

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

March 2012

ABOVE THE HIGH WATER MARK – A VERMONT CLERK’S IRENE EXPERIENCE

Heroic quick thinking and a tenacious determination by Town Clerk Susie Haughwout helped save myriad Town records as Tropical Storm Irene inundated Wilmington on August 28, 2011. This article appeared in the January 2012 issue of IIMC News Digest, the monthly publication of the International Institute of Municipal Clerks, and is reprinted by permission.



My first thought at 7:00 a.m. on August 28, 2011 as the rain kept falling was I have got to get the Town records out of the vault to higher ground **now!** By 7:30 a.m. I had seen the level of the Deerfield River as I crossed the bridge in the middle of downtown about 50 feet from my office door and realized that Wilmington was in for big trouble. After checking in with Incident Command at the Fire Department, I went to my office and called my assistant, Pat Johnson, and a Selectboard member and implored them

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Abigail Howe drove three hours from Massachusetts to volunteer her help clearing out the Wilmington Town Clerk’s office. Her father and grandfather grew up in Wilmington and she said she just had to come help (left). Cabinets where Wilmington town records were rescued (middle; photos by Susie Haughwout and Pat Johnson). Dot’s Restaurant in Wilmington, after Tropical Storm Irene (right, photo by Oliver Olsen).

CARRIER CHOICE A SUCCESS!

The VLCT Health Trust just entered its 30th year of providing VLCT members with top quality, competitive options for procuring health insurance, dental and vision care, long- and short-term disability insurance, and long-term care. We are happy to report that our 29th consecutive renewal was a huge success! The Trust grew to 200 member municipalities strong, and total health insurance premium is a robust \$20 million. The Trust is not only financially healthy but also well poised to help its members navigate their way through both state and federal health reform. The longevity of the VLCT Health Trust is testament to the fact that municipal risk pooling is one of the greatest examples of inter-governmental cooperation.

The transition from 2011 to 2012 proved to be a unique adventure for everyone involved with the Trust. The Health Trust Board of Directors decided early in 2011 to introduce “Carrier Choice” to members for the 2012 renewal. This meant that instead of all members (municipal employers) renewing with a single carrier (CIGNA), each would

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HIGH WATER MARK

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to come help me empty the Town Clerk's vault of irreplaceable records and get them to the second floor of Town Hall. "Can you come soon?" I asked, "I don't think we have much time."

Thoughts of high winds as reported by the Weather Channel were in my mind. The plan I hatched required using the elevator to move the records to the second floor of Town Hall; if the power went out, that meant trekking up a two-story staircase with 20 pounds of books and slowing down the process while the water was rising toward the building. Help arrived within 30 minutes of my call in the form of my assistant and four more willing souls. Knowing we would not likely have time to move everything, I had made an assessment of what was most important to get out of the vault. There was a painted marker indicating the 1938 flood level on the outside of the building and I determined that was about waist high inside the vault. I told everyone that we needed to evacuate the records from the floor up to shoulder height, just in case this flood turned out to be worse than 1938 – and it was worse, about eight inches higher.

By 8:30 a.m. we were in high gear moving things to the second floor. We loaded up the rolling desk chairs with records, rolled them into the elevator, up to the second floor, and down the hall to the meeting room. We focused on the land records and indexes, recorded land surveys, town meeting records, election records, vital records,

grand lists and town reports. Fortunately, and with gratitude on my part for my helpers, we were able to move enough of those records out of the vault that morning to keep them from being submerged in the flood waters. At the insistence of the helpers, we also moved all our computers and photocopiers. By 10:15 a.m. the water was coming up over the bridge and starting to fill the streets. We had no more time. We left the office and headed for safety on higher ground.

We abandoned election materials such as voted ballots from the General Election of 2010 scheduled to be destroyed in August 2012, oh well. Also abandoned, or triaged as I was terming it, were School Registers from the 1800s to mid-1900s, Grand Lists from the 1800s to mid-1900s (most of which had been severely damaged in the 1938 flood so as to render them unreadable), 20-40-year old lien documents which had been noted in old lien volumes. We also left behind land record volumes that had already been digitized. These were split second decisions based on my knowledge of the condition of our records and of preservation standards, the statutory retention schedule, and need – defined as what we could live without and not impact the ongoing business of the Town. The administrative work on Pat's and my desks was also left behind. We didn't have time to move it all and some things had to be sacrificed.

After the four and half feet of flood waters receded we realized that the entire downtown area of Wilmington was destroyed, including the Town Clerk's Office, Police Department and Fire Department. Hundreds of people were in emergency mode cleaning up

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ASK THE LEAGUE

TOWN MEETINGS; TOWN RECREATION COMMITTEE FEES

How are "special" town meetings noticed?

A "special" town meeting is a meeting of a town held on some day other than its annual meeting and which can be initiated upon the

application of five percent of the voters or by the selectboard when it deems it necessary. 17 V.S.A. § 2643(a).

The voters may petition for a special town or annual meeting so long as its pur-

pose is not "frivolous, useless or unlawful." *Royalton Taxpayers v. Wassmandsdorf*, 260 A.2d. 203 (1969). The Vermont Supreme Court has stated that a selectboard cannot be compelled to present a petitioned article on a town meeting warning if the article does not "set forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Clift v. City of South Burlington*, 2007 VT 3, ¶6, quoting *Royalton Taxpayers' Protective Assoc. v. Wassmandsdorf*, 128 Vt. 153, 160(1969). Some examples of voters' authority to petition for a special town meeting include overriding ordinances approved by the selectboard (24 V.S.A. § 1973), filling vacancies in elective offices (24 V.S.A. § 962), and approving the conveyance of town real estate (24 V.S.A. § 1061(a)(2)).

