

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

June 2011

## NUTS, BOLTS, AND SELECTBOARDS

Every year, VLCT's Municipal Assistance Center (MAC) dedicates one or two spring-

time Saturdays to enhancing the knowledge and governance skills of selectboard mem-

bers. This year's Selectboard Institutes took place on March 26th in Rutland and on April 30th in Montpelier. Both offered information on the fundamentals of municipal governance, current issues facing selectboards, and a variety of nuts-and-bolts topics. Both were filled to capacity with newly elected and veteran selectpersons looking to soak up all the useful knowledge they could, and also share some of their experience with others of their ilk.

Each day had basically the same schedule: three members of the MAC staff took turns addressing all attendees in the morning; VLCT's Advocacy staff provided an update of relevant legislative issues during lunch; and the attendees' chose four out of six small roundtable discussions on special

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Selectboard members preview the handouts for the presentations and roundtable discussions (left).

The Montpelier Room at the Capital Plaza Hotel in Montpelier affords a bird's eye view of attendees getting settled for the opening session of the April 30 Selectboard Institute (below).



## HT MEMBERS DOMINATE GOVERNOR'S WELLNESS AWARDS

On Tuesday, March 29, 2011, about 250 employees representing wellness at their worksites around Vermont gathered in Montpelier for a conference and awards ceremony. Of the 79 employers that received awards from Governor Peter Shumlin, 22 (28 percent!) were VLCT Health Trust member towns participating in the Wellness Leader Program.

The Governor's Worksite Wellness Awards recognize initiatives that encourage people to engage in physical fitness activities and eat nutritiously both on and off the job. Successful worksites reap the benefits of lower health care costs, greater productivity, less absenteeism, and stronger employee retention. Physically fit people are more productive and more

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## THIS LAND IS SHORELAND

### Introduction

In June, the VLCT Municipal Assistance Center will release a model lake shoreland district bylaw and technical paper, which can provide guidance to municipal officials who want to adopt lake shoreland zoning. The model includes measures such as setbacks, clearing limitations, vegetation protection, land disturbance management, and impervious area standards to protect shoreland buffers and water quality from the adverse impacts of development.

How a town chooses to manage its shorelands can greatly impact the water quality and aquatic and wildlife habitat of Vermont's lakes. Maintaining shoreland buffers – the vegetated areas adjacent to lakes and ponds – is the most widely recommended and scientifically supported approach to protecting lake habitat and reducing pollution in stormwater runoff from uphill land uses. Building too close to the water, clearing a shoreland lot of its natural vegetation or covering too much of it with driveway and

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## SELECTBOARDS

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topics in the afternoon. Two of the roundtable topics were the same both days, but the other four differed between the two Institutes, which, coupled with the volume of information being shared, prompted some selectboard members to attend both meetings.

Abby Friedman, Director of the Municipal Assistance Center, welcomed the attendees and opened with a presentation titled “The Highly Effective Selectboard,” which discussed the role of the selectboard in both formal and informal contexts, the selectboard’s statutory authority, and issues such as managing conflicts of interest.

Jim Barlow, MAC’s Senior Staff Attorney, discussed the requirements of the Open Meeting and Public Records laws in a lively presentation called “The Rules of the Game.” After delving into the legal definitions of “public body” and “meeting” and explaining how to warn a public meeting lawfully, Jim explored the implications of electronic communications, especially email, with respect to open meetings and public records. This topic garnered a lot of interest, whether the words came from Jim or the various audience members who spoke up to describe how they have been using electronic resources.

Rounding out the morning’s sessions was the presentation by Bill Hall, MAC’s Senior Financial Consultant, titled “What Every Selectboard Member Needs to Know about Municipal Finance.” Bill discussed sources of revenue (bonding, borrowing, and taxes); the authority to deviate from the budget; dealing with surpluses and deficits; and understanding documents such as the budget, audit, and quarterly financial reports. He also advocated setting up systems of financial control for municipal officers and employees to follow in order to prevent costly errors and fraud.

Steven Jeffrey, VLCT Executive Director, and Karen Horn, Director of Public Policy and Advocacy, regaled lunching attendees with updates on the municipally-relevant bills currently being considered in the state legislature. We believe most people were able to enjoy their food nonetheless.

After lunch, presenters and attendees spread out for the six roundtable discussions, with time allotted for four 30-minute sessions which attendees could visit in any order. The two topics at both the Rutland and Montpelier locations were “Roles and Responsibilities of Selectboard Members, Town Managers,



*The Municipal Assistance Center’s Jim Barlow explained the ins and outs of the Open Meeting and Public Records laws, referring to an article in that day’s newspaper.*

and Town Administrators” with Abby Friedman and “Strategies to Manage Municipal Risk and Liability Exposure” with Ken Canning, Director of VLCT’s Risk Management Services Department. [See the related article about Ken’s topic in this issue.] The other eight topics were “Financial Policies and Internal Controls” and “How to Assess and Prevent Financial Risks” with Bill Hall; “Ordinance Adoption and Enforcement” and “Municipal Public Safety” with Jim Barlow; “Local Land Use Planning and Regulation” and “How to Run Effective and Efficient Selectboard Meetings” with Stephanie Smith, Senior Associate, VLCT MAC; and “Managing Municipal Personnel” and “Managing the Municipal Highway System” with Garrett Baxter, Staff Attorney, VLCT MAC.

“I’ve been a selectboard member for eight years, and I have come to several of these Selectboard Institutes,” said Jack Beasley, selectboard member of Salisbury. “I come away with something worthwhile from every single one.” Others agreed, pointing out that even when they didn’t ask questions, the answers to other people’s queries were enlightening. And whether it occurred during a presentation or afterward, the opportunity to discuss issues with a VLCT staff member was constructive and welcome.

That reaction reflects the dual nature of the word **institute**. As a noun (according to Merriam-Webster’s Online Dictionary) it means **a group of persons formally joined together for some common interest**, and as a verb (according to its Latin origins) it means **to begin or establish**. VLCT’s Selectboard Institute is all about people with a common interest getting together to start something!

*Lone L. Minot, Contributing Writer*



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# LEGAL AND REGULATORY NOTES



## NEW ADA RULES; RETAINING PUBLIC RECORDS; MONETARY DAMAGES

### *New ADA Rules Take Effect for Use of Power Driven Mobility Devices in Municipal Facilities*

The Department of Justice has issued revised Americans with Disabilities Act (ADA) Title II rules applying to state and local government programs. The new rules, which took effect March 15, 2011, provide a definition of a wheelchair and other power driven mobility devices (OPDMDs) and add additional provisions identifying where they can be used. 28 C.F.R. §§ 35.104, 35.137.

Under the new rules, a wheelchair is defined as a manually operated or power driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. Individuals with

mobility disabilities must be permitted to use wheelchairs and manually powered mobility aids – i.e., walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities – in any areas open to pedestrian traffic. 28 C.F.R. §§ 35.104, 35.137(a).

