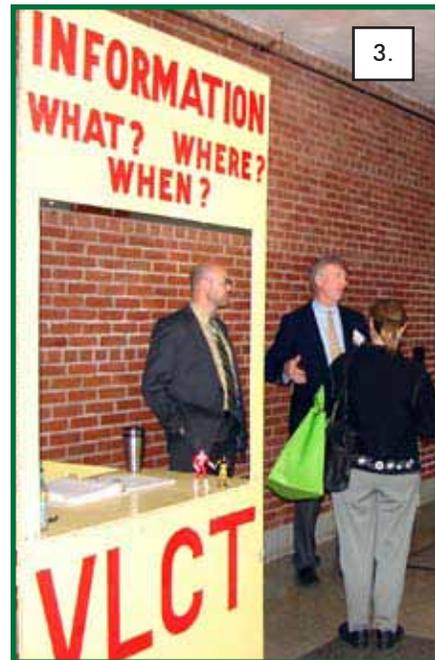
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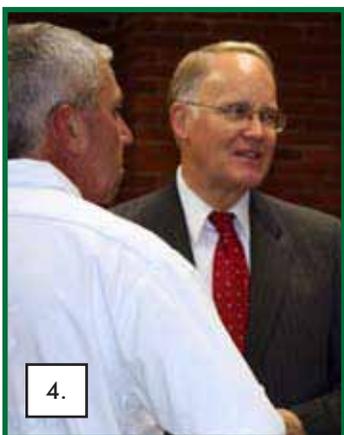
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2.



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5.



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9.



10.



1. The 2009 VLCT Local Officials Golf Outing (LOGO) Tournament begins.
2. LOGO Golf participants tee off.
3. Barre City Manager John Craig and Montpelier City Manager Bill Fraser chat with members.
4. Governor Jim Douglas visits vendors.
5. Hartford Town Manager Hunter Riesberg and VLCT Executive Director Steve Jeffrey get some air.
6. A Town Fair attendee operates the interactive driving simulator.
7. Jay Barrett, Fairlee Selectboard Chair, and Bridget Collier, Greensboro Clerk/Treasurer, debate education funding.
8. VLCT Staff assist members.
9. Carol Casey of the Vermont Council on World Affairs introduces Saudi mayors to Vermont local officials.
10. Heidi Joyce, VLCT Senior Health Promotion Consultant, talks with Chris Sweeny, a workshop speaker from Northwestern Occupational Health.
11. Attendees listen to announcements at the Town Fair Luncheon.
12. Milton Town Manager Sandy Miller becomes the new VLCT Board President as Middlebury Selectperson Bill Perkins waves goodbye.
13. Johnson Selectboard Chair Eric Osgood, Fayston Selectperson Jared Cadwell, VLCT CFO Bill Hall, and Orwell Selectboard Chair Ted Simmons share a laugh.
14. VLCT Administrative Services Manager Jessica Hill announces the raffle and best booth winners.
15. Town Fair attendees inspect vendors' road construction equipment.
16. Marcia Sibley gives a chair massage.
17. Bridget Collier speaks at the VLCT Annual Meeting while the Saudi visitors listen with the help of an interpreter.
18. Steve Jeffrey counts votes at the VLCT Annual Meeting.





## NEWS TO USE

### MEDICAL AND VISION OPEN ENROLLMENT IS NOW!

An important reminder to VLCT Health Trust members: November is the annual Open Enrollment period for medical and vision insurances. This is the one time each year when Health Trust member groups and subscribers may switch plans, employees may join coverage, and existing subscribers may add dependents to coverage without a qualifying event. **All group or subscriber plan change requests must be submitted by December 1. This will allow us to implement a January 1 effective date of change.**

- **Groups** that want to add, change, or cancel plans must submit a request in writing from an authorized official clearly stating which plan the group wishes to add, cancel, or change for a January 1 effective date.
- **Subscribers** changing health insurance plans must submit an enrollment/change form with "Plan/Benefit Option Change" selected under the Reason for Form, and the new plan specified under the Benefit Plan section.
- **Note** that employees may only choose from the plans that the employer offers – that is, subscribers are restricted to switching to only those plans that the group will offer.

This open enrollment is for medical (CIGNA) and vision (VSP) coverage. The dental (Northeast Delta Dental) Open Enrollment period will take place during May and June for a July 1, 2010 effective date.

If you have any questions regarding open enrollment or the various health or vision insurance benefit plans available through the VLCT Health Trust, please call 800-649-7915 and speak with your Member Relations Representative:

- **Tanya Chambers, ext. 116:** Essex, Caledonia, Orleans, Orange, Washington, Windsor and Windham counties.
- **Lisa Lindner, ext. 118:** Grand Isle, Franklin, Chittenden, Lamoille, Addison, Rutland, and Bennington counties.
- **Larry Smith, ext. 143:** Barre City, Barre Town, Hartford, Rutland City, Colchester, and South Burlington.

### NEW SECTION 125 (FSA), HRA AND COBRA ADMINISTRATOR

Effective January 1, 2010, the VLCT Health Trust will be partnering with a new provider, Fringe Benefits Management Company (FBMC), for Section 125 (FSAs, HRAs, and HSAs) and also COBRA administration services for participating members. FBMC will work closely with our current vendors, Future Planning Associates and PayFlex, to ensure a smooth transition.

FBMC has served Vermont State employees for over 10 years and comes highly recommended as a well-established organization in the health insurance marketplace. We hope that receiving from one provider the services that we used to get from two will be more efficient and convenient for our members.

Additional information regarding this transition is being mailed to all Health Trust members. If you have any questions regarding FBMC or the transition process, please call 800-649-7915 and speak with your Member Relations Representative.

### VLCT HEALTH TRUST ANNUAL MEETING

Please join us for the Health Trust Annual Meeting on Friday, November 13, 2009 at the Capitol Plaza Hotel in Montpelier. Registration begins at 9:30 a.m. and the meeting will include lunch. All Health Trust member groups should have received the annual meeting announcement and mailing. If you have not received your packet, please call VLCT at 800-649-7915.

Our guest speaker will be noted health and wellness expert Gary Earl, founding

partner of the non-profit Communities of Health and currently a Senior Vice President of CIGNA Corporation. As the executive in charge of the health and productivity of more than 80,000 employees and dependents of the Las Vegas-based Caesars Entertainment, Earl spearheaded a distinct improvement in workforce health while decreasing health care expenditures – without shifting costs, reducing benefits, or limiting access. At our meeting, Earl will share his insight on broadening the national attitude toward health and health care from a two-dimensional view on treatment and health behavior of individuals to a three-dimensional look at the deep causes of illness and disease that drive people into the health care system in the first place. We expect this will be an entertaining and enlightening presentation, and we look forward to seeing you in Montpelier!

### MEET YOUR 2010 HEALTH TRUST ENHANCEMENTS

All Health Trust members are invited to attend one of five regional informational meetings in November to learn about upcoming Health Trust changes. The meetings will take place in or near White River Junction, St. Johnsbury, Montpelier, Colchester, and Manchester. Each two-hour meeting will be hosted by two or more knowledgeable VLCT staff members who will provide updated information on 2010 membership and open enrollment. The first hour will feature a presentation explaining benefit changes, describing new plans, and introducing our new vendor. The remaining hour will be spent answering members' questions. Coffee and healthy snacks will be served. Look for times and specific locations in an email from your Member Relations Representative or in the Events Calendar at [www.vlct.org](http://www.vlct.org).

#### PLEASE NOTE:

**The absolute deadline for returning PACIF Renewal Applications is Monday, November 16th (but sooner is better!).**

# MENT SERVICES

## PACIF BOARD OKAYS LARGE INCREASE IN 2010 CONTRIBUTION CREDITS

At its October 9 meeting, the PACIF Board of Directors approved a 50 percent increase in contribution credits for 2010. This year's decision to return \$750,000 to the membership results in a total distribution of over \$12.5 million since PACIF's founding.

This credit, in addition to the good claims experience the pool is having and favorable renewal of our reinsurance contracts, will result in many members seeing an overall reduction in their net PACIF invoices for 2010.

"The Board – comprised of municipal officials – understands the unprecedented economic pressures that our members are facing," says Pat Scheidel, President of the

PACIF Board. "With good claims development and improving investment results, we felt that we could help our members with a budget-friendly contribution credit for 2010 and still make modest improvements in our surplus to remain financially strong and stable for the future.

One of the biggest differences between commercial insurance and PACIF is that any monies collected that are not needed to pay claims can be returned to members as contribution credits and not distributed to shareholders as dividends. That is the power of municipalities investing in risk management versus just purchasing insurance!

## REDUCING SNOW PLOW CLAIMS

Snow has already fallen this year, and although it won't really pile up before the ground is frozen, now is the time to prepare so this plowing season can have fewer incidents of damage to equipment and people. Many incidents can be prevented if operators of snow removal equipment follow the suggestions listed below and reestablish safe habits early in the season. Employers should consider posting these guidelines where road crews can review them easily and support operators in taking the extra time required to enact them.

### PLOWING

1. While the roads are still clear, drive your plowing routes and note the locations of manholes, headwalls, bridge abutments, fire hydrants, mailboxes, guardrails, road surface changes, roadside plantings, and other objects that can catch plow blades. Avoiding them when plowing will decrease damage to the plow and the property.
2. Conduct a pre-season review of how your plow equipment works and winter maintenance policies.
3. Begin every plowing shift with an OSHA-approved vehicle check.
4. Wear your seatbelt to protect you and help you maintain control of the vehicle.
5. Know the outside limits of your plow. Use the safety lock when transporting the plow in a raised position.
6. When plowing, gauge your speed by the distance the snow and/or slush is cast or thrown by the plow.
  - Never plow so quickly that snow or slush is cast far beyond the edge of the shoulder.
  - Adjust your plowing speed to avoid showering pedestrians, sidewalks, buildings, and vehicles at grade separations (such as bridges).

*(continued on page 18)*

## NOVEMBER 2009 RMS CALENDAR

**VLCT Health Trust Open Enrollment.** November 1-30 (deadline December 1). Add or change medical or vision coverage without a qualifying event. See details elsewhere in this issue or in an email from your Member Relations Representative; or call your representative at 802-229-9111.

**VLCT Flu Shot Clinics.** Various times and locations in early November, sponsored by a grant from CIGNA and hosted by Health Trust members for their participants. Find the complete schedule at [www.vlct.org/insuranceriskservices/programs/wellnessinitiatives/](http://www.vlct.org/insuranceriskservices/programs/wellnessinitiatives/)

**VLCT Health Trust Annual Meeting.** Friday, November 13, Capitol Plaza, Montpelier. All members are welcome to register and attend. Send registration form to VLCT, Attn. Shawna O'Neill, 89 Main Street, Suite 4, Montpelier VT 05602-2948. Call Shawna at 802-229-9111 with any questions.

**VLCT PACIF 2010 Renewal Deadline.** Monday, November 16. Please mail all completed renewal forms to VLCT, Attn. Underwriting, 89 Main Street, Suite 4, Montpelier VT 05602-2948. If you have any questions, call Dan Roda, Pam VanDeursen, or Vicky Abare at 802-229-9111.

**VLCT Health Trust Member Relations Regional Meetings.** Monday, November 16, 9-11 a.m., Capitol Plaza Hotel, Montpelier, and 1-3 p.m., Hampton Inn, Colchester; Tuesday, November 17, 9-11 a.m., Comfort Suites, White River Junction, and 1-3 p.m., Northeastern Vermont Regional Hospital, St. Johnsbury; Wednesday, November 17, 9-11 a.m., The Equinox, Manchester. See longer description on page 20 in this issue. Please preregister in the Events Calendar at [vlct.org](http://vlct.org).

**General Industry OSHA-30 Class.** December 7-10. Asa Bloomer State Office Building, Rutland, Vermont. Sponsored by the Vermont Safety & Health Council. More information at [www.vshc.org/](http://www.vshc.org/) (events calendar).



## 2010 MUNICIPAL POLICY

(continued from page 1)

*VLCT recommends the creation of a new education finance system that takes into consideration both the Brigham decision and the lessons of the past 11 years. Local officials are willing to assist in the creation of a new system, provided that such efforts will be taken seriously by the administration and the legislature.*

Last year, local officials essentially told the state to take control of the education funding system, including all responsibility for the billing and collection of education property taxes. That position was a departure from the traditional and more cooperative approach taken by VLCT in the past. It was born of a growing frustration local officials feel with a system that is continually tinkered with, but never actually fixed or improved. While the policy may be different, the frustration has only grown.

VLCT's role in the issue was debated by local officials in a lively morning session at Town Fair. Selectman Frank "Jay" Barrett of Fairlee argued in favor of continued and vigorous participation by local government officials in the education funding issue, while Greensboro Town Clerk and Treasurer Bridgett Collier argued that municipalities should divest completely of involvement in administration, billing or collection of education property taxes (the 2009 policy). The general consensus that arose from that broad discussion mirrored the eventual position adopted as part of the 2010 Municipal Policy.

Overall, the 2010 Municipal Policy – much like its two immediate predecessors – contains the theme of preventing any shifts in funding or responsibility from the state to the local level. Large state deficits loom on the horizon. With a budget hole of more than \$26 million already appearing in the current state fiscal year budget, and an even grimmer outlook for state FY11 and FY12, a number of shifts and cuts will likely be proposed that, if enacted, will land squarely on the shoulders of local government and property taxpayers.

Complicating the matter is the fact that federal stimulus dollars currently being used to plug budget holes will soon dry up.

For examples on how the shift can happen and what it can mean, one only has to turn his or her attention to last year. The administration opened the session by calling for the shift of nearly \$45 million in teacher's retirement program funding obligations

from the General Fund to the Education Fund. While that proposal was not included as part of the final outcome, a state budget was adopted that did shift roughly \$26 million in previous General Fund expenses or obligations to the Education Fund.

Compounding that shift was an outright cut in funding for Town Highway Aid, Class 2 grants, and Structures grants. It is possible – even likely – that all of these issues will be back on the table during the coming legislative session.

That being said, the bulk of the changes adopted as part of the 2010 Municipal Policy are fairly minor in nature. Changes were primarily made to reduce the overall number of words used in the document, rather than to introduce, alter, or remove policy ideas and goals.

Here's a quick rundown of the four policy sections of the 2010 Municipal Policy:

**FAIR (Finance, Administration, and Intergovernmental Relations).** In addition to overhauling the education finance system, this section of the policy includes calls to prevent unfunded mandates, fully fund the state's payments in lieu of taxes (PILOT) payments, and enlarge or otherwise enhance municipal authority and autonomy.

Included as part of a list of "other" priorities in the past, the 2010 FAIR section of the policy breaks out the revision of the state's public records law into its own section. The goal remains the same: to make necessary clarifications to the public records law while

(continued on next page)



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## 2010 MUNICIPAL POLICY

(continued from previous page)

retaining or enhancing accessibility to public records.

**Transportation.** Improving the condition of Vermont's roads, bridges, and culverts remains a significant challenge for officials at the local and state levels. Even with last year's minor infusion of new state dollars and federal transportation stimulus funds into an ailing Transportation Fund, Vermont is already looking at a budget hole for the current fiscal year.

VLCT will continue with its advocacy for enacting significant, lasting, and necessary changes in transportation funding to begin reversing the underinvestment and deterioration trend. To do so, local officials recommend boosting transportation revenues (through increasing the gas tax or user fees, for example), using bonding in a significant capacity, seeking efficiency improvements in project management, and further reducing and finally ending the transfer of Transportation Fund monies to the General Fund.

In the wake of last year's cuts in funding for Town Highway Aid, Class 2 grants, and Town Highway Structures grants, a special section was inserted calling for local officials to resist any attempts to repeat such action again in the coming year.

**Public Safety.** This policy remains relatively unchanged from 2009. Added to the sections opposing public safety mandates (such as forced police department regionalization), offender supervision, emergency response, emergency service personnel training, and police retirement, the public safety policy calls for the outlawing of handheld cell phone use by all drivers. Part of a larger discussion on distracted driving generally, the policy does recommend allowing drivers to use "hands-free" electronic communications devices while on the road.

**Quality of Life and Environment.** Health care retains its position as the first topic in this section. Much of what happens in Vermont seems to hinge on the outcome of the ongoing federal debate, particularly this year. Since health insurance is currently the main cost driver in most municipal budgets, the issue is sure to be followed with active interest now that budget season is beginning in earnest.

Included in the Quality of Life and Environment section are land use, water quality,

wastewater, energy, and housing subsections, the last two already threatening to become major topics for legislative discussions.

Reinstating state financial and technical support for town health officers, as well as cleaning up some of the statutes concerning filling those positions, rounds out this section of the policy.

To view the 2010 Municipal Policy in its entirety, please visit the "Advocacy" page of our website, [www.vlct.org](http://www.vlct.org). Before the session begins, the VLCT Board of Directors will also extract a list of legislative priorities from the policy. You can also receive a copy of the 2010 Municipal Policy by emailing Trevor Lashua ([tlashua@vlct.org](mailto:tlashua@vlct.org)) or Karen Horn ([khorn@vlct.org](mailto:khorn@vlct.org)) or calling them at 1-800-649-7915. Announcements regarding regional legislative preview meetings with

VLCT Advocacy staff will be forthcoming soon as well.

*Trevor M. Lashua, VLCT Senior Associate,  
Advocacy and Information*

## HEALTH TRUST RATES

(continued from page 1)

plans. Moreover, changes in our prescription drug plans are making them more cost-effective.

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## TOWN FAIR

(continued from page 1)

A “point-counterpoint” discussion on education funding debated by Bridget Collier, longtime Greensboro Town Clerk and Treasurer, and Jay Barrett, Fairlee Selectboard member and former chair of the Vermont Coalition of Municipalities, was spirited and edifying. In “Roles and Responsibilities of Selectboard Members, Town Managers, and Town Administrators,” VLCT Senior Staff Attorney Jim Barlow contrasted the differences between a manager form of government and a municipality that is administered by its selectboard. Among the attendees were six mayors and municipal officials from Saudi Arabia, part of an exchange with the Vermont Council on World Affairs. Several of them had not been in the United States or even out of their country before. Although they seemed intrigued by Jim’s session, they showed the most interest in transportation infrastructure – a few had never before seen a snow plow. Later in the day, all were impressed with the level of democracy and participation from local officials at the VLCT Annual Meeting. There, members discussed and then voted on the Municipal Policy, which sets VLCT’s legislative priorities for 2010. (See related article on page 1.)

The “fair” part of Town Fair showcased more than 80 exhibitors in the Auditorium and BOR – despite the rough economy, both spaces were sold out. Conversation was lively there throughout the day as local officials renewed acquaintanc-

es with their colleagues from other parts of the state. The governor was seen talking to vendors and local officials, the secretary of state was in attendance to answer questions about her office, and the state treasurer had lunch with town officials and employees at the long tables feasting on a delectable meal prepared by the New England Culinary Institute.

The Conversation Café in the morning and the annual Turkey Luncheon in the early afternoon slaked the appetite of the heartiest trencherman. Outgoing VLCT President Bill Perkins, Middlebury selectboard member, delivered the luncheon address in lieu of President Obama, who had been invited but, at the last moment, opted instead to go to Copenhagen to pitch (unsuccessful) for his hometown of Chicago to host the 2016 Olympics.

VLCT PACIF and the Health Trust sponsored health and bone density screenings and chair massages. Forty-five attendees received flu shots, which were administered free to Health Trust members.

Town Fair attendance was sweetened by two raffle drawings: ten \$100 gift cards, and two tickets to see a Red Sox baseball game. (See sidebar.) Attendees voted for the best display booth, whose vendor won a free booth at Town Fair 2010. (Calendar marking alert: TF10 is tentatively scheduled for October 7 at the Champlain Valley Expo in Essex Junction.)

*David Gunn*  
Co-editor, VLCT News

### TOWN FAIR 2009 RAFFLE AND BEST BOOTH WINNERS

#### \$100 GIFT CARDS

Richard Baker,  
Zoning Director, Stowe

David Crawford,  
Village Manager, Essex Junction

Susanne Gann,  
HR Coordinator, Stowe

Mona Hickory,  
Administrative Assistant, Killington

John Hoogenboom,  
Selectperson, Moretown

Brad LaRose,  
Police Captain, Essex Town

Larry Melen,  
Town Manager, Weathersfield

Dencie Mitchell,  
HR Coordinator, Milton

Sue Moraska,  
Asst. Clerk, Shelburne

Jan Perkins,  
Asst. Clerk/Treasurer, Johnson

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Tina Sweet, Morristown  
Kevin Bellevue, Enosburgh Falls

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## VERMONT REGIONAL COMMISSIONS RECEIVE COUNTY-SPECIFIC GRANTS FOR ENERGY EFFICIENCY

Congratulations to Vermont's regional commissions for successfully appealing to the U.S. Department of Energy (DOE) for American Resource and Recovery Act (ARRA) dollars that in other states were allocated to counties.

When funding from the Energy Efficiency and Conservation Block Grants (EECBG) through ARRA was initially announced, no counties in New England states received any money set aside in the legislation for counties. DOE ruled that New England states had no functioning counties to receive or spend funds, so those states, including Vermont, were left out in the cold with respect to county dollars.

Vermont's Congressional delegation (Senators Sanders and Leahy, Representative Welch) wrote to U.S. Energy Secretary Steven Chu asking him to reverse the regulatory decision. In response, DOE established a process for a state's ten most populous counties and "county equivalent" bodies (such as Vermont's regional planning commissions) to seek these funds.

Vermont's first county-specific block grants, awarded in September, went to

Caledonia (\$128,900), Orleans (\$115,200), and Franklin (\$195,600) counties. A second round of grants, awarded in early October, went to Windham (\$130,800), Orange (\$115,800), Windsor (\$193,300), Washington (\$254,600), Chittenden (\$195,400), Rutland (\$189,700), and Addison (\$153,700) counties.

Senator Sanders, of the Senate Environment and Public Works Committee, authored legislation that established the Energy Efficiency and Conservation Block Grant program. The State of Vermont and its cities and towns have already been awarded \$10.3 million in program funds *apart* from the new county dollars. "This funding will support local efforts to tackle our serious energy challenges," said Sanders. "It provides federal recognition of grassroots efforts to cut fossil fuel emissions, improve energy efficiency, and move us toward such sustainable energies as wind, solar, geothermal and biomass."

These allocations to regional commissions are substantial new resources for implementing energy efficiency and renewable energy

projects. Local officials need to work closely with their regional commissions to determine the best use of this money.

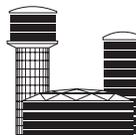
The Vermont Public Service Department and counties through the regional commissions also appealed to DOE for county funding. DOE has provisionally approved the Public Service Department's proposal to funnel \$5.6 million (less \$880,000 appropriated by the Vermont Legislature to regional commissions) to local governments for energy efficiency block grants. This ARRA money will be administered through Vermont's Clean Energy Development Fund. The Public Service Department is presently responding to DOE's last set of unresolved questions about the proposed program. Upon final approval, the Public Service Department will finally provide guidelines for municipalities seeking to apply for that money. The guidelines should be available before the end of the year (*another rash prediction from VLCT*).

*Karen Horn, Director  
Public Policy and Advocacy*

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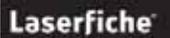
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# Classifieds

Please visit the VLCT website [www.vlct.org/marketplace/classifiedads/](http://www.vlct.org/marketplace/classifiedads/) to view more classified ads. You may also submit your ad via an email link on this page of the site.

## VLCT NEWS ADVERTISING POLICY

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](mailto:classifieds@vlct.org). For details on display or municipal marketplace advertising, email [vlctnews@vlct.org](mailto:vlctnews@vlct.org). Instructions for ad requirements may also be downloaded at [www.vlct.org/aboutvlct/vlctnewsletter/advertisinginformation/](http://www.vlct.org/aboutvlct/vlctnewsletter/advertisinginformation/).

## HELP WANTED

### Water/Wastewater Treatment Plant

**Operator.** The Village of Jeffersonville is accepting applications for a full-time combined Water/Wastewater Treatment Plant Operator position. Duties include collecting and testing water/wastewater samples to ensure compliance with state and federal regulations, maintaining the plants, reading and repairing water meters, and maintaining and replacing the Villages water and wastewater

infrastructure. Requirements: Vermont Grade III Water certification, class 1DM Wastewater Treatment Plant certification, high school diploma or equivalent, valid driver's license with clean record, ability to perform a variety of manual tasks. Any combination of experience and qualifications will be considered. We offer competitive wages and a flexible benefits package. To apply, send cover letter and resume to Village of Jeffersonville, PO Box 189, Jeffersonville, Vt. 05464, or email [jeffvillage@vtusa.net](mailto:jeffvillage@vtusa.net). Position open until filled. (10-08)

**Zoning Administrator.** The Town of Wallingford is seeking a part-time zoning administrator for 9 hours/week plus one evening meeting per month. The zoning administrator is the enforcing arm of the Town's zoning code and its bylaws and serves as staff to the Planning Commission and Development Review

Board, issuing zoning permits, preparing minutes, warning meetings, and receiving and answering correspondence. For more information, call (802) 446-2872. To apply, send letter of interest to Planning Commission, 75 School Street, Wallingford, VT 05773. (10-6)

### Administrative Services Manager.

The City of Lebanon, N.H. (pop. 13,000) seeks a highly motivated, detail-orientated professional to serve as Administrative Services Manager for the Public Works Department. The manager reports to the Director of Public Works and is responsible for the procurement of all goods and services and maintenance/monitoring of the accounting transactions for the department, and review and/or development of bid specifications and contract documents for goods

*(continued on next page)*

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## CLASSIFIEDS

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and services. The position supervises one full- and one part-time employee. Requirements: Associate's degree in business management or accounting plus 5 years supervisory experience in an office setting or municipality. This position is affiliated with the Lebanon Professional Administrative & Salaried/Teamsters 633 bargaining unit. Salary range, \$51,800 to \$69,922 DOQ, plus generous benefits. Visit [www.lebcity.com](http://www.lebcity.com) for a full job description and City of Lebanon application. To apply, send letter of intent, resume, and application to Mitzi Baron, HR Director, City of Lebanon, 51 North Park Street, Lebanon, NH 03766. Open until filled. EEOC. (10-21)

## FOR SALE

**International Truck.** 1998 International 4900, single axle truck, 2-year-old dump body, 101,836 miles, yellow, DT 466 engine, 8-speed transmission, 35000 axle capacity, rear sander, snow plow with wing. Asking \$22,000. Contact Garrett Earls, Williamstown Town Manager, at (802) 433-6671. (10-22)

**Drop-in Spreader.** The Town of Proctor has a 1996 Swenson spreader for sale by bid. The spreader is an EV-100/10 series with a 10' long box, 54" high sides, and a 6 cubic yard capacity. It is made of 10 gauge stainless steel, has a 24" conveyor, and an 18" spinner. It currently is not functional and is being sold in "as is" condition. Inspection is the responsibility of the bidder. To see the spreader at the

Town Wastewater facility (Patch Street, Proctor), call 802-459-2789 to make an appointment. Bids must be signed by the bidder and include the bidder's name, address, and telephone number. Seal bid in an envelope clearly marked "Swenson spreader" and send **by November 9, 2009** to Town Clerk's Office, 45 Main Street, Proctor, VT 05765. Bids will be opened at the November 9, 2009 Proctor Selectboard meeting. The Town of Proctor reserves the right to award the bid at any time and to waive any informalities in, reject any and all bids, or accept any bid deemed to be in the Town's best interest. (10-15)

Nearly new **Peerless turbine pump** (no motor), 450 gallons per minute, 8 stage, fits 75-HP motor. \$2,400 or best offer. Contact Scott Townsend, Village of Lyndonville, at 626-5468. (9-23)

## REQUESTS FOR PROPOSALS

**Trash and Recycling Services.** The Central Vermont Solid Waste Management District is accepting proposals for trash and recycling services for CVSWMD member towns, including drop-off depot and fast trash services. The complete RFP document will be available for distribution on October 21. An informational meeting about the RFP will be held at the CVSWMD office (137 Barre Street, Montpelier) on Thursday, October 29 from 1pm to 3pm. **Proposals are due by 4 p.m. November 13, 2009.** For more information or to be added to the list to receive the RFP document as soon as it is available, please call 802-229-9383, ext. 102, or email [adminmanager@cvswmd.org](mailto:adminmanager@cvswmd.org). (10-14)

## SNOW PLOW CLAIMS

(continued from page 11)

- When plowing to the left, be sure not to cast materials across narrow medians and into opposing lanes.
  - Take care not to obscure the vision of other motorists by throwing chunks of ice, slush, or frozen snow onto passing vehicles.
  - Do not go so fast that snow is thrown against your own windshield, clouding your ability to see.
7. "Slide slipping" accidents are strictly a snow plowing hazard. When the plow strikes a solid object (such as densely packed snow) or, in some cases, a large puddle of water, the truck can be moved sharply to the left, causing the driver to lose control of the vehicle. Side slipping can occur at low speeds, but is more likely to occur at high speeds when the plow is rigid and angled sharply. To help prevent side slipping, never use a chain to bypass the plow piston. Doing so both makes the plow more rigid and significantly reduces the angle of the plow.

### SPREADING SAND AND SALT

1. Every year, towns are found liable for damage to other vehicles' windshields that have been struck by stones from a truck or sand spreader. Whether the stones bounce off the ground or fall directly from a town vehicle, three simple steps can decrease these situations:
  - load the truck according to the manufacturer's recommendations;
  - keep the ledges of the truck body clear of stones and other debris; and
  - maintain a reasonable speed (no more than 25 mph on town highways) when spreading materials.
2. Do not overload the equipment. Overloaded vehicles are harder to control, and equipment can be damaged more easily.
3. Before loading jet bodies with sand and/or salt:
  - make sure all pins, turnbuckles, and similar items are secure; and
  - check the conveyor chain before loading the jet.

(continued on next page)



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## SNOW PLOW CLAIMS

(continued from previous page)

4. Every time you stop to check the load, remove lumps, etc., follow at least these minimum precautions:
  - Make every effort to get the truck completely off the road.
  - Shut the truck off, remove the keys, and make sure you take the keys with you.
  - Shut off power to the spreader before removing jams.
  - If you have to operate the sand-er, maintain eye contact and good communication with the truck driver at all times.
  - Keep your hands away from the conveyor and other moving parts.
  - With offset sanders, make absolutely certain you do not bend over

with your eyes aligned with the spinner to look up into the chute (or you may end up with sand and salt in your eyes and a serious injury).

- Wear safety glasses or goggles at all times.
- When traffic is heavy or visibility is poor, make sure your helper is at the rear of the truck to direct traffic safely around the plow. Anyone directing traffic should wear proper headgear and reflective vest at all times.

VLCT's Loss Control consultants can answer questions and travel to member sites to provide a variety of services, including in-depth snowplow and sand/salt spreader training. Please call 802-229-9111 or 800-649-7915 and ask for the Loss Control consultant for your area.

## TRIVIA

Sixteen shrewd citizens – a full quart – correctly identified Brattleboro as the sole Vermont town that elects people to attend town meeting from its neighborhoods. That's more correct answers than there are ways to skin a fisher cat, according to the Vermont Varmint Almanac. And since we received so many of them at *precisely* the same time, we held a drawing to decide the winner. We dumped all of the emails into VLCT's disk array controller (i.e. computer "hat"), and pulled out **Donna Kinville**, South Burlington City Clerk and Treasurer.

This month's question: **What three Vermont towns were granted to the men from Nine Partners, New York? (The names of the towns were derived from the British peerage.)**

Email your answer to [dgunn@vlct.org](mailto:dgunn@vlct.org). Then watch this space in December's perspicacious issue for the answer.

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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; email [jhill@vlct.org](mailto:jhill@vlct.org). Or visit [www.vlct.org](http://www.vlct.org)'s Events Calendar and select a workshop for more information or to register online. For non-VLCT events listed below, please contact the individuals directly. (The online registration option is available for VLCT workshops and events only.)*

**Planning and Zoning Forum.** Tuesday, November 10, Capitol Plaza, Montpelier. Sponsored by the VLCT Municipal Assistance Center. This workshop offers participants a chance to discuss some of the most pressing issues in municipal planning and zoning with officials from across the state. It will provide a dynamic mix of legal information, practical solutions, policy discussions, and many opportunities to ask questions and share experiences. The workshop is designed for all local officials involved in the local planning and development review process. Zoning administrators, planning commissioners, DRB/ZBA members,

planning and development staff, town administrators, managers, and planners, selectboard members, and regional planning commission staff are all encouraged to attend.

**VLCT Health Trust Annual Meeting.** Friday, November 13, Capitol Plaza, Montpelier. Sponsored by the VLCT Health Trust. Members and directors of the VLCT Health Trust will gather to hear annual financial and performance reports as well as information about renewal of the health insurance program.

**VLCT Health Trust Regional Meetings.** Sponsored by the VLCT Health Trust. This session will be held regionally on the following dates and times: Monday, November 16, 9-11 a.m., Capitol Plaza Hotel, Montpelier, and 1-3 p.m., Hampton Inn, Colchester; Tuesday, November 17, 9-11 a.m., Comfort Suites, White River Junction, and 1-3 p.m., Northeastern Vermont Regional Hospital, St. Johnsbury; Wednesday, November 17, 9-11 a.m., The Equinox, Manchester. Each two-hour meeting will be hosted by two or more knowledgeable VLCT staff members who

will provide updated information on 2010 membership and open enrollment. The first hour will feature a presentation explaining benefit changes, describing new plans, and introducing our new vendor. The remaining hour will be spent answering members' questions.

**Rescheduled! Basic Governmental Accounting.** Sponsored by the VLCT Municipal Assistance Center. This workshop, originally scheduled for November 17 and 19, has been rescheduled for May 4 and 6, 2010.

**Delinquent Tax Collection.** Tuesday, December 1, Hartford Town Offices, or Thursday, December 3, Milton Town Offices. Sponsored by the VLCT Municipal Assistance Center. This workshop will examine the legal and practical requirements of collecting delinquent property taxes in Vermont by providing an overview of delinquent tax collection methods, examining the tax sale process in depth, and discussing the steps to take when a delinquent taxpayer files for bankruptcy.