A selectboard, on the other hand, may call a special town meeting at any time for any reason, but must do so when required by law. Examples of when a selectboard must call a special town meeting include when it receives a valid voter backed petition as previously mentioned and when it is seeking to incur bonded indebtedness (24 V.S.A. § 1755(a)), approve charter amendments (17 V.S.A. § 2645), and for some towns approve zoning regulations (24 V.S.A. § 4442(c)(2)) outside the timeframe of an annual town meeting. Other times a selectboard may call a special town meeting to gauge public opinion on a particular course of action, make an important announcement, or inform and/or seek feedback from the public.

To "call" a special town meeting means to set a date for when it is to occur. For example, the selectboard must "call" a special town meeting "within 15 days of receipt of the [voters'] application by the legislative body." 17 V.S.A. § 2643(a). This means

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

TREASURERS WORKSHOP

March 20, Hotel Coolidge, WRJ

March 21, Middlebury Inn, Middlebury

(Sponsored by the VLCT Municipal Assistance Center)

Municipal treasurers have many responsibilities and face myriad challenges in today's difficult economic climate. This workshop will give them the tools they need to address day-to-day issues, to best serve taxpayers, and to improve their efficiency and effectiveness. Whether you are newly elected to the position or have served for a number of years, you will come away from this workshop with a better understanding of your job.

SAVE THE DATES

Saturday, March 31, Capitol Plaza, Montpelier
Selectboard Institute I

May 31, Capitol Plaza, Montpelier
Human Resources Management Workshop

April 11, Capitol Plaza, Montpelier
Planning and Zoning Forum II

June 7, Capitol Plaza, Montpelier
Municipal Attorneys Forum

Saturday, April 28, Lake Morey Resort, Fairlee
Selectboard Institute II

June 19, Capitol Plaza, Montpelier
Finance Symposium

May 8, Middlebury Inn, Middlebury
May 10, Lake Morey Resort, Fairlee
Conducting Effective Tax Appeals

June 27, Capitol Plaza, Montpelier
Managing Municipal Assets Held in Trust

For registration and other information, please visit www.vlct.org/events-news-blogs/event-calendar/, call 800-649-7915, or email info@vlct.org.

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ASK THE LEAGUE

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that the selectboard has a 15-day window to warn a special town meeting petitioned by the voters. The actual meeting date then must be “not less than 30 nor more than 40 days” from the date it is warned. 17 V.S.A. § 2641 (a).

The warning and notice requirements for a special town meeting are the same as those for the annual town meeting and include:

- posting a warning and notice in at least two public places in town as well as in or near the town clerk’s office not less than 30 nor more than 40 days before the meeting; *and*
- publication of the warning in a newspaper of general circulation in the town as designated by the selectboard at least 5 days before the meeting *or* distribution of the warning in written form to all town postal patrons at least 10 days before the meeting. 17 V.S.A. § 2641.

The **warning** must include:

- the date and time of the meeting or election;
- location of the polling place or places; *and*
- the nature of the meeting or election.

As with warnings for annual town meetings, the warning for special town meetings must be signed by a majority of the selectboard and filed with the town clerk for recording before being posted.

The **notice** must include:

- information on voter registration; and
- information on early or absentee voting. 17 V.S.A. § 2642.

As a final note, please be aware that, depending on the reason for the special town meeting, it may require Australian ballot voting, even if a town has not previously adopted this type of voting, as well as an accompanying informational hearing.

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

Who is responsible for minutes at town meeting?

The town clerk must record all town meeting proceedings. The clerk’s record constitutes the official record of all action taken at town meeting and at a minimum must include all articles warned, all motions made, names of those making motions, names of those who spoke to motions and what was said, and the results of all votes. The clerk must then request approval of the minutes within seven days from any two of the following municipal officials that were present at town meeting: moderator, selectpersons,

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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, though VLCT PACIF members are eligible for a reduced rate of \$400 for many of the topics listed below (except for land use). PACIF members may also be eligible for a PACIF scholarship, which can cover the cost of the training. Please call PACIF Loss Control at 800-649-7915, or visit www.vlct.org/rms/pacif/pacif-scholarships/ for more information on the program. In addition, MAC can develop custom workshops upon request. To discuss or schedule a workshop, please contact Abigail Friedman or call 800-649-7915.

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
- How to Respond to a Public Records Request
- Developing and Managing the Town Budget
- Financial Management, Internal Controls, Fraud Risk Assessment
- Inter-local Agreements
- Municipal Charter Adoption and Amendment
- Many specific topics for local land use boards

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OR DEVELOP
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HIGH WATER MARK

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their properties. The power and water were still out. Bridges and roads to the east and west were impassable and we were essentially isolated.

The next task was to get back in the building two days later and remove to a safe environment what remained in the vault above the high water mark. Pat and I knew that a soggy, toxic, oil coated building was no place to leave the records. We now could not use the damaged elevator to move the records to the second floor as the power was still out. I ruled out the stairs as an option because they were dangerously slippery due to the coating of oil that rose with the flood waters from the basement boiler.

Again with my assistant and multiple volunteers donned with face masks and gloves, we moved the remaining records in a not-too-clean, open, flat-bed truck to what we fondly referred to in public as a "secure place," otherwise known to Pat and me as the dry barn attached to her house. As I carted my first load of volumes out to the borrowed flatbed, I hesitated momentarily as I

thought, "I can't put these precious records in that dirty truck!" Reason took over in seconds. I realized under the emergency circumstances facing us while trying to recover important items, I had no choice.

Once the records were as secure as conditions allowed for the time being, the next task was to figure out how to get the office back up and running, and to assess the condition of the records – tasks that proved much more daunting than emptying the vault on Sunday morning.

Pat and I spent the next few days trying to get a minimum of operations going. At the very least we needed to access our emails. We set up "Town Clerk Central" at Pat's house, close to downtown. We accessed emails directly from the provider from our home computers. Thank goodness we had the passwords memorized because the password log was lost in the flood.

The Town server was moved to the Treasurer's home so that she could pay bills and do payroll. That meant we could not access our Land Records index until we found a place to relocate the town administration staff and Town Clerk's office and set up all the computers. The administrative staff was working out of the high school which was

functioning as the town emergency center. The Police Department acquired a trailer for the time being.

Without our computers, I also had no address book or rolodex. The first call I made for help was to another Town Clerk, John Cushing, of Milton, Vermont. I was reeling in crisis mode and needed to talk to another clerk with years of experience and wisdom. John listened to my story, helped calm my panic, and assured me that Pat and I were doing the right things. After we hung up, John called the Vermont State Archivist Office that set in motion an onsite visit from records conservators to review the condition of the books. They came a few days later and found the records to be in stable condition which was a great relief.

We were able to send emails to the Vermont Clerk's and Treasurer's listserv, Vermont Muninet, and the Vermont Bar Association informing them that the Town Clerk's office was out of service for now, but that the records had been saved. We sent out updates on our progress every few days until we were back up to full operation.

The Town secured temporary space for the Police Department, Administrative Offices and Town Clerk's Office two weeks after the flood. Week three was spent getting

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TRIVIA?

Judith Butson, Patti Lewis, and Dani Roberts of the Northeast Vermont Development Association, Fayston, and Fair Haven, respectively, knew that Vermont's first census in 1790 reported that the state's population was 85,539 (corrected to 85,425 due to administrative errors from 20 reporting towns), and that the state harbored 211 towns. Well done!

Meanwhile, many Vermonters know that the state pastry, the cannoli, immigrated from Sicily in the early 1900s.

But how many know where and when in America the first canal was built? (Ca-nal [noun] 1. A cannoli without the ricotta filling, 2. An artificial waterway used for travel, shipping (e.g., canals), or irrigation.) Sure, it was in Vermont ... but where?

The moment you know the answer, email it to dgunn@vlct.org. Then wait as patiently as possible for the proverbially pleasurable April issue for the answer.



HIGH WATER MARK

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the space ready and moving in by stages. By September 19 the Town Clerk's Office had desks and computers. On September 21 the records were moved from the second floor of Town Hall and Pat's barn to the new temporary space and placed on shelving purchased at Home Depot. On September 26 the roller shelving in the vault was finally clean and re-installed in the temporary space. By the end of the day the Town Clerk's Office was fully back in business!

LESSONS LEARNED

Train, Train, Train. I can't emphasize enough how years of attending training kicked in during the emergency. I had attended numerous sessions on records preservation, disaster preparedness, incident command and records management. The morning we moved the records, I had to make quick decisions in the interest of time. I found myself acting on instinct, directed by knowledge and logic gained through training.

Digitize. The more you digitize and store offsite, the less you risk losing in a disaster event.

Have a Plan, even if you think a disaster will never happen. I had formulated somewhat of a mental plan to evacuate the records in the event of a flood. In fact I had moved lesser amounts of records in the past when heavy rains were expected but had experienced no flooding. Now I realize that I had no plan for putting the office back in service after the disaster when we could not go back into our former space. Three key areas to plan for are:

Step One – Evacuation. Spend some time thinking about what the threats are to your office, whether it be flooding, extensive power outages, fire, etc. What would you do if there was the possibility that your office could flood? How would you secure the records to safety? What resources would you need? Hand carts, boxes, manpower, vehicles and a safe place. Who would you call to help you?

Step Two – Preservation. Where would you store records in safety? What is the environment? Would you need air cleaners and dehumidifiers? If your records are wet, do you know what facility or preservation service you could use to freeze them? How would you transport the records to a freezer? Do you know a reliable

conservator, or will the State provide one to help you assess the damage?

Step Three – Recovery of Operations.

How would you be able to recover use of phones, computers and internet? Do you know what insurance coverage you have? How do you get the authority to spend money to replace the things you need like desks and file cabinets, or to hire movers? What is the chain of command during the emergency and then during the recovery? Do you know who will be in charge and to whom you answer? Where could you set up temporary offices? Would you need a temporary vault and shelving?

Follow Your Instincts. Vermont Emergency Management did not order any evacuations prior to the flooding. The rainfall

estimates were about four to eight inches. The Weather Channel was warning of high winds and some localized flooding in Vermont. Very few, if any, officials were concerned that we would see catastrophic flooding. My gut told me we were in trouble and I didn't want to take the chance that the Town records were safe. It was a guess, but I was right. Gives new meaning to the phrase, "Better be safe than sorry."

*Susie Haughwout
Wilmington Town Clerk*

Ed. note: Susie Haughwout is one of several Vermont town clerks who have furthered their clerking education through the International Institute of Municipal Clerks and the New England Municipal Clerk Institute and Academy, a topic that we'll explore next month.

So why wait for the clock to run out to go lead-free?

Municipal water departments beware: your brass products may become obsolete by January 4, 2014. That's because the new Reduction of Lead in Drinking Water Act limits lead content in any brass product that touches the wetted surface of drinking water systems to just .025%, a fraction of that previously allowed.

Team EJP will help you beat the lead-free deadline. As a leading supplier of brass products, we can supply all your potable waterworks needs. Municipalities have relied on Team EJP for superior inventory and timely service since 1955.

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IT'S UI TRUST ANNUAL WAGE REPORT TIME!

Members of the Unemployment Insurance (UI) Trust can look forward to an email from Kelley Avery in early March with information about reporting their 2011 wages before the end of April. She sends a similar email at this time every year, but new now is our request that all UI members – not just those with ten or more employees – file their reports electronically using the handy Excel spreadsheet that's posted on our website. The UI Trust will use your 2011 wage report in determining your 2013 rates.

Reporting via the spreadsheet has become necessary to keep up with the state's changing formula for determining taxable wages. The spreadsheet allows us (or our actuary) greater flexibility while we update each year for the appropriate state-mandated values.

The aforementioned email contains many important details. If you can't locate it or if you've read it and still have questions, please call Kelley Avery at 800-649-7915 ext. 1965, or email her at kavery@vlct.org.

SELECTBOARD PRIMER/REFRESHER ON MUNICIPAL INSURANCE

On Saturday, March 31, at the Capitol Plaza Hotel in Montpelier and again on Saturday, April 28, at the Lake Morey Inn in Fairlee, VLCT's Risk Management Services (RMS) staff will enthrall selectboard members with a roundtable discussion as part of VLCT's 2012 Selectboard Institutes I and II. Returning and newly elected selectboard members as well as the staff who report to them are invited to attend either or both of the day-long events. The RMS presentation will reveal what selectboards need to know about municipal insurance, how to keep costs down, and how to get the most value for taxpayers' dollars. We will also explain coverages and benefits that are new for 2012.

ALERT TO HEALTH TRUST MEMBERS WITH BLUE CROSS PLANS

Employers who provide Blue Cross Blue Shield health insurance to their employees, please note: when canceling an individual's coverage (such as dropping a dependent), keep three important facts in mind.

1. Blue Cross charges by entire calendar months: it does not allow pro-rating of premiums.
2. Employers must notify Blue Cross directly of coverage termination no more than three business days after the end of a month in order for coverage not to be charged for the next month.
3. If your coverage is through VACE or involves a former employee whose coverage is administered by Choice COBRA, allow extra time for these organizations to conduct their part of the notification process.

For example, if an employee wants March 2012 to be the last month that his adult child is covered by a municipal insurance plan that does not involve VACE, the employer must notify Blue Cross of the termination of coverage no later than Wednesday, April 4, in order not to be responsible for paying the dependent's April premium.

This information is explained in an email that was sent in early February to the members of the Health Trust that use Blue Cross Blue Shield of Vermont. The email includes information about Blue Cross's Employer Resource Center, an online site where employers – except those enrolled in Blue Cross through VACE – can sign up to submit enrollment additions, changes, and terminations electronically. If you have questions about how this Blue Cross requirement might affect your municipality, please talk to your Member Relations representative or call Kelley Avery at 800-649-7915, ext. 1965.

CARRIER CHOICE

(continued from page 1)

choose its desired carrier, decide whether to access that carrier directly through the VLCT Health Trust or in combination with an association, and then choose any one of that carrier's available coverage plans. For 2012, 80 percent of VLCT Health Trust members and subscribers chose high-deductible health plans.

VLCT members that renewed with the Health Trust as well as those that returned after some time away found that the support and advice provided by the Member Relations team of Larry Smith, Tanya Chambers, and Pam VanDeursen (as well as Kelley Avery, Benefit Program Administrator) were immensely helpful in understanding the choices to be made and steps to be taken to ensure that coverage for all their employees would be in place for January 1, 2012. Members also found that the value proposition offered by the Health Trust is unparalleled in the commercial insurance marketplace. The additional products and services that are available in the Trust for no additional charge cannot be replicated by an independent agent or broker. There is nothing an independent agent or broker can do that the Health Trust cannot also do, but there is much that the Trust offers that others cannot provide at all or to the same degree of quality as the Trust without additional cost.

The Health Trust is a municipally owned and member governed organization administered by the VLCT Risk Management Services Department. It exists because Vermont municipalities believe it is a valuable resource for the membership, providing unbiased guidance in understanding and purchasing health related insurance and other employee benefit products and services. This Trust is owned by you and is here for you! Please do not hesitate to contact your Member Relations Representative if you need any assistance. Your continued support is truly appreciated by your Board of Directors.

*Ken Canning, Director
Risk Management Services, VLCT*

MENT SERVICES

WELCOME HOME!

An open invitation to VLCT members not currently purchasing health insurance via the Health Trust, a VLCT sponsored intermunicipal insurance association that is owned and managed by its member municipalities.