An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include golf cars, electronic personal assistance mobility devices, such as the Segway® Personal Transporter (PT), or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes. 28 C.F.R. § 35.104

Under the new rules, municipalities must make reasonable modifications in their policies, practices, or procedures to permit individuals with mobility disabilities to use OPDMDs unless the municipality can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements. 28 C.F.R. § 35.137(b)(1). The municipality must assess the following factors to determine whether a particular OPDMD can be allowed in a specific facility as a reasonable modification:

- The type, size, weight, dimensions, and speed of the device.
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).
- The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
- Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.
- Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with federal land management laws and regulations. 28 C.F.R. § 35.137(b)(2).
- Municipalities may not ask an individual using a wheelchair or OPDMD

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## LEGAL AND REG.

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questions about the nature and extent of his or her disability but they may ask the individual to provide a credible assurance that the mobility device is required because of the person's mobility disability. 28 C.F.R. § 35.137(c)(1),(2). If the municipality allows the use of a class of OPDMDs by individuals with mobility disabilities, it must accept the following as credible assurance:

- Presentation of a valid, state issued disability parking placard or card, or other state issued proof of disability. A valid disability placard or card is one that is presented by the individual to

whom it was issued and is otherwise in compliance with the State of Issuance's requirements.

- A verbal statement, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. 28 C.F.R. § 35.137(c)(2).

Although the new rules apply to all municipal facilities, they have generated the most interest for those responsible for management of recreational trails where OPDMDs might be used. Several trail-related OPDMD resources are available through the American Trails website, [www.american-trails.org/enewsletter/accessible\\_Jan\\_2011.html](http://www.american-trails.org/enewsletter/accessible_Jan_2011.html).

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

## Retaining Public Records

In a recent Vermont Supreme Court decision examining the intersection of the state's election and public records statutes, the Court held that a town clerk's discretionary authority to destroy election ballots and tally sheets after the 90-day preservation period has expired must be stayed when a public records request for the material is filed. *Price v. Town of Fairlee*, 2011 VT 48.

Under 17 V.S.A. § 2590(d), all election ballots and tally sheets must be retained for a period of 90 days from the date of the election, after which time they may be destroyed. The Vermont Public Records Act, 1 V.S.A. § 315-320 also requires a custodian to promptly produce a record for inspection unless the record is subject to one or more of the exemptions set out at 1 V.S.A. 317(c).

According to the Court, if a citizen files a public records request seeking access to ballots during the statutory 90-day preservation period for an election challenge, the records are exempt from disclosure under 1 V.S.A. § 317(c)(1) (records which by law are designated confidential or by a similar term). However, when the preservation period has run and the election results have been certified, the confidentiality requirement set out in 17 V.S.A. § 2590(d) is rendered superfluous. If the ballots and tally sheets still exist, they must be produced in response to a

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## HARASSMENT

## Discrimination

## Wrongful Termination

### Employment-related lawsuits occur even in Vermont!

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## JUNE TRIVIA

Carol Hammond and R.J. Burke of Vernon and East Haven, respectively, knew that the repeal in 2009 of 24 V.S.A. §§ 401-404 eliminated the position of **Commissioner of Jail Delivery**. This month's query concerns a position eliminated long before 2009.

They were elected to guard the town's morals and keep an eye on its small boys as well as its loafers. They could halt suspicious travelers passing through and arrest them without a warrant at any time. These "officials" and the constable made up a crude local police force. The position was last filled in the Town of Stratton in 1840. **What was it?**

Email your answer to [dgunn@vlct.org](mailto:dgunn@vlct.org). Then watch this space in the slightly superior July issue for the answer.



# ASK THE LEAGUE

## BEST PRACTICE FOR SETTING THE AGENDA BETWEEN SELECTBOARD MEETINGS

*Our selectboard meets once a month and a lot happens between our meetings. What is the best practice for setting the agenda for the next selectboard meeting when issues arise between meetings?*

A selectboard can use a variety of methods for setting its next meeting agenda. The process should be detailed in the selectboard's rules of procedure and adopted at the annual organizational meeting af-

ter Town Meeting Day. Including the selectboard's process for creating its meeting agenda puts the public on notice for how to get on an agenda and clarifies who is responsible for compiling it.

The initial discussion of what to include on an agenda for a subsequent meeting may occur as part of the public comment period of a preceding meeting. Residents may offer issues of concern during this period. Depending on the topic's importance and resources and time required to address it, the board may request additional information and decide to include the issue on a future agenda before it takes any action.

When an issue of concern arises in between meetings, good rules of procedure outline a process for getting it on an agenda, which may include contacting a town manager, selectboard chair or other municipal official to discuss the issue and request time at the next meeting. Another option is to allow individuals to put their names and issues of concern on a sign-up sheet located in the town offices. The chair or other responsible official, on a set day before the meeting, will take the requests into consideration when compiling the final agenda.

At the meeting, the agenda could be further altered by a vote of the selectboard. VLCT suggests that adjustments to time or additions to address emerging issues be done at the beginning of the meeting. Whatever method the selectboard uses to create its agenda should be codified in the board's rules of procedure. You can download VLCT's Model Selectboard Rules of Procedure from our Resource Library, <http://resources.vlct.org/u/VLCT%20MODEL%20SELECTBOARD%20RULES%20OF%20PROCEDURE%2003-6-09.doc>

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

### 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. We 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 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.

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

**COMING SOON: OUR 2011-2012 TRAINING CALENDAR. HAVE AN IDEA FOR A WORKSHOP? CONTACT ABBY FRIEDMAN AT 800-649-7915, EXTENSION 1926, OR AFRIEDMAN@VLCT.ORG.**



## SHORELAND

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rooftop surfaces can increase stormwater runoff, erosion, nonpoint source pollution (especially phosphorous and sediment), harm habitat, and destabilize shoreline banks.

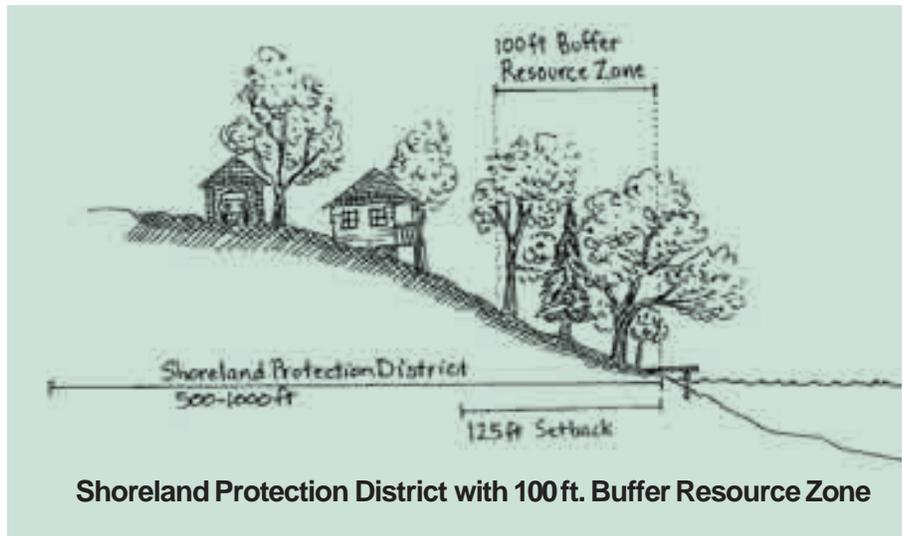
### **Need for Shoreland Protection**

Vermont has 280 lakes that are 20 acres or greater in size, and more than 800 lakes that are five acres or larger. According to the Vermont Department of Environmental Conservation (DEC), the rapid growth along Vermont's lakeshores threatens to increase water quality problems such as excessive algae and plant growth and degradation of in-lake habitat. Much of this development pressure takes the form of redevelopment where seasonal small camps located close to shore are being converted to year-round permanent residences with larger lawns and increased impervious surfaces. This trend toward bigger homes and more clearing poses the largest threat to Vermont lakes.

