

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

April 2011

SAVE THE DATE! TOWN FAIR 2011 IS THURSDAY, OCTOBER 6

VLCT's annual meeting, trade show, awards luncheon, and educational workshops, which together make up our annual Town Fair, will return this year to the Killington Grand Hotel in Killington, Vermont on October 6. While registration packets for the Fair will not be available until August, VLCT members will receive several Town Fair-related communications before then, including:

LEGISLATIVE POLICY COMMITTEE NOMINATION FORM.

One of Town Fair's most important functions is to debate and approve VLCT's legislative platform, the Municipal Policy. Four volunteer committees draft the four different

parts of the Policy. If you would like to serve on a committee, please take a moment to fill this form out and return it to VLCT. Policy committees meet once or twice over the summer to do their work.

VLCT AWARDS PROGRAM NOMINATION FORMS.

In contrast to the generally serious business of approving the Municipal Policy, the Town Fair Awards Luncheon is a chance for all attendees to enjoy a lighthearted moment of recognition for their honored local government colleagues. Awards are given to the

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PLEASE HELP YOUR LEAGUE

Did you know that VLCT spends about \$50,000 per year on postage? Postage and other costs for mailing paper copies of our newsletters, legislative reports and alerts, along with workshop and training announcements keep increasing. One way to help us control these expenses is to choose email as your preferred communication method with the League.

We know that you probably get lots of email already and may be loath to see even more items filling your Inbox, but email is our best way to reach you. It's the least expensive and the fastest. We don't send spam. We don't offer you free money. We don't try to sell you questionable products or services. We *do* keep you informed about items of interest to municipal officials – whether those are the latest training opportunities for town

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LOCAL GOVERNMENT DAY

After several years of challenging mid-February mornings for Local Government Day in the Legislature, the weather on February 16, 2011 finally cooperated and we had a fabulous turnout. Close to 200 local officials visited the State House, met with committees, toured the building with the State House curator, lunched with legislators and the Governor at the Capitol Plaza Hotel, and watched action on the House floor in the afternoon. Local officials shared the State House with housing and conservation advocates and court diversion advocates that day, making for an extremely bustling building!



Governor Peter Shumlin with Project Citizen students.



State Curator David Schütz describes the House Chamber to LGD attendees.

Local officials testified before committees on a range of issues that would affect the ways municipalities function. Subjects included education funding and property taxes, local option taxes, revising the process for local transportation facilities permitting, handling public records requests and requirements for open meeting, the Public Service Board process for permitting projects under its jurisdiction and

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LOCAL GOVERNMENT DAY

(continued from previous page)

the involvement of local governments, and health care. Other topics of interest before the legislature that local officials did not really have an opportunity to address included the Lake Champlain and Connecticut River total maximum daily loads (TMDLs), payments in lieu of taxes (PILOT), growth management, and local jurisdiction over certain kinds of development projects. Comments closely reflected VLCT's legislative priorities, expressed in the 2011 Legislative Priorities brochure (which you can find at vlct.org/d/advocacy/2011_priorities.pdf).

Governor Peter Shumlin, who made it back from Quebec City and a State House press conference in time to address local officials at lunch, described his administration's vision for health care reform, which eventually may lead to a single payer system. Local officials expressed support for the ultimate goal of a single-payer system, however they made it clear that any choices afforded private employers in the transition period must be extended to municipalities as well. The Governor said that local officials need to "come to the table" in regards to deploying broadband and high-speed internet to all corners of the state, emphasizing that if towns have to approve every cellular tower, the job will never get done. Vermont, after all, has only three years to spend the federal government's \$300 million earmarked to provide cellular and broadband service throughout the state. (Of course, very little has gotten done in the last

three years since municipal zoning jurisdiction was suspended, so it seems the main impediment is not local jurisdiction). He also said that his primary responsibility as governor is to foster an environment conducive to job creation in the state. While he was clear that he believes the role of local government in siting telecommunication facilities should be minimal, he was nevertheless warmly received overall by the attendees.

Many local officials also took the opportunity to join State House Curator David Schütz on an informative and fascinating tour of the Capitol, and, as always, he did not disappoint.

Thanks to all the local officials who made the trip to Montpelier and to the legislators who met with them, in formal committees, over lunch, and in the hallways of the State House.

*Karen Horn, Director
Public Policy and Advocacy*

APRIL 1

April 1 is you-know-what day, and one of this issue's articles reflects that. Just so you know.



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LEGAL AND REGULATORY NOTES



TOWN OF BENNINGTON APPEALS JUDGE'S DECISION

Bennington Superior Court Holds HS-122 State Payment Report Subject to Disclosure under Public Records Act. Town Appeals Judge's Decision to Vermont Supreme Court.

In late 2010, Manchester attorney Joseph O'Dea requested a copy of the HS-122 State Payment Report from the Town of Manchester under Vermont's Public Records Act. Town officials denied Mr. O'Dea's request, asserting that the HS-122 report was exempt from disclosure because a person could accurately extrapolate the household income of virtually every Manchester household eligible for a property tax adjustment from the information in the report. Mr. O'Dea appealed the denial to Bennington Superior Court.

Under Vermont law, resident property owners are required to pay an education property tax on their homestead. Those whose household incomes fall below \$97,000 are eligible for a reduction in their property taxes. The Vermont Department of Taxes calculates this property tax adjustment and transmits this information to each town in an HS-122 report. The property tax adjustment amounts contained in the HS-122 report correspond to the amounts shown on individual property tax bills.

The Town's principal argument was based on 1 V.S.A. § 317(c)(6), which exempts from disclosure "a tax return and related documents, correspondence and certain types of substantiating forms which *include the same type of information as in the tax return itself* filed with or

maintained by the Vermont department of taxes or submitted by a person to any public agency in connection with agency business." The Town asserted that the HS-122 report represents the type of document that is so intrinsically related to information taken from a tax return that it must come under the exemption.

Judge John Wesley rejected this argument, noting that legislative history indicated that the Legislature was not ignorant of the possibility that one could extrapolate the income of households eligible for an adjustment when it amended the law in 2006. Relying on the efforts of a House Legislative Study Committee on Income-Based Education Property Tax for Vermonters, the final version of the bill rejected any express protection of tax return information that might be derived from the HS-122 reports. Rather, the bill – Act 185 – adopted the Committee's recommendation that the process be subject to certain other inputs, including non-public factors such as liens, offsets, and applying credits forward, which, when applicable, would somewhat complicate the otherwise simple formulaic relationship between an adjustment and the income of the household eligible to receive it.

Though Judge Wesley noted that the camouflage provided by these other factors "is virtually transparent in the few cases where other factors are present, and non-existent in the vast majority of cases where the adjustment is solely a function of income," nevertheless Act 185 "represents a considered compromise of competing interests, in which explicit confidentiality was rejected." Accordingly, Judge Wesley ordered that the property tax adjustments calculated by the Vermont Department of Taxes in the HS-122 reports are public information and not subject to the exemption in 1 V.S.A. § 317(c)(6).

(continued on next page)

NEED A WRITTEN LEGAL OPINION?

LOOKING FOR EXPERTISE DRAFTING A NEW ORDINANCE?

NEED HELP UPDATING THAT PERSONNEL POLICY?

VLCT's attorneys can provide your municipality with legal assistance at highly competitive rates. Please call **Abby Friedman** for more information at **1-800-649-7915**.

SAMPLE PROJECTS:

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





LEGAL AND REG.

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According to a March 1, 2011 report in the *Manchester Journal*, the Manchester selectboard will appeal Judge Wesley's decision to the Vermont Supreme Court. A copy of the decision is available at www.vermontjudiciary.org/20112015%20Tcdecision-cv/2011-2-9-1.pdf

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

THE STATE OF VERMONT'S MUNICIPALITIES, 2010

For the past two years, VLCT has surveyed Vermont's cities and towns to formulate a general picture of the financial realities they face and the actions they are taking in response.

This year's report, appropriately titled "Weathering the Storm," summarizes the responses of 44 municipalities that returned a completed survey. Vermont's cities and towns are facing the same budget pressures that have impacted state and federal levels of government for the past two years. The recession has led to belt-tightening and delays in spending as other necessary costs continue to rise. Most municipalities have set a goal of level-spending, as local governments attempt to weather the storm without passing increased property taxes on to their residents. Vermont municipalities are rightfully concerned that even as the national economy rebounds and the state revenues begin to increase, various factors will contribute to a lag in the recovery of local economies. A municipality is the level of government that interacts most closely with the citizens of Vermont and therefore bears witness to the effects of economic times, good or bad, on their residents.

We want to thank those municipalities that complete this year's survey. The information helps VLCT's Public Policy and Advocacy Department relate current local financial conditions to the Legislature, and allows other municipalities to gauge how they compare to others. We hope more municipalities will participate in the 2011 survey, which will be distributed in late 2011. You can read the full report on our website at www.vlct.org/d/advocacy/2010_state_of_municipalities.pdf.

*Cory Gustafson, Senior Associate
Advocacy and Information*

VLCT'S MUNICIPAL INQUIRY SERVICE

The VLCT Municipal Assistance Center provides municipal officers with the education, training and professional assistance they need to fulfill their official duties. A core offering of the Municipal Assistance Center is the municipal inquiry service, which affords local officials the opportunity to submit inquiries related to their duties as elected or appointed officers. The municipal inquiry service is operated by VLCT attorneys and other knowledgeable staff members with training and experience in public administration and local government. You can submit an inquiry by calling (800) 649-7915 or emailing info@vlct.org.

The response to an inquiry placed with the inquiry service may include the provision of legal advice, whose provision is governed by the Vermont Rules of Professional Conduct for attorneys. In accordance with these Rules, and to ensure that inquiries are handled professionally and consistently, the VLCT Board of Directors adopted the following policies:

- To the extent that an attorney-client relationship may arise as the result of an inquiry placed with the municipal inquiry service, that relationship is with the municipality acting through its duly authorized representative, not the individual caller.
- The right to keep information confidential belongs to the municipality. All callers should be aware that information disclosed to our attorneys and staff members, and all advice provided by them, may be shared with other officials in the municipality, so long as such information and advice pertains to the individual's official duties.
- Information disclosed to one of our attorneys or staff members may be disclosed to other attorneys and staff in the Municipal Assistance Center and the VLCT Executive Director, all of whom agree to be bound by the confidentiality provisions set forth in this policy. Such information will not be disclosed to other persons unless the municipality authorizes such disclosure.
- Because our relationship is with the municipality, our attorneys and staff members cannot advise callers on matters that are not relevant to the caller's official duties. Likewise, we cannot advise private citizens or municipal officials inquiring about private matters.
- Because our services are available to all member municipalities, our attorneys and staff members cannot advise one member municipality in a matter involving a dispute, or potential dispute, with another member municipality.
- Inquiries may be delivered by phone or email, though time-sensitive inquiries are best placed by phone. The term "caller" shall include any individual utilizing the municipal inquiry service, regardless of whether he or she does so via telephone, email or another medium.
- Members may also request a written legal opinion from the Municipal Assistance Center attorneys. Legal opinions will be

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ASK THE LEAGUE

TRAFFIC VIOLATION PENALTIES; RECUSAL AND ABSTENTION; ATVs ON TOWN HIGHWAYS

If a municipal highway ordinance does not specify a penalty for traffic violations, does the issuing enforcement officer have the authority to assess the statutory penalty/fine? If so, what is the amount of the fine?

If a municipal highway ordinance does not specify a penalty for traffic violations, the issuing enforcement officer does have the authority to assess the statutory penalty/fine. Municipal ordinances relating to the operation and use of motor vehicles are considered to be regulations promulgated under Title 23. Therefore, fines set under that title should be applicable to traffic offenses committed under the same title. Traffic offense is defined in 23 V.S.A. § 2201 and includes municipal ordinances and charter provisions relating to the operation and use of motor vehicles (excluding parking offenses), the use of streets and highways by pedestrians, and the operation of any other vehicles, such as snowmobiles and motorcycles.

Title 23 § 2205(b) states that where no fine for a traffic offense has been established,

“... three district court judges appointed by the court administrator shall establish schedules, within the limits prescribed by law, of the amounts of fines to be imposed.” Twenty-three V.S.A. § 2205(c) limits the amount of the fine to be assessed to \$100.00, and allows for the suspension of the violator’s license pursuant to Title 23 §§ 2505 and 2506.

A penalty schedule for traffic offenses, which includes the amount of fines and points assessed, can be found at www.vermontjudiciary.org/eforms/Waiver_Penalty_Schedule.pdf. This site provides a list of fines for speed limit violations and a whole list of other traffic offenses. It also provides a copy of the point system penalties.

(This is an update of a March 1999 *VLCT News* article.)

*Jim Barlow, Senior Staff Attorney
Municipal Assistance Center*

What is the difference between recusal and abstention, if any?

A very common mistake made by public board members is to equate recusal for

conflict of interest with abstention. To *recuse* means “to disqualify ... from participation in a decision on grounds such as prejudice or personal involvement.” *American Heritage Dictionary*, 1143 (3d ed., 1997). To *abstain* means “to refrain from something by one’s own choice.” *Id.*

Recusal is the proper response to a conflict of interest. When a conflict of interest exists, a member of a deliberative body must recuse him or herself from all participation in the matter – including discussing, questioning, commenting and voting on the matter. Ideally, the person should leave the room so that there is no way that she or he can influence the procedure (for instance by smiles, glares or other body language). Where the Municipal Administrative Procedures Act applies, members must recuse themselves, as would members of the judiciary who are subject to the judicial conflict of interest law. 24 V.S.A. § 1203, 12 V.S.A. § 61.

In contrast, a board member should abstain from voting in a case in which he or she

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ASK THE LEAGUE

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has inadequate information on which to judge the merits. This may occur where the member has not had the opportunity to examine all of the evidence or to attend all of the hearing for reasons other than conflict of interest. An individual may also abstain when he or she is simply unable to make a decision in the matter. In order for a board to take a binding vote or action, there must be the “concurrence of a majority of” the total number of board members. 1 V.S.A. § 172. The Vermont Supreme Court has held that the word “concurrence” in this context means more than silent acquiescence and requires expressed assent through a vote for the proposition. Thus, abstentions are not counted when determining whether a majority has concurred. *In re: Reynolds*, 170 Vt. 352 (2000).

Please also note that it is not necessary for a board member to stay away from an **entire** meeting because he or she has a conflict of interest or because he or she wishes to abstain. The member should plan to attend the meeting and participate in all other agenda items. The business of local government can still proceed in spite of conflicts and abstentions.

In summary, a recused board member should not participate in a hearing or deliberation concerning a matter in which he or she has a conflict of interest. The recused member should not be present, and is not counted as one of those present or as an abstention. A vote to abstain would come after a member has participated in the hearing and deliberation. However, that vote is not counted when

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UPCOMING TRAINING OPPORTUNITIES

PRESENTED BY THE MUNICIPAL ASSISTANCE CENTER

CONDUCTING EFFECTIVE TAX APPEALS

April 5, Hotel Coolidge, White River Junction

April 7, Middlebury Inn, Middlebury

With the property tax under increasing pressure – and the subject of more and more attention – it is essential that the appeals process be properly administered. Come learn what your town can do to conduct effective property tax grievances and appeals. This is a half-day workshop.

TREASURERS’ WORKSHOP

April 26, Middlebury Inn, Middlebury

April 28, Holiday Inn Express, Springfield

This half-day workshop, designed for newly-elected treasurers and those who want to improve their job skills, will include a review of the statutory duties and responsibilities of treasurers and an introduction to governmental accounting and financial reporting, banking services, payroll, and benefits.

SELECTBOARD INSTITUTE II

Saturday, April 30, Capitol Plaza, Montpelier

The *Selectboard Institute* is an annual program that focuses on the unique roles and responsibilities of Vermont selectboard members. Designed for both newly elected and more seasoned members, the program is highly interactive and allows members to learn from each other’s experiences. Staff members who report to the selectboard are welcome as well.

SAVE THE DATES

MUNICIPAL PERSONNEL ADMINISTRATION FORUM

June 15, Capitol Plaza, Montpelier

FINANCE SYMPOSIUM

June 21, Capitol Plaza, Montpelier

(Co-sponsored by the Office of the Vermont State Auditor, the Vermont Government Finance Officers’ Association, and the Vermont Association of School Business Officials)

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

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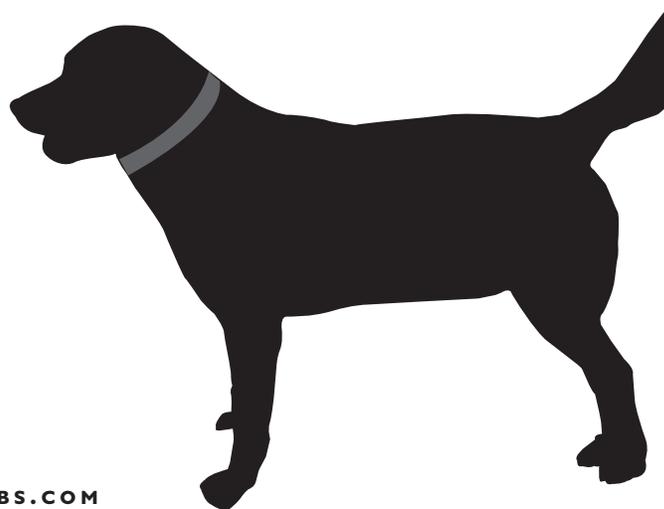
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LOSS PREVENTION FOR SEASONAL EMPLOYEES

With summer fast approaching, municipalities will soon hire seasonal employees to assist with a wide array of summertime tasks and activities. While some municipalities are able to hire the same seasonal employees year after year, that's generally not an option. Moreover, because many seasonal employees are young, they can be especially inexperienced in performing common outdoor tasks. We recommend that municipalities take time to train their seasonal employees not only in the particular tasks they will



perform but also in the municipality's personnel-related information and all relevant policies. Don't be tempted to cut corners just because these are not year-round employees!

In addition to numerous humanistic reasons, two financial reasons justify giving proper orientation training to all seasonal employees. One is that because seasonal employees are included in PACIF's workers' compensation coverage, any work-related injuries they incur become part of the member's loss experience, which helps determine future contributions. The other is that seasonal employees are working on behalf of the municipality with and on municipally owned property, so they can either cause or help prevent claims on other lines of coverage. Appropriate training can make a big difference in which way the scale might tip.

PACIF's claims experience shows that in addition to the personnel-related information that should be provided to any new hire, the following topics should be included in training seasonal employees to help reduce the municipality's potential losses.

- Task-specific information including descriptions of how to access, safely use, and return equipment used in the performance of the task. This includes a detailed explanation of the personal protective equipment (PPE) required for a given task.
- Applicable policies on vehicle operation, seat belt use, and cell phone use while operating vehicles.
- The municipality's personnel policies on employee safety, along with applicable disciplinary actions for violations of these policies.
- Specific VOSHA safety programs that apply to the task(s) the employee may perform (such as hazard communication and PPE).
- Potential environmental hazards such as extremely hot weather, sun exposure, ticks and other insects, lightning and inclement weather, and irritant plants (e.g. poison ivy and wild parsnip). Define these hazards and their consequences, and explain strategies to prevent or minimize exposure. (In many cases, recognizing the presence of the hazard is an important first step.)
- The location, accessibility, and use of first aid supplies including EpiPen, and information for contacting the designated medical provider (if the member has one).
- The municipality's requirements for reporting work-related injuries.

Making sure that seasonal employees are thoroughly trained in not only all aspects of their job but also the municipality's safety and personnel policies is a key step in reducing loss. While it is important that all employees receive appropriate safety training, making the extra effort with seasonal employees can help keep your summer workforce healthy, happy, and on the job.

— Fred Satink, Loss Control Specialist,
Safety and Health Promotion

**Spring is here . . .
time to get your
ducks in a row!**

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MENT SERVICES

UI TRUST'S 2010 WAGE REPORTS USE LESS PAPER

Long-time administrative employees of VLCT Unemployment Insurance (UI) Trust members are probably eager for another exciting opportunity to complete their Annual Wage Report. But wait – now the system is semi-automated! *Starting this year, we ask that UI Trust members with 10 or more employees complete and submit their 2010 wage reports electronically.* The smaller employers are welcome to submit electronically, too.

But we're not launching our members into the computer age for the fun of it. What with the state seeming to increase the taxable wage base each year and soon to index these wages rather than use a fixed base amount,

(continued on next page)

Reminder to PACIF members: Applications for Spring 2011 Equipment Grants are due April 30, 2011

PACIF grants are intended to encourage equipment-level capital improvements which are likely to assist in reducing the frequency and severity of losses for both the member and the public. Members that have not received a grant in the past calendar year are eligible to apply. All applications will be evaluated and grants awarded at the sole discretion of the Awards Committee.

For information and an application, go to www.vlct.org.

1. Under the blue Insurance & Risk Services tab, select Programs.
2. Under PACIF, click on PACIF Equipment Grants.

2011 RMS CALENDAR

Workers' Comp Payroll Audits. Throughout April. Members of VLCT's Underwriting and Member Relations teams will finish visiting PACIF members and reviewing 2010 payroll records. Work will continue in the VLCT offices to reconcile 2010 fees. For more information, contact Larry Smith at lsmith@vlct.org or 800-649-7915.

Application Deadline for May 2011 PACIF Equipment Grants. April 30. All PACIF members who haven't received a grant in the last calendar year can apply for 50/50 matching funds toward certain safety-oriented equipment. Please go to www.vlct.org/insuranceriskservices/programs/equipmentgrants for detailed information and a link to the application form. Submit completed application to Shawna O'Neill, Administrative Assistant for Risk Management Services, **by April 30, 2011.**

Game of Logging (GOL) Chain Saw Safety Training. Level 1&2 (a two-day class) May 16-17 and Level 3 (a one-day class) May 18, 8:00 a.m. to 4:00 p.m., address TBD, Chester. PACIF members in the Chester area should watch their mail for a flier with details and a registration form. GOL training emphasizes general safety practices while teaching how to fell trees in a controlled way so they land in remarkably precise locations. The "game" includes a prize for the top-scoring trainee in each class. Limit one trainee per member per class. For more information, call Shawna O'Neill at 800-649-7915, ext. 1935.

29th Annual Vermont Municipal Highway Association Expo. Wednesday, May 11, 7:30 a.m. to 3:00 p.m., Barre Civic Center. The one chance all year for road and highway crews from around the state to gather, see what new equipment and free goodies the exhibitors have on hand, swap stories, and compete in the snow plow rodeo and backhoe competition. For more information, email Debbie@agcvt.org.

The 9th Vermont Workplace Safety Conference and Governor's Awards. Thursday, May 12, 9 a.m. to 3:30 p.m., Doubletree Hotel and Conference Center, 1117 Williston Road, Burlington. An excellent professional development opportunity for HR and safety staff. Topics include Home Grown "Safety and Accountability For Everyone" (SAFE) Policy and Reward Program, Workplace Risk Factors for Carpal Tunnel and Other Ergonomic Injuries, OSHA Updates, Top 10 Injuries/Violations Panel, and the Governor's Safety Awards. Sponsored by the Partnership in Safety, VELCO, Cabot Creamery, and the Vermont Safety and Health Council. No cost to register for awards presentation only. Full conference registration: \$70 early bird (before April 15); \$80 regular. Register at vtsbdc.centerdynamics.com/workshop.aspx?ekey=40310001.

Note: The Governor's Award for Outstanding Workplace Safety is a self-nominated competition based on key safe workplace factors, including an experience modification of 0.9 or less, no workplace fatalities or catastrophic injuries for the past three years, an active workplace safety committee involving management and employees, and a written workplace safety policy.

Stevens Advanced Driver Training. June 14, 15, 16, 29, and 30, 8:15 a.m. to 4:30 p.m., Stowe Mountain Ski Resort. In each one-day training, participants receive instruction and hands-on practice in pushing the abilities of a typical sedan in order to become far more aware of its steering and braking limitations. This eye-opening experience is available free of charge to VLCT PACIF member selectboard members and to employees who drive non-CDL vehicles as part of their job. Look for a flier in the mail and register with Shawna O'Neill at 800-649-7915, ext. 1935.

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UI TRUST

Administration, Education
Claims Management
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TOWN FAIR

(continued from page 1)

Municipal Person of the Year and Legislator of the Year. If you have a potential award winner in mind, please fill out the nomination form and return it to VLCT.

VLCT BOARD OF DIRECTORS NOMINATION FORMS.

VLCT also holds elections for the 13-member Board of Directors at the annual meeting. Every year, the membership elects a President and Vice President to one-year terms as well as five members of the Board for two-year terms. The VLCT Nominating Committee will solicit nominations from members mid-summer in advance of their preparing a nominating report to the membership at the annual meeting. The committee consistently tries to reflect the very complex composition of the policy leadership structure of Vermont's cities and towns in its nominating reports. Those eligible to serve on the board include selectboard members, clerks, treasurers, mayors, and managers of cities or towns.

LESS PAPER

(continued from previous page)

it makes sense to enter and store individual wage data electronically. That way, the data can be run through whatever the state-declared formula turns out to be and can be calculated more quickly and accurately for use in the Trust's actuarial activities. Saving a tree or two is purely a bonus.

The UI Trust will use each member's 2010 wage reports in determining that municipality's 2012 rates. When completing the form, please be sure to include wages for all full-time, part-time, temporary, and seasonal employees who worked for the municipality in 2010 and were eligible for unemployment coverage. But remember: **Do not include any elected officials or non-salaried volunteers such as EMTs or firefighters.** This wage reporting is only for unemployment insurance purposes. It is distinct from the wage reporting required for PACIF members' workers' comp coverage, which has slightly different requirements.

UI Trust contacts received this wage reporting information via an email sent on

March 5; **the deadline for submitting completed forms is April 30.** Complete instructions and two Excel forms are available for download from the Unemployment page at www.vlct.org. One is for groups with up to 25 employees and the other is for groups with up to 70 employees. Members with 71 or more employees can contact Kelley Avery to learn how to submit their data in an alternative electronic format. Please direct all questions and concerns to Kelley at 1-800-649-7915, ext. 1965, or send an email to her at kavery@vlct.org.

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ASK THE LEAGUE

(continued from page 7)

determining whether there has been a concurrence of the majority of board members.

(This is an update of a March 1999 *VLCT News* article.)

*Jim Barlow, Senior Staff Attorney
Municipal Assistance Center*

Some individuals have asked the selectboard if they can use their all-terrain vehicles (ATVs) and snowmobiles on town highways. Does the board have the authority to allow this, and if so, must the board adopt an ordinance in order to enforce any rules it wants to impose on the vehicles' use?

Yes, Vermont law allows selectboards to open up town highway to snowmobile and ATV use. The selectboard accomplishes this by adopting a municipal ordinance regulating the time and manner of use and setting out locations where snowmobiles and ATVs may travel within its jurisdiction. The selectboard also must post signs on the highways where such use is permitted. All traffic control signage must be consistent with

the *Manual of Uniform Traffic Control Devices* standards as required in 23 V.S.A. § 1025. Finally, any ordinance regulating snowmobile and ATV on town highways must be consistent with state law. 23 V.S.A. §§ 3210, 3510.

Snowmobile use of a town highway is limited under Vermont law if there is no municipal ordinance opening up the highway to their use. The law prohibits snowmobile operation along public highways, except under two specific circumstances (23 V.S.A. § 3206(b)):

- (1) the highway is not being maintained and plowed for motor vehicle use during the snow season; or,
- (2) the operator is not closer than five feet from the plowed portion of the road (unless it is a Class IV road or trail that is privately maintained or plowed).

Similarly, 23 V.S.A. § 3506 prohibits ATV use along public highways unless:

- (1) the highway is not being maintained during the snow season; or,
- (2) the ATV is being used for agricultural purposes, and is operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.

The law also contains specific provisions for state registration of ATVs and snowmobiles, as well as equipment, age restrictions, and other operation requirements. The selectboard should be familiar with these provisions if it intends to allow ATV and/or snowmobile use along local roads.

This is an update of a July 1999 *VLCT News* article.)

*Stephanie Smith AICP, Senior Associate
Municipal Assistance Center*

CORRECTION

In "Turn on the Light," the article in last month's issue (or was it the one before that?) that highlighted the role Vermont played in the development of the lightsaber energy sword – the signature weapon of the Jedi order – we said that the device had been born on an atomic-powered laboratory workbench of a Pittsford research institute whose German director had invented invisible lederhosen. That was not entirely true. Rather, the discovery was the result of a series of 18 seemingly unrelated events that ended when Mrs. Millicent Monadnock of Pittsfield inadvertently set the focus control of her Dinklaker Duck De-featherer to "Wide," and her long-suffering husband, Lars, suffered one last time by somehow becoming a 1.33-meter-long blade of plasma.

We regret the error.



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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

City Manager. East Providence, Rhode Island, seeks a City Manager to serve as the chief administrative officer for a diverse suburb of Providence. The city

manager reports to the City Council, is the head of the administrative branch of the city's government, and is responsible to the Council for the proper administration of all affairs of the city. Master's in business or public administration or a related field required with at least 3 years of actual experience in a management-level position in either the public or private sector. Waterfront development experience desirable. Responsibilities include finance, planning, human resources, public works, public safety and economic development or their equivalent. Candidates with comparable experience as a city or town manager are encouraged to apply. City residency required after appointment. Salary range: \$115-\$130K, based on experience. More information is at www.eastprovidenceri.net. To apply, email resume in confidence to CityManagerSelection@cityofeastprov.com by **April 15, 2011**. AA/EOE. (3-16)

Town Manager. Windsor, Vt. (pop. 3,602), a full service community situated on the banks of the Connecticut River in the Upper Valley Region of south-central Vermont, is seeking to hire a Town Manager. Working under the general policy direction of a five member selectboard, the Town Manager is responsible for the ad-

ministration and management of all municipal services, including development and administration of a \$3.6 million annual budget, day-to-day supervision of department heads, contract negotiations, management of 26 full-time employees, economic development, financial management, and community relations. More information regarding the Town Manager's responsibilities is available at www.windsorvt.org. Requirements: Bachelor's degree (master's degree preferred) in business, public administration, or related field from an accredited college or university and at least five years experience in municipal management. Familiarity with municipal government finance and experience with economic development, labor relations and collective bargaining are desirable. Must have a positive attitude, be collaborative, and be able to promote and stimulate positive community relations. Hiring range is \$65,000 to \$85,000 with an excellent benefits package. To apply, please send a cover letter, resume, and three references to Windsor Town Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602. You may also email to eharrington@vlct.org with Windsor in the subject line. Resume review begins April 18, 2011. (3-14)

(continued on page 15)

VERMONT STATE INFRASTRUCTURE BANK LOAN FUNDS ARE AVAILABLE THROUGH VEDA

The Vermont State Infrastructure Bank, a loan program operated by VEDA and VTrans, has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for SIB financing to construct or reconstruct roads, certain facilities related to rail transit, and bridges and intermodal transportation facilities.



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OR BY CALLING 802-828-5627.**



MUNICIPAL INQUIRY

(continued from page 5)

billed at an hourly rate determined annually in the VLCT budget.

- Inquiries requiring more than one hour of staff time will also be billed at an hourly rate determined annually in the VLCT budget, after consultation with the member.
- Our attorneys and staff members do not advise or represent VLCT's insurance trusts and cannot give advice on insurance coverage or on matters concerning insurance policy language. While our attorneys and staff members may discuss issues of general liability, such general information should not be construed as a guarantee of coverage in any specific case.
- The municipal inquiry service is intended to assist officials with questions of general municipal law, management, and administration. It is not intended to interfere with or substitute for the important relationship between a municipality and its regular attorney. If the answer to an inquiry submitted to the municipal inquiry service depends upon spe-

cific facts or documents, or involves litigation, potential litigation, or litigation strategy, we will recommend consultation with the municipality's regular legal counsel.

In addition to the inquiry service, the online Resource Library (<http://resources.vlct.org>) is a comprehensive collection of electronic documents. It also provides access to Vermont Statutes online, VLCT's Municipal Law Index and related websites. For more information, please contact Abby Friedman at (800) 649-7915 extension 1926 or afriedman@vlct.org.

PLEASE HELP

(continued from page 1)

officers or legislative proposals that affect your town. Our aim is to serve and strengthen local governments and your email address helps us achieve that goal.

Send your "public" email address, along with your full name, municipality and position to mailings@vct.org. Please also see our "Statement of VLCT Communications as Public Records" at www.vlct.org/d/aboutvlct/VLCT_communications_statement_02-11.pdf.

TRIVIA

Knowledgeable triviaphiles were there aplenty last month. Todd Thomas, Zeke Goodband, Heidi Racht, Carol Hammond, Jim Mullen, Ann Myers and Shirley Twitchell of Morristown, Dummerston, Huntington, Vernon, Weathersfield, Essex and Londonderry, respectively, knew that Arthur Conan Doyle, while visiting Rudyard Kipling in Dummerston in 1984, reportedly said, "the New England rustics watched us from afar, wondering what on earth we were at" The two were playing **snow golf**, which Kipling is credited with inventing (along with kippers).

Think you know Vermont geography? The Mohawk called this narrow strip of land *Deyehonwakwatha*, or "where one picks up [his] canoe." **Where is it?**

Email your answer to dgunn@vlct.org. Then tune in to the much more than adequate May issue for the answer.

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Cross Street Bridge, Middlebury



Main Street Reconstruction, Barre City



Lake Champlain Basin Wetland Restoration Plan



City Center, South Burlington



CLASSIFIEDS

(continued from page 13)

Assistant Town Clerk/Treasurer 1. Milton, Vt. is seeking a qualified person to fill the full-time position of Assistant Town Clerk/Treasurer 1 in the Town Clerk's office to perform responsible administrative functions that require a broad knowledge of Town policies, procedures, and operations. Starting salary, \$17.68 to \$22.69 per hour, with full benefits. An employment application is available either in the Town Manager's office or on the Town website, www.milton.govoffice2.com. To apply, submit a completed application and resume to Town Manager's Office, 43 Bombardier Road, Milton, VT 05468-3205. Position open until filled, however the first review of applications will be March 28, 2011. E.O.E. (3-14)

Executive Assistant/Human Resource Coordinator. Milton, Vt. seeks to fill the full-time position of Executive Assistant/Human Resource Coordinator. This is highly responsible administrative, personnel, and secretarial work of a complex and confidential nature. Assisting the Town Manager, the Assistant/Coordinator will be responsible for the independent performance of varied administrative detail tasks and associated office management, including considerable contact and interaction with other staff members, administrators, visitors and representatives of other municipalities and state offices, and numerous insurance offices. Work often involves public contact, effective coordination with other Town departments and outside organizations with significant research, confidentially and Human Resource tasks. Work requires the exercise of judgment, initiative, and discretion based on knowledge of administrative and operating policies and procedures. Specific direction for performance is required for special assignments. Starting salary, \$16.92 to \$21.78 per hour with benefits, based on qualifications and experience. An employment application is available either in the Town Manager's office or on the Town website, www.milton.govoffice2.com. To apply, submit a completed application and resume to Town Manager's Office, 43 Bombardier Road, Milton, VT 05468-3205. Position open until filled,

however the first review of applications will be March 28, 2011. E.O.E. (3-14)

Highway Maintainer II. The Town of Hinesburg, Vt. seeks a semi-skilled person for this full-time position in the Town Highway Department. The successful candidate will perform a wide variety of manual tasks including operation of equipment used in municipal highway maintenance. Requirements include operation of dump trucks and other heavy equipment, plus a variety of smaller tools and equipment. Some knowledge of the principles and practices of road construction and maintenance is desirable. Must be able to follow oral and written instructions. Commercial driver's license and high school education or GED required.

This is a physically demanding, outdoor job. To apply, send a resume and reference information to Town Administrator, Town of Hinesburg, 10632 Vt. Route 116, Hinesburg, VT 05461. (3-1)

REQUEST FOR PROPOSALS

Compost Program Food Scraps. Central Vermont Solid Waste Management is seeking proposals from facilities wishing to receive food scraps from the CVSWMD compost program. The deadline for proposals is Tuesday, **April 12, 2011** at 4 p.m. For a copy of the RFP, please contact Leesa Stewart at general-manager@cvswwmd.org or 802-229-9383 ext. 101. (3-2)



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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.)

April 5, Hotel Coolidge, White River Jct.
April 7, Middlebury Inn, Middlebury
Conducting Effective Tax Appeals (Sponsored by the VLCT Municipal Assistance Center) Start Time 12:30 p.m. This popular half-day workshop is designed for selectboard members, listers, justices of the peace, town treasurers, and town clerks.

All local officials are welcome and encouraged to attend. Vermont municipal governments collect more than \$1 billion in property taxes. Because of the tight economy, ever-increasing pressure on the property tax, and fluctuating property values, it is increasingly important that the appeals process be strategically administered. Come learn what your town needs to do to conduct effective property tax grievances and appeals.

April 26, Middlebury Inn, Middlebury
April 28, Holiday Inn Express, Springfield
Treasurers' Workshop (Sponsored by the VLCT Municipal Assistance Center)
Start time 12:30 p.m. This half-day workshop, designed for newly-elected treasurers and those who want to improve their job skills, will include a review of the statutory duties and responsibilities of treasurers and an in-

roduction to governmental accounting and financial reporting, banking services, payroll, and benefits.

Saturday, April 30, Capitol Plaza, Montpelier
Selectboard Institute II (Sponsored by the VLCT Municipal Assistance Center)
Start time 9:00 a.m. The *Selectboard Institute* is an annual program that focuses on the unique roles and responsibilities of Vermont selectboard members. Designed for both newly elected and more seasoned members, the program is highly interactive and allows members to learn from each other's experiences. Staff members who report to the selectboard are welcome as well.

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