It is never too late to come home, and this is especially true with the VLCT Health Trust. Re-joining is easy and will not cost your municipality one extra penny!

A special feature of Carrier Choice is that new members may join the Health Trust any time during the year and nothing about their health insurance will change except that they will immediately begin to receive all the value-added services and programs offered by the VLCT Health Trust.

- Your premium will not change
- Your coverage will not change
- Your medical ID cards will not change
- Your carrier will not change
- Your plans will not change
- You and your employees will enjoy more health and wellness products and services that will improve your workplace and reduce administrative burdens for no additional cost.

You need only to submit a signed Broker of Record (BOR) letter declaring the Health Trust as your designated broker/liaison to your current carrier. (See box on page 10 for details.)

Some of the benefits included in the VLCT Health Trust for no additional cost are:

- VLCT's renowned wellness programs
- Guidance from your trusted health insurance advisor for 30 years
- Comprehensive biometric screenings and wellness counseling
- Flu immunization clinics
- Fitness challenge design and coaching
- Healthy Lifestyle Rewards program for BCBSVT and TVHP clients
- Health Advocate (read on for details)
- COBRA administration
- HR Connection online account management tools for employees.

Health Advocate is a particularly valuable resource for employees and benefits administrators. Because it is not affiliated with any carrier or agent, Health Advocate acts

completely in the employee's interest to answer health insurance questions and resolve issues. In a highly personalized process, a team of registered nurses, medical directors,

(continued on next page)

2012 RMS CALENDAR

Panel Discussion on Workers' Compensation. Monday, March 5, 2012, 1:00 p.m. to 5:00 p.m., Windham Regional Career Center's Cusick Learning Center, Brattleboro. Presented by the Southern Vermont Chapter of the Vermont Safety & Health Council. The focus will be "How To Effectively Manage a Back To Work Program" and the many pitfalls associated with workers' comp claims. Workers' comp specialists, including a lawyer, an insurance claim adjuster, a representative from the Vermont Department of Labor, and an occupational health nurse, will discuss best practices. To register, visit www.vshc.org/calendar/index.php, or contact Chip Siler at 802-428-2595 with questions.

PACIF Workers' Comp Payroll Audits. Throughout March and April, 2012. Members of VLCT's Member Relations and Underwriting teams will visit PACIF members to review their 2011 payroll records. PACIF member contacts who haven't received an email saying when a representative will be in their area, or who would like more information should contact their Member Relations representative or Larry Smith at lsmith@vlct.org or 1-800-649-7915.

2012 Vermont Worksite Wellness Conference and Governor's Awards. Wednesday, March 28, 2012, 8 a.m. to 4 p.m., Sheraton Hotel and Conference Center, 870 Williston Road, Burlington. Presented by the Vermont Department of Health. Join your colleagues from the public and business communities to share and learn about best practices for a healthy workplace, as well as workshops, exhibits, and the presentation of the Governor's Council on Physical Fitness and Sports 2011. Registration deadline: March 16, 2012. For more information, go to Worksite Wellness Awards.

Application Deadline for Vermont Governor's Workplace Safety Awards. March 30, 2012. Receive statewide recognition for your success in reducing injuries at your business! Nomination form at www.labor.state.vt.us (VTDOL – Business – Workplace Safety).

Safety Roundtable Breakfast. Tuesday, April 3, 8:00 a.m., Holiday Inn, Rutland. Presented by the General Contractors of Vermont – Safety Committee. Topic: PPE, Silica and Airborne Contaminants. Speakers: Terese Churchill of Evergreen Environmental and Dan Whipple of VOSHA. Open to AGC members as well as non-members. No fee to attend, but registration is required. To register, either go to www.agcvt.org and click on the date of the event on the calendar, or email safety@agcvt.org.

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WELCOME HOME

(continued from previous page)

and benefits and claims specialists takes calls 24 hours a day and tackles problems so your employees and administrators can stay focused on their work. This benefit extends to the employee's spouse, dependent children, parents, and parents-in-law.

All of the benefits listed above go beyond those offered by the insurance carriers and fit in the category of broker service. Most likely, you are not receiving these services from your current agent or broker; but if you are, it is probably on a fee-for-services basis – in addition to the cost of the insurance and commission. For municipalities with fewer

than 50 employees, the VLCT Health Trust program costs exactly the same as you are currently paying: by state law, no one agent or broker has a price advantage over any other. But what are you getting for the commissions you are paying? Consider all of the value-added services that the Health Trust provides for no additional cost, check with your current agent or broker, and then give us a call. We will welcome you home with open arms!

Another point is that because the Health Trust is a member-owned not-for-profit association; any monies it receives belong to you, the member, and are used to provide our extensive array of value-added services. Funds not used to cover overhead, programs, or services are available to be held as

For detailed information about rejoining the Health Trust and a template for preparing your BOR, visit www.vlct.org/rms/health-trust/health-insurance/not-currently-in-the-health-trust/, or call Member Relations at 800-649-7915.

net assets (owned collectively by the membership) or to be considered for distribution to members at the discretion of the member-elected Board of Directors. You have an ownership interest in the Trust, and there is nothing more local than owning the company.

The VLCT Health Trust is your one-stop shopping spot for all of your municipality's employee benefit needs. We offer many ancillary products in addition to medical and pharmacy coverage. Please call us for a quote on any of the following:

- Dental coverage
- Vision coverage
- Life insurance
- Short-term and long-term disability insurance
- Long-term care insurance.

The VLCT Board of Directors is excited about the opportunities now available under Carrier Choice and invites you to join the 200 Vermont municipal entities that are already part of the family. We look forward to saying "Welcome Home!" to you soon. Submit your BOR today and begin reaping the benefits immediately.

*Ken Canning, Director
Risk Management Services, VLCT*

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ASK THE LEAGUE

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and justices of the peace. This request must be given prompt consideration. 24 V.S.A. § 1152.

What actions must be taken by the town clerk to report election results?

State law mandates that the clerk report the election of certain officials. Each elected office has its own requirements. Reporting includes filing a list of the names and addresses of every selectperson elected with the Secretary of State (17 V.S.A. § 2665); reporting the name of the town treasurer to the State Treasurer by July 1st (24 V.S.A. § 1166); certifying the name and post office address of the first constable to the county clerk (24 V.S.A. § 1169); and reporting the names, post office addresses, and lengths of term of office of each lister to the Director of the Division of Property Valuation and Review (24 V.S.A. § 1168). The clerk must file his or her own certificate of election with the county clerk within six days of the election. This certificate is signed by the moderator if the clerk is elected from the floor or the chair of the board of civil authority if elected by Australian ballot. 24 V.S.A. § 1151. Certificates of election can be found at the Elections Division of the Secretary of State's Office at http://vermont-elections.org/elections1/town_clerks_movie.html.

The clerk must also report certain actions taken by the voters at town meeting. Within five days of the meeting, the clerk must certify votes on all financial actions to the town treasurer and selectboard chair. 24 V.S.A. § 1167. Within six days of town meeting, the clerk must report the method for the collection of taxes to the Director of Property Valuation and Review. 32 V.S.A. § 5167. If

the townspeople voted to amend their town charter, the clerk must announce and post the results of the vote immediately after it is counted and within ten days certify facts of the origin and procedure followed for each amendment adopted, if any, to the Secretary of State and certify the result before any subsequent action on the amendment by the Vermont Legislature. 17 V.S.A. §§ 2645(b), 2663.

Towns that conduct elections by Australian ballot have different reporting requirements depending on how votes are tabulated. In towns that count by hand, the presiding officer must publicly announce the results when each summary sheet is completed. For those that use vote tabulating machines, the presiding officer may publicly announce the results from the tabulator tape and post them as "unofficial incomplete results" in the polling place. The clerk must deliver one certified copy of the election return to the Secretary of State, Senatorial District Clerk, County Clerk and Representative District Clerk within 48 hours of the close of the polls. 17 V.S.A. § 2588(c).

Which town officers elected at town meeting are required to be bonded?

Certain officers must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, and clerks. Bond amounts are set by the selectboard and paid for by the town. The clerk must record all bonds filed in a separate book kept for that purpose. 24 V.S.A. §§ 832, 835.

Which municipal officers must be sworn in prior to carrying out their duties?

A handful of town officers must be sworn into office before actually carrying out any of their duties. They include clerks and their appointed assistants; selectpersons; justices

of the peace; constables; listers; grand jurors; fence viewers; village clerks, treasurers, and collectors of taxes; assistant election officials; and boards of civil authority. State law prescribes different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. 24 V.S.A. § 1160. The clerk's oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary, or clerk of either chamber of the Vermont General Assembly; or by the Governor, and must be filed with the county clerk's office within six days of the his or her election. 12 V.S.A. § 5852; 24 V.S.A. § 1151. For more information about the oaths, please refer to the Handbook for Vermont Municipal Clerks on the VLCT Resources webpage, www.vlct.org/league-resources/search-vlct-resources/.

What are the requirements for appointing assistants to the clerk and treasurer?

After his or her election, the town clerk must appoint at least one assistant. The treasurer may, but does not have to, appoint an assistant. If the selectboard requests that the treasurer appoint an assistant, and he or she fails to do so, within ten days of a selectboard's request, the selectboard may appoint an assistant treasurer. 24 V.S.A. § 1573. An assistant treasurer appointed by the selectboard must provide a bond as set by the selectboard and paid for by the town. The clerk must record the bond. 24 V.S.A. §§ 832, 835. The clerk's assistant must be sworn into office. A record of the assistant clerk's appointment must be certified by the clerk and a copy of the assistant's oath must be deposited with the county clerk. Appointments for both offices must be recorded in the town clerk's office.

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

IRS MILEAGE RATES FOR 2012

The Internal Revenue Service (IRS) recently issued the 2012 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical, or moving purposes. Since Jan. 1, 2012, the standard mileage rates for the use of a car (including vans, pickups or panel trucks) has been:

- 55.5 cents per mile for business miles driven;
- 23 cents per mile driven for medical or moving purposes; and
- 14 cents per mile driven in service of charitable organizations.

The rate for business miles driven remains the same as it was from the mid-year adjustment that went into effect on July 1, 2011.

Our town recreation committee oversees several programs for which participants are charged a fee. The committee members insist on having their own treasurer, keeping their own books, and maintaining their own bank account in which they deposit these fees. Is this proper?

No. In our opinion, Vermont statutes recognize only one treasurer – the town's elected treasurer – who has legal responsibility to "keep an account of moneys, bonds, notes and evidences of debt paid or delivered to

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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/events-news-blogs/newsletter-archive/advertising-information/.

HELP WANTED

Town Administrator. The Town of Newmarket, N.H. (pop. 9,000+), seeks qualified applicants for the position of Town Administrator. Situated in New Hampshire's picturesque Seacoast region on the banks of the estuarine Lamprey River, the town enjoys a vibrant downtown, active civic and community groups, and close proximity to the University of New Hampshire. The town faces challenges,

too – a growing population that is generally placing strains on infrastructure and resources, and immediate concerns with water supply, wastewater treatment, economic development, affordability of current Town services, and costs associated with providing excellent educational services. The town operates under the Town Council form of government. The Town Administrator is responsible for a range of professional duties as the Chief Administrative Officer: supervising all departments, preparing an annual Town budget, implementing town policies, overseeing significant current and future capital improvement projects, assisting the Town Council in addressing these challenges, and managing Town affairs in accordance with applicable laws. The position reports to the Town Council. A full job description and more information about the town are available at www.newmarketnh.gov. Interested candidates should submit their resume with cover

letter and compensation history no later than March 30, 2012 to adminsearch@newmarketnh.gov. (2-02)

Firefighter/EMT I-03. The City of Barre, Vermont is currently seeking applications for a Firefighter/EMT I-03. Minimum requirements: 18 years of age, high school diploma or GED, current Vermont FF-1 or equivalent, current Vermont EMT Intermediate 03 or equivalent, Haz-Mat operations level, and a valid driver's license. Desirable qualifications: current Vermont FF-2 or equivalent, Paramedic certification, and Critical Care Paramedic certification. A City application is available online at www.barre-city.org, at the Public Safety Building, or by calling 476-0240. To apply, send application, cover letter, resume, and three work related references to Chief Timothy Bombardier, Barre City Public Safety Building, 15 Fourth Street, Barre, VT

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ASK THE LEAGUE

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him, and of moneys paid out by him for the town and the town school district, which accounts shall at all times be open to the inspection of persons interested.” 24 V.S.A. § 1571(a). The selectboard and treasurer have joint authority over deposit of town funds. 24 V.S.A. § 1571(b). Town boards and committees do not have the authority to keep their own accounts or to approve orders for payment of expenses unless statute provides that authority.

The situation is a little different in towns that have adopted the town manager form

of government. In those towns, the manager has the authority “[t]o do all the accounting for all of the departments of the town and of the town school districts when the board of school directors so request.” 24 V.S.A. § 1236(7). Regardless, even in manager towns, committees and boards do not have authority to have their own treasurer, nor do they have the authority keep their own accounts or to approve orders, unless statute provides that authority.

We suggest that the selectboard and treasurer adopt a policy outlining who is authorized to accept funds on behalf of the town and the process for remitting those funds to the treasurer for deposit. The policy should also address safekeeping of funds, issuance of receipts, and preparing funds for deposit. In towns adopting the town manager form of government, the manager should be part of the policy adoption process. VLCT’s Model Financial Policies Handbook, which addresses these issues, is archived at www.vlct.org/assets/Resource/Handbooks/VLCT_Model_Financial_Policies_Handbook.pdf.

*Jim Barlow, Senior Staff Attorney
Municipal Assistance Center*

PLEASE SUPPORT OUR ADVERTISERS

If your municipality is planning a future purchase of products or services offered by our advertisers, please consider contacting them, and don’t forget to let them know you saw their advertisement in the *VLCT News*. Thank you.

LOOK FOR THE VLCT NEWS ONLINE

We’re still following our new policy of sending electronic readers the online link to the *VLCT News* as soon as it gets posted. **This link predates the mailing of the newsletter’s paper copy by a week or more.**

We continue to 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/.

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CLASSIFIEDS

(continued from page 13)

05641. Position open until filled. E.O.E. (1-25)

Police Chief. Newport City, the crown jewel of the Northeast Kingdom, seeks a Chief of Police. The City operates under the Council/Manager form of government. The Police Chief reports to the City Manager and is responsible for directing a full-service police department. The Newport City Police Department provides around-the-clock coverage with 10 full-time certified law enforcement officers and has an annual operating budget of \$900,000. Requirements: Bachelor's degree in Criminal Justice (preferred), Police Administration, or related field with course work in management practices, budgeting, and labor relations. Applicants must be or be able to become certified by the Police Standards Training Council. The ideal candidate will have at least 10 years of progressively responsible experience in law enforcement and crime prevention, or any combination of education and experience which demonstrates possession of the required knowledge, skill and abilities. The applicant must be able to start by July 16, 2012. This is a full-time salaried position with excellent benefits. Salary is negotiable depending on qualifications and experience. To apply, send a letter of interest and resume by March 15, 2012, to Chief Paul Duquette,

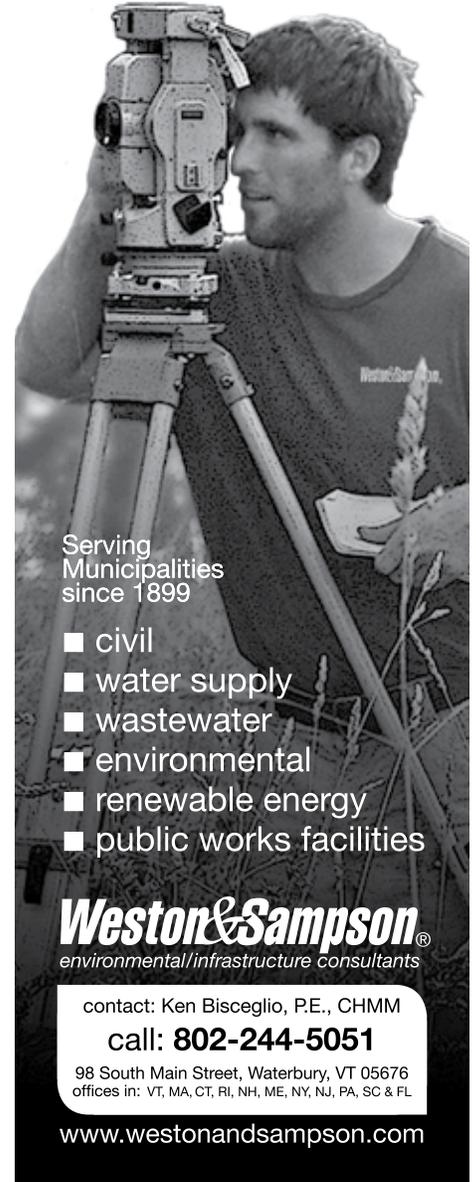
City of Newport, 222 Main Street, Newport City, VT 05855. (1-24)

Town Administrator. The Town of Huntington, Vermont (pop. 1,939), home of Camel's Hump, Vermont's third highest mountain peak and located 25 miles south of the City of Burlington, seeks a highly responsible, dynamic and collaborative town administrator. The town administrator is the principal liaison and support person for the five-member selectboard and assists the board's general administration of the Town. His or her day-to-day responsibilities include supporting all departments as needed, monitoring budgets, and coordinating with the Town's elected and appointed officials. Salary range for this full-time position is \$40,000 to \$50,000 with excellent benefits. A detailed job description is available at www.huntingtonvt.org. The successful candidate will have a Bachelor's degree in public administration or a related discipline and/or a minimum of four years of municipal management experience. Knowledge of municipal operations, public finance, personnel policies and practices as well as familiarity with Vermont municipal law preferred. To apply, send a cover letter, resume, and three references to Huntington Town Administrator Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602. You may also email your application to charrington@vlct.org with Huntington Town Administrator in the subject line. Application review will begin on February 20, 2012.

The Town of Huntington is an equal opportunity employer. (1-18)

REQUEST FOR PROPOSALS

Bridge Repairs. The Town of Rockingham is soliciting for bids to repair the wooden Worrall Covered Bridge. For more information, please read the Request For Proposals and the Worrall Rehabilitation Plans at www.vlct.org/marketplace/classifiedads/covered-bridge-repairs/. Direct all questions to Town Manager Tim Cullenen at 802-463-3964, extension 104, or tcullenen@rockbf.org. **Submit proposal by March 1, 2012**, to Town Manager's Office, Rockingham Town Hall, 2nd floor, 7 Square, PO Box 43, Bellows Falls, VT 05101. (1-31)



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Calendar

For more information about the following workshops or events, please call Jessica Hill, Manager, VLCT Administrative Services, at 800-649-7915, or email jbill@vlct.org. You may also visit www.vlct.org/events-news-blogs/event-calendar/ and select a workshop for more information or to register online. Please check back frequently for program updates. Final agendas and online registration are available six weeks prior to the event date. For non-VLCT events listed below, please contact the individuals directly. (The online registration option is available for VLCT workshops and events only.)

March 20, Hotel Coolidge, WRJ
March 21, Middlebury Inn, Middlebury Treasurers Workshop (Sponsored by the VLCT Municipal Assistance Center)

Municipal treasurers have many responsibilities and face myriad challenges in today's difficult economic climate. This workshop will give them the tools they need to address day-to-day issues, to best serve taxpayers, and to improve their efficiency and effectiveness.

Whether you are newly elected to the position or have served for a number of years, you will come away from this workshop with a better understanding of your job.

Saturday, March 31, Capitol Plaza, Montpelier
Selectboard Institute I (Sponsored by the VLCT Municipal Assistance Center)

The Selectboard Institute provides Vermont selectboards with the skills they need to manage the affairs of their town. Delivered over the course of two Saturdays, the program will focus on the fundamentals of municipal governance and current issues facing selectboards. Topics will include reviews of the Open Meeting Law and responding to public records requests, how to reduce embezzlement risk, managing municipal highways, emergency preparedness, local law enforcement issues and options, land use roles and responsibilities and VLCT's insurance offerings.

April 11, Capitol Plaza, Montpelier
Planning and Zoning Forum II (Sponsored by the VLCT Municipal Assistance Center)

This workshop includes discussion of

best practices for land use officials, including rules of procedure, decision making, application of conditional use review and variance criteria by the appropriate municipal panel, zoning enforcement, and a foray into common land use case law.

Saturday, April 28, Lake Morey Resort, Fairlee
Selectboard Institute II (Sponsored by the VLCT Municipal Assistance Center)

See description under Selectboard Institute I.

May 8, Middlebury Inn, Middlebury
May 10, Lake Morey Resort, Fairlee
Conducting Effective Tax Appeals (Sponsored by the VLCT Municipal Assistance Center)

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

Visit our website www.vlct.org/events-news-blogs/event-calendar/ for the most up to date list of events.