In a report to the Vermont General Assembly in 2011, the DEC indicated that only about 20 percent of Vermont's towns have regulations protecting buffers and requiring building setbacks adequate to protect shoreland vegetation, lake water quality, and habitat. Biologists from the Lakes and Ponds Section of DEC have been studying the effects of shoreland development on shallow water habitat for several years. The science supporting the evidence that buffered shores are essential for maintaining healthy lakes is indisputable; leaving a vegetated buffer between a structure and a lake lessens the effect of development. In many cases, there is little or no difference in the lake water quality and shallow water habitat between undeveloped sites and developed sites with adequate buffers. However, unlike other "lake rich" states in New England and the Midwest – including New Hampshire, Maine, Wisconsin, and Minnesota – Vermont does not have a mandatory statewide approach to protecting the vegetated areas along lakes and ponds. Therefore, it is up to municipalities to adopt shoreland zoning regulations that are adequate enough to protect shoreland vegetation and thus protect the water quality and habitat of our lakes.

### **The VLCT Model Shoreland Protection District Bylaw**

The VLCT Model Shoreland Protection District Bylaw defines the regulated Shoreland Protection District as the width of land



measured horizontally from the mean water level to 500–1,000 feet from all lakes and incorporates the Shoreland Buffer Resource Zone, which includes the first 100 feet of the district (see diagram upper right).

Towns can use a variety of approaches when considering how to administer shoreland district zoning. The choice will depend on the characteristics of the area, such as existing development and steepness of slope, as well as zoning already in place. Towns can utilize the VLCT model to protect their shoreland resources in the following ways:

- The **Shoreland Overlay District** is best suited for towns that already have shoreland areas within another zoning district.

A shoreland overlay district is especially appropriate for shore areas along a lake where the underlying district standards have allowed development within the shoreland buffer. The model can be used to increase the level of shoreland protection by prohibiting further encroachment into the shoreland buffer.

- The **Separate Shoreland District** could be the only zoning district in town and limited to a specific lake or lakes. A separate shoreland district surrounding a lake in town would differ from an overlay district in that it does not overlap with any other district. The model can provide comprehensive coverage for all

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**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



# SHORELAND

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lake shoreland within a town, shoreland around lakes of a certain size, a specific lake, or a particular shoreland segment of a single lake.

- The **Shoreland Conservation District** protects shorelands in a pristine or largely undeveloped state from development that would adversely affect scenic and natural values, productive habitat, wetlands and water quality. The model can protect undeveloped, fragile or scenic shorelands, wildlife habitat, and drinking water sources.
- The **Shoreland Design Review District** requires shoreland design review based on the need for increased stormwater management. The model incorporates construction site stormwater control measures and low impact development design standards that can be adopted for new development within a Shoreland Design Review District.

### New Uses within the Shoreland Buffer Resource Zone

The Shoreland Buffer Resource Zone comprises the first 100 feet of the Shoreland Protection District. The objective of shoreland zoning is to maintain this area in a naturally vegetated state. New uses within the Shoreland Buffer Resource Zone are limited to access footpaths and stairways constructed so as to prevent erosion, avoid soil disturbance, and disperse runoff into vegetated areas.

Limited clearing of healthy trees and saplings within the Shoreland Buffer Resource Zone is allowed as long as it is managed in accordance with the “grid and point” system included in the model. The grid and point system ensures the maintenance of a well distributed stand of trees and is similar to systems used in Maine and New Hampshire. An explanation of how the grid and point system is administered is included in the technical paper that accompanies the model bylaw.

### New Uses within the Shoreland Protection District outside the Buffer

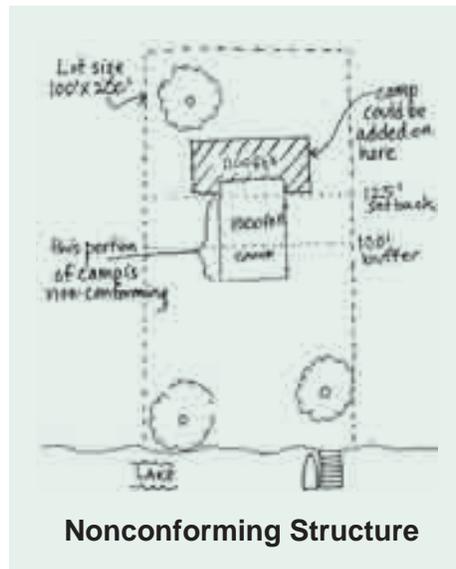
The model specifies that new development be set back at least 125 feet from all lakes. This distance includes the minimum Shoreland Buffer Resource Zone of 100 feet, plus an additional 25 feet to prevent incursion into the buffer zone during construction.

The model includes standards for new uses within the Shoreland Protection District outside the buffer zone, including:

- limitations on the size of cleared openings;
- limitations on the percentage of impervious surface;
- minimum lot frontage and depth; and
- best management practices for stormwater control.

### Nonconformities

“Nonconforming” is a term used to describe structures, lots and uses that were legally in existence at the time of bylaw adoption but do not meet current bylaw standards. Local ordinances and bylaws are written, in part, with the aim of reducing nonconformities over time. There are, however, legal allowances for the continued use of nonconforming situations and for limited expansions of nonconforming structures. Generally, however, a nonconforming situation is not allowed to become *more* nonconforming.

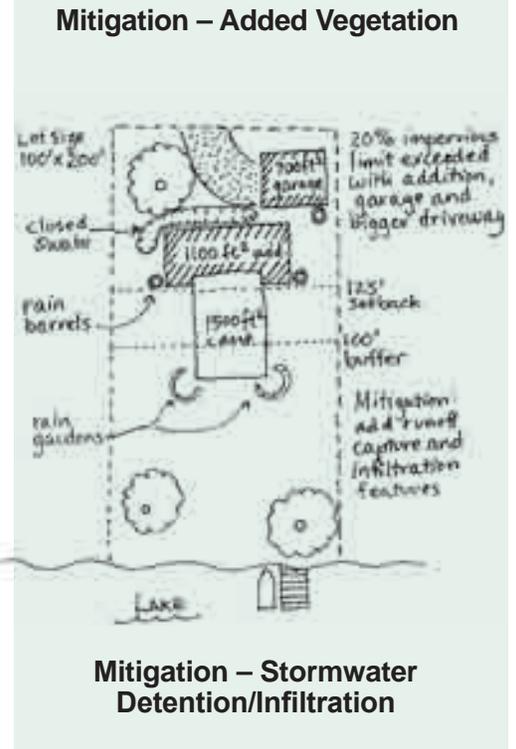
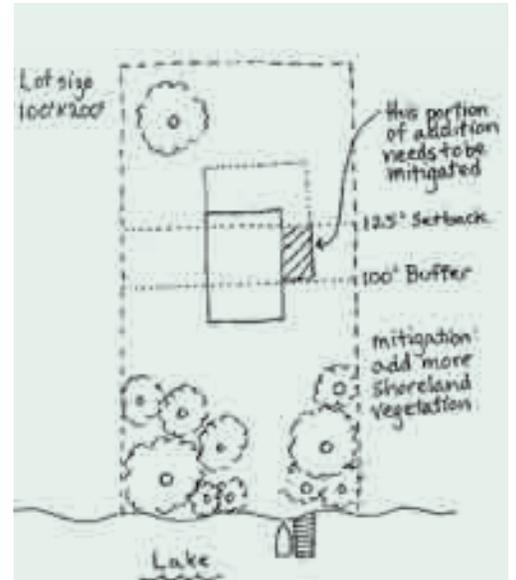


In the case of shoreland development, a typical nonconforming structure is a seasonal cabin partially or wholly within the protected buffer zone. Under the model, nonconforming structures can be repaired and maintained, provided no expansion occurs. The model does not permit any expansion, including decks or patios towards the water, if the structure is located within the Shoreland Buffer Resource Zone.

### Mitigation

Mitigation is an action required of a shoreland property owner designed to com-

pensate for shoreland buffer lost to impervious surfaces within the Shoreland Protection District. In circumstances where nonconforming structures are improved or expanded within the shoreland buffer, the model recommends language that allows the review board to require the shoreland property owner to return any mowed or cleared areas to a naturally vegetated state to restore the lakeshore buffer, or to create detention infiltration structures to prevent stormwater runoff from reaching the lake.



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## SHORELAND

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### Conclusion

The VLCT Model Lake Shoreland Protection District Bylaw is designed to offer municipalities a clear-cut framework that is simple to develop and administer. The lake shoreland protection model language can easily be incorporated into an existing land use regulation and can be adapted to meet the unique conditions of your community. For assistance, contact Milly Archer, Water Resources Coordinator, at the VLCT Municipal Assistance Center, 800-649-7015, or [marcher@vlct.org](mailto:marcher@vlct.org). To access the online version of the Bylaw, please visit the VLCT Resource Library at <http://resources.vlct.org/>.

*Milly Archer, Water Resources Coordinator*

civil



water supply



wastewater



environmental



renewable energy



public works facilities



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## WELLNESS AWARDS

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emotionally invested in their careers and leisure activities.

Among the workshops and presenters for the conference portion of the day were “Toolkits for Wellness Culture Coaching” by Judd Allen, PhD; “Beyond Fear: The Fundamentals of Planning for Impact in Your Program” by Tracy Gallo; “Not on My Time: Alcohol Availability and Workplace Drinking” by Bill Keithcart; “Take a Moment for Yourself: How Mindfulness Can Help Reduce Stress and Promote Wellness” by Roz Grossman; “Strategies to Create a Skinny

Workplace” by Laural Ruggles; “Motivating Employers to Empower Employees: Effective Strategies for Employee Engagement” by Lori Smith; and “Setting Goals and Priorities: Bringing Order to Chaos, Reducing Stress and Creating Success” by Stuart Offer.

The awards won by Health Trust members are listed below. Categories are based on total number of employees, and earning just a Recognition is a true accomplishment. The competition is open to all employers, and to see municipal entities performing well so consistently is very impressive! Congratulations to all who entered.

*Heidi Joyce, Senior Health Promotion Consultant*

### Employers with 1-10 employees

**Recognition:** Town of Charleston, Town of Richford, Town of Waitsfield, Village of Derby Line

**Bronze:** Village of Derby Center

**Silver:** Town of Mendon

**Gold:** Town of Lyndon

### Employers with 11-50 employees

**Recognition:** Chittenden Solid Waste District, City of Vergennes, Rutland Housing Authority, Town of Bethel, Town of Castleton, Town of Warren, Town of Weathersfield, Windham Solid Waste Management District

**Silver:** Vermont League of Cities & Towns

**Gold:** Town of Killington

### Employers with 51-150 employees

**Recognition:** City of Barre, Town of Colchester, Town of Essex, Town of Milton, Town of Rockingham/Village of Bellows Falls



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## ROUNDTABLE Q&A: REDUCING RISK AND LIABILITY EXPOSURES

“Strategies to Manage Municipal Risk and Liability Exposures” was one of the roundtable topics at this year’s VLCT MAC Selectboard Institute. The facilitator – Ken Canning, CP-CU, AU, Director, Risk Management Services (RMS) – highlighted ways that municipalities can reduce costs and make use of the Property And Casualty Intermunicipal Fund (PACIF)’s many value-added services, such as Loss Control trainings and the Equipment Grant program. Whereas municipal staff personnel are already well aware of PACIF’s offerings, Selectboard members usually only take notice at renewal time or when they experience a claim. The Selectboard Institute is a great opportunity to learn about the coverages and services provided by VLCT PACIF in advance of a crisis or the budgeting process.

These roundtable discussions were robust question-and-answer sessions. The centerpiece that prompted attendees’ questions was a pack of 11 new **Risk Control Strategy Sheets**. Each is a single-topic checklist, and together they become a governing body’s or manager’s toolbox for quickly assessing and guiding municipalities in the best practices of risk management. Contact VLCT Loss Control to obtain a copy of these sheets or to schedule a training session on any topic.



*The April 30 workshop in Montpelier used a slimmed-down version of the Risk Management Services display in order to let attendees easily see and interact with presenters.*

Examples of the strategies include:

1. Increase your deductible to lower your contribution costs. VLCT PACIF offers a basic deductible of \$500. Credits are applied for deductibles of \$1,000, \$2,500, and \$5,000 per occurrence.
2. Self-insure for damage to older vehicles and low value or vacant municipally owned buildings and structures. (See the second Q & A below for more information.)
3. Designate an occupational physician for the initial treatment of non-emergency workers’ compensation injuries. (See the first Q & A below for more information.)
4. Participate in free Loss Control trainings to help reduce claims. This is the most sustainable and beneficial long-term strategy.

After offering these and other suggestions, Ken introduced the other VLCT RMS staff members who were present, and they participated in answering questions such as the following:

**Q. What is a Designated Medical Provider?**

**A. A Designated Medical Provider is a specific provider or clinic used by all employees of a municipality who experience a work-related injury.** PACIF encourages each member to designate a medical provider trained in occupational health to serve as their medical “gatekeeper.” This provider is responsible for initial and follow-up treatment of all non-emergency work-related injuries, and is skilled at facilitating early return to work on

*(continued on page 18)*

## DENTAL INSURANCE NEWS

Coverage rates for VLCT’s Northeast Delta Dental (NEDD) from July 1, 2011 to June 30, 2012 (Fiscal Year 2012) will increase by only 5.33% percent. This is below the Vermont statewide dental cost trend increase of six percent. NEDD has clearly been the right choice for Vermont municipalities, especially since we continue to enjoy some of the highest quality benefits with cost-effective dental programs. All current members should have received the FY 2012 rates by mail early in May 2011.

**NEW!** In the spirit of mirroring federal health insurance reform, NEDD is with this renewal offering employers the option of covering dependents up to age 26. This will allow members to synchronize their dental plan eligibility with their health plan eligibility. While the VLCT Health Trust is making this option available to members, the Trust’s board of directors is sensitive to the fact that, for members that pay their employees’ dental premiums, implementing this benefit might have financial effects. **Therefore, each employer is responsible for OPTING IN to this new benefit in order to access this coverage.**

**For the July 1, 2011 effective date, all group and subscriber changes must be completed by June 15, 2011.** Here is a summary of how and where to submit each type of change.

- **For your group to OPT IN** to the coverage option for dependents up to age 26, send written notification to Kelley Avery at VLCT.
- **For your group to change its Benefit Plan option**, specify your new plan choice in writing to Kelley Avery.
- For each **new subscriber** enrolling under your group’s coverage, complete a **Dental Enrollment/Change form\*** and fax it directly to NEDD Eligibility at **602-223-1252**.
- For each existing subscriber **adding or deleting dependents**, complete a **Den-**

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# MENT SERVICES

## DENTAL INSURANCE

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**tal Enrollment/Change form** and fax it directly to NEDD Eligibility at **602-223-1252**.

- **New groups** adding dental coverage for the first time need to complete an **Employers Application** and also submit enrollment forms for all subscribers (one for each subscriber).

\* Note: The Dental Enrollment/Change form and Employers Application can be printed from the VLCT website. Under "Insurance & Risk Services," select "Programs" and "Dental." The forms are in the Resources list.

If you are satisfied with your current dental plan, you don't need to do anything. However, if you want further information regarding new plan options, please call our Member Relations department at 800-649-7915 (toll-free) or 802-229-9111. A representative can answer questions and provide more information about the program.

If you have any claims or customer service issues, please call Northeast Delta Dental toll free at 800-832-5700. If your issues are not readily resolved, you can ask for help from

(continued on page 16)

### PACIF MEMBERS NOTE!

Applications are now being accepted for PACIF Equipment Grants and PACIF Scholarships.

We encourage small municipalities to cooperate with each other to make full use of these resources!

Information and applications are posted at

[www.vlct.org/insurance-riskservices/programs/](http://www.vlct.org/insurance-riskservices/programs/)

Select your choice under the PACIF heading.

## 2011 RMS CALENDAR

**Commercial Driver Compliance, Safety and Accountability Seminar.** Thursday 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](mailto:pcrawford@vtc.edu) or call 802-728-1423.

**8-Hour Annual HAZWOPER Refresher Course (29 CFR 1910.120).** Thursday June 2, 8:00 a.m. to 5:00 p.m., 131 Dorset Lane (off J. Brown Drive), Williston. Presented by Industrial Hygienics Corporation. \$175.00. For information or to register for classes please contact IHC at 802-879-2711 or [cmcbride@safetymgmt.com](mailto:cmcbride@safetymgmt.com).

**8-Hour DOT Course (49 CFR 172.700).** Friday June 3, 8:00 a.m. to 5:00 p.m., 131 Dorset Lane (off J. Brown Drive), Williston. Presented by Industrial Hygienics Corporation. \$200.00. For information or to register for classes please contact IHC at 802-879-2711 or [cmcbride@safetymgmt.com](mailto:cmcbride@safetymgmt.com).

**1st Annual Vermont Safety and Health Conference.** June 7-8, 2011, at the University of Vermont, Burlington. Sponsored by the Safety and Health Council of Northern New England, UVM, and the National Safety Council. More information is at [www.shcnne.org/](http://www.shcnne.org/).

**Stevens Advanced Driver Training.** June 14, 15, 16, 29, and 30. We regret to inform you that all June 2011 Stevens classes have been cancelled due to construction at Stowe Mountain Resort, the only Vermont location that meets the requirements of this training.

**U.S. DOT Requirements for Hazardous Waste and Hazardous Materials.** Thursday, June 9, 8:00 a.m. to 5:00 p.m., Hampton Inn, Colchester. Presented by Cerberus EHS Seminars. \$185 per person includes lunch and certificate of completion. For more information, email [vermont8@hotmail.com](mailto:vermont8@hotmail.com) or call (802) 321-9005.

**HAZWOPER Requirements for Hazardous Waste and Hazardous Materials.** Wednesday, June 22, 8:00 a.m. to 5:00 p.m., NewsBank Conference Center, 397 Main Street, Chester. Presented by Cerberus EHS Seminars. \$185 per person includes lunch and certificate of completion. For more information, email [vermont8@hotmail.com](mailto:vermont8@hotmail.com) or call (802) 321-9005.

EyeMed Mid-Year Enrollment has been extended to June 15, 2011 for coverage effective July 1. Information and forms are posted at [www.vlct.org/insuranceriskservices/programs/vision/](http://www.vlct.org/insuranceriskservices/programs/vision/).

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Administration, Education  
Claims Management  
Advocacy, Appeals



## LEGAL AND REG.

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public records request.

The *Price* decision is posted online at <http://info.libraries.vermont.gov/supct/current/op2010-125.html>.

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

### **Monetary Damages Not Available Under RLUIPA**

On April 20, 2011, the United States Supreme Court decided *Sossamon v. Texas*, et. al, No. 08-1438. Justice Thomas delivered the Supreme Court's 6-2 opinion (Justice Kagan recused), which held that states and local governments, by receiving federal funds, have not unequivocally expressed their intent to waive their sovereign immunity to private lawsuits for monetary damages under the Religious Land Use and Institutionalized Persons Act (RLUIPA).

RLUIPA is a federal law passed in 2000 to provide greater protection for religious

freedom in the context of land use regulations and prisons. Specifically, the law protects the religious rights of prisoners and the use of property for religious purposes by prohibiting states and local governments from imposing substantial burdens on the religious exercise of institutionalized persons or from implementing or enforcing a land use regulation in a manner that imposes a substantial burden on a religious exercise of a person, assembly or institution.

In 2006, Harvey Leroy Sossamon III, an inmate in the Texas correctional system, brought a lawsuit in federal district court seeking injunctive and monetary relief against the State of Texas and prison officials. Sossamon alleged their policies violated RLUIPA by barring use of the prison chapel for religious worship and preventing inmates on cell restriction for disciplinary infractions from attending religious services. The district court ruled in favor of the state and denied both of Sossamon claims for relief. The Court of Appeals for the Fifth Circuit affirmed with respect to monetary damages, holding that the state did not waive its sovereign immunity by accepting federal funds, but granted Sossamon's request for

injunctive relief concerning use of the prison chapel. The state had already abandoned its cell-restriction policy once Sossamon filed suit and also now permits inmates to attend chapel services. The remaining question on appeal to the Supreme Court was whether Congress was clear in enacting RLUIPA – that by accepting federal funds, states consented to waiving sovereign immunity, thereby subjecting themselves to claims for monetary damages.

Sovereign immunity is a common law doctrine that the “sovereign” or the state can commit no wrong and therefore is immune from liability. This doctrine prevents governments from being sued in federal court without their permission. In quoting from Alexander Hamilton's *The Federalist No. 81*, Justice Thomas reminds us that the constitutional limitation placed on the power of federal courts was one of the fundamental principles underpinning the formation of our union. “It is inherent in the nature of sovereignty not to be amendable to the suit of an individual without its consent.” It is from this principle the Supreme Court derives its “stringent” test for determining whether a state has waived its immunity: “A State's consent to suit must be ‘unequivocally expressed’ in the text of the relevant statute.” Waivers of sovereign immunity therefore are to be strictly construed in favor of the sovereign from a literal reading of the law and not to be implied from its purpose. As concerns RLUIPA, the Supreme Court was unanimous in concluding that the outcome of the case turned on the operative phrase “appropriate relief against a government.” What Congress

(continued on next page)



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## LEGAL AND REG.

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had meant by “appropriate relief,” though, met with some disagreement.

Justice Thomas and the rest of the Supreme Court found the term “appropriate relief” to be open-ended and ambiguous as to the type of relief it included and, therefore, “not the unequivocal expression of state consent that our precedents require” to waive sovereign immunity to private suits for damages. In enacting RLUIPA, Congress chose to allow for “appropriate” rather than monetary damages. Because what may be considered “appropriate relief” in one context may not be appropriate in another, the majority concluded that the remedy warranted is inherently dependent on the context. “The context here – where the defendant is a sovereign– suggests, if anything, that monetary damages are not ‘suitable’ or ‘proper.’” Justice Thomas even points to the arguments Sossamon makes in support and those made by the State of Texas against to support the Supreme Court’s conclusion that the term “appropriate relief” is open to interpretation and therefore ambiguous. As it concerns an

express waiver of sovereign immunity, there must be a clear indication from Congress that it intends to include a damages remedy. Without this notice that states were subject to suits for this particular type of liability, the federal courts cannot simply set aside the protections afforded sovereign immunity.

Where the majority saw ambiguity, Justice Sotomayor, with whom Justice Breyer joined in writing for the minority, saw none. “Appropriate relief,” writes Justice Sotomayor, is an inclusive term that encompasses all relief, equitable (non-monetary remedies such as injunctions) and monetary damages alike and was utilized by Congress to allow courts to adequately redress the injury suffered. “The ‘appropriateness’ of relief to be afforded a civil plaintiff is generally determined by the nature of the injury to his legal rights.” What was not clear for Sotomayor was why the majority found the phrase “appropriate relief” too ambiguous to provide a waiver of state sovereign immunity with respect to monetary damages but not for equitable remedies, especially when the Supreme Court has historically found damages to be the default remedy and equitable relief the exception. Surely, Sotomayor argues, states were aware of these principles and precedent.

There is no reason why “appropriate relief” provides clear notice to states that waiving sovereign immunity to equitable relief is a condition of accepting federal funds, but not to monetary ones.

This decision is important for municipalities because, for the time being, states and local governments are immune from monetary damages under RLUIPA. As the minority points out, however, despite this ruling, “Congress can revise RLUIPA to provide specifically for monetary relief against the States ...” Given RLUIPA represents Congress’s second attempt to protect the exercise of religious freedoms against unnecessary governmental intrusions, the minority’s reasoning that “(i)t is difficult to believe that Congress would have devoted such care and effort to establishing significant statutory protections for religious exercise and specifically extended those protections to persons in state institutions, yet withheld from plaintiffs a crucial tool for securing the rights the statute guarantees” may very well forewarn that this time may be short-lived.

*Garrett Baxter, Staff Attorney  
VLCT Municipal Assistance Center*

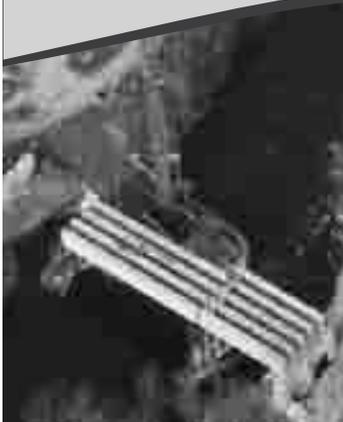
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# VLCT STAFF NEWS AND NOTES

Erstwhile Human Resources Director Brian Nolan found his daily long-distance commute too arduous and vacated his position last month. The Finance Division reorganized a bit, redefining Amanda Moshinskie as Payroll Assistant/Insurance Accountant. In the Underwriting Division, Vicky Abare and Susan Benoit are now Associate Underwriters. And a new position was added to both divisions, to wit:

Every July, Fort Fairfield, Maine, hosts the Maine Potato Blossom Festival. Pam Fecteau should know. It wasn't so very long ago (in geological terms) that she was crowned Junior Miss Potato Blossom Queen. From there, it was a series of natural progressions till she arrived on VLCT's doorstep as its new Senior Underwriter. Oh sure, she encountered numerous adventures along the way, including 16 years at New Hampshire's equivalent of VLCT, the Local Government Center. She started working there in claims, moved to underwriting, and then to member relations, all instructional experiences that she can use in her new senior underwriting position. Pam likens her early days at LGC to VLCT today – there were about 50 em-



*Pam Fecteau  
Junior Miss Potato Blossom Queen*

ployees, and she dealt primarily with property and liability issues. Outside of the office, Pam has developed an appetite for golf. And baseball: her 28-year old son is an assistant baseball coach at a university in Rhode

Island who used to pitch for the Watertown Wizards. Pam's name anagrammatizes to "a female teacup," so – no surprise – she likes pomegranates.

Nancy McSparran ably fills the newly created role of Accounting Associate. The job description says she "provides accounting support for VLCT including accounts receivable and accounts payable," which in VLCTspeak means, "Hey, here's something new. Can you do it? *Of course* you can!" Born in Panama, Nancy moved around the U.S. with her father. Eventually, she wound up in Tucson and attended college under the GI bill. From there it was a quick 447-mile drive to Indian Springs, Nevada, where she worked for 13 years next door to the super-secret Nevada Test Site doing ██████████. Okay, so that's apparently restricted information. Anyway, following ██████████, Nancy worked in various numbers-related and attention-to-detail employment assignments in Vermont for ten years before coming here. When not doing VLCT's daily bidding, she sews, weaves, knits, and enjoys most any kind of craft, even ██████████. What, is *that* privileged information, too?



*Nancy McSparran*

"Privileged" is indeed the operative word that describes how we at VLCT feel about our two newest employmental units.

*David Gunn  
VLCT News Co-editor*

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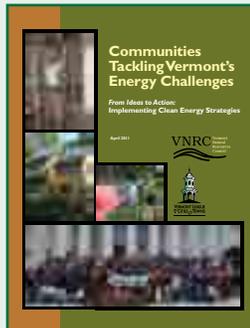
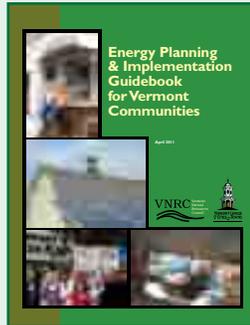
## NEW GUIDES HELP MUNICIPALITIES ADDRESS ENERGY ISSUES

VLCT and the Vermont Natural Resources Council recently released two publications that can help communities address energy use and consumption.

“The Energy Planning and Implementation Guide for Vermont Municipalities” is a guide for Vermonters who want to work with local officials to use the energy element of their municipal plan to comprehensively address energy issues.

“Communities Tackling Vermont’s Energy Challenges” features more than three dozen success stories of innovative, entrepreneurial and proactive approaches Vermonters are taking to save money, reduce energy consumption, transition to renewables and combat climate change. This publication documents how ordinary citizens can effect meaningful change in their day-to-day use of energy through a combination of thoughtful planning and action.

To download an electronic copy of either publication, visit [www.vlct.org](http://www.vlct.org). For further information, contact Johanna Miller, Energy Program Director, VNRC -223-2328, ext. 112 or Stephanie Smith, MAC Senior Associate, at 800-649-7915 or [ssmith@vlct.org](mailto:ssmith@vlct.org).



## DENTAL INSURANCE

(continued from page 11)

Health Advocate at 866-695-8622.

Thank you for supporting the VLCT Health Trust. We value your membership.

## EXTENDED MID-YEAR OPEN ENROLLMENT FOR EYEMED

Groups and individuals wishing to enroll in EyeMed vision coverage are in luck. We have extended the mid-year deadline for new enrollments until June 15, so there’s still time to complete and submit your enrollment forms. By now, all groups have received the mailing that explains the various plan options. This information and the enrollment form are also available on the Vision page at [www.vlct.org](http://www.vlct.org). Under “Insurance & Risk Services,” select “Programs” and “Vision.”

Be sure to submit completed enrollment forms and plan choices to VLCT no later than June 15 for the July 1 effective date. You may either scan and email forms to Kelley Avery at [kavery@vlct.org](mailto:kavery@vlct.org) or fax them to her at 802-229-2211. Please call Kelley with any questions at 800-649-7915, ext. 1965.

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- *If a line is damaged, do not backfill. Notify the affected utility company immediately if the facility, its protective coating, or a tracer wire is damaged.*
- *Call 911 if the damaged facility poses a risk to public safety.*
- *Know your state's excavation requirements. Go to [digsafe.com](http://digsafe.com) for educational material and current laws.*



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# Classifieds

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

## VLCT NEWS ADVERTISING POLICY

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

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

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

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

## HELP WANTED

**Assistant Town Manager.** The Town of Barre is accepting applications for the new assistant town manager (ATM) position.

The individual selected for the position may start work immediately. Minimum qualifications are a Master's degree in public administration or closely related field and some work experience, preferably with a municipality, requiring use of the knowledge learned and skills developed by completing a Master's degree program. Candidates must have excellent skills in written and verbal communication, research and analysis, and interpersonal relations. The assistant manager will contribute to town management as assigned. Financial management, research and writing duties will be emphasized. The ATM will serve as staff person to the Recreation Board. Attendance at evening meetings and occasional weekend events is required. Starting salary is in the low \$40,000s; excellent benefits. The ATM will gain considerable experience in labor relations, personnel administration, public works, municipal financial planning and management, board and public relations. To apply, email a cover letter, resume, and three work-related references by June 8, 2011 to [offices@barretown.org](mailto:offices@barretown.org), or mail to Barre Town Manager's Office, PO Box 116, Websterville, VT 05678. (05-11)

**Road Crew Position.** The Town of Sharon is accepting applications for a full-time permanent road crew position. Responsibilities include grading, trucking, plowing snow, sanding, brush clearing, mowing, operation and maintenance of heavy equipment, road repairs and other tasks that require manual labor and/or heavy lifting. Requirements: High school diploma, GED, or equivalent education, valid Vermont driver's and CDL B licenses, and at least two years previous experience in a similar position. Salary commensurate with experience. Excellent benefits. For more information, call 802-763-8268 ext 4. A complete job description and application are at [www.SharonVT.net](http://www.SharonVT.net) or upon request. To apply, send cover letter and application to Sharon Selectboard, PO Box 250, Sharon, VT 05065. Position open until filled. (05-10)

**Parks Maintenance Laborer.** Spend your summer outdoors caring for parks and recreation facilities in Stowe! Work includes landscaping and grounds maintenance, operation of light equipment, lifting heavy loads and frequent outdoor work, sometimes in inclement weather. Team members must be self-motivated, eager to learn and have a great work ethic. High school diploma or equivalent and valid driver's license required. Lawn care and small equipment maintenance experience preferred. Hourly salary, \$10.50-\$12.50, dependent on qualifications and experience. To apply, download a job description and application from [www.townofstowevt.org/](http://www.townofstowevt.org/). Then send an application, letter of interest, and current resume to Susanne Gann, HR Coordinator, Town of Stowe, PO Box 730, Stowe, VT 05672, or email to [recruit@townofstowe.vermont.org](mailto:recruit@townofstowe.vermont.org). E.O.E. (04-26)

**Summer Camp Counselors.** Looking for something fun and rewarding this summer? Stowe Rec seeks energetic and motivated summer camp counselors to lead games and build lifetime memories with our campers! Qualified candidates should

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## 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/](http://www.vlct.org/aboutvlct/vlctnews/).



## ROUNDTABLE Q&A

(continued from page 10)

modified duty, which speeds overall recovery and reduces claim costs. You can contact your Loss Control consultant or a Claims team member for information on a qualified practice near you. Workers' Compensation coverage is regulated by the Vermont Department of Labor, and the right of an employer to designate the initial treating physician is supported in state statute.

**Q. One of the Risk Control Strategy sheets refers to vacant buildings. Does this mean empty buildings within town limits? Or do some towns own unused buildings?**

**A.** The latter: municipally owned vacant buildings. With respect to property coverage, you are not compelled to insure an owned building that is of little or no value to the municipality. You can save money by removing such a building from your property list, and under PACIF the municipality will still be covered for liability at that location. Buildings under construction or a town hall that is used only occasionally (but is otherwise well maintained) are not considered vacant. Alternatively, you may consider an optional coverage type such as "functional replacement cost." Please contact a member of VLCT's Underwriting team with any questions on coverage.

**Q. Why do we have to require that people who use town facilities buy TULIP coverage? Our town is avoiding hosting parades or sporting events because a TULIP would cost \$75 for each participating vendor.**

**A.** Don't let insurance get in the way of community activities! We strongly recommend that you always request a certificate of insurance from your tenant users as proof of liability insurance. Most organizations and homeowners have existing coverage and can easily provide a certificate of insurance from their agent or carrier. On that rare occasion when a tenant or user is not otherwise insured, a TULIP (Tenant User Liability Insurance Policy) is a convenient form of coverage, and it automatically names the municipality as an additional insured. The municipality must decide to what extent it will follow this recommendation.

If the municipality does not require proof of insurance, there may be unintended and unfortunate consequences. If someone is injured or property is damaged, PACIF will

defend the municipality, but PACIF may deny the claim if we believe the municipality was not negligent. In such a case, the injured party may not have the injury or damage remediated, or the negligent party (the tenant user of the municipal property) will be sued with no protection from PACIF – and if they do not have any other insurance, their personal assets may be at risk. If PACIF does pay such a claim, it will become part of the municipality's experience and could affect your contribution costs.

Parades, farmers' markets, craft fairs, field days, sporting events and the like present unique exposures to risk. It is up to the municipality whether to demand a certificate of insurance from every vendor or participant. This is a judgment call, and you have to weigh the pros and cons of how strict you

want to be. Insurance should not be the reason for not holding an event, unless it is deemed excessively risky. Call a member of our Loss Control or Underwriting team to discuss your situation. Often a single TULIP event rider can be purchased to cover all vendors, and the cost of it can be divided among the participating groups.

Ken also provided attendees with the **Risk Management Services Overview**, which describes all three of VLCT's municipal self-insurance trusts and the in-house teams that operate the trusts and serve members, as well as the **Loss Control Services Handbook**, which lists all programs, services, and trainings offered free of charge to PACIF members and their employees. Both documents are available upon request.

*Ione L. Minot, Contributing Writer*



## CONVERT TO LED OUTDOOR LIGHTING

By upgrading parking lot and street lighting to LEDs, Vermont towns can achieve:

- Energy and cost savings
- Increased visibility, safety, and security



Efficiency Vermont's Municipal Street Lighting program can help by providing:

- A step-by-step guide to implementing an outdoor LED project
- Enhanced technical assistance and financial rebates from Efficiency Vermont

**To learn more about our Municipal Street Lighting program, call Efficiency Vermont toll-free at 888-921-5990 or visit [www.efficiencyvermont.com](http://www.efficiencyvermont.com) to download a copy of our step-by-step guide.**

[www.efficiencyvermont.com](http://www.efficiencyvermont.com) | 888-921-5990



## CLASSIFIEDS

(continued from page 17)

have a creative imagination, a willingness to try new things and a positive attitude. Think you have what it takes? Hourly salary, \$8.25-\$11.00, dependent on qualifications and experience. To apply, download a job description and application from [www.townofstowevt.org/](http://www.townofstowevt.org/). Then send an application, letter of interest, and current resume to Susanne Gann, HR Coordinator, Town of Stowe, PO Box 730, Stowe, VT 05672, or email to [recruit@townofstovevermont.org](mailto:recruit@townofstovevermont.org). E.O.E. (04-26)

**John Deere Tractor/Mower.** 1998 John Deere 5410, 4-wheel drive cab tractor with heat and AC, Motrim 60-inch rotary mower, 4300 hours. Single municipality owner, good mechanical condition with normal wear and tear. The tractor can be inspected at the Sharon Town Garage, 6754 Vt. Route 14 in Sharon. Please call 802-763-7194 to schedule an appointment. (05-10)

**Rescue Vehicle.** 1994 Chevrolet K3500 rescue vehicle with dual rear wheels, rescue style 12-ft body, 7.4 liter 454 c.i., 165 amp Leese-Neville alternator, 4000 watt RV generator, and two 1000W Extendalite scene lights. 26,000 original miles. Vehicle can be seen at J&L Service Center, 216 South Main Street, St Albans. Questions? Call St. Albans Fire Department Chief Cross (802-782-1655) or Asst. Chief Swann (802-782-1149). Please submit bid in a sealed envelope marked "FD Truck Bid" **by June 11, 2011** to Christine Murphy, Town Manager, PO Box 37, St. Albans Bay, VT 05481. The selectboard will open bids at its June 14 public meeting. (04-19)

**Compensation Study RFP.** The Central Vermont Solid Waste Management District is seeking a qualified consultant to perform a total compensation study and develop a recommendation for a compensation plan. **Deadline, June 14, 2011.** For additional information or a copy of the RFP, please contact Leesa Stewart, General Manager, via email ([generalmanager@cvswmd.org](mailto:generalmanager@cvswmd.org)), telephone (802-229-9383 X 101) or in person at 137 Barre Street, Montpelier, VT 05602. (05-05)

## VERMONT STATE INFRASTRUCTURE BANK LOAN FUNDS ARE AVAILABLE THROUGH VEDA

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank 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 financing to construct or reconstruct roads and bridges, make safety improvements such as highway signing and pavement marking, make operational improvements such as traffic control and signal systems, and construct rail freight and intermodal facilities.



**LEARN MORE AT [WWW.VEDA.ORG](http://WWW.VEDA.ORG)  
OR BY CALLING 802-828-5627.**

# LEARNING DOESN'T STOP HERE



**"It's what you learn *after* you know it all that counts."  
— Harry S. Truman**

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, track employees' progress, and file records of completion.**

**For information and instructions, visit [www.vlct.org](http://www.vlct.org)→Insurance→Programs or call Fred Satink at 802-649-7915.**



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

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

Start time, 9:00 a.m. This workshop is designed for selectboard members, municipal managers and administrators, department heads and front-line managers, as well as other municipal staff responsible for pay-

roll administration, including treasurers and finance officials.

**June 15, Burlington International Airport Low-Impact Development and the Vermont Stormwater Management Manual: Tips for Incorporating LID on Jurisdictional Sites** *(Sponsored by the Vt. Dept. of Environmental Conservation, Stormwater Management Section)*

While the Vermont Stormwater Management Manual and Low Impact Development Guide share many practices, how they meet regulatory treatment standards is not always clear. This **free** workshop will provide technical assistance to design professionals, engineers, and architects looking to incorporate LID practices into new and existing developments while meeting the treatment standards outlined in the Manual. For more details, visit [www.vtwaterquality.org/stormwa-](http://www.vtwaterquality.org/stormwa-)

[ter/htm/sw\\_WorkshopRegistration.htm](http://www.vtwaterquality.org/stormwater/htm/sw_WorkshopRegistration.htm).

**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.

Visit our website [www.vlct.org/eventscalendar/upcomingevents/](http://www.vlct.org/eventscalendar/upcomingevents/) for the most up to date list of events.