

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

November 2012

TOWN FAIR 2012

Though the day began and ended with rain, this year's Town Fair – held at the Robert E. Miller Expo Centre (right) at the Champlain Valley Fairgrounds in Essex Junction, Vermont – weathered the storm. Indeed, nearly 100 vendors and more than 450 attendees deemed it a tremendous success. Featured at the Fair were 12 training sessions, a forum for Vermont's major party gubernatorial candidates, health screenings and flu shots, a safety-oriented "ride and drive" for municipal vehicle operators, three VLCT Trust annual business meetings, as well as VLCT's annual meeting where, after a lively discussion, the 2013 Municipal Policy was approved. When not attending a workshop or recovering from an inoculation event, fairgoers could tour the tradeshow floor,



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Above left: Dave Sichel speaks at the highly anticipated session on health care reform.

Above right: Steve Jeffrey (on the right), Executive Director of VLCT, talks with Gregory Sanford, recently retired Vermont State Archivist, who received the Town Government Award.

IRS GOVERNMENTAL BOND COMPLIANCE INITIATIVE

The Internal Revenue Service has embarked on a nationwide program designed to

test the degree to which local units of government comply with the provision of the Internal Revenue Code relating to the issuance of tax-exempt obligations including traditional bonds, but also on short-term obligations and capital financing leases. Initial notices of examination usually take the form of an information request or a questionnaire. The questionnaires focus on determining whether the issues were for either "private activity" or "arbitrage" purposes, either

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URGENT!

Any PACIF member that hasn't completed and returned the 2013 Renewal Application yet should do so immediately!

FLOOD DAMAGE MITIGATION INCENTIVES FOR MUNICIPALITIES UNDER THE NEW ERAF RULE

Overview

The Emergency Relief and Assistance Fund (ERAF) provides Public Assistance grants through the Federal Emergency Management Agency (FEMA) to Vermont cities and towns to repair damaged infrastructure after a presidentially declared disaster. The state typically contributes half of the required 25 percent non-federal

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Executive Director

Allyson Barrieau
Design/Layout

David Gunn
Editor/Copy Editor

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THE MUNICIPAL PUBLIC RECORDS REQUEST SURVEY

On September 28, the legislature's Public Records Study Committee met at the State House to discuss a number of issues relevant to its charge of "review[ing] the requirements of the public records act and the numerous exemptions to that act in order to assure the integrity, viability, and the ultimate purposes of the act." The committee reviewed at length the responses to a survey issued by the Secretary of State's office – and designed with input from VLCT – to municipalities and school superintendents concerning public records requests. The goal of the survey's eight questions was to gather data on possible or necessary changes to state statute on the issue of public records requests. Out of 309 surveys issued (245 municipalities and 64 school superintendents), the state received only 107 responses, a response rate of 35 percent.

The first question on the survey asked: "To the best of your knowledge, how many requests to inspect public records did your office receive in calendar years 2008-2011?" Answers varied from 0 to 1,348 requests per year. Brian Leven, Deputy Secretary of State, noted that the high end response of 1,348 was provided by a very small town, which prompted several legislators to inquire if municipal officials even knew what a public record request is.

The second question asked: "Is it your opinion that your office has recently experienced an increase in the number of requests to inspect public records?" Only 18 respondents (16.8 percent) replied in the affirmative.

And question six asked: "Have requests to inspect records posed any administrative burden on your municipality?" Only 22 respondents, or about 20 percent, said that they had.

Committee members concluded that public records requests were not currently an undue burden on municipalities, which seems to contrast to the number of complaints VLCT has received over the last few years about the number of records requests filed under the Public Records Law provided under 1 V.S.A. §315. The accuracy of this survey can be questioned, given the very low response rate and the lack of a decent representative sample of all towns and cities in Vermont.

Given the aforementioned issues, it is incumbent on municipalities to answer surveys concerning public records issues (and others), as they have a very real impact on the actions legislators may take and the bills they may write during the legislative session. VLCT encourages all municipal officials to respond to such information gathering requests in the future.

For more information about the Public Records Law in general, please contact jwilliams@vlct.org or 800-649-7915.

Jonathan L. Williams
Associate, Advocacy and Information
Public Policy and Advocacy

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ASK THE LEAGUE

MUNICIPAL FIRE DEPARTMENT BILLING; EXECUTIVE SESSION ATTENDEES; MUNICIPALITY REGULATION

Can a municipal fire department bill for services incurred in response to a hazardous substance spill?

Yes. A self-executing provision of Vermont law (20 V.S.A. § 39(e)) provides that "any political subdivision, including any municipality, fire district, emergency medical service, or incorporated village, is authorized to recover any and all reasonable direct expenses incurred as a result of the response to and recovery of a hazardous chemical or substance

incident from the person or persons responsible for the incident." If the entity responsible for the spill refuses to pay the bill, the municipality "shall be awarded costs and reasonable attorney fees that are incurred as a result" of pursuing payment.

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

Who may be present in executive session?

The public body entering executive session and anyone else they want to bring into it.

Executive session is a privilege granted under Vermont's Open Meeting Law which allows public bodies to enter into private session to discuss public business. This privi-

lege allows public bodies to deviate from the general rule that public business be conducted during the course of open sessions. An executive session may only be entered under statutorily prescribed circumstances. The Vermont Supreme Court will construe the Open Meeting Law liberally in furtherance of the public's right to access.

The motion to enter into executive session must state the nature of the business to be discussed, it must pass by a majority of the membership of the public body, and the result of the vote must be recorded in the minutes. No other matter may be discussed in executive session and no binding votes or

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SAMPLE PROJECTS:

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



ASK THE LEAGUE

(continued from previous page)

actions may be taken (except those relating to the securing of real estate options) until the public body comes out of the session and is again in open meeting. Once a public body approves a motion to enter into executive session, attendance is limited to the members of the public body and whomever else in its discretion it sees fit to allow. Specifically, the law on this matter provides "Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed." 1 V.S.A. § 313(b).

The law governing the use of executive session including the permissible considerations for entering are at www.leg.state.vt.us/statutes/fullsection.cfm?Title=01&Chapter=05&Section=00313.

If you have any questions related to executive session, please call the Municipal Assistance Center at 1-800-649-7915.

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

Can a municipality regulate the location of onsite water supply and septic systems?

Yes, but with limitations. On July 1, 2007, the State of Vermont took permit jurisdiction from municipalities over onsite water supply and septic systems. Any existing ordinances or bylaws that contained technical standards and criteria for the design, construction, operation, and maintenance of systems were and continue to be preempted by the Department of Environmental Conservation's (DEC) Wastewater System and Potable Water Supply Rules ("the Rules").

Even though municipal regulation is limited by state law – 10 V.S.A. § 1976(b) and 24 V.S.A. § 4414(13) – the Rules provide that a municipality can still adopt standards that regulate development generally. According to § 1-501(a)(1) "Municipalities may continue to have ordinances and/or bylaws that are not specifically regulating potable water supplies and/or wastewater systems, but rather regulating development in general, (ex: setbacks)[.]" To help explain its jurisdiction, DEC also issued Guidance Document #2007-01, *Universal Jurisdiction's Impact on*

Town Authority over Water and Wastewater after July 1, 2007, which states that "[a] town may adopt a local ordinance [and/or bylaw] that prohibits all types of construction in an area. This prohibition may prevent the installation of a water or wastewater system." Standards prohibiting the location of buildings, driveways, accessory structures, and other types of development could encompass a prohibition on the installation of an onsite septic within that regulating setback, buffer area, or even require that all development be conducted within a specified building envelope.

Another option for a municipality to regulate and enforce water and wastewater systems is to obtain delegation from the state (see www.anr.state.vt.us/dec/ww/mundeleg.htm) and administer the state program locally in compliance with the state's Rules. 10 V.S.A. § 1976.

Save the Date: *Onsite septic and water system permitting and delegation will be a topic at the December 5, 2012, Fall Planning and Zoning Forum in Montpelier. Please visit the VLCT Event Calendar at www.vlct.org/events-news-blogs/event-calendar for more information.*

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

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NEW ERAF RULE

(continued from page 1)

match for approved projects. Under the new ERAF rule, which went into effect on October 23, 2012, municipalities have 24 months to adopt additional flood hazard mitigation measures to maintain the state cost share for FEMA Public Assistance grants. Municipalities that adopt higher standards can achieve a higher percentage of state funding for post-disaster repair projects – from 12.5 percent to 17.5 percent. Municipalities that adopt the standard set of hazard mitigation measures will continue to receive state funds to cover half of the required non-federal match, or 12.5 percent. Municipalities that have not adopted the basic set of measures will see a decrease in the state match, from 12.5 percent to 7.5 percent. Thus, the state contribution toward the local match requirement will vary from 7.5 percent to 17.5 percent of the total project costs, depending upon the level of adoption of recommended mitigation measures.

Why Change the Rule?

According to state officials, implementation of the new rule will result in long-term savings to both the state and to municipalities. After a natural disaster, many municipalities fail to implement much needed flood hazard mitigation measures that would minimize or eliminate future damages when rebuilding or repairing roads, bridges, culverts, and public buildings.

Consequently, the municipality increases its exposure to future flooding, which may result in recurring and higher repair and maintenance costs. The intent of the mitigation measures required by the new ERAF rule is to minimize economic losses during floods by improving local resilience to future flooding. Additional advantages may include enhanced public safety, floodplain and river corridor protection, and improved water quality.

New ERAF Rule Provisions

Municipalities have 24 months to adopt four basic measures to ensure that the state matching funds for the non-federal share remain at 50 percent (or 12.5 percent of the project cost):

- adopt the most recent Agency of Transportation Town Roads and Bridge Standards contained in “The Orange Book” (a.k.a. the *Handbook for Local Officials*), which you can find at http://www.aot.state.vt.us/ops/documents/aot-ops_OrangeBook.pdf;
- adopt or take steps towards the adoption

of a flood hazard bylaw adequate enough to secure participation in the National Flood Insurance Program (NFIP);

- adopt a local Hazard Mitigation Plan; and,
- adopt a local Emergency Operations Plan.

When the new ERAF rule becomes effective in 24 months, municipalities can qualify for an increased state match of 70 percent for the non-federal share (or 17.5 percent of the total project cost) by either:

- maintaining an active rate classification under FEMA’s NFIP Community Rating System (CRS) that includes activities that prohibit new structures in mapped flood hazard zones; or,
- adopt a river corridor protection bylaw that meets or exceeds state model regulations and guidelines.

For example, a town has a FEMA approved Public Assistance project that costs \$100,000.

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NEW ERAF RULE

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Scenario 1:

The town has adopted the four basic mitigation measures and has adopted a river corridor protection bylaw that meets the state model guidelines.

Federal share	= \$75,000
State share	= \$17,500
Town share	= \$7,500

Scenario 2:

The town has adopted the four basic mitigation measures but has not adopted additional mitigation measures for the increased state match.

Federal share	= \$75,000
State share	= \$12,500
Town share	= \$12,500

Scenario 3:

The town has not adopted the four basic mitigation measures.

Federal share	= \$75,000
State share	= \$7,500
Town share	= \$17,500

Information about NFIP enrollment, the Vermont Agency of Natural Resources' model flood hazard area regulations, and participation in the FEMA CRS program can be found at http://www.vtwaterquality.org/rivers/htm/rv_floodhazard.htm. For information about local Hazard Mitigation Plans, see http://vem.vermont.gov/local_state_plans or contact Vermont Emergency Management or your regional planning commission. Direct inquiries regarding local Emergency Operations Plans to Bob Weinert, Vermont Emergency Management, at 802-241-5243 or bob.weinert@state.vt.us.

VLCT's upcoming Planning and Zoning Forum on December 5th will feature a session on the new requirements under the ERAF rule presented by Rob Evans, River Corridor and Floodplain Manager for the Vermont Agency of Natural Resources' River Program, and Alec Portalupi, Technical Services Engineer with the Vermont Agency of Transportation. If you have general questions regarding the new ERAF rule, contact Milly Archer, VLCT Water Resources Coordinator (marcher@vlct.org), or Ray Doherty, State Hazard Mitigation Officer at Vermont Emergency Management (ray.doherty@state.vt.us).

Milly Archer
Water Resources Coordinator
VLCT Municipal Assistance Center

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

MUNICIPAL EMPLOYMENT LAW TRAINING II

Thursday, November 8, 2012, Holiday Inn, Rutland (Co-sponsored by MAC and PACIF)

This indispensable workshop will cover the fundamentals of employment law and personnel administration in a municipal setting. It will focus on the major state and federal employment laws and cases affecting municipalities as employers, including emerging employment issues. Selectboard members, municipal managers and administrators, police and fire chiefs, and all other department heads and front line managers are encouraged to attend.

AUDITORS WORKSHOP

Wednesday, November 14, 2012, Capitol Plaza Hotel and Conference Center, Montpelier

This workshop is designed for newly-elected as well as seasoned municipal auditors. It will include a review of the statutory duties and responsibilities of auditors, a discussion of best practices, plus a review of VLCT's Municipal Internal Controls Checklist audit checklists to help you conduct the annual audit of your town's accounts.

FALL PLANNING AND ZONING FORUM I

Wednesday, December 5, 2012, Capitol Plaza Hotel and Conference Center, Montpelier

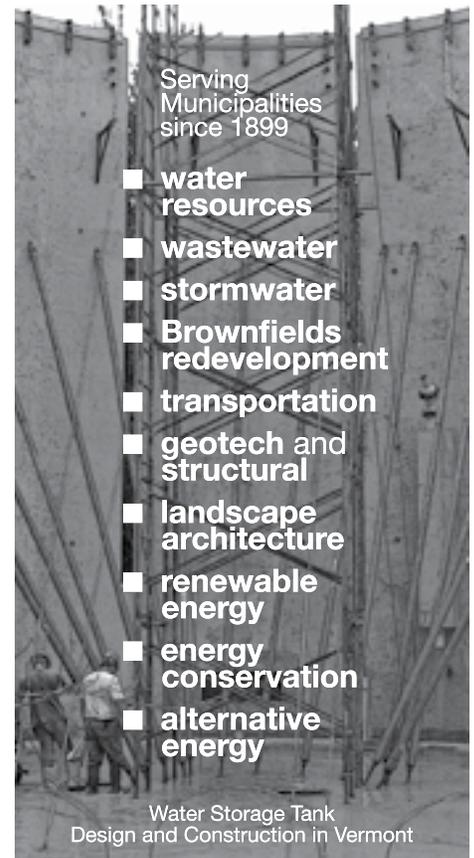
Planning officials from around the state will hear from experts on a range of important topics in planning and zoning regulation that include understanding development plans in order to apply municipal land use regulations, the program requirements of Vermont's Emergency Relief and Assistance Fund (ERAF), and understanding Vermont's onsite Potable Water Supply and Wastewater regulations, the bounds of municipal regulation, and the State's delegation program.

SAVE THE DATES!

DELINQUENT TAX COLLECTORS WORKSHOP

Tuesday, December 11, 2012, Middlebury Inn, Middlebury
Thursday, December 13, 2012, Lake Morey Resort, Fairlee

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



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WELCOME VOSHA WITH HELP FROM VLCT LOSS CONTROL

One significant advantage of PACIF membership is the ability to tap into the accumulated wisdom of VLCT staff members. This means you don't need to "go it alone," especially when you're ready to identify and solve worksite safety and health hazards.

If your municipality hasn't already been focusing on promoting safety and health,

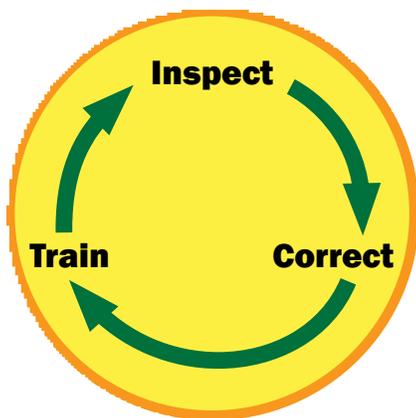
why start now? For one thing, VOSHA inspectors can target your municipality for an inspection at any time, and being prepared or correcting a significant problem assiduously – or both – might help mitigate the fines your municipality can incur if cited for not complying with regulations. Another reason is that unsafe practices could be keeping your workers' compensation and liability coverage costs unnecessarily high.

"VLCT and VOSHA have the same objective: protecting employees in the workplace," says Fred Satink, VLCT's Loss Control Specialist, "except that instead of imposing penalties, we support PACIF members first in seeing where improvements can be made and then in implementing solutions." Fred speaks from experience, because he worked for VOSHA for nearly nine years, including time as a Health Compliance Officer and as an Industrial Hygiene Engineer. He can offer perspectives to help shape a member's responses to

VOSHA citations, and he is always inclined to guide members to extend application of the principles behind particular citations to areas that might have escaped the VOSHA inspector's notice. "No single inspector will catch every possible violation," says Fred, "but once an issue has been raised, it is best to deal with it throughout the organization, so the same problem won't crop up again."

A comprehensive VOSHA inspection has five main steps: on-site inspection; closing conference; formal citations; employer's response to citations, which can include an informal conference; and payment of final fees. After one of PACIF's larger members was recently inspected, it began addressing the issues discussed in the closing conference before VOSHA even sent the formal citations. "It is a credit to the city that they addressed significant compliance problems quickly and comprehensively" said Fred. "I welcome the opportunity

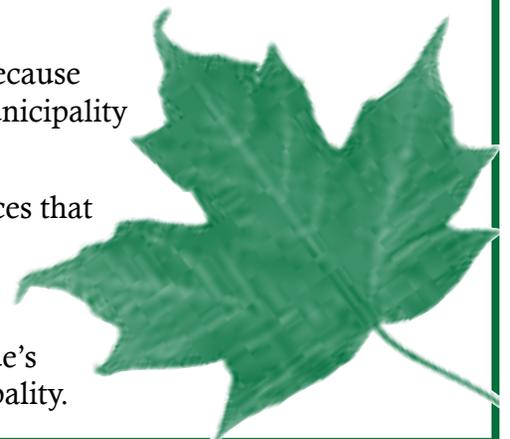
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Fall is the season of renewal for school, work and ... INSURANCE!

Now is the ideal time to prepare for year-end insurance renewals because reviewing your coverages and considering how to position your municipality for the best possible outcome deserves time and careful attention.

VLCT's three Trusts offer municipality-focused products and services that provide the best value proposition for Vermont local governments. Invite your Member Relations representative or a member of VLCT's Loss Control or Underwriting team to your next meeting to explain ways you can optimize your spending and put the League's vast array of Risk Management resources to work for your municipality.





UI TRUST UPDATES

UI TRUST IS STRONG FOR 2013

The VLCT Unemployment Insurance (UI) Trust is happy to announce that it is having a strong 2012. Trust-wide, claims are down roughly 36 percent compared to this time last year. This continues the improving claims trend shown in 2011, which, combined with the fact that the Trust bases its financial decisions on the potential for a worst-case situation occurring in any year, contributes to two encouraging results:

- Overall costs for 2013 are remaining stable –the same average 1.9 percent of payroll as for 2012.
- The Board of Directors voted to return \$287,250 to members as contribution credits.

To understand how good this news is, you'll recall that last year's total UI Trust contribution credits were only \$50,000 (less than one-fifth of this year's), and for the previous two years there was simply not enough surplus for any credits to be issued at all. It is important to note that actual rates and credits vary from one member to the next: each member's current payroll and unique UI claims history affect both their 2013 contribution and the credit they will receive toward that contribution.

By mid-November, current UI Trust members will receive their 2013 statements and initial invoices for the 2013 renewal. If you have any questions about the above information or your 2013 renewal statements, or to receive a quote for new membership, please email Kelley Avery at kavery@vlct.org or call her at VLCT at 800-649-7915, ext. 1965.

NEW UI CONSULTANT AND BRANDING AT TALX CORPORATION

Two adjustments are taking place at TALX Corporation, the company that has administered unemployment claims for the UI Trust for several years. Having become a subsidiary of Equifax more than five years ago, TALX is changing its name to Equifax Workforce Solutions. We expect to notice a difference only in email addresses (which have changed from @talx.com to @equifax.com), but we'll be sure to notify you of any future changes.

In a coincidental development, we bid adieu to Afshan Mughal, who worked at TALX for years and served our members well in matters relating to state requests for unemployment information. Jennifer Clapsaddle is our new Unemployment Insurance Consultant (UIC). She will be working with UI Trust members on all unemployment claims separation and information requests from the state. Jennifer's contact information is listed in the box at the left so members can update their records right away.

NEW UI TRUST UIC

Jennifer Clapsaddle
Unemployment Insurance Consultant
Equifax Workforce Solutions
Phone: 314-214-7824
Fax: 888-864-8389
Email: jennifer.clapsaddle@equifax.com

WELCOME VOSHA

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to support and guide them through the entire process." For example, if a member receives a citation, PACIF Loss Control staff will not just recommend a course of action to solve the cited problem, but also offer further guidance on how to work with VOSHHA effectively and show good faith effort during an informal conference to improve their chances of negotiating modifications to their citations and penalties.

Employers who have already established a strong culture of safety and health in their workplace are at a distinct advantage when undergoing a VOSHHA inspection. Having implemented safety-minded policies shows an earnest effort to comply with

regulations. And when penalty fees are calculated, having a formal, effective safety and health program generally qualifies the employer for an automatic 25 percent reduction. Even a partial program may qualify for some penalty reductions.

PACIF's Loss Control Consultants are accessible as well as helpful and ready to offer guidance, perspective, assistance, and training. Their advice is founded in real-life experience and tailored to each member's particular circumstances. PACIF staff are actively encouraged to provide whatever level of service is needed to control losses and serve our members. That is part of the VLCT mission, and it helps keep this

municipal risk sharing pool strong and effective.

WELCOME TO THE HEALTH TRUST!

RETURNING MEMBER
Town of Pomfret

NEW MEMBER
Town of Hyde Park

PACIF MEMBERS WITH VOLUNTEER FIRE DEPARTMENTS

We are eager to simplify the process of collecting information we need for your 2013 Assigned Risk Workers' Comp renewal, a process that has been cumbersome in the past. For starters, we won't be collecting your municipality's Form 941. Also, because the Assigned Risk coverage is quite complex, a VLCT staff member might call you to gain a clear understanding of the structure of your fire and rescue services. This will help ensure your coverage is appropriate and your fees are accurate.

In early December, you'll get an email from Susan Benoit with a form containing last year's roster and payment information and a letter explaining how to update it and what we need to receive from you at the end of that month. But December is a busy month, so we urge you to prepare in November by making sure that your **fire personnel roster is up to date** and that the person whom you have designated as your **Primary Contact knows the actual role of each volunteer**. We need the person who signs the form in December to be sure the information is correct before returning it to us.

If you already have questions, please contact Susan Benoit at sbenoit@vlct.org or 800-649-7915.

YAKTRAX GROUP DISCOUNTS

After a two-year hiatus, PACIF is again offering the YakTrax® winter footgear group purchasing program – at the same discount (less than half of retail) as in the past! These clever rubber-and-coil contraptions stretch over the soles of winter shoes or boots to improve traction on slippery ice-and-snow-covered surfaces. Any PACIF member municipality that can meet the minimum \$100 order requirement can take advantage of this opportunity. Municipalities can either buy them for employees to use while on the job or let employees buy them through the municipality for themselves and their loved ones.

Two models are available. The light duty Yaktrax Walker (left), ideal for pedestrians, is quick to put on and holds on to the toe, heel and sides of the shoe. A pair can retail for \$20 but is available through this group purchasing program for \$9. The heavy duty Yaktrax Pro (right) has an additional strap over the instep and is a good choice for extended wear and use by laborers and runners. Each Pro pair has a suggested retail price of \$30 but is available now for \$13.50.

Please place only one order per municipality and provide only one municipal check made out to Implus Footcare LLC to pay for the entire order. Order forms have been distributed to all PACIF members, and a PDF of the form is posted on

the VLCT home page, www.vlct.org. Please send your check with a completed order form to VLCT, Attn: Jim Carrien, 89 Main Street, Suite 4, Montpelier, VT 05602-2948, no later than Friday November 9. If you have a question, call Jim at 802-229-9111, ext. 1946.



HEALTH INSURANCE RENEWAL FOR SMALL GROUPS

The 2013 VLCT Health Trust Renewal is fast approaching. Members with 50 or more employees will receive direct support and individual quotes for their 1/1/2013 renewal. By now, our members with 49 or fewer employees (small groups) should have received a letter with instructions and information for the January 1 renewal process. These instructions were printed in last month's *VLCT News*.

During the Health Trust renewal process, **VLCT will not mail rate information to small groups**. The quickest way to learn the 2013 small group rates is to visit the Green Mountain Care Board (GMCB) website, http://gmcbboard.vermont.gov/rate_review and choose the appropriate carrier at the bottom of the page.

As of press time, the site shows proposed – not approved – rate increases. When you visit the website, read carefully to see which plans' rates have been approved. You might need to check back in a few days for the latest information.

Blue Cross/Blue Shield members please note: the GMCB will not post rates for AIVIS's Vermont Freedom Plan, J Plan, Vermont Health Partnership, and Blue CDHP Comp because they are not changing from 2012. However, the AIVIS TVHP (Bluecare) plans *are* showing proposed rate increases.

By late November, each carrier will mail its proposed 2013 rates and renewal information directly to the groups that were enrolled with it in 2012. Although these rates still might not have received GMCB approval, they can still help you consider your 2013 plan options.

(continued on page 12)

VISION COVERAGE RENEWAL STARTING NOW

The open enrollment period for EyeMed vision services begins now and runs through mid-December for an effective date of January 1, 2013. The 2013 rates will be the same as for 2012, so benefit administrators can act immediately to check “Update Vision Coverage” off their To Do list.

The VLCT Health Trust offers three vision plans. The “packaged” plan is available only to employees who buy their medical insurance through the Health Trust. Two “voluntary” plans are available to all employees of Health Trust members. Information about each plan, a table comparing them, and necessary forms are located on our Vision page at www.vlct.org. Under the **Risk Management Services** tab, select **Health Trust**, then click on **Vision Coverage**.

Some highlights of these EyeMed plans:

- Continued access to your current independent provider, whether or not he or she is in EyeMed’s Access network. (VLCT’s Vision webpage has a link to the EyeMed website, where you can view a list of in-network providers in Vermont.)
- Rich out-of-network benefits.
- Access to national retail chains such as LensCrafters, Pearle Vision, Target, Sears, and JC Penney.
- A 40 percent discount on an additional pair of prescription eyewear with no requirement to use the same doctor or order them on the same day as the first pair.
- Contact lens fitting and follow-up visits no longer come out of the materials benefit.
- Customer service is available seven days a week.

Members that already offer EyeMed:

1. If your group wants to change the plan you offer to employees, now is the time! Simply email Kelley Avery at kavery@vlct.org by **December 14** specifying the new plan in your letter.

2. Please notify your employees that **from late November through December 14**,
 - if they aren’t currently on the plan, they may enroll, and
 - if they are on the plan, they may add or drop dependents without a qualifying event (such as a wedding).
3. Return all forms to Kelley Avery **by Monday, December 17**, to ensure coverage starting on January 1, 2013. Fax them to 802-229-2211, or scan and email them to kavery@vlct.org.

Members choosing to begin offering EyeMed coverage:

1. Find useful information such as plan descriptions and the EyeMed Administration Guide on the VLCT Vision webpage.
2. Enroll your group’s subscribers using the EyeMed Enrollment/Change Form, available on both our Vision and our Claim Reporting and Insurance Forms webpages.

(continued on next page)

2012 RMS CALENDAR

DriveSim Training System. October 29 to November 2, 8:00 a.m. to 4:00 p.m., Newport City Public Works Garage, 900 Union Street, Newport, Vermont, 05855. Hands-on practice for firefighters, ambulance drivers, and municipal road maintenance drivers in a state-of-the-art system which provides the look and feel of driving municipal vehicles. To learn if openings remain for training in the DriveSim trailer at Newport City or to arrange to host it for a week, contact Jim Carrien at jcarrien@vlct.org or 800-649-7915, ext. 1946.

Deadline for placing Yaktrax orders. Friday, November 9, 2012. This winter footwear group discount is open to all PACIF members. See page 10 for more information.

VLCT 2012 Wellness Culture Retreat and Workshop. Friday, November 16, 8:30 a.m. to 4:00 p.m., Stowe Mountain Resort Conference Center, Stowe, Vermont, 05672. A day-long event for VLCT members to develop enthusiasm and ideas for fostering wellness among their employees. Free to Health Trust Members; \$25.00 for non-Health Trust Members. Learn more and **register before November 2** online at www.vlct.org/events-news-blogs/event-calendar/. To inquire about late registration or for more information, email Heidi Joyce at hjoyce@vlct.org, or contact Jim Carrien at jcarrien@vlct.org or 800-649-7915, ext. 1946.

Deadline to apply for a Governor’s Worksite Wellness Award. Saturday, November 17, using the online application available at <http://vermontfitness.org>. These awards recognize Vermont employers who promote a work environment that encourages and enables employees to improve their overall health and wellbeing. Vermont worksites of all sizes are encouraged to apply. Award winners should plan to attend the 2013 Annual Worksite Wellness Conference on March 27 at the Sheraton in Burlington.



INSURANCE RENEWAL

(continued from page 10)

Use your VLCT Member Relations Representative to help you consider whether to change your plan or carrier, explore how various funding options would play out in specific scenarios, and make decisions based on your group's particular needs.

When you have decided whether to keep your current plan or to change your plan or carrier, please follow the instructions that we mailed (and printed in the October newsletter). They boil down to either notifying Kelley Avery if there is no change or submitting new paperwork if there is a change. **Ideally, you will be ready to submit all paperwork for plan changes or new group enrollment to Kelley at VLCT by December 1st.** However, we understand that you will have received your rates later than usual and might not be ready that soon. If we do not hear from you by December 1, we will contact you by phone or email to at least learn your intentions. Please feel free to call Kelley Avery or any of the Member Relations staff – Larry Smith, Tanya Chambers, or Pam VanDeursen – at 800-649-7915 if you have any questions.

VISION COVERAGE

(continued from previous page)

3. **Have employees sign up by December 14.**
4. Fax or email **all forms to Kelley Avery before December 17** to ensure coverage

starting on January 1, 2013.

We look forward to continuing to provide you and your employees with valuable benefits. For any additional questions regarding EyeMed plans, coverage, or providers, please contact Kelley or your VLCT Member Relations Representative at 800-649-7915.

NEW CLIENT SUPPORT SPECIALIST AT EYEMED

If you serve as the Benefits Administrator at a municipality that offers EyeMed Vision Care through the VLCT Health Trust, please note that our new EyeMed Client Support Specialist is **Mark Louis**. His contact information:

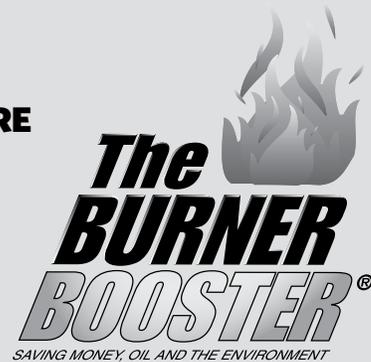
EyeMed Vision Care, 4000 Luxottica Place, Mason, OH 45040
Toll-free phone: 1-877-241-6989
Fax: 513-492-4363

This change affects the EyeMed enrollment form for new subscribers. To obtain a copy of this form, please either visit our Vision or our Claim Reporting and Insurance Forms web page or ask Kelley Avery (kavery@vlct.org) to email a copy to you. Completed EyeMed forms must now be faxed to EyeMed Membership Services at 513-492-3605 or scanned and emailed to enroll@eyemedvisioncare.com. Or send your forms to Kelley and she will process them with EyeMed on your behalf.

We look forward to working with Mark to service our EyeMed participating groups. Questions? Call either Kelley Avery at 800-649-7915, ext. 1965 or your Member Relations Representative.

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COMPLIANCE INITIATIVE

(continued from page 1)

of which could jeopardize the tax-exempt status of the borrowing, thereby increasing the borrowing costs for the municipality.

A number of Vermont municipalities have received and responded to IRS compliance questionnaires. The IRS also has conducted audits related to debt issues of a handful of Vermont school districts and several Vermont Municipal Bond Bank (VMBB) bond series. We are not aware of any adverse findings from the audits or from responses to the compliance questionnaire.

The IRS has indicated that its compliance initiative will continue. In the opinion of many commentators, the program probably will expand. Municipal officials should be aware that their ongoing post-issuance responsibilities will become more important as time goes on and as more Vermont municipal issuers become the objects of IRS post-issuance scrutiny.

The compliance questionnaire being sent by the IRS to municipal issuers requests information regarding expenditure of bond

proceeds, record retention, and private business use of bond-financed improvements. The issuer also is asked whether, as a result of filling out the compliance questionnaire, the issuer is aware of any problems that could “impact” the tax-exempt status of its bonds and notes. The answer to this question could lead directly to an audit. The increasing number and variety of IRS contact questionnaires reinforces the new reality for municipal issuers. The cost of a bond or note issue is no longer the upfront cost of issuance. Issuers should expect, at a minimum, to incur staff costs to implement written post-issuance compliance procedures. From there, an issuer may face costs of responding to an audit request, negotiating a voluntary closing agreement or entering into an audit settlement for matters occurring long after the bonds or notes have been issued or sold. The IRS is serious about issuers accepting a multi-year endeavor to monitor their tax-exempt bonds.

Municipalities which have financed recently through the VMBB and U.S. Department of Agriculture were required to adopt post-issuance compliance procedures. Specifically, the Bond Bank has initiated a Post Issuance Compliance (PIC) process with its 2012 Series bonds. The VMBB is assuming a majority of the ongoing responsibility for PIC.

There are certain activities which a governmental issuer of tax-exempt bonds will be responsible for. These include naming an individual responsible for monitoring local PIC; adopting PIC procedures; certifying that the borrower is in compliance with the terms of the Tax Certificate; certifying that the property financed with bonds is still owned and being used as originally intended; maintaining copies of the loan/bond documents; and that the borrower is aware of the IRS’ remedial action/Voluntary Compliance Agreement Program. The VMBB is planning to present a training session on post issuance compliance later this year. In the meantime, feel free to contact Bob Giroux at the VMBB if you would like additional information on post issuance compliance (802-654-7377, bobg@vtbondagency.org).

Eventually, all municipalities will have to adopt measures to ensure that the proceeds of their bonds and notes are accounted for and are expended in accordance with the arbitrage and private activity bond provisions of the Internal Revenue Code.

*J. Paul Giuliani, Esq.
McKee, Giuliani & Cleveland, P.C.*

*Robert Giroux, Executive Director
Vermont Municipal Bond Bank*

*Keith A. Roberts, Esq.
Primmer Piper Eggleston & Cramer, P.C.*

TRIVIA

Why did Vermont blacksmith Thomas Davenport cut his wife’s wedding dress into strips? June Campbell, Ann Myers, Darlene Johnson, Clyde Jenne, Heidi Racht, Helen McKinlay, Louise Luring, Debby Ogden, Carol Hammond, Cheryl Barker, and Jackie Higgins of Colchester, Essex, Hartford, Hartland, Huntington, Pittsford, Saxtons River, Sutton, Vernon, Weston, and Williamstown, respectively, knew that he needed to insulate the wire windings of his electric motor’s iron core. Brillianté mucho con carne! (Later, Tom stuffed the rest of the shredded dress into some pillowcases that he glued to the top of a bench and called it a “davenport,” true story.)

To commemorate the aid the French gave to the United States during the American Revolution, Michel Guillaume St. Jean de Crèvecoeur (his friends just called him Mr. St. John, or “Buddy”) suggested the names of 18 French persons for Vermont to use as place names.

Only three were eventually used. What were they?

Email your best guess to dgunn@vlct.org. The answer will appear willingly and *not* willy-nilly in the December issue.

 **DELTA DENTAL**



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800-329-2011 • www.nedelta.com



TOWN FAIR 2012

(continued from page 1)

visiting with vendors and learning about their products and services while amassing vendor swag, which this year included ballpoint pens, lip balm, sparklers, and stress balls.

This year's theme – Vermont 2012: after Irene – the Road to Recovery – was evident throughout Town Fair, as three workshops focused exclusively on disaster-related issues while a photomontage of in-state storm damage and recovery played continuously near the entrance to the Fair. More than a year has now passed since the storm leveled parts of the state and emotions are still highly charged. Recovery efforts have not always proceeded according to plan, no matter that municipalities have gone to great lengths to restore homes, property, and the morale of their residents. Last year at this time, many local officials were working out of makeshift offices, still trying to assess damages to their towns and deal with the basic needs of survival. Town Fair 2012 was a great opportunity for them to share their success stories and celebrate how far we all have come.

The highly anticipated session on health care reform played to a standing-room-only audience, and no wonder. With so many changes in the offing that may still be affected by the upcoming state and federal elections, attendees peppered the presenters with plenty of questions. The session was videotaped, and as soon as it's edited into a more viewer-friendly format, we'll post it on YouTube and link to the file from our website.

We also recognized some very important Vermonters at the traditionally fabulous turkey luncheon. In recognition of the extraordinary work they did to help towns recover from the damage left by Tropical Storm Irene, VLCT awarded Sen. Alice Nitka and Rep. Patrick Brennan the VLCT Legislative Service Award. Former Town Manager of Middlebury Bill Finger received the Lifetime Achievement Award, which is presented to a municipal official or employee who has dedicated his or her career to serving local government within his or her own community and through service on a statewide level on boards or commissions or VLCT. Gregory Sanford, recently retired Vermont State Archivist, received the Town Government Award, given to a Vermont citizen who is not a local official but who has shown an exceptional awareness of the problems of local government and an active commitment to strengthening local government. Ted Simmons, Chair of the Orwell Selectboard, was recognized for his outstanding six years of



1



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4

service to VLCT as a board member, during which he attended 60 of 61 meetings. And Karen Horn, Directory of Public Policy and Advocacy, was acknowledged for her 25 years of unwavering employment assistance to VLCT – well, except for those six months when she and her family escaped to New Zealand, but that's another story. Anyway, many thanks to you all!

Congratulations are also due our Grand Raffle Door Prize Winners: Dale Hackett of Burke, Matt Daskal of Westminster, Tom MacPhee of Rockingham, Flo Ann Dango

of Weathersfield, and Dan Lindley of Morristown.

We will again be in Killington for Town Fair 2013, which is scheduled for October 3, and we're already planning ahead to make sure we have plenty of sun. The space for vendors is more competitive, so a packed house is a near certainty. All of us at VLCT look forward to seeing you there. And remember: It's not too early to save the date!

Jessica Hill, Manager, Human Resources and Administration

*Lisa Goodell, Conference Coordinator
David Gunn, VLCT News Editor*



1. Waterbury Municipal Manager Bill Shepeluk receives a health screening from VLCT Senior Health Promotion Consultant Heidi Joyce.
2. Fairgoers mingle over a cuppa joe at the Conversation Café.
3. The Agency of Natural Resources' river flume demonstrates the natural physical processes of streams on landforms around them.
4. Blue Cross Blue Shield's stationary bike makes fruit smoothies using "pedal power."
5. The Exhibit Hall is busy with vendors displaying their wares and services.
6. Stowe Town Clerk Alison Kaiser introduces Ted Simmons, Chair of the Orwell Selectboard, who is recognized for his outstanding service as a VLCT board member.
7. Montpelier City Manager Bill Frasier speaks at the Town Fair Awards Luncheon.
8. Karen Horn, Directory of Public Policy and Advocacy, accepts an award for her 25 years of service at VLCT.
9. Attendees vote for the Municipal Policy at VLCT's annual meeting.
10. Rep. Patrick Brennan and Sen. Alice Nitka converse before each receives the VLCT Legislative Service Award.
11. Bill Frasier presents Bill Finger, former Middlebury Town Manager, with VLCT's Lifetime Achievement Award.



75' PIERCE AERIAL LADDER TRUCK FOR SALE

The Essex Junction Fire Department will be selling our 75' Pierce Aerial/Pump Truck in March of 2013.

Here is a brief list of truck features:

- Pierce Manufactured in 1991
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For more information or to schedule an appointment to review this truck, please e-mail Chief Chris Gaboriault cgaboriault@yahoo.com





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/news-letter-archive/advertising-information/.

HELP WANTED

Town Manager. The Town of Colchester (pop. 17,165) seeks an engaging, collaborative, and dynamic leader to be its Town Manager. Located on Lake Champlain's Malletts Bay, Colchester is the fourth largest municipality in Vermont,

has some of the finest recreation opportunities in Vermont and borders the City of Burlington. Its strong tradition of civic engagement is shown by the recently completed "Heritage Project," a ten-year community strategic plan. The Manager reports to a five-member Selectboard and is responsible for the daily operations of the Town. The Manager directly supervises 10 department heads and an assistant manager, administers approximately \$14 million in general operating and other funds, and oversees all personnel, financial, public works, public safety, and community relations matters. The Town employs 86 full-time employees and 48 part-time and seasonal employees. A detailed job description and a link to the Town's governance charter are available at www.colchestervt.gov. Salary range is \$85,000 to \$105,000, plus an excellent benefits package. A Bachelor's degree is required (Master's degree preferred) in public administration, business administration, or a relevant field. Five years' previous experience in municipal government and finance is preferred; experience as a town manager is a plus. To apply, please send a confidential cover letter, resume, and three references to Colchester Town Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602-2948. You may also email your application to municipal.recruitment@vlct.org with Colchester in the subject line. The deadline to apply is November 30, 2012. Equal opportunity employer. (10-18)

Town Manager. The Town of St. Johnsbury seeks a dynamic, collaborative, and engaging town manager. Located in north-eastern Vermont, St. Johnsbury (pop. 7,500) has a vibrant downtown with a rich tradition of culture, education, and civic engagement. The acclaimed St. Johnsbury Academy is the public high school for town residents. Recently named the Number One Small Town for Adventure in America by National Geographic Adventure magazine, St. Johnsbury offers year-round recreational opportunities and convenient access to Interstates 91 and 93. The manager reports

to a five-member Selectboard and is responsible for the day-to-day operation of the Town. The manager develops and administers an \$11.3 million operating budget, \$30.3 million worth of federally and state funded grants, and oversees all personnel, financial, public works, public safety, and community relations matters. The manager also serves as the zoning administrator and is responsible for enforcing the town's zoning bylaws. The town employs approximately 50 full- and part-time employees as well as numerous volunteers. A detailed job description and link to the town's governance charter are available at www.stjvt.com. The hiring range is \$50,000 to \$80,000, with an excellent benefit package. A Bachelor's degree is required; a Master's degree in public administration or related field is preferred. Previous experience in municipal government management with emphasis on grant writing and project planning is preferred. The Town of St. Johnsbury cannot guarantee long-term employment due to pending legal litigation. To apply, please email a confidential cover letter, resume, and three references by November 16, 2012 to municipal.recruitment@vlct.org with St. Johnsbury in the subject line. You may also mail your documents to St. Johnsbury Town Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602. Equal opportunity employer. (10-18)

Highway Department Member. The Town of Dorset seeks a Highway Department member. This full-time 40 hour per week position requires overtime hours during the winter snow removal season. Requirements: a current Vermont CDL; prior experience with heavy equipment operation; experience with winter snow removal in a municipal setting is preferred; must reside within 20 minutes of Dorset. Compensation is hourly based on experience, including excellent benefits. For a full job description and job application visit www.dorsetvt.org/employment.php or visit the Town Manager's Office. Mail

(continued on page 19)



STAFF NEWS AND NOTES

Erstwhile Human Resources Director Vicki Axtell left to work in Fletcher Allen Hospital's Employee Labor and Relations Department, paving the way for **Jessica Hill** to assume the new position of Human Resources and Administration Manager. Jessi's 17-year tenure at VLCT has included Secretary/Receptionist, Technical Administrator, Conference Coordinator, Manager of Administrative Services, Executive Director of the Green Mountain Water Environment Association, and at least 29 other *unofficial* titles.

Jessi's new employment assignment meant VLCT needed a full-time Conference Coordinator. Enter **Lisa Goodell**, chosen from a pool of more than 120 applicants, who comes to us from the Vermont Chamber of Commerce, where she served as Communication Coordinator and interim Events Director. And "pool" is indeed an accurate term, as the photograph to the right shows her moments after she successfully pedaled across the Pool of Doom at the entrance to the Strait of Galaxomar on the isle of Inishmore, County Galway.

The Municipal Assistance Center's new Research and Information Assistant, **Liz Lepore**, comes to us – like oh so many others – from New Jersey. She also spent time in Florida flying planes, riding horses, and honing her digital and 35mm photography skills before settling here in 2007. No matter her singular surname, Liz maintains

that none of her forebears invented the steering wheel.

Amanda Moshinskie, who started as VLCT's receptionist in 2007 before

progressing through a passel of Finance Department positions, left to take a position with the Institute of Professional Practice. Almost but not quite assuming Amanda's fiduciary role is **Pam Knapp**, who departed last year for greener pastures but is now back, having discovered a weed or two amongst those pastures. Pam has been reinvented as Accounting Associate, giving her access to piles of numbers. She also holds the VLCT record for "Highest Percentage of Consonants in a Name."

Seven-year employment unit **Roxanne Pike** was promoted to Senior Production Specialist, meaning she can now tick the "Facilities Maintenance Issues" box in the Things I Do list. And **Peggy Gates** was promoted to Senior Claims Representative in the Workers' Compensation Division, which means ... ah, I'm not sure, but it can only be good news for VLCT members.

I think I'm forgetting someone but I can't recall who. If it's you and you're reading this article, please let me know soonest, thanks!

*David Gunn
VLCT News Editor*



Lisa Goodell



Liz Lepore

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CLASSIFIEDS

(continued from page 17)

application to Town of Manager's Office, PO Box 715, East Dorset, VT 05253, or hand-deliver it to the Dorset Town Offices, 112 Mad Tom Road, in East Dorset. Equal opportunity employer. (10-11)

Zoning Administrator. The Town of Wallingford seeks a part-time (4 hours weekly plus one evening meeting per month) Zoning Administrator. Duties include enforcing the Town's zoning codes and by-laws; serving as staff to the Planning Commission and DRB by preparing minutes, warning meetings, and receiving and responding to correspondence; acting impartially and without coercion on zoning requests according to Town Zoning Regulations and referring requests for zoning variances and conditional uses to the DRB; responding to questions concerning zoning regulations, permit requirements, etc.; and maintaining records, including scanning and recording of zoning permits. Experience with Word and Excel necessary. To apply, send letter of interest to Town of Wallingford, Planning Commission, 75 School Street, Wallingford, VT 05773. (10-04)

REQUEST FOR PROPOSALS

Recovery Director. Waterbury is seeking proposals for a Long-Term Community Recovery (LTCR) Economic Disaster Recovery Director (Recovery Director) to assist with developing and implementing recovery projects that have emerged from Waterbury's post-flood planning process. These projects range from a new municipal office complex, new affordable housing, and renovation of a flood-damaged childcare center to funding for a flood study and development of a district-wide heating system. The successful applicant for this 18-month consulting position must demonstrate significant experience at a leadership level in community development, project management, government financial planning and grant writing. This position is being funded in part by a grant from the U.S. Department of Commerce, Economic Development Administration. Sealed proposals are due by noon on Tuesday, November

13, 2012. For the full text of the Request for Proposals, contact Steve Lotspeich, Community Planner, at 802-244-1012 or slotspeich@waterburyvt.com, or go to the link on the home page of the Waterbury Municipal website, www.waterburyvt.com. (10-18)

Audit Services. The Town of Norwich, Vermont, is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal year ending June 30, 2013, with the option of auditing its financial statements for each of the two subsequent fiscal years. **Deadline to submit proposal: November 16, 2012.** Please direct re-

quests for copies of the full RFP and any questions to Roberta Robinson, Finance Officer (802-649-1419 x 105 or rrobinson@norwich.vt.us), PO Box 376, Norwich, VT 05055. (10-17)

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For more information about the following workshops or events, please call Lisa Goodell, Conference Coordinator, at 800-649-7915, or email lgoodell@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.)

Municipal Employment Law Training II
Thursday, November 8, 2012
Holiday Inn, Rutland
(Co-sponsored by the VLCT Municipal Assistance Center and PACIF)

Both municipal managers and their staff will find this workshop indispensable as it covers the fundamentals of employment law and personnel administration in a municipal setting. It will focus on the major state

and federal employment laws and cases affecting municipalities as employers, including emerging employment issues.

Auditors Workshop
Wednesday, November 14, 2012
Capitol Plaza, Montpelier
(Sponsored by the VLCT Municipal Assistance Center)

At this workshop, designed for newly-elected as well as seasoned municipal auditors, we will assess the statutory duties and responsibilities of auditors, discuss best practices, and review VLCT's Municipal Internal Controls Checklist audit checklists to help you conduct the annual audit of your town's accounts.

2012 Wellness Culture Retreat and Workshop for Municipalities
Friday, November 16, 2012
Stowe Mountain Resort, Stowe
(Sponsored by the VLCT Health Trust)

This day-long event for VLCT Health Trust and PACIF members will focus on wellness culture. We encourage members to attend with their co-workers, the wellness coordinator, an employee from management (selectboard), and one other municipal em-

ployee. Attendees will participate in wellness activities (zumba, yoga, body sculpting, or walk/snowshoe on the Toll Road) while receiving an overview of wellness culture. The day will conclude with a guided session where attendees will review the results of their Wellness Culture Survey and brainstorm ways to create a healthier municipality.

Fall Planning and Zoning Forum I
Wednesday, December 5, 2012
Capitol Plaza, Montpelier
(Sponsored by the VLCT Municipal Assistance Center)

Planning officials will hear from experts on a range of important topics in planning and zoning regulation that include understanding development plans in order to apply municipal land use regulations, the program requirements of Vermont's Emergency Relief and Assistance Fund (ERAF), and understanding Vermont's onsite Potable Water Supply and Wastewater regulations, the bounds of municipal regulation, and the state's delegation program.

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