

A NEW YEAR FOR WELLNESS PROGRAMS

The VLCT Health Trust's Wellness Initiatives Workshops in January featured a few changes from previous years' workshops, and two of them are described below. Wellness coordinators and the other health-minded attendees were introduced to a slogan to help promote healthful behavior. They also received materials for two completely new pedometer challenges.

Slogan for 2013

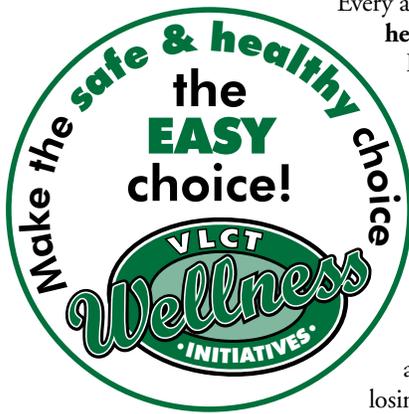
Every attendee received a button declaring **"Make the safe & healthy choice the EASY choice!"** What does that mean?

First, it acknowledges that, in our day-to-day lives, making healthy choices is difficult because unhealthy choices surround us most of the time. For example, when you buy a cup of coffee, the food nearby is much more likely to be an oversized muffin or sweet roll than a piece of fresh fruit. When hurrying to an appointment, parking close to the destination so you only have to walk a little is a no-brainer. **Without thinking and planning, we tend to be lured into making unhealthy choices.** But the button's message also means that if we plan ahead, we can set ourselves up for success in goals such as

losing excess weight, exercising more, and having less stress in

our lives. For example, bringing healthy snacks to work makes it easier at break time to reach for an apple than to put money in a vending machine for some kind of junk food.

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SLOW DEMOCRACY

Dysfunction is so much the name of the game in Washington these days that we are not surprised that Congress can accomplish almost nothing. On occasion, state governments seem almost as unable to solve their constituents' problems – yet there is a bright light embodied in local government. "Slow Democracy," by Susan Clark (Middlesex town moderator) and Woden Teachout, is a new book that demonstrates the need for our involvement in government decisions, and how U.S. citizens are reclaiming their local government traditions, recovering control of decisions that directly affect themselves, and achieving outcomes that benefit the cities and towns in which they live.

This is an activist's book that points to emergent collaborative decision-making –

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FEDERAL REQUIREMENTS FOR PAYMENT AND REPORTING OF EMPLOYEE WAGES AND BENEFITS

The Municipal Assistance Center frequently fields questions from our members about the tax and reporting treatment for various wage and benefit arrangements. Internal Revenue Service (IRS) rules and regulations are complex, so it is easy to understand why we receive so many questions. Many of the answers can be found on the IRS website, www.irs.gov, but the site is not user friendly, even for those of us who use it frequently. This is the first in a series of articles that will explore the website with you, showing you how to navigate the site, and explain some of the vast amount of information that it contains.

Navigating the Site. Information for local governments is included under the Federal, State and Local Government (FSLG) section of the IRS website. The site has recently been redesigned, and it is unfortunately more difficult to find the FSLG pages. In

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VLCT NEWS

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NEW! NET FORUMS FROM PACIF

VLCT Loss Control and Wellness staff are excited to launch a new way for municipal employees to learn and share ideas for preventing the most common work-related causes of accidents and illness. They are called “**Wellness & Safety NET Forums**,” where the NET stands for **Networking, Education, and Training**. Each forum is a 90-minute meeting for all levels of employee, with two short presentations – one on a safety topic and one on a wellness topic – and time for the attendees to discuss specific ways to help deploy these topics where they work.

“Stu Johnson, Cornwall’s Road Commissioner, told me about how the road foremen from the 15 towns in Addison County get together periodically to learn about a topic and share ideas for doing their jobs better,” says Heidi Joyce, Senior Health Promotion Consultant. “Holding meetings like that, with an emphasis on networking, seemed like a great way for us to help members that don’t have their own Safety & Health Committee to reap some of the benefits that those committees provide.”

“I went to one of the Addison County meetings, and although the topic wasn’t about safety, I definitely saw Heidi’s point,” says Joe Damiata, Manager, Underwriting, Safety and Health Promotion. Joe, Heidi, and Loss Control Specialist Fred Sattink together developed plans for the 90-minute forums. Two goals emerged: to present both safety and wellness issues, and to have all levels of employees come and not just learn the basic information but talk with each other to form practical ideas for improving their own worksites.

“Our plan is to hold NET forums in several places around the state, with a new theme every quarter,” Heidi explains. She is particularly pleased about the potential for getting more employees actively engaged in their own safety and wellbeing. VLCT’s NET forums will serve all municipal employees, with some forums more focused on a particular type of worker. The first set of NET forums – titled “Back-to-Back,” because the safety topic is **Backing Vehicles Safely** and the wellness topic is **Back Injury Prevention** – is especially for workers whose job involves back health or driving or both. The NET forums for this quarter take place during the week of February 11-15; please see the RMS Calendar on page 11 for times and locations.

The Wellness & Safety NET Forums are presented by both PACIF and the Health Trust, and so far two other organizations have stepped up as partners. The Department of Health is providing meeting spaces, and Invest EAP is providing two \$25 door prizes for each forum, among other things. In the process of scheduling the first set of forums, Heidi learned that Rutland and Washington counties already have certain groups that host meetings similar to these. However, they don’t necessarily combine safety and wellness issues, and some groups involve only certain types of worker. As VLCT staff develops future NET forums, they will select topics and locations that complement rather than compete with other groups’ meetings.

Ione L. Minot

Marketing Specialist, Risk Management Services



NEW from VLCT Risk Management Services

Wellness & Safety NET* Forums

***NET = Networking, Education, and Training**



WHAT DO MORE AND MORE VERMONT MUNICIPALITIES HAVE IN COMMON?

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Member FDIC





ASK THE LEAGUE

DEVELOPMENT HEARING PARTICIPATION; LAND USE BOARDS REQUIREMENTS; MODERATOR BACK-UP AT TOWN MEETING

An interested person submitted a letter of concern about a proposed development, but did not attend the hearing. Is this considered participation?

For the purposes of Chapter 117 of Title 24, a party participates in a local land use proceeding by “offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.” 24 V.S.A. § 4471(a). This broad definition means that a letter submitted to an appropriate municipal panel (AMP) may qualify as participation even though a party did not attend the local hearing. The AMP must keep a written record of the name, address, and participation of all interested persons [24 V.S.A. §4461 (b)], including those

who participate by submitting written testimony, regardless if the individual attends the hearing. The AMP will use this list of participants to send out copies of the AMP’s decision [24 V.S.A. §4464(b)(3)], and the designated official will forward this list to an appellant if there is an appeal to the Environmental Division of the Superior Court. 24 V.S.A. § 4471(c). Note that notices to applicants and owners of all properties adjoining the property subject to a development review hearing are informed that *participation* in the local proceeding is a prerequisite to the right to take any subsequent appeal. 24 V.S.A. § 4464(a)(1)(C) and (2)(B).

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

Which land use boards are required to adopt rules of procedure?

An appropriate municipal panel (AMP) must adopt “rules of ethics with respect to conflicts of interest” and adopt “rules of procedure” [hereinafter called Rules of Procedure and Ethics]. 24 V.S.A. § 4461(a). An AMP could be a planning commission that conducts site plan or subdivision review, a zoning board of adjustment, or a development review board. Which boards conduct development review depends on the municipality and its bylaws. 24 V.S.A. § 4460. When AMPs conduct development review they hold quasi-judicial proceedings which are “[cases] in which the *legal rights* of one or more persons who are granted party status are adjudicated....” [Emphasis added.] 1 V.S.A. § 310(5). Vermont law requires these land use boards to adopt Rules of Procedure and Ethics to ensure that the legal rights of interested persons are protected during the land use review process. Adopting and applying these ensure that proceedings are free from conflict of interests, are run in a fair and orderly fashion, and can reduce appeals if the public’s expectations for fairness are met.

A planning commission that only acts in a legislative capacity and does not conduct development review is *not* required to adopt Rules of Procedure and Ethics. It is only required to “adopt ... rules as it deems necessary and appropriate for the performance of its functions.” 24 V.S.A. § 4323(b). These could be rules that address the order of the meeting and voting procedure and manage public participation and the creation of an agenda. However, they must be reasonable. 1 V.S.A. § 312(h).

(continued on next page)

NEED A WRITTEN LEGAL OPINION?

LOOKING FOR EXPERTISE DRAFTING A NEW ORDINANCE?

NEED HELP UPDATING THAT PERSONNEL POLICY?

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



SAMPLE PROJECTS:

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



ASK THE LEAGUE

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For more information about adopting rules of procedure for quasi judicial boards and making determinations of interested person status, please review the *Rules of Procedure and Ethics Manual* at www.vpic.info, or contact the VLCT Municipal Assistance Center at 800-649-7915.

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

Who moderates at the annual Town Meeting when the moderator wants to speak to a question?

The moderator is the presiding officer of special and annual town meetings where-in voting is conducted from the floor. “The moderator shall be the presiding officer of municipal meetings, shall decide questions of order and shall make public declaration of votes taken, except in elections using the Australian ballot system.” 17 V.S.A. § 2658. These proceedings are insulated from any potential bias or partisanship on behalf of the moderator by Robert’s Rules of Order, which are the rules of parliamentary procedure that govern the moderator’s handling of the business being transacted. The prominence of these rules limits the moderator’s discretionary judgment, thus ensuring that this role is one of impartial facilitator of the will of the electorate. This safeguards the fairness and impartiality of the process, not the outcome of the articles voted upon.

Nevertheless, town moderators still have all the same rights and privileges in debate at town meeting as all other members of the community. It is only the impartiality demanded of office that precludes their involvement. According to Robert’s Rules of Order,

Normally, especially in a large body, he should have nothing to say on the merits of pending questions. On certain occasions – which should be extremely rare – the presiding officer may believe that a crucial factor relating to such a question has been overlooked and that his obligation as a member to call attention to the point outweighs his duty to preside at that time.

The way to resolve this type of situation, should it arise, is for the moderator to

relinquish his role for the duration of the pending article and turn it over to the chair of the selectboard without objection (i.e., unanimous silent consent). The selectboard chair can either act in capacity as moderator until the next article of business is taken up or open the floor to nominations for a moderator pro tempore (“for the time being”) to be elected by majority vote of those assembled. RONR (10th ed.) § 43, pages 382-383. After the vote is completed the moderator can return to the podium and resume his or her duties.

Reminder: To learn more about the workings of Town Meeting, be sure to attend the Municipal Assistance Center’s

Town Meeting Tune-Up workshop on Thursday, February 28, at the Capitol Plaza Hotel and Conference Center in Montpelier. This annual workshop focuses on the statutory requirements for town meeting, Robert’s Rules of Order, recent pertinent court cases, and best practices for making it through Town Meeting unscathed. The registration deadline is Thursday, February 21. To register or for more information, please visit www.vlct.org/events-news-blogs/event-calendar/town-meeting-tune-up/view/2013-02-28

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

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 \$825, though VLCT PACIF members are eligible for a reduced rate of \$415 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

**PICK FROM
THESE TOPICS
OR DEVELOP
YOUR OWN!**



LEGAL AND REGULATORY NOTES



SEARCH WARRANTS IN THE DIGITAL AGE

Technology moves fast. The law, however, does not. In what can be best be characterized as a classic tortoise-hare relationship, the law woefully lags behind in resolving legal questions raised by technologically driven changes to our daily lives. In spite of the ubiquitous nature of computing devices, the recently decided case of *In re Application for Search Warrant*, 2012 VT 102 represents the Vermont Supreme Court's first balancing of the privacy concerns with the ability of law enforcement to conduct effective criminal investigations against the backdrop of the unique challenges posed by the digital world.

The Fourth Amendment to the U.S. Constitution and its Vermont corollary, Chapter I, Article 11, protect our reasonable expectations of privacy against governmental intrusion. These privacy rights are safeguarded by judicial officers who may grant

a warrant "upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Constitution, Amend. IV.

Ironically, the facts of this case concern the privacy rights of a person being investigated for allegedly violating those of another by committing the crime of online identity theft. The complaint, originating in New York, was transferred to the Burlington Police Department after a bank involved revealed that the information contained on its credit card application listed an incorrect physical address in Burlington. The Burlington detective assigned to the case applied for a warrant to search the premises at 145 Pleasant Avenue for evidence of the crime of identity theft including permission to seize records regardless of ownership and format, such as those that may be lo-

cated in any electronic devices. In response to the very broad scope of the warrant application, the judicial officer attached several conditions including restricting investigators' reliance upon the "plain view doctrine" as a basis for seizing any incriminating evidence unrelated to alleged offense, requiring third parties to conduct the search and limiting what methods and instruments could be utilized in executing it, prohibiting the transfer of any evidence unrelated to the suspected offense to state agents, segregating and redacting non-evidentiary data from that dealing with identity theft, and prohibiting those conducting the search from disclosing their work to prosecutors and investigators. Collectively, these conditions on warrants and how they are executed are referred to as *ex ante* conditions, meaning they are imposed before the search is actually conducted. The State opposed their imposition in a motion for extraordinary relief to the Vermont Supreme Court on the grounds that the judicial officer lacked the authority to impose such conditions, and that they were unnecessary and served only to frustrate their criminal investigation.

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VERMONT STATE INFRASTRUCTURE BANK LOAN FUNDS ARE AVAILABLE THROUGH VEDA

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for financing to construct or reconstruct roads and bridges, make safety improvements such as highway signing and pavement marking, make operational improvements such as traffic control and signal systems, and construct rail freight and intermodal facilities.



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OR BY CALLING 802-828-5627.**

CORRECTION

The article titled "VMERS Groups B and C Employer Contribution Rates to Rise July 1" in the January 2013 VLCT News contains an error. It stated that "*The employer rates for Group A (4 percent) and D (9.5 percent) will remain unchanged at least for another year.*" Actually, the VMERS Board increased the Group D employer rate from 9.5% to 9.75%. That rate increase, along with the increases in B and C rates, takes effect on July 1, 2013. VLCT regrets the error.



LEGAL AND REG.

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Justice Dooley, writing for the majority, saw two searches being conducted. The first was for the computer itself; to search the premises and take the computer. That search wasn't in question. The second was for a search of the contents of the computer, a search that raised several issues for the Court to resolve. The first issue of interest to municipalities was the general question of whether a judicial officer can attach prospective conditions on how such a search is to be performed to protect the privacy interests of the person to be searched. That question was one of first impression for the Court as typically these questions are raised in the context of whether evidence already seized can be used against a defendant. If so, then the second question became whether the imposition of the particular conditions in this case constituted an abuse in the exercise of judicial discretion.

To the first point, the State argued that judicial officers are limited when issuing warrants to deciding whether probable cause (reasonable grounds to suