

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

May 2011

INTEGRATION STATION

Readers of this publication may recall notices in last November's and December's issues begging PACIF members' patience while the Claims team got the hang of using a new software program. Readers with remarkably strong memories will recall a piece in the October 2009 issue explaining that 2010 PACIF renewal forms were improved due to new software being used by the Underwriting team. Coincidence? Not a bit. When PACIF decided to improve its Underwriting division by implementing a single comprehensive data handling system, one of the selection criteria was that the software could also be set up and used in related divisions such as Claims, Loss Control,

“Our Underwriting and Claims divisions are now working on a single platform with a shared database for the first time ever.”

and Finance. We are happy to report that Claims – like Underwriting 18 months earlier – is completely on board with its new software.

The software, called NavRisk, has been tailored to the specific needs of PACIF and its members. With it, the Underwriting and

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THE MUNICIPAL LAW INDEX

For more than a decade, staff in the Municipal Assistance Center – and its predecessor, the Municipal Law Center – have published the VLCT Vermont Municipal Index to Laws, which serves as a topical directory and direct link to those laws governing municipalities and their officers. MAC staff have just completed a comprehensive update to the Index, the first complete revision since April 2007. The new Index does not include any statutory changes resulting from the current legislative session. Any necessary additions, deletions or revisions will be made as soon as the session adjourns. But don't feel you have to wait. The Municipal Law Index is online now at VLCT's Resource Library, www.vlct.org/d/resourcelib/vt_municipal_law_index.pdf.

VERMONT'S LOCAL FARMERS' MARKETS

The Northeast Organic Farming Association of Vermont (NOFA-VT) is providing Vermont municipalities with a new tool to help them partner with their local farmers' markets for stronger markets and stronger communities.

A brochure titled "Supporting Your Farmers' Market: A Guide for Municipalities" was recently mailed to all Vermont cities and towns and posted on the VLCT website at www.vlct.org/d/aboutvlct/farmers_markets.pdf. This brochure outlines the many ways that farmers' markets benefit communities as well as some of the issues that arise when

farmers' markets and municipalities intersect.

In 2010, there were 70 summer farmers' markets in Vermont, and the 2010-2011 winter season featured 16 winter farmers' markets. In 2009, Vermont farmers' markets generated \$7 million in gross sales, \$4.3 million of which came from agricultural sales.

VLCT staff members Stephanie Smith and Karen Horn collaborated with NOFA-VT



Richmond Farmers' Market.

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CITIZEN LEADERSHIP IN A CONNECTED AGE

The e-Vermont Community Broadband Project is sponsoring a statewide conference on how the Internet helps leaders in our education, community development, business and nonprofit sectors work more effectively. At "Citizen Leadership in a Connected Age," scheduled for May 21, 2011, at Vermont Technical College in Randolph, attendees will learn about positive changes that broadband technology is making possible in Vermont communities and how towns can take advantage of digital tools. Highlights include a keynote address by Matt Dunne, former Vt. state senator; an education track to help

school administrators and educators plan, fund, implement and sustain 1:1 computing programs for schools; models and best practices from e-Vermont partners to offer public Wifi, increase citizen participation, and effectively utilize online public library resources; and workshops for nonprofits about online fundraising and sessions to strategize how Vermont can open the Internet's resources to everyone. For more information and to register online, go to www.evtconference.org. Contact e-Vermont at 802-223-6091 or email joanna@snelingcenter.org.



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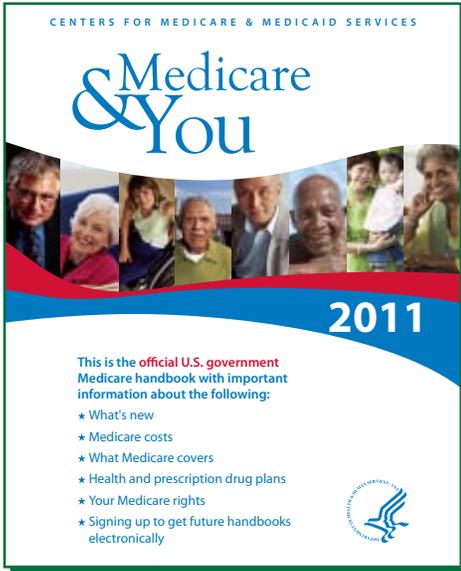


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UNRAVELING THE CONFUSION OF HEALTH SAVINGS ACCOUNTS, TURNING 65, AND MEDICARE: *THE TRUTH BEHIND THE RUMORS*



As more employers offer high deductible health plans with Health Savings Accounts (HSAs), we are hearing troubling stories of 65-year-olds losing their right to contribute to their HSAs. We researched this issue to help our members and subscribers understand their roles in this situation. The interaction between public and private health insurance is so complex and potentially confusing that subscribers approaching age 65 should carefully consider their particular circumstances and formulate their own plan

of action **several months before their 65th birthday**, and then methodically act on that plan in appropriate stages.

The Rumor: When you turn 65, you can no longer contribute to your HSA.

The Truth: As long as you aren't covered by any other health insurance including Medicare, you *can* contribute pre-tax money to an HSA. If you are drawing a Social Security benefit, you might have to avoid becoming enrolled in Medicare automatically. But as soon as you become covered by other insurance, any new contributions to your HSA are subject to income tax – just as any contributions over the annual maximum are taxable. You are responsible for reporting the taxable portion of your HSA when you file your income taxes.

The Real Problem: Turning 65 is not the sole trigger. People of any age can only contribute pre-tax dollars to an HSA if they have no other healthcare insurance, which includes Medicare or Medicaid, dual coverage through a spouse, or coverage through the Veterans Administration or Tricare (for active duty military). Most people know if they are on Medicare or Medicaid because they can choose to enroll when they start drawing

“ Health Trust subscribers approaching age 65 should consider their particular circumstances and formulate their own plan of action several months before their 65th birthday. ”

Social Security benefits (either due to a disability or after they turn 62). The age 65 issue is that **if you are receiving Social Security benefits when you turn 65, Medicare A coverage will start automatically unless you opt out of it** within a very small window of opportunity. To opt out of automatic Medicare A coverage, you must prove that you have other coverage. If you miss that opt-out window, the Medicare A coverage starts, rendering you – and your employer – ineligible to contribute pre-tax dollars to your HSA. If at age 65 you are not drawing Social Security, Medicare A will start automatically when you start drawing Social Security benefits, after a similar short opt-out period. If you want to be able to continue adding pretax money to your HSA, you must **check your mail carefully for notification from the Social Security Administration** about an impending activation of Medicare A coverage, and follow the opt-out directions carefully.

Why is this so complicated? Federal Medicare/Medicaid law is designed to ensure that eligible people who don't have access to other medical insurance are covered by Medicare or Medicaid. The dual objectives are (1) to allow other available insurance to be primary, on the condition that it provides coverage comparable to Medicare's, and (2) to discourage people from either declining coverage or from delaying it until a major medical situation arises. This is a delicate balancing act because it involves a variety of circumstances and conditions, some of which are influenced by layers of federal tax legislation. There are very few simple answers to what can seem to be simple questions.

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UNRAVELING

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Three Possible Solutions:

A) If you are not yet enrolled in Medicare A and want you and your employer to be able to continue to make tax-free contributions to your HSA (a desirable savings vehicle), you must **decline Medicare during the short window of opportunity**, which occurs near your 65th birthday if you are receiving Social Security benefits before you turn 65, or when you begin receiving benefits after you turn 65. **Watch your mail** for notification from the Office of Social Security Administration and follow the instructions carefully.

B) If you are already enrolled in Medicare A, your employer could contribute to a Health Reimbursement Arrangement (HRA) or Flexible Spending Account (FSA) for you and any other employees who are covered by Medicare A. For the employer, this involves significant setup costs if such an account is not already in place plus a small monthly fee for each participant. For the employee, this requires checking your Explanations of Benefits (EOBs) from both CIGNA and Medicare to make sure withdrawals aren't made from the HRA or FSA for amounts covered by Medicare.

C) If you are already enrolled in Medicare A, your employer could establish a personnel policy available to all employees

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RESOURCES ON THE INTERACTION OF MEDICARE WITH EMPLOYMENT-BASED HEALTH INSURANCE

Health Advocate. Health Trust subscribers needing answers to care and coverage questions or help with a particular situation can call **1-866-695-8622**. While calls are answered 24/7, the best time to call is between 8 a.m. and 9 p.m.

The U.S. Social Security Administration. Three offices cover Vermont:

- 58 Pearl Street, Burlington, VT 05401; **802-951-6753** – serves Addison, Chittenden, Franklin, Grand Isle, and Lamoille counties.
- 88 Merchants Row, Rutland, VT 05701; **802-775-0893** – serves Bennington, Rutland, Windham, and Windsor counties.
- 33 School Street, Montpelier, VT 05602; **877-505-4542** – serves Caledonia, Essex, Orange, Orleans, and Washington counties.

Medicare & You 2011, the official U.S. government Medicare handbook. The print-ready file, written for individuals, is online at www.medicare.gov/publications/pubs/pdf/10050.pdf.

Federal-State Reference Guide on Social Security and FICA Reporting. IRS Publication 963, written primarily for employers. The print-ready file is online at www.irs.gov/pub/irs-pdf/p963.pdf.

Fran Reina, the Federal-State-Local Government Specialist for employers in the region that includes Vermont. If other resources aren't helping, he can be reached at **315-793-2932**.

Section 218 Tools, Tips and Compliance for Government Entities, a webinar presented on January 27, 2011 by the IRS Tax Exempt and Government Entities Division, is posted at www.irs-videos.gov/Section218forGovernmentEntities/.

SAFETY makes us HAPPY!

Log on to PACIF Online University for a variety of free courses that PACIF member employees can take any time, on any computer, and at any pace. Employers can set up required courses and retain records of completion.

For information and instructions, visit vlct.org → Insurance → Programs or call Fred Satink at 802-649-7915.



ASK THE LEAGUE

DRUG/ALCOHOL TESTING FOR MUNICIPAL EMPLOYEES; OVERTIME FOR ADDITIONAL DUTIES

Can a municipal employer subject employees who do not hold a CDL license to random drug and alcohol tests?

As a general rule, no. Vermont law explicitly prohibits random drug testing of employees unless required under federal law. Twenty-one V.S.A. § 513(b) states "An em-

ployer shall not request, require or conduct random or company-wide drug tests except when such testing is required by federal law or regulation."

The definition of "drug" includes alcohol and those substances listed or classified by the U.S. Drug Enforcement Administration. 21 V.S.A. § 511(3). The regulations promul-

gated by the Federal Highway Administration pursuant to the Omnibus Transportation Employee Testing Act of 1991 apply only to those employees who operate commercial motor vehicles and are subject to commercial driver's license requirements. 49 C.F.R. § 382.103. Therefore, unless an employee actually operates a commercial vehicle, he or she is not required by federal law (and thus Vermont law) to submit to random drug and alcohol testing, regardless of whether or not he or she performs safety-sensitive functions.

As with many laws, there is an exception to the general employee drug-testing prohibition. An employer may require an individual employee to submit to a drug test if *all* of the following conditions are met:

1. The employer has *probable cause* to believe the employee is using or is under the influence of a drug on the job.
2. The employer has available for the employee tested a *bona fide rehabilitation program* for alcohol or drug abuse and such program is provided by the employer or is available to the extent provided by a policy of health insurance or under contract by a nonprofit hospital service corporation.
3. The employee *may not be terminated* if the test result is positive and the employee agrees to participate in the employee assistance program and then successfully completes it. However, the employee may be suspended only for the period of time necessary to complete the program, but in no event longer than three

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UPCOMING TRAINING OPPORTUNITIES

PRESENTED BY THE MUNICIPAL ASSISTANCE CENTER

MUNICIPAL PERSONNEL ADMINISTRATION FORUM

June 15, Capitol Plaza, Montpelier

Both municipal managers and their staff will find this workshop indispensable as it covers the fundamentals of personnel administration in a municipal setting. It will focus on the major state and federal employment laws and cases affecting municipalities as employers, including emerging employment issues in the digital age.

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)

This annual symposium is a comprehensive series of educational sessions about governmental accounting and auditing presented by certified public accountants (CPAs) and state and local government officials. Continuing professional education hours are available for CPAs who attend.

SALVAGE YARDS: MUNICIPAL ACTION, REGULATION AND ENFORCEMENT

June 23, Vermont Interactive Television sites

(Co-sponsored by Vermont's Regional Planning Commissions)

Delivered in the evening via interactive television, this workshop will cover the recent legislative changes in the regulation of salvage yards (formally known as junkyards). Our speakers will discuss the tools available to towns, including enforcement under Vermont law and/or through a locally adopted ordinance, what is considered a salvage yard and new standards for its location, and resources available to help municipalities enforce the law.

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

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months. The employee may be terminated if, after completion of an employee assistance program, the employer subsequently administers a drug test in compliance with requirements #1 and #4 that produces a positive result.

4. The drug test must be administered in accordance with requirements specified in 21 V.S.A. § 514.

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

*Garrett Baxter, Staff Attorney
Municipal Assistance Center*

Is a town required to pay overtime compensation to a town employee who volunteers his or her services or who does part-time, occasional work for the town in addition to and separate from his or her regular duties?

Under federal law, town employees may volunteer their services to the town, for example by serving on a volunteer fire department, as long as they offer those services freely and without pressure or coercion from their employer. 29 C.F.R. § 553.101(c). In this case, the employee's role as a volunteer is separate and distinct from his or her role as a town employee; therefore, a town *does not* have pay the employee overtime for hours he or she spends performing volunteer fire fighting services for the town. *However, this rule only applies if the type of work the volunteer is performing is not the same type of service he or she performs as a town employee.* Fair Labor Standards Act, § 3(e)(4)(A); 29 U.S.C. § 203(e)(4)(A); 29 C.F.R. §§ 553.102 and 553.103.

Whether volunteer service will be considered the "same type of service" is decided on a case-by-case basis. An employer must consider all the facts and circumstances involved before determining whether volunteer service is closely related to the actual duties performed by the employee. 29 C.F.R. § 553.103(a). An example of volunteer service that would not be considered the same type of service for purposes of the FLSA is an employee of a city parks department who serves as a volunteer firefighter. 29 C.F.R. § 553.103(c). In contrast, a paid supervisor of a local volunteer ambulance department who

volunteers for the department for week-end emergency coverage, or a nurse employed by a state hospital who volunteers medical services at a state run health clinic

are examples of the same type of service. 29 C.F.R. § 553.103(b).

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MANAGING MUNICIPAL FINANCES

The proper management of municipal finances is a critically important responsibility for town selectboards, city councils and village trustees, as well as treasurers, town managers, and financial personnel. As we continue to hear of financial wrongdoing at the local level, the need for internal financial controls and sound policies and procedures becomes all the more crucial.

VLCT's Municipal Assistance Center (MAC) offer services, tools, and training to implement and maintain sound municipal financial systems, including:

Financial Management Assistance. Bill Hall, VLCT's Senior Financial Consultant, has a wealth of experience and expertise that he has shared with many towns. Some recent contracts include:

- interim finance director, Village of Enosburg Falls and City of Winooski;
- review and implementation of financial policies, Town of Williamstown;
- review of internal controls, Hardwick Electric Department;
- preparation for an outside audit, Town of Hartford;
- compliance with audit recommendations, Town of Grafton;
- capital improvement program plan assistance, City of Rutland;
- review and recommendation of financial procedures, towns of Jamaica and Norton; and
- basic governmental accounting and financial reporting training, Town of Shaftsbury.

Additional services – including those that can be designed exclusively for your town – are available upon request.

Model Financial Policies. Written with the small and medium sized town in mind, these eleven policies were developed to address common financial issues that Vermont municipalities face. For example, the Model Accounting, Auditing and Financial Reporting Policy provides a framework to implement and maintain internal financial controls. You can download any of the policies at <http://resources.vlct.org>.

Model Request for Proposals for Audit Services. This model RFP was developed to help small and medium sized towns contract for audit services.

Educational Workshops. MAC offers dynamic and informative workshops throughout the year whose topics range from general-purpose to the specific. The popular Finance Symposium will be held on June 23, and the 2011-2012 workshop series will begin in September. Workshops registration and information is available at www.vlct.org/eventscalendar.

VLCT's Property and Casualty Intermunicipal Fund (PACIF), which is committed to helping member municipalities manage finances, strongly endorses MAC's program and service offerings.

To learn more about these and other MAC resources, please contact Abby Friedman at 800-649-7915 extension 1926 or afriedman@vlct.org.



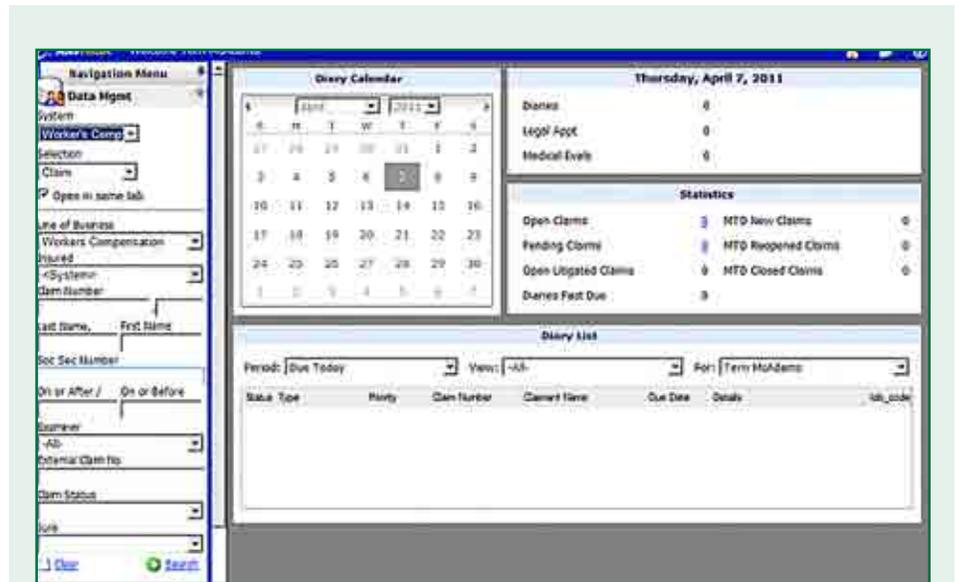
INTEGRATION STATION

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Claims divisions are now working on a single platform with a shared database **for the first time ever**. Gone are the days of duplicating information and doubling the risk of errors, and of calling or emailing a co-worker in the other division to learn details of coverage or claims status. Of course, each division has access to particular parts of the database, and individual employees can only see information and perform actions that are appropriate to their job functions.

NavRisk shows up on the Claims team's computers as a "dashboard" with statistics on current claims, a monthly calendar, a daily To Do list, and a diary of claim-by-claim progress that is integrated with the entire division. In a panel on the left, the "driver" can select which line of coverage to look at (workers' comp, auto, liability, etc.) and set search criteria such as member, date of claim, examiner, and claim status. Supporting documents are scanned into the computer system and filed so NavRisk can bring them up quickly, and recently closed cases can also be retrieved electronically.

What's the proof that NavRisk is worth having? "We are definitely able to process claims more quickly," says Kelly Kindestin, Manager, Property and Casualty Claims, and Interim Manager, Workers' Compensation Claims. "Because most of the information we need is now at our fingertips and in one program, we spend far less time going to several different locations and handling folders and paper records." That means that Claims staff can either process more claims in a typ-



The NavRisk Claims Dashboard keeps important information within easy view of Claims team members.

ical work day or adjudicate complex claims more efficiently, so PACIF members won't wait as long for results as they used to.

NavRisk has brought great improvements, but there is still room for growth, and Kindestin is taking steps to implement two additional tasks. One is to scan the paper records of closed claims and save them so staff can access them electronically. These files currently fill several walls (taking up much needed space), and converting them is no small matter. The other is to consider how best to design additional online services so PACIF members can not only report workers' comp claims online, but potentially also file auto, property, and liability claims; ac-

cess quarterly loss reports; and view the status of claims. To this end, members who use email are invited to complete a survey to express their interest in and concerns about future online claims services.

"Currently, our business is very paper dependent. Most commercial carriers have already gone online and become completely paperless," Kindestin says. "Our goal is to move in that direction, but we'll always be here to talk on the phone and receive information however our members want to submit it – by mail, fax, email, or phone – if the online system doesn't suit them." That sounds like the best of both worlds.

Ione L. Minot, Contributing Writer



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- One-day class, free of charge (unless cancelling less than 48 hours before class)
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Get timely updates on what's happening under the golden dome from the local government perspective. We will also share links to relevant articles, legislative and administration policy initiatives, as well as the latest actions taken by municipalities to address local issues.

Just type "VLCT Advocacy" in the Facebook search box, then click on the like button to begin receiving our status updates.



ON-SITE WORKSHOPS

LET THE VLCT MAC STAFF TRAVEL TO YOU!

Since 2005, VLCT Municipal Assistance Center staff have been conducting customized on-site workshops in municipal offices across the state.

Each workshop costs \$800, except VLCT PACIF members receive a reduced rate of \$400. In addition to the program offerings listed below, MAC can, upon request, develop a custom workshop for your specific needs. Please contact Abby Friedman to discuss a possible workshop at (800) 649-7515 or afriedman@vlct.org.

ON-SITE WORKSHOP PROGRAM OFFERINGS:

- Improving the Relationship Between Independent Officers and the Selectboard
- Roles and Responsibilities of Town Officers
- Conducting Effective Selectboard Meetings
- Conducting Effective Tax Appeal Grievances and Hearings
- A Field Guide to the Open Meeting Law and Executive Session
- How to Write a Good Hearing Decision
- The Role of the Manager and the Role of the Selectboard
- An Orientation to Local Government for New Selectboard Members
- Leadership and Management Roles of the Selectboard
- Developing and Managing the Town Budget
- Financial Reporting and Management
- Inter-local Agreements
- Municipal Charter Adoption and Amendment

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EYEMED IN MAY '11: SPECIAL MID-YEAR OPEN ENROLLMENT

VLCT members, please note that there will be a mid-year open enrollment period for EyeMed vision coverage this year – but *only* this year, because it is VLCT's first year with this vendor. This is an opportunity not only for employees of current members to sign up, but also for municipalities that are not yet offering EyeMed coverage to begin doing so.

Switching to EyeMed saves our members 30 percent in premiums compared to our previous vendor and includes a four-year rate guarantee. Because the EyeMed network differs somewhat from the VSP network, EyeMed provides far richer out-of-network benefits to VLCT participants than VSP did. EyeMed also provides participants with personalized ID cards, coverage by national leading retail chains, a 40 percent discount off an additional pair of glasses, 20 percent off retail prices for other vision care items, and 15 percent off LASIK and PRK correction from LasikPlus providers.

Interested groups can evaluate EyeMed coverage on VLCT's Vision page. Go to vlct.org. Under Insurance & Risk Services select Programs, and under the Health Trust heading click on Vision. The top of the Resources list has a link to the EyeMed website. To see the current list of EyeMed's network of providers, click on the EyeMed link, and under Locate a Provider choose the Access network, enter your ZIP code, and click on Submit. Back on the VLCT Vision page, you will find a two-page comparison of VLCT's three vision coverage options, separate PDFs explaining each plan more fully, two useful forms for individuals – the Enrollment form to sign up for coverage and the Out Of Network Claim Form to receive a reimbursement after going to a provider outside of the EyeMed network – and the 16-page Administration Guide for use by benefits administrators. Municipalities may choose only one EyeMed plan to offer to their employees.

The websites offer a lot of information, but if you want to talk to someone about EyeMed, please contact your Member Relations representative at 800-649-7915. Members need to submit their plan choices and their employees' enrollment forms to Kelley Avery by June 1st for coverage to begin on July 1. Please either scan and e-mail forms to kavery@vlct.org or fax them to Kelley's attention at 802-229-2211.

DENTAL OPEN ENROLLMENT IN JUNE

June is the annual open enrollment period for Northeast Delta Dental. This is the one time all year when groups may change plans, and new subscribers may enroll or add dependents to their existing coverage. Stay tuned for details regarding the dental renewal – the rates will be mailed to members both on paper and via email. Please pose any questions to your Member Relations representative at 800-649-7915.

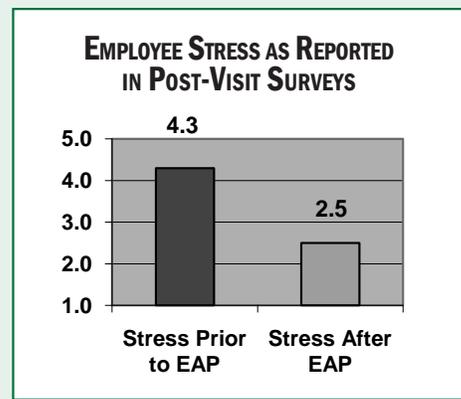
CALLING ALL UI TRUST 2010 WAGE REPORTS!

Kelley Avery is trying not to be despondent about the UI Trust members who have yet to submit their Wage Reports for 2010. The reports were due April 30, as Kelly's March 2, 2011 email explained.

Wage reports should be filled in and submitted in Microsoft Excel format. Blank forms and instructions are posted on the VLCT website's Unemployment page. If you have not already done so, please, as soon as possible, download the appropriate file, complete it in your computer, attach the file to an email, and send it to kavery@vlct.org. If you have questions or your municipality employs more than 70 people, call Kelley at 800-649-7915, ext. 1965. Receiving more reports will make her day!

EAP – SERVING HUNDREDS EACH YEAR

The VLCT Health Trust and PACIF provide all member employees and their families with free access to Invest EAP, Vermont's Employee Assistance Program. EAP provides a variety of resources including short-term counseling as well as referrals and resource information on everything from financial and legal issues to childcare and elder care. The statistics are in for how we used EAP's services in 2010, and the numbers are impressive.



More than 2,600 employees of VLCT members had contact with the EAP program this past year in settings ranging from health fairs to individual counseling. Well over 500 people took advantage of EAP's direct counseling services. The main issues that people sought support and resources for were family/relationship (37%), workplace (21.8%), mental health (15.1%), and substance use (8.4%).

Nearly half of the people who accessed EAP through VLCT reported that the pressures that caused them to seek help had a moderate or considerable impact on their work. Such impacts can be the cause of mistakes and accidents on the job, which is why EAP is an important resource. As the accompanying chart shows, people who used EAP's services reported that EAP made a difference in their lives by reducing the stress they experienced. (In the chart, 1 equals consider-

(continued on page 13)

2011 RMS CALENDAR

29th Annual Vermont Municipal Highway Association Expo. Wednesday, May 11, 7:30 a.m. to 3 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 (Project WorkSafe, Green Mountain Coffee Roasters, and Vermont Small Business Development Center), VELCO, Cabot Creamery, and the Vermont Safety and Health Council. No cost to register for awards presentation only. Full conference registration, \$80. Register at vtsbdc.centerdynamics.com/workshop.aspx?ekey=40310001.

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 a.m. to 4 p.m., 144 Town Garage Road, 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.

Electrical Safety/NFPA 70E. Wednesday, May 18, 8:30 a.m. to 12:30 p.m., Vermont Technical College Room 401A, Blair Park, Williston. Electrical Safety Standards for NFPA 70E and OSHA Subpart S, presented by the Vermont Safety and Health Council. This four-hour program is designed to help those responsible for company safety compliance get a grip on electrical safety regulations and best practices. Featured speaker: Lee Marchessault of Workplace Safety Solutions. Following Lee's presentation, a panel of business safety managers will share their experience with implementing an effective electrical safety/70E program at their company. Attendees will leave with a better understanding of arc flash hazard analysis, written programs, qualification requirements for electrical employees, and PPE. Each attendee will receive a sample audit form and draft written program. For more information and to register, go to www.vshc.org and select Events Calendar.

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 1-800-649-7915, ext. 1935.

Commercial Driver Compliance, Safety and Accountability Seminar. June 2, 1-4 p.m., Green Mountain Coffee Roasters' training center, 81 Demeritt Place, Waterbury. Presented by the Vermont Partnership in Safety. The Federal Motor Carrier Safety Administration evaluates the safety performance of motor carriers and drivers under its Compliance, Safety, Accountability initiative. Lieutenant Patrick McManamon, Training Officer of the Vermont Department of Motor Vehicles Enforcement and Safety Division, will discuss how a driver's habits can impact a carrier's safety rating and answer questions such as: Who has access to a driver's violation record? What are the seven behavior analysis and safety improvement categories? What effect will roadside inspections have on safety ratings? How can a driver or carrier challenge a violation on an inspection? Norman James, Manager of Project RoadSafe in the Vermont Department of Labor, will discuss distracted driving – one of the most dangerous aspects of roadway workplace safety – as it relates to Vermont's highways. Free to all, but pre-registration is required. Email pcrawford@vtc.edu or call 802-728-1423.

1st Annual Vermont Safety & Health Conference. June 7-8, 2011, at the University of Vermont, Burlington. Sponsored by the Safety & Health Council of Northern New England, UVM, and the National Safety Council. Information will be at www.shcnne.org.



UNRAVELING

(continued from page 5)

ees who are covered by both Medicare and an employment-based high deductible health plan to provide them with an alternative cash benefit equal to the amount of the employer's HSA contribution. The benefit would be taxable, unlike the HSA contribution, and each employee would be responsible for handling his or her money.

Please Note: We cannot provide clear-cut instructions because there are many variables involved, but we want to help individuals and employers learn about this issue. My take-away message is that if you are approaching age 65, have an HSA, and want to keep contributing pre-tax dollars to it, you should:

1. anticipate the choices that will confront you,
2. pay close attention to information

(continued on next page)

A FEW KEY MEDICARE FACTS

- You usually don't pay for Medicare A coverage if you or your spouse paid Medicare taxes while working.
- If your non-Medicare health insurance coverage ends after you turn 65 and you don't enroll in Medicare A within eight months of that end date, you might have to pay extra for your Medicare A premiums once you are enrolled.
- Plan on a delay of two to six months from when you enroll in Medicare A to when its coverage starts.
- Medicare has three types of enrollment periods:
 1. Initial Enrollment Period: The seven-month period that has the month of your 65th birthday in the middle. For example, if your birthday is June 6, your initial enrollment period is March 1 through September 30. If you want to have Medicare coverage on that birthday, you must enroll during the three months before it.
 2. Special Enrollment Period: The eight-month period that begins the month after the end of the employment on which health coverage is based or the end of your group health plan coverage, whichever occurs first, regardless of whether you are covered by COBRA, on a retiree health plan, or have end-stage renal disease.
 3. General Enrollment Period: Enroll January 1-March 31 of any year for coverage beginning on July 1.
- If you are over 65 and still covered by employer-based insurance, you can choose to enroll in Medicare, but you will lose your ability to contribute tax-free dollars to your HSA (if you have one).

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Main Street Reconstruction, Barre City



Lake Champlain Basin Wetland Restoration Plan



City Center, South Burlington



UNRAVELING

(continued from previous page)

you receive from the U.S. Social Security Administration, and

- act in your own best interest at every juncture necessary to make sure to get what you want from the options that are available to you.

For further information, see the list of resources in the sidebars, or contact your Member Relations representative.

*Tanya Chambers,
Senior Member Relations Representative
Risk Management Services*

EAP

(continued from page 10)

ably low stress and 5 equals considerably high stress.)

Using EAP not only gives people the support they need to manage life's challenges, but it also helps them be more focused at work – which in turn promotes health, safety, and productivity in the workplace. The value of this is far greater than what the Health Trust and PACIF pay for EAP's services.

We encourage you to learn more about EAP by visiting www.investeap.org and logging in with the password **vlct**, or by calling 1-800-287-2173. EAP is free, confidential, friendly, and easy to use – but it can only make a difference for the people who call and ask for help.

MAY TRIVIA

Last month's trivia question – Where in Vermont is Deyehonwakwatha (Mohawk for "where one picks up [his] canoe")? – generated a couple of nibbles but no correct answer. Would it have helped had I said it was an isthmus? *Of course!* It's that strip of land separating the two parts of the island of North Hero!

Here's a question that plumbs the penetralia of Vermont legislative lore:

The repeal of 24 V.S.A. §§ 401-404 in 2009 eliminated what county position?

Quick! Before you forget, email your answer to dgunn@vlct.org. Then watch this space in the substantially serviceable June issue for the answer.

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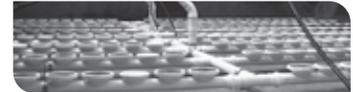
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ASK THE LEAGUE

(continued from page 7)

The town should make clear to the employee wishing to volunteer that:

- volunteer work is optional and not a condition of employment with the town; and
- the employee's status as a volunteer is separate and distinct from that of his or her employment with the town. Therefore, his or her regular pay, benefits and overtime regulations do not apply with respect to the volunteer work if the work is determined not to be the same type of service as his or her regular employment with the town.

Town employees may also do part-time, occasional work for the town in a separate capacity than their regular position *without* the town being required to include those hours for determining overtime compensation. 29 U.S.C. § 207(p)(2). The ability of a town to exclude those part-time hours for purposes of determining overtime compensa-

tion depends on whether the part-time work the employee performs is in a different capacity from the employee's regular position. Only if the part-time work is performed in a different capacity than the employee's regular position may the town exclude those part-time hours for purposes of calculating overtime compensation. 29 U.S.C. § 207(p)(2).

In addition, the employee must have agreed to perform those services without coercion from his or her employer, and the part-time work may only be occasional and sporadic. 29 U.S.C. § 207(p)(2).

Occasional or sporadic is defined as "infrequent, irregular, or occurring in scattered instances." 29 C.F.R. § 553.30(b)(1). An example of work that *would* be considered occasional and sporadic is if a town employee sold tickets or beverages at the annual town fair. Work that *would not* be considered occasional or sporadic under the law would be if a town employee filled in selling tickets or beverages at the town recreation facility every week or every other week. 29 C.F.R. § 553.30(b)(3).

Whether the work the employee is performing is in a different capacity as the employee's regular position is decided on a case-

by-case basis, after consideration of all the facts and circumstances. Work that *would not* be considered in the same capacity, would be if a town bookkeeper or mail clerk occasionally refereed a town-sponsored sporting event. 29 C.F.R. § 553.30(c)(4). Work that *would* be considered in the same capacity for purposes of determining overtime eligibility would be if a town parks employee who regularly engages in playground maintenance occasionally cleans the town recreation center. 29 C.F.R. § 533.30(c)(3). Teachers who engage in any activity associated with teaching (coaching, counseling, etc.) will be considered as performing duties in the same capacity, and therefore may be eligible for overtime compensation for those part-time hours. 29 C.F.R. § 533.30(c)(5).

Additional questions regarding this subject may be directed to the Department of Labor, Employment Standards Administration, Wage and Hour Division in Manchester, New Hampshire (tel. 603-666-7716).

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

Garrett Baxter, Staff Attorney
Municipal Assistance Center

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LOCAL LAND USE PLANNING AND REGULATION TRAINING

Do you need to sharpen your skills as a local land use official? The workshops listed below are designed for members of local boards – planning commissions, zoning boards of adjustment, development review boards and selectboards – as well as staff responsible for planning and zoning. Staff from VLCT’s Municipal Assistance Center are available to come to your town to conduct these workshops. For more detailed descriptions and additional information, please contact Abby Friedman at 800-649-7915, extension 1926, or afriedman@vlct.org.

- Capital Planning and Budgeting
- Conducting Effective Meetings and Hearings
- The Effective Land Use Board
- Effective Zoning Enforcement
- Field Guide to Adopting and Amending the Town Plan and Bylaws
- How to Interpret Development Plans
- How to Make and Write an Effective Land Use Decision
- Managing Conflicts of Interest in Local Land Use Decisions
- Major Types of Development Review
- Adopting Local Act 250 Review
- Is a Development Review Board Right for our Town?
- Should our Town Adopt On the Record Review?
- Should our Town Adopt Zoning?
- Understanding Homeowners’ Associations



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VLCT Town Fair (Sponsored by VLCT, VLCT PACIF, Health and Unemployment Trusts and the VLCT Municipal Assistance Center). Save the date! Returning to south central Vermont, the annual Town Fair is Vermont’s premier conference for municipal officials, employees, and volunteers. Complete details and registration materials will be available by the end of July.





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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

Road Commissioner. The Town of Proctor needs an experienced crew chief to supervise and skillfully maintain and repair

the Town highway infrastructure under the guidance of the selectboard. Supervisory experience in road and utility work desirable. Requirements include a valid driver's license, Vermont CDL, high school diploma or equivalent, and residency in Proctor or the immediate area. Essential duties include maintaining Town roads, stormwater collection system, and winter plowing. The Commissioner will also work with the Water and Wastewater Departments to install new or repair existing water and sewer mains. He or she must be a team player. Preference given to applicants with experience operating and maintaining heavy equipment. This is a full-time, year-round salaried position with a competitive compensation package. For a complete job description, call the Town at 459-3333. To apply, submit a cover letter of interest and resume to Rick Anderson, Selectboard Chair, Proctor Town Offices, 45 Main Street, Proctor, VT 05765. Resume review begins May 1, 2011. Resumes accepted until position is filled. EOE. (4-13)

Zoning Administrator. The Town of Fayston is seeking a part-time Zoning Administrator. The job requires 16 hours a week (2 days) and some evening meetings. Candidate must have proven administrative skills and be skilled at dealing with the public, interpreting and applying zoning regulations and taking minutes. Salary commensurate with experience. To apply, please email a resume and letter of interest **by April 29, 2011** to faystonsb@madriver.com, or mail to Fayston Selectboard, 866 North Fayston Road, North Fayston, VT 05669. (4-13)

Deputy Chief Financial Officer. The Town of Milton, Vt. seeks a qualified person to fill the position of Deputy Chief Financial Officer. The Deputy CFO has the primary responsibility for the professional administration of the financial operations of the Town. He or she will ensure the financial strength and viability of the Town and assist in

its strategic development and planning by formulating sound financial policies. The Deputy CFO performs complex financial and accounting work for the Town including the administration of its operating budget and oversight of its computerized accounting system. This is an appointed full time, "hands on" exempt position serving as the department head and the supervisor of the staff in the Finance Department. The Deputy CFO helps develop all budgets, their implementation and analysis, administers the business aspects of the Town, including grants and contracts, and assists and makes recommendations to the Town Manager on numerous issues that affect Town business. Salary, \$50,000-\$60,000 with benefits, based on qualifications/experience. A job description and an employment application are available either in the Town Manager's Office or on the Town Website at www.milton.govoffice2.com. To apply, submit a completed employment application and resume **by May 2, 2011**, to Town Manager's Office, 43 Bombardier Road,

(continued on page 19)

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.

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

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



FARMERS' MARKETS

(continued from page 1)

consultant Sylvia Fagin to identify municipalities' needs and interests regarding farmers' markets. Montpelier City Manager Bill Fraser and Essex Junction Village Manager Dave Crawford collaborated with Fagin to share past challenges and successes related to establishing and sustaining successful farmers' markets in their municipalities.

Space, signage, and parking are three areas where farmers' markets and municipalities frequently interact. With collaboration and clear communication, these issues can be resolved to the mutual benefit of the municipality and the market. "Be clear in writing about the terms of the agreement," Fraser advises. "Get it approved by the people it needs to be approved by; have them pass a resolution. ... Details, issues, and concerns to be dealt with are just that." The Capital City Farmers' Market in Montpelier, which has been operating since 1977, brought in approximately \$696,000 in gross sales during the December 2009 to November 2010 market season.

New farmers' markets can generate activity in previously inactive areas of the community. In Essex Junction, a community-based group worked with the village government and local farmers and food producers to establish the Five Corners Farmers' Market in 2010. "The farmers' market has stimulated the community and demonstrated that if we work together, we can make something really good happen," says Crawford.

Farmers' markets can help municipalities meet town plan goals, according to Will Sawyer, Program Manager with the UVM Center for Rural Studies, a collaborator on the brochure. Examples of town goals include ensuring community food security, increasing the availability of locally grown foods to lower income residents, helping youth maintain a healthy weight, and identifying and preserving agricultural land as required by the Vermont Planning and Development Act.

Farmers' markets act as small business incubators and economic drivers. Though no statewide economic studies have yet been conducted in Vermont, economic impact analysis studies in Iowa and Oklahoma found that every dollar spent at a farmers' market generated an additional \$0.58 to \$1.36 in sales at other area businesses. Farmers' markets generate income for farmers and food producers, and drive other econom-

ic activity, such as wages paid to farm employees and purchases made by farmers at local stores.

The topic of community support for farmers' markets is relevant as newer and smaller markets find themselves struggling to stay afloat, and as larger, more established markets discover that their success brought unexpected challenges with their hosting municipalities.

National research reveals that new farmers' markets are taking a community-based approach to their boards of directors and developing a diverse platform of community support before establishing a new market. Older markets often have not done this as systematically, and are frequently run by a board of directors composed entirely of vendors. These markets may need to stop and see what parts of their community aren't represented on their board or as community partners, and build relationships with these entities to ensure that the entire community understands the market's needs as well as the benefits the market provides to the community.

NOFA-VT also recently published a short (18-page) manual entitled Engaging the Community for Farmers' Market Success. Designed for market managers and boards of directors, the manual outlines some of the types of community partners with which farmers' markets can collaborate, and ways in which farmers' markets can engage these partners to strengthen their market and contribute to its long-term viability and success.

These community engagement guides build on a number of other NOFA-VT ini-

tiatives to support the growth and economic viability of farmers' markets in Vermont. With rising numbers of new farmers and increasing consumer interest in local foods, the number of farmers' markets in the state continues to grow steadily. NOFA-VT is currently providing technical assistance and mini-grants for strategic planning to help bolster these markets' ability to establish a strong foundation in their communities. Additionally, NOFA-VT is also working on a number of statewide projects, including assisting markets in setting up EBT and debit card readers, hosting a statewide National Farmers' Market Week celebration, and helping to launch the Vermont Farmers' Market Association, an association that serves as a statewide voice for member markets.

The Vermont Farmers' Market Association (VFMA) is a 13-member board representing markets statewide. The main purposes of the VFMA are to promote Vermont farmers' markets through information sharing and networking among markets, and to serve as the statewide voice for farmers' markets in Vermont, which includes legislative advocacy. In 2009, the VFMA worked with the Vermont Legislature to pass a farmers' market definition and a \$25,000 capital grant program to support infrastructure improvements at markets. In addition, it developed a website, formalized an organizational logo, and worked on a promotion plan, including a brochure detailing all of the summer and winter farmers' markets.

Sylvia Fagin, NOFA-VT consultant

Jean Hamilton, NOFA-VT Direct Marketing and Food Security Coordinator

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CLASSIFIEDS

(continued from page 17)

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Director, Human Resources. VLCT, a unique, member-owned organization, has an immediate need for an experienced human resources professional to join our management team. This key role reports to the Executive Director and serves as internal consultant and strategic partner in the furtherance of our mission to serve and strengthen Vermont local governments. The HR Director manages all aspects of human resources while providing hands-on customer service to staff and our municipal members as needed. Areas of responsibility include employee relations, recruiting, compensation management, benefits administration, legal compliance, performance management, training, record keeping, and ergonomics and safety. A complete job description is available at www.vlct.org/market-place/classifiedads. Requirements: Bachelor's degree (or equivalent experience) plus at least five years at a professional, managerial level in human resources; excellent verbal and written communication skills; strong knowledge of state and federal payroll, benefits and human resources-related laws; strong listening and coaching skills; the ability to work well independently and as part of a team; excellent research and analytical skills plus the ability to anticipate with both sensitivity and strategic thinking; PHR designation or human resources certificate from an accredited college or university strongly preferred. Conveniently located in downtown Montpelier, VLCT offers a quality workplace and an excellent total compensation package that includes defined benefit and defined contribution plan choices with up to 12.1% total employer contribution. Further benefits include long-term care insurance, Section 125 plan, life and disability insurances, dental and choice of two health plans. To apply, please submit cover letter, resume, contact information for three references to jobsearch@vlct.org with HR as subject. E.O.E. (4-05)

Zoning Administrator. The Town of Milton, Vt. seeks a qualified person to fill

the position of Zoning Administrator in the Planning and Economic Development Department. Applicants interested in a part-time position only will also be considered. The zoning administrator performs administrative, professional, regulatory, and technical work related to the administration and enforcement of the Town of Milton's land-use ordinances and bylaws in effect. He or she is the principal staff person responsible for issuing permits, assisting applicants, conducting enforcement actions, and educating the public about the requirements of the Town of Milton Zoning and Subdivision Regulations. In addition, the position administers and enforces the litter ordinance and State health code.

The position requires considerable judgment in the literal application, interpretation and enforcement of town laws and policies. The ideal candidate will be able to interact with the public in a positive manner than inspires confidence in the Town. The full job description is at www.milton.govoffice2.com, under Employment Opportunities. Salary: \$20.11 to \$25.89 per hour, based on qualifications and experience. To apply, download an employment application from the town's website, or obtain one from the Town Manager's Office, 43 Bombardier Road in Milton. Once it is completed, submit it with your resume to the Town Manager's Office. Position open until filled. E.O.E. (3-30)



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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.)

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.

June 15, Capitol Plaza, Montpelier Municipal Personnel Administration Forum *(Sponsored by the VLCT Municipal Assistance Center)*

Start time, 9:00 a.m. Both municipal managers and their staff will find this workshop indispensable as it covers the fundamentals of personnel administration in a municipal setting. It will focus on the major state and federal employment laws and cases affecting municipalities as employers, including emerging employment issues in the digital age.

June 21, Capitol Plaza, Montpelier Finance Symposium

(Sponsored by the VLCT Municipal Assistance Center, the Office of the Vermont State Auditor, the Vermont Government Finance Officers' Association, and the Vermont Association of School Business Officials)

Start time, 9:00 a.m. This annual symposium is a comprehensive series of educational sessions about governmental accounting and auditing presented by certified public accountants (CPAs) and state and local government officials. Continuing professional education hours are available for CPAs who attend.

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June 23, Vermont Interactive Television sites

Salvage Yards: Municipal Action, Regulation and Enforcement *(Sponsored by the VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions)*

Start time, 6:30 p.m. and delivered via interactive television. Our speakers will explain the recent legislative changes in the regulation of salvage yards (formally known as junkyards). We will discuss the tools available to towns, including enforcement under Vermont law and/or through a locally adopted ordinance, what is considered a salvage yard and new standards for its location, and resources available to help municipalities enforce the law.

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