

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

November 2010

TOWN FAIR 2010

A lingering morning rain didn't stop hundreds of municipal officials from attending VLCT's annual Town Fair on October 7. Amidst peak Chittenden County fall foliage, more than 300 people, representing 134 municipalities from every corner of the state, descended upon the Champlain Valley Fairgrounds in Essex Junction.

The annual VLCT Golf Tournament was held the day before Town Fair, and for the first time, the "tee party" took place at The Links at Lang Farm in Essex. Although a steady rain had been forecast, only a few brief periods of drizzle interrupted play. Excellent course conditions led to some great golf, especially by tournament winners Job Davis, Doug Oliver, Mark Nicholson, and Mike Getzinger, who shot nine under par. Congratulations, gentlemen! – and many thanks to our vendors who sponsored holes or donated prizes. The grand raffle prize was four tickets to a Boston Bruins hockey game.

Town Fair began with concurrent workshops and training sessions that included the biennial Gubernatorial Forum. VLCT invited

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A brief moment of sunshine at the Town Fair entrance, at the Champlain Valley Expo (top). Peter Shumlin answers questions (below).



UI TRUST 2011 RENEWAL

By mid-November, Unemployment Insurance Trust members will receive their 2011 statements and initial invoices for the UI Trust 2011 renewal.

People who attended the annual meeting in October heard that as of January 1, 2011, overall rates will be tied directly to the UI Trust's claims experience. Nationwide and in Vermont, unemployment claims and costs are up dramatically, although these costs appear to be leveling off in Vermont. Overall, UI Trust rates are increasing by 2.8%. In addition, the State of Vermont has increased the base wage for determining unemployment insurance premiums from \$10,000 to \$13,000, making the total impact roughly a 27% increase in billed premium. Due to higher than expected claims this year and

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NEW WORKSHOP FLYER FORMAT

We are working to streamline the way we announce our workshop dates and times. For now, we'll continue to send you brochures in the mail. We will also take advantage of electronic technology by using the email address we have on file for you.

Starting in 2011, we will surface-mail a much smaller number of brochures and convert our general event mailings to a postcard format. These will be sent along with the email notices. As always, you can find the most up to date workshop information on our website at www.vlct.org/eventscalendar/.



new format coming soon



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EXCERPTS FROM THE RMS DIRECTOR'S OPENING COMMENTS AT THE 2010 VLCT PACIF AND UI ANNUAL MEETING

VLCT's Risk Management Services Department (RMS) manages Vermont's three inter-municipal self-insurance pools: PACIF, the Unemployment Insurance Trust, and the Health Trust. Each was formed at a time of perceived need and at the request of the membership. The UI Trust began in 1978 when the federal government required municipalities to provide unemployment insurance to their employees. PACIF began writing property and casualty coverages in 1987, when the commercial marketplace had all but abandoned local governments across the country.

Regarding PACIF, we look and act and pay claims like an insurance company, and many members believe that we are an insurance company, but we are not. We are an instrumental-ity of Vermont municipalities. We are an intermunicipal cooperative association **owned and governed by you**. This means that:

- We handle and pay your claims on your behalf and with your money.
- Any money not used to pay claims or cover expenses is either held in reserve for future needs or returned to the membership.
- We are professionals who provide members with exceptional customer service and training. Although we are thought of as insurance company employees, we are in fact employees of your VLCT association, working solely to serve and strengthen Vermont local governments.

You have some-thing special here in the League's trusts, because we differ from commercial insurance carriers in several worthwhile ways. **Most importantly, we have your best interests as our priority**, not the profits of some distant stockholder. The commercial carriers left municipal governments swinging in the wind in the 1980s, and Vermont municipalities, left to their own devices, formed these inter-municipal insurance associations. After more than 20 years (and still going strong) we have proven – or rather *you* have proven – that **municipalities can protect themselves from loss effectively**.

So now here come the commercial carriers wanting to get back into the market and offering cheaper coverage, *cheaper* being the operative word. I caution you to beware of a wolf in sheep's clothing. **Generally, if you pay less, you get less**. You have bested the commercial carriers and now they want your money. But don't let them have it! Keep your money here in Vermont by keeping it with your League.



Ken Canning, VLCT Risk Management Services Director, addresses the audience at the 2010 VLCT PACIF and UI Annual Meeting at Town Fair.

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LEGAL AND REGULATORY NOTES



APPLYING THE LITIGATION EXCEPTION TO THE PUBLIC RECORDS ACT

In a recent decision, the Vermont Supreme Court clarified that the litigation exception to the Public Records Act must be narrowly applied to documents related or pertinent to ongoing litigation. *Shlansky v. City of Burlington and Burlington Police Department*, 2010 VT 90.

After receiving a speeding ticket in Burlington, David Shlansky sent the City a public records request. The Burlington Police Chief denied inspection of some of the requested documents, asserting they were exempt under the Public Records Act's litigation exception. The litigation exception applies to "records which are relevant to litigation to which the public agency is a party of record, provided all such matters shall be available to the public after ruled discover-

able by the court before which the litigation is pending, but in any event upon final termination of the litigation." 1 V.S.A. § 317(c)(14).

Mr. Shlansky appealed the City's denial to superior court. The superior court ordered the City to produce an itemized list of the withheld information. Among the items the City continued to withhold were documents specifically related to Mr. Shlansky's traffic stop including an incident report, ticket history, motor vehicle record, and an audio recording; documents related to the citing officer and his personnel record including training reports, certificates and awards, a job description, correspondence, evaluations, and citizen complaints; and a Burlington Police Department Directive titled "Command Protocol & Department Rules."

The superior court concluded that Mr. Shlansky's record request fell within the Act's litigation exception and held that he could not use the Public Records Act to obtain records that were denied him under the discovery process available through the Judicial Bureau where his speeding ticket was being contested. Mr. Shlansky appealed this ruling to the Vermont Supreme Court, arguing that the documents were not exempt because they were not discoverable in the traffic court case and therefore the litigation exemption did not apply.

The Supreme Court noted that it could not make a connection between the general administrative materials that the City withheld, such as the departmental command protocol and rules and Mr. Shlansky's individual traffic ticket. Nor could it discern how these documents were "at issue" in the plaintiff's traffic ticket case. The purpose of the litigation exception, stated the Court, is to place a temporary restriction on the release of documents while litigation was pending to allow the presiding court to retain control over issues regarding the production of documents relevant to the case and to avoid disadvantaging public agencies as parties to a lawsuit.

Any exception to the Act must be construed strictly against the record custodian and any doubt resolved in favor of disclosure. Therefore, the City – seeking to withhold these documents under the litigation exception – was obligated to demonstrate that the documents were "related or pertinent" to Mr. Shlansky's ongoing litigation. Given that the documents withheld by virtue of Mr. Shlansky's traffic ticket would

(continued on next page)

NEW FINANCIAL ASSISTANCE: FRAUD RISK ASSESSMENT

Ever wonder if your municipality may be exposed to financial risks? Thanks to support from PACIF, the Municipal Assistance Center is now offering an affordable municipal financial risk assessment service. Senior Financial Consultant Bill Hall is available to help cities and towns discover and reduce risks to possible exposure. First-time users of this service will receive a PACIF discount.



Bill Hall

TO LEARN MORE, CONTACT ABBY FRIEDMAN, MAC DIRECTOR, AT AFRIEDMAN@VLCT.ORG OR (800) 649-7915, EXT. 1926.



LEGAL AND REG.

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have to be withheld from every requestor while his litigation was pending, and given the large number of speeding tickets routinely processed by Burlington, the City could effectively withhold documents like the departmental command protocol Mr. Shlansky sought from every requestor indefinitely – effectively undermining the Act’s policy favoring public disclosure – if Burlington was allowed to apply the litigation exception broadly.

Mr. Shlansky also complained that the City’s response two weeks after his initial request violated the Public Records Act’s requirement that “if the custodian considers the record to be exempt ... the custodian shall so certify in writing,” and that this should be done “within two business days.” 1 V.S.A. § 318(a)(2). The statute allows extension of the time if “unusual circumstances” exist. 1 V.S.A. § 318(a)(5).

According to the Court, a statutory time period is not mandatory unless it both expressly requires an agency or public official to act within a particular time period and specifies a consequence for failing to comply with the provision. Because the Public Records Act provides no punitive consequence for failing to comply with the time requirement, but does specify a remedy such as a deemed approval, the two-day deadline is directory rather than mandatory. If a record request is not timely filled, it is deemed denied and the requestor may grieve the denial by filing an action in superior court. 1 V.S.A. § 319(a).

The *Shlansky* decision provides municipalities some new clarity in understanding the Public Records Act litigation exception: The exception is temporarily and narrowly applied to documents related or pertinent to litigation to which the public agency is a party. Its purpose is to allow the presiding court to retain control over issues regarding the production of these documents and to avoid disadvantaging municipalities as parties to a lawsuit. The decision also clarifies that if a record request is not filled in a timely manner, the requestor’s remedy is to grieve the denial by filing an action in superior court. A copy of the decision is at info.libraries.vermont.gov/supct/current/op2009-291.html

*Jim Barlow, Senior Staff Attorney
Municipal Assistance Center*

MAC WORKSHOP CALENDAR

November 4, Carter Center, NVDA, Lyndonville

November 9, Mt. Snow, Dover

November 10, Doubletree Hotel, South Burlington

Town Health Officers Workshop (Co-sponsored by the Vermont Department of Health)

This workshop will comprehensively review the national Healthy Homes initiative, asthma environmental triggers in homes, and monitoring and complying with Vermont’s rental housing health code. It will also provide guidance on writing health orders, emergency health orders, and inspection reports.

November 9, Capitol Plaza, Montpelier

Budget and Financial Management

This annual workshop provides an introduction to governmental accounting, strategies for grants management, developing the annual operating budget, and tips for managing the politics of the budgeting process.

November 16, Capitol Plaza, Montpelier

Auditors’ Workshop

Designed for newly-elected as well as seasoned auditors, this new workshop will include a review of the statutory duties and responsibilities of auditors, a discussion of best practices, plus a review of various audit checklists to help you conduct the annual audit of your town’s accounts.

November 17, Vermont Interactive Television sites

Ethics and Municipal Land Use Officials (Co-sponsored by Vermont’s Regional Planning Commissions)

Delivered in the evening via interactive television, this workshop will explore the various ethical dilemmas that may confront municipal land use officials, such as when officials serve in multiple land use roles or when an official’s personal life conflicts with his or her role as a land use official. We will discuss how to manage these conflicts, and the consequences of not addressing them, paying specific attention to conflicts of interest, bias, and ex parte communication.

November 30, Middlebury Inn, Middlebury

December 2, Hotel Coolidge, White River Junction

Effective Delinquent Tax Collection

This half-day workshop will examine the legal and practical requirements of collecting delinquent property taxes. We will review the municipal property tax system, the role of the delinquent tax collector in local government, and the development of a collection philosophy and policy. We will also discuss delinquent tax collection methods, focusing on the tax sale process.

SAVE THE DATES

December 7, Middlebury Inn, Middlebury

December 9, Holiday Inn Express, Springfield
Basic Governmental Accounting I

December 15, Capitol Plaza, Montpelier

Preparing for a Successful Town Meeting



For registration and other information, please visit www.vlct.org/eventscalendar/upcomingevents/ or call 1-800-649-7915 or email info@vlct.org.



ASK THE LEAGUE

CONSENT AGENDAS AT SELECTBOARD MEETINGS; TAX-EXEMPT ELECTION WORKERS

Can we use a consent agenda to manage our time at selectboard meetings?

Yes. A consent agenda is a tool public bodies can use to manage time at their “regular meetings.” 1 V.S.A. § 312 (c) (1). It allows a body to dispatch with non-controversial and routine items that require action. Typical items on a consent agenda include minutes, accepting reports from public officials and communications from the public. For example, the board will review materials associated with a routine matter in advance of the meeting, allowing (if there are

no questions) for acceptance of the matter as presented. The consent agenda enables a public body to move and approve all the items at once, and without discussion. Be advised, though, that using a consent agenda does not mean the items listed are automatically approved. Only after a thorough review by the individual members of accompanying information should the public body move the consent agenda forward without discussion.

If there are questions about an item listed on the consent agenda, a single board member may request that the item be removed.

The item is then placed on the regular meeting agenda and considered at the appropriate time, allowing for discussion and clarifying questions. In order for the consent agenda to be successful, we recommend preparation and procedures for approval at the meeting, including:

- Distribution in advance of the consent agenda and accompanying materials, such as draft minutes and copies of reports and communications.

(continued on next page)

ACT 146 GUIDANCE FOR MUNICIPAL LAND USE OFFICIALS

As directed by Act 146 – which is part of the 2010 Challenges for Change legislation – the secretary of the Agency of Natural Resources (ANR) issued guidance to municipal land use officials to address new state permit notification requirements. The law now requires that “any application for approval or permit and any approval or permit issued” under sections 4449 and 4463 contain a statement notifying applicants that they are responsible for identifying and obtaining state permits before beginning construction on a project. 24 V.S.A. §§ 4449 (e) and 4463(d). This guidance recognizes that many municipalities already address this issue on their applications, permits and approvals; however, it also advises municipalities to verify that the existing language complies with the law.

Municipalities currently lacking such a statement must craft one that meets the requirements of the law. The notice must be located conspicuously on the application, permit, or approval and must:

- state that it is the obligation of the applicant to identify and obtain state permits before beginning construction; and
- provide specific information on how to contact the regional state permit specialist who serves the area.

Regional permit specialists will help applicants identify all the state and federal permits necessary for a particular project. There are 45 possible permits from the Department of Environmental Conservation and 66 from other state and federal agencies. You can find the permit specialist for your area on ANR’s permit assistance webpage, www.anr.state.vt.us/dec/ead/pa/index.htm. An applicant can also view a sample project review sheet, which the permit specialist completes to provide preliminary jurisdiction for all state permits.

Municipalities that require assistance in drafting notification language can use the following ANR suggested language to meet these requirements: *Warning: State permits may be required for this project. Call [802-xxx-xxxx] to speak to the state Permit Specialist before beginning construction.* A copy of the guidance memo can be found at www.eaovt.org/pa/index.htm.

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



ASK THE LEAGUE

(continued from previous page)

- Members of the public body should come prepared to the meeting, having reviewed all materials relative to the consent agenda.
- The chair should introduce the consent agenda at the meeting.
- It takes a motion and a second to accept the consent agenda, generally. The chair can entertain a request from a member to remove an item, which is then placed on the regular agenda.
- Finally, approval of the consent agenda.

To remove items from the consent agenda and place it on the regular agenda, include the following language at the end of the consent agenda. This provides an indication to the public of the procedure.

“The [public body] deems all items listed on the consent agenda non-controversial and routine in nature. The body will approve these items under one motion and there will be no discussion. A member of the [public body] wishing to discuss an item on the consent agenda may request it be removed from the consent agenda, and placed on the regular agenda. The body will consider and discuss the item at that time.”

A consent agenda does not eliminate the provision of Vermont’s open meeting law that the “public shall be given reasonable op-

portunity to express its opinion on matters considered by the public body during the meeting [....]” 1 V.S.A. § 312 (h). For this reason, we recommend setting a public comment period before the consideration of the consent agenda. This will give the public the opportunity to comment on the consent agenda. If the items are appropriate for inclusion on a consent agenda, this should be a rare occurrence.

The benefit of using a consent agenda is that there is more time to engage in discussion, by the public and board members, of topics of community importance. However, some municipalities may find it politically difficult to use this practice. The city councils of Burlington and Montpelier and Hartford’s selectboard are examples of municipal boards that use consent agendas to manage time. You can access their websites where their agendas are posted through www.vlct.org/vermontlocalgovernment/municipal-directory/.

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

Are election workers exempt from tax withholdings?

Yes and no. Election workers only work a few days a year for local government and, therefore, have different tax withholding guidelines to follow.

The money an election worker earns is federal income tax-free because it is considered a fee paid to a public official, which is not subject to federal income tax withholding.

Furthermore, election workers receiving less than \$1,500 for the 2010 calendar year are not subject to social security and Medicare taxes. Anything more, however, is subject to those taxes and must be reported on Form W-2.

If an election worker receives less than \$600 in a year and is not subject to social security coverage under a Section 218 Agreement, no reporting is required on Form W-2. Otherwise, the earnings must be reported. (Please note: We advise you to contact the Vermont Social Security Office at 802-951-6753 to confirm whether or not your town has a Section 218 Agreement.)

Keep in mind that these specific dollar amounts are a combined total of all earnings from a single government employer. For example, if an individual earns \$200 as an election worker and is also employed in another position with the same municipality in which he or she earns \$500, the \$200 and \$500 payments, and the amount of income tax withheld, must be reported on the W-2.

*Garrett Baxter, Staff Attorney
VLCT Municipal Assistance Center*

NOVEMBER TRIVIA

October’s trivia question – What do the words *deformed annuity* have to do with Vermont? – generated nary a response. The answer: they’re an anagram of the Vermont State Motto, “Freedom and Unity.” (Gee, I got it right away.)

Okay, maybe that *was* a bit unorthodox as questions go, so try this one:

How many bridges in Vermont have at any time in their history collected tolls? Extra credit: name them.

Email your answer to dgunn@vlct.org. Then watch this space in the supremely satisfactory December issue for the answer.



VERMONT LEAGUE
OF CITIES & TOWNS

NEED A WRITTEN LEGAL OPINION?

LOOKING FOR EXPERTISE DRAFTING A NEW ORDINANCE?

NEED HELP UPDATING THAT PERSONNEL POLICY?

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SAMPLE PROJECTS:

- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances



EXCERPTS

(continued from page 2)

VLCT offers the best overall value for coverages, services, and training. We may not have the lowest cost every year, but **don't fall for a short-term gain and long-term pain.** Don't be swayed by the commercials; *do* support your league-sponsored programs for the best overall long-term protection. We are flexible, so if price is crucial, we encourage you to contact the RMS Underwriting team to discuss your situation. We will help you find a creative solution.

The trusts you established have withstood the test of time and are **certain, secure, and stable.** Coverage is certain be-

cause it won't be retracted due to market conditions. The trusts are secure, managed responsibly to ensure that funds are available to pay claims when due. And pooling offers stable pricing over time in contrast to the peaks and valleys typical of the commercial insurance cycle.

If you need any assistance in discussing the VLCT municipal self-insurance pool programs with the decision-makers in your community, just let us know. We will be happy to come and talk with you or your governing body about what sets VLCT's programs apart from our commercial competitors. Remember, our members' best interests are our top concern.

*Ken Canning, Director
Risk Management Services*

VLCT NEWS ONLINE

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

Of course, we understand that some people simply prefer the portability, look and feel of a paper copy, and we won't take that away from you. In fact, we love it when a paper copy 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.

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Easy

Pronunciation: 'E-zee

Function: adjective

Inflected Form(s): eas·i·er; -est

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HEALTH TRUST OPEN ENROLLMENT IS NOW

Important reminder to VLCT Health Trust members: November is the Open Enrollment period for medical and vision coverage. During this month, Health Trust member groups and subscribers may switch plans, employees may join coverage if they have not already done so, and existing subscribers may add dependents to coverage without a “qualifying event.” **All group and subscriber plan change requests must be submitted by December 1, 2010 for the January 1, 2011 effective date.**

Groups wishing to add, change, or cancel any plan must have an authorized official submit a written request that clearly states which plan is affected. Subscribers changing health insurance plans must complete and submit an enrollment/change form with **Plan/Benefit Option Change** selected in the Reason for Form section and the new plan selected in the Benefit Plan section. Keep in mind that your employees may only choose from the plans that you offer as a Health Trust member group. Therefore, your subscribers are restricted to switching only to plans that you will offer in 2011.

Please note: open enrollment for VLCT’s dental coverage is seven months away – in June of each year for a July 1 effective date. Look for details in the May and June issues of *VLCT News*.

Another important reminder: **Any Health Trust member groups intending to leave the Trust effective January 1st must notify the Trust in writing no later than December 1, 2010.** Direct any correspondence to your VLCT Member Relations representative. If Member Relations does not receive written notification by December 1, the group will be assessed a penalty of one month of premiums in accordance with the Health Trust bylaw revisions adopted in 2009.

If you have any questions or wish to learn more about the various health or vision insurance benefit plan offerings available through the VLCT Health Trust, please call

2010 RMS CALENDAR

VLCT Health Trust Open Enrollment for 2011. 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 Claims Team Implementing New Software. November 2 through November 4. As we begin implementing an integrated, streamlined claim system, the Claims team will not be available in person, however members can still report claims by fax, email, and voicemail. Although team members will make every effort to process claims, interruptions will be inevitable during initial training. We appreciate your patience while we get up and running with new software that links Claims and Underwriting in a single database.

2010 VLCT Health Trust Annual Meeting. Friday, November 12, 9:30 a.m. to 2:00 p.m. Capitol Plaza Hotel, Montpelier. Any Health Trust member group that has not received the annual meeting packet should contact VLCT at (800) 649-7915.

VLCT Health Trust Member Relations Regional Meetings. Monday, November 15 to Wednesday, November 17 at various locations around the state. Health Trust contacts, please look for details in an upcoming email. Preregister in the Events Calendar at www.vlct.org.

(800) 649-7915 to speak with your Member Relations representative.

CHANGES TO RETIREE COVERAGE EFFECTIVE JANUARY 1, 2011

Effective January 1, 2011, the VLCT Health Trust will no longer offer CIGNA’s Medicare Advantage Plans to retirees. As a result of new federal requirements, CIGNA has chosen to partner with another insurer, HUMANA, to provide this coverage. Unfortunately, the CIGNA/HUMANA Medicare Advantage insurance product does not have a provider network in Vermont, so CIGNA will not offer Medicare Advantage plans in Vermont effective January 1, 2011.

Due to the elimination of our Medicare Advantage Plans, the Health Trust will open its Gold B Carve-out plan to retired individuals and their spouses effective January 1, 2011. Impacted Health Trust members and subscribers have already received correspondence regarding this important change. Existing subscribers will automatically be transferred to the Gold B Carve-out plan effective January 1, 2011 unless they wish to cancel coverage. To cancel, you must complete a CIGNA Enrollment/Change Form and mail or fax it to the address and number at the bottom of the form no later than December 15, 2010. The form is available on VLCT’s Customer Service Forms web page, accessible from the right-hand side of the Home page under Need to File a Claim?

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MENT SERVICES

CLAIMS TEAM SHIFTS INTO NEW SOFTWARE

The VLCT Claims team will implement new software from November 2-4. During this time, members can report claims by fax, email, and voicemail, but the Claims team will not be available in person as we begin to put this integrated, streamlined claim system in service. Although we will make every effort to return calls, reply to email, and process claims, interruptions will be inevitable during this initial training.

The transition to this new software will continue gradually for five weeks and conclude in mid-December with another three days of temporarily decreased claim handling capacity. We appreciate your patience while we get up and running with new software that links Claims and Underwriting in a single database.

PACIF RENEWALS FOR 2011

All PACIF members were asked to submit an updated renewal application in October. If you missed that deadline, don't despair! We will base your 2011 invoice on your 2010 policy information, then we'll reconcile any differences when they come to our attention.

VFD AUDITS JUST AROUND THE CORNER

It is not too early for members with volunteer fire departments to start collecting 2010 audit information. These audits are due January 8, 2011, so we suggest you prepare all documents to be ready to report by the end of 2010. The required documents are:

- Your completed Assigned Risk Payroll Roster sheet, which is new this year and will be emailed to members by December 1.
- Copies of the first page of your quarterly 941s for each quarter.
- Payroll report for calendar year 2010 for the fire department only.



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TOWN FAIR 2010

(continued from page 1)

the Republican and Democratic Party candidates, and Senator Peter Shumlin (D) was present to answer the questions put to him. Over the course of an hour, he advocated for local control and highlighted his background as a selectman in Putney. He also voiced support for making local option taxes available to towns, adding that he'd be willing to consider some form of home rule, always of interest to local officials.

Simultaneous presentations included workshops on topics as diverse as webstreaming municipal meetings, preventing fraud through good financial controls, changes to state-administered water programs, and vehicle and driver safety. A subsequent block of concurrent sessions offered conflicts of interest in municipal government, Vermont gov-

ernance for the 21st century, an introduction to social media such as Facebook and Twitter, and the annual meeting of the PACIF and Unemployment Trusts. (Opening remarks by the director of Risk Management Services are on page 2.)

Lunch, as always, featured that trencherman's delight, turkey, accompanied by an à la carte awards presentation. Gary Snider, Richford Clerk/Treasurer, earned VLCT's 2010 Lifetime Achievement Award, which is given to a municipal official or employee who has dedicated his or her career to serving Vermont local government or VLCT. Walking away with this year's Legislative Service Award (presented to a legislator who best showed an awareness of the problems facing local government and sought to solve them in the legislature) was Rep. Alice Emmons from Springfield. Both were on hand to accept their awards and share a few

thoughts with members. Afterward, Governor Jim Douglas spoke about the challenges of municipal governance in today's economic climate.

More award presentations followed. Kathleen Ramsay of Killington, Bruce Urie of Craftsbury, Julie Delphia of Leicester, Anna Bourdon of St. Albans Town, and Trevor Whipple of South Burlington each won a \$100 gift card. Special thanks to Hickok and Boardman, Northeast Delta Dental, and Weston and Sampson for sponsoring these prizes. Finally, Debbie Woodward of Fairfax won a trip to the destination of her choice, compliments of the VLCT Health Trust Healthy Lifestyles Rewards. More on that in a subsequent *VLCT News*.

A great turkey luncheon is hard to follow, but VLCT's annual meeting did, and did so nicely. At the meeting, VLCT members (all

(continued on next page)

1. Dan Johnson, Irene Wrenner, Ken Canning and Michael Kilfoyle prepare to putt in the annual VLCT Golf Tournament.
2. Chair massages, sponsored by the VLCT Health Trust and PACIF, were in demand all day.
3. All varieties of road equipment were on display both inside the Fairgrounds building and outside.
4. The theme of the event – "Town Fair 2010: Starring Vermont's Municipal Officials" – was best exemplified in McIntire Business Products' winning display.
5. The audience listens ...
6. ... as Sen. Peter Shumlin answers questions.



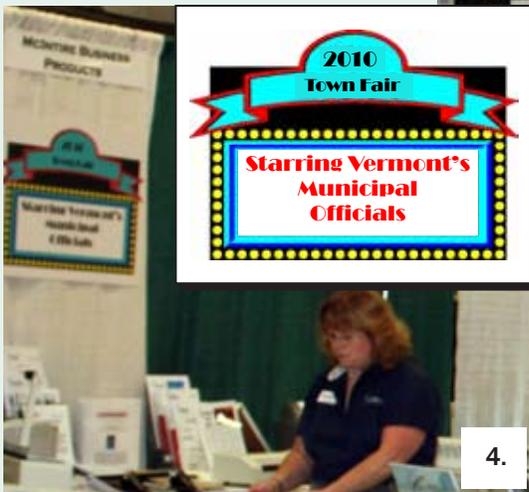
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TOWN FAIR 2010

(continued from previous page)

cities and towns in the state are members) adopted the 2011 Municipal Policy, VLCT's legislative platform. Local officials discussed issues in 58 different policy and funding areas that ranged from health care to education funding to over-length trucks. As always, conversation was lively. With few exceptions, local officials were unified in their endorsement of the policy as presented. The membership did amend language regarding the Agency of Transportation's Town Road and Bridge Standards, and also clarified the section calling for a ban on hand-held cell phone use while operating a motor vehicle. They also rejected a proposal to amend the VLCT Bylaws to allow town administrators to serve on the VLCT Board of Directors.

You can read the entire 2011 Municipal Policy as adopted on the Advocacy page of the VLCT website, www.vlct.org/advocacy/legislativeplatform or access it through the VLCT Advocacy Facebook page.

Concomitant afternoon workshop sessions included the power of pooling, which addressed the benefits of risk sharing insurance pools, the statutory requirements of responding to a public records request, and a general membership meeting of the Vermont Association of Chiefs of Police.

When not attending a workshop, attendees could examine products, equipment and services on display from more than 80 different vendors. (For more information on any of the products you saw at Town Fair, please contact Jessica Hill at (800) 649-7915 or jhill@vlct.org.)

One final hurrah goes to McIntire Business Products for winning the 2010 "Best

Booth" award. In its display, the company best used our theme, "Town Fair 2010: Starring Vermont's Municipal Officials."

So another Town Fair (the forty-somethingth) is in the record books. If you attended, please take a moment to complete the evaluation form included in your registration materials and fax it to Jessica at (802) 229-2211. Is there anything else you'd like to see there? Have an idea for a training session or new Town Fair location? Let us know!

If you didn't plan to attend Town Fair, please tell us why. A clearer understanding of what our members want will help us organize a better event for you. Next year (October 6), Town Fair heads south to the Killington Grand Hotel. We would love to see you there!

Jessica Hill

*Manager, Administrative Services,
and Your Town Fair Planner*



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7.

1. Sandra Harris presents Rep. Alice Emmons with the 2010 VLCT Legislative Service Award.
2. Richford Town Clerk/Treasurer Gary Snider addresses the audience after receiving VLCT's Lifetime Achievement Award.
3. Governor Jim Douglas attends his last Town Fair luncheon as the state's chief executive.
4. Jessica Hill announces another raffle winner.
5. Heidi Joyce and Joe Damiata draw the winner of the VLCT Health Trust Healthy Lifestyle Rewards.
6. Sanford Miller, Hunter Rieseberg, and Steven Jeffrey bring VLCT's annual meeting to order.
7. The annual meeting, as always, invites active participation from VLCT members.



RENEWAL

(continued from page 1)

last, the UI Trust will not be able to distribute any funds to its members.

Upon the recommendation of the trust's actuary and based upon the board's adopted rate formula, member contributions are set to cover net administrative and claim expenses for the upcoming year. Expected maximum claim liability in 2011 is \$926,668. Individual member contribution adjustments will vary considerably depending upon the member's historical claim experience. The other factor causing your costs to rise or fall compared to the average is a change in taxable payrolls.

The State of Vermont Unemployment Fund is facing a large deficit due to high unemployment claims. The legislation mentioned above that increases the base wage for calculating unemployment insurance premiums from \$10,000 to \$13,000 is intended to begin to address this problem. The base wage is the wage per employee against which

the unemployment insurance rate is applied. The wage per employee will now be the lesser of his or her actual wage or the base wage of \$13,000. Until last year's change from \$8,000 to \$10,000, the previous base wage adjustment was in 1982. For those who purchase unemployment insurance from the state, this is the equivalent of an almost 30% premium increase.

Because the state's base wage has remained flat since 1982 – while real wages and consequent unemployment benefit levels have increased every year – the state's unemployment fund has for many years been spending more in benefits than it has collected in premiums. As a result, the state's fund has run out of money and is now borrowing money from the federal government to meet its claim obligations. As of August 2010, the state had a federal loan balance of approximately \$32 million. This loan will have to be repaid, and the state's fund will have to be built from a deficit to an adequate funding level over the next several years. This will be accomplished by some combination of substantial rate and/or base wage increases and benefit reductions.

The state's situation is in stark contrast to the VLCT UI Trust, which has maintained surplus funds at actuarially determined levels of adequacy on a constant basis. The result of the trust's prudent course is that the cost impact on VLCT UI Trust members will not be as severe as on State Unemployment Trust taxpayers. Because members of the trust are "reimbursable," they are not subject to the state-set rates. UI Trust rates are set based on claims history, and therefore an increase in the base wage amount does not directly affect premiums. If the base wages go up, then the premium rate goes down to compensate. What does affect UI Trust rates? Claims. The trust has experienced a dramatic increase in claim costs, as has the state. Unlike the state, which has a substantial deficit, the VLCT Unemployment Insurance Trust has maintained a healthy surplus to cover bad claim years. While 2010 claims will decrease some of this surplus, there will still be adequate surplus to see the trust through these difficult economic times.

If you have any questions regarding your 2011 UI renewal statements, please call Kelley Avery at (800) 649-7915.



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HEALTH TRUST

(continued from page 10)

If you have any questions, feel free to contact Member Relations at (800) 649-7915.

NOTIFY HEALTH TRUST SUBSCRIBERS IN WRITING OF OPPORTUNITY TO ENROLL DEPENDENT CHILDREN UP TO AGE 26

Effective January 1, 2011, individuals whose coverage ended, or who were denied coverage (or were not eligible), because the availability of dependent coverage of children through the VLCT Health Trust ended before they were 26 years old, are eligible to enroll in a VLCT Health Trust plan. Subscribers may request these children be enrolled during the open enrollment period, which begins on November 1, 2010. Coverage will be effective on January 1, 2011.

Federal law requires employers to provide prominent written notice of this opportunity to their subscribers. Health Trust members can do so by inserting the above paragraph in their open enrollment notice to their employees. Subscribers who add a dependent should use the CIGNA Enrollment/Change Form available on the Customer Service Forms page at www.vlct.org. For more information, please contact a Member Relations Representative at (800) 649-7915.

2010 HT ANNUAL MEETING IS NOVEMBER 12 IN MONTPELIER

Please join us for the Health Trust Annual Meeting on Friday, November 12, at the Capitol Plaza Hotel in Montpelier, Vermont. Registration will begin at 8:30 a.m. All Health Trust member groups should have already received the annual meeting announcement. If you have not received your packet, please contact VLCT at (800) 649-7915. We look forward to seeing you there!



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TURKEY TIME?

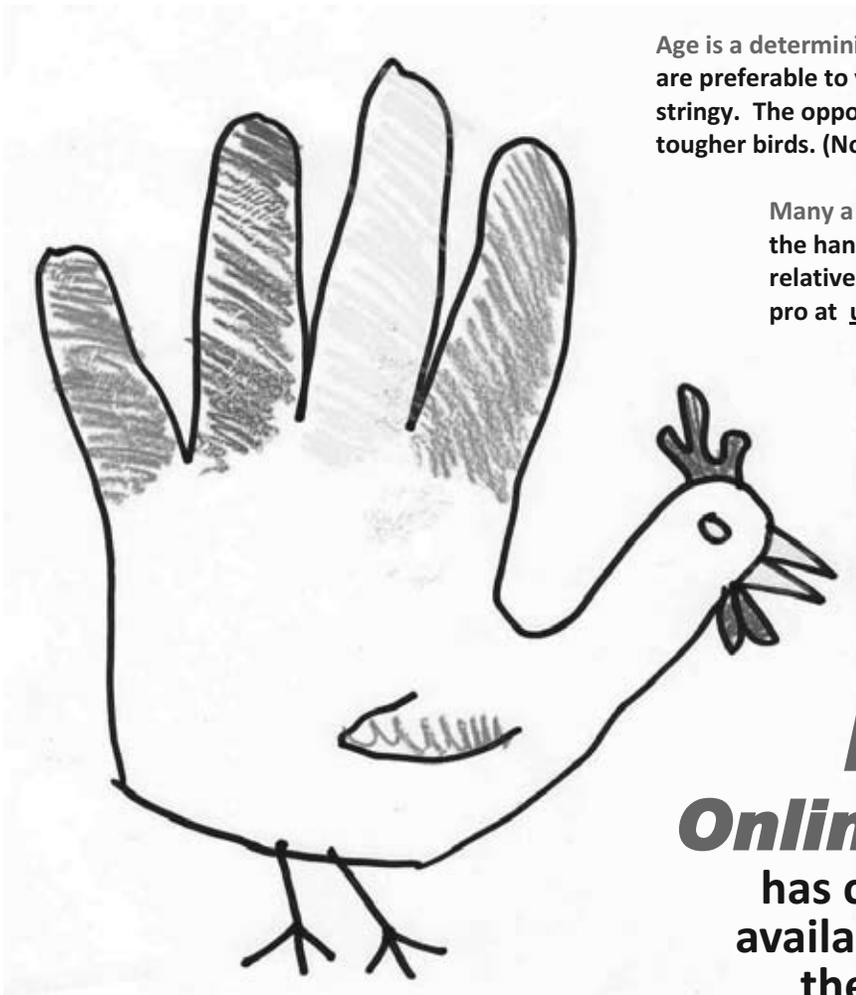
More than 45 million turkeys are cooked and eaten in the U.S. at Thanksgiving—that's one-sixth of all turkeys sold in the U.S. each year.

Age is a determining factor in tenderness. Old, large males are preferable to young toms (males), as tom meat is stringy. The opposite is true for females: old hens are tougher birds. (Note: keep comments to yourself!)

Many a noble bird has been hacked to shreds at the hands of unskilled knife-wielding friends and relatives. Avoid the carnage. Learn to carve like a pro at urbanext.illinois.edu/turkey/carving.cfm

The ballroom dance known as the Turkey Trot is named for the short, jerky steps a turkey makes.

Chefs recommend 1.5 lbs of turkey per adult and 1 lb per child— not including stuffing.
GOBBLE! GOBBLE!



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FIRE SAFETY may not save the
turkey, but it might save you!

This course covers basic fire safety principles, the recognition and prevention of potential fire hazards, and proper emergency procedures such as fire extinguisher operation.

BACK INJURY PREVENTION
could be useful when you pull
that turkey out of the oven!

This course teaches basic safe lifting techniques and alternatives to lifting, as well as movements to avoid when lifting. It even explains a back stretch and exercises to help anyone whose work requires heavy lifting to maintain a healthy back.

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To learn more, email Joe Damiata at jdamiata@vlct.org,
call 802-229-9111, or visit www.vlct.org





Classifieds

Please visit the VLCT website 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 deadline for submitting 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 advertising, email vlctnews@vlct.org. Information on ad requirements may also be downloaded at www.vlct.org/aboutvlct/vlctnewsletter/advertisinginformation/.

HELP WANTED

Municipal Manager. The Town of Rockingham and the Village of Bellows Falls, Vt. seek an energetic, creative, committed and personable professional for the position of Municipal Manager. With a combined population of nearly 6,000,

the two communities are independent jurisdictions with some consolidated functions and a shared commitment to economic vitality and quality of life. The manager is the chief administrative officer of both jurisdictions. He or she oversees daily operations and manages a \$7.2 million budget and 65 employees. The manager reports to a five-member Selectboard and a five-member Board of Village Trustees. Candidates should have significant experience in municipal management, excellent interpersonal and financial skills, and a knowledge of public finance, public works, personnel/labor relations, and community and economic development. Bachelor's degree in relevant field required; Master's degree and five years relevant experience preferred. A full job description is at <http://www.vlct.org/marketplace/classifiedads/>. Hiring range, \$70,000-80,000, DOQ. To apply, please email resume and cover

letter and three references by November 13, 2010 to fwalsh@rockbf.org, or surface mail to Rockingham/Bellows Falls Search, PO Box 370, Bellows Falls, VT 05101. Resume review begins November 15, 2010. EOE. (10-13)

Public Relations and Outreach Coordinator. The Central Vermont Solid Waste Management District (CVSWMD) seeks an individual to insure that the District creates and maintains a positive public image. The Coordinator also works with the general manager to respond to situations that may challenge the District's image. He or she is responsible for planning, implementing and coordinating CVSWMD advertising, public education, public relations programs and public outreach and marketing endeavors.

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www.vtbondagency.org



CLASSIFIEDS

(continued from previous page)

This part-time position is budgeted at 20 hours per week for an anticipated wage of \$17,253.50. CVSWMD is a union municipality chartered by the State of Vermont. CVSWMD provides leadership, education, and services for residents and businesses in reducing and managing their solid waste in order to protect public health and the environment to the greatest extent feasible. The District is made up of a Board of Supervisors that represents 18 member cities and towns and the approximately 52,000 residents of these communities. For more information, visit www.cvsmd.org or call 229-9383. To apply, send a cover letter, resume and writing sample to Leesa Stewart, 137 Barre Street, Montpelier, VT 05602, or email generalmanager@cvsmd.org. (10-8)

Equipment Operator/Laborer. The Town of Morristown seeks a qualified individ-

ual for its Highway Department to fill a temporary full-time position. The person selected must have a current Vermont CDL License and must comply with US DOT Drug and Alcohol as required by 49 CFR Part 655 or 49 CFR Part 382 and 49 CFR Part 40. Mechanical and road experience desirable. Flexibility and nearby home needed to work on all-season road maintenance and construction. To apply, please send a resume to Erica Reed, Town of Morristown, PO Box 748, Morrisville, VT 05661. (10-8)

Library Director. Stowe, a premier four-season resort community, is the home of the Stowe Free Library, a municipal library that has a collection of 35,000 and annual visits of 140,000. The Library Director is responsible for collection and program development, personnel management of six library employees, policy development and implementation, and administering an annual \$500,000 operating budget. This full-time position involves interaction with the Library Board

of Trustees, Town Manager, library employees and the public. Requirements: Master's degree in Library Sciences and three years experience in library operations, budgeting, and employee supervision. Additional experience may be substituted for educational requirements. Applicants should have excellent interpersonal and technical skills, a strong background in personnel management, and knowledge of library computer systems. Starting salary, \$49,355-\$57,133, DOQ/E; excellent benefits. Visit www.townofstowevt.org for a job description and application. To apply, send letter of interest and resume to Susanne Gann, HR Coordinator, Town of Stowe, PO Box 730, Stowe, VT 05672, or email recruit@townofstovermont.org. Applications accepted until position is filled, but interviews begin no later than November 8, 2010. EOE. (10-6)

Police Officer. The Town of Manchester, Vt. seeks a full-time Police Officer for a challenging and rewarding career in law

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CLASSIFIEDS

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enforcement. The Manchester Police Department is a highly professional and dynamic agency with eight full-time and six part-time officers, and four full-time emergency communication dispatchers. The Town is searching for a strong, dynamic, results-driven and forward-thinking individual with a high degree of integrity. Candidates must have a high school diploma or equivalent. An Associate's degree is preferred but candidates will be considered on overall experience, qualifications, education and training. Candidates must be certified by the Vermont Criminal Justice Training Council (VCJTC) or be able to become so. Starting salary: approximately \$37,500 (among the highest in Vermont), plus overtime and holiday pay. Position includes an attractive benefit package (the Town pays approximately 90% of health care cost and 100% of dental). Bonuses may include performance, longevity, military, physical fitness and education. Applicants are encouraged to apply online at www.manchester-vt.gov, where you can also get a job description, department profile, downloadable paper application and other information about the recruitment process. For more information, contact Cynamon Marshall, Human Resources Administrator, at c.marshall@manchester-vt.gov or (802) 362-1313, option 6. **Applications due by November 15, 2010.** EOE. (9-28)

Exclusively from VLCT Risk Management Services

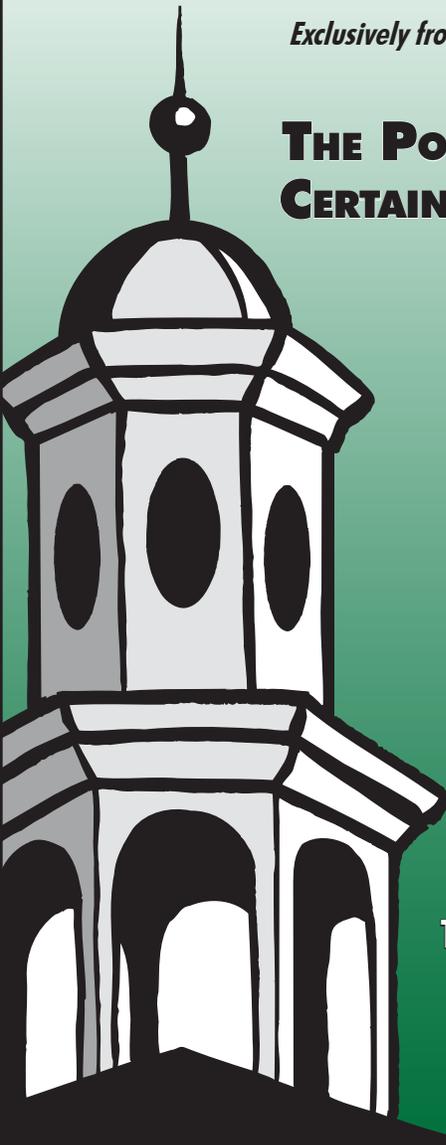
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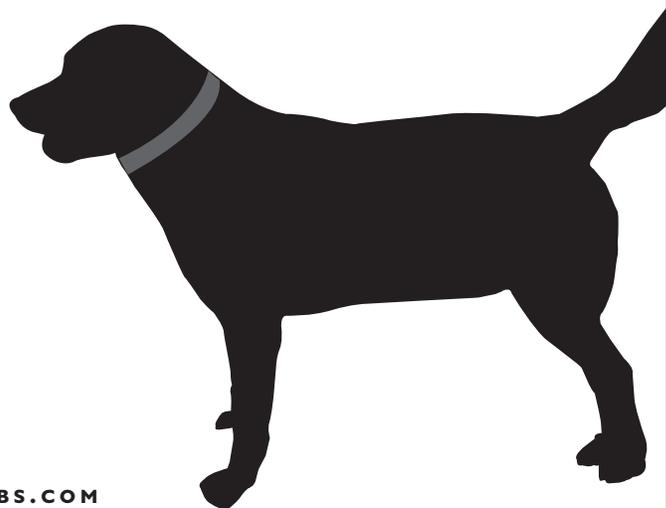
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Calendar

For more information about the following workshops or events, please contact Jessica Hill, Manager, VLCT Administrative Services, tel. (800) 649-7915, or email jhill@vlct.org. Or visit 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.)

November 9, Capitol Plaza, Montpelier Budget and Financial Management (Sponsored by the VLCT Municipal Assistance Center)

This workshop is designed for selectboard members, town managers and administrators, treasurers, finance directors and auditors. There is perhaps no topic more important to taxpayers than financial management. Come learn what your town can do to ensure a sufficient return on taxpayer dollars.

November 12, Capitol Plaza, Montpelier Health Trust Annual Meeting (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.

November 16, Capitol Plaza, Montpelier Auditors Workshop (Sponsored by the VLCT Municipal Assistance Center)

Auditors face the sometimes daunting task of auditing the accounts of local government. Municipal finances have become increasingly more complex, requiring greater oversight to ensure that appropriate fiscal controls are in place to prevent misuse or mismanagement of funds and to ensure accurate financial reporting. This workshop will provide an overview of the role and responsibilities of the elected auditor and give hands-on tools to use as you audit your town's accounts.

November 17, Vermont Interactive Television sites Ethics and Municipal Land Use Officials

(Sponsored by the VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions)

Delivered in the evening via interactive television, this workshop will explore various ethical dilemmas that confront municipal land use officials, such as when officials serve in multiple land use roles or when an official's personal life conflicts with his or her role as a land use official. We will discuss how to manage these conflicts and the consequences of not addressing them, paying attention to conflicts of interest, bias, and ex parte communication.

Visit our website www.vlct.org/eventscalendar/upcomingevents/ for the most up to date list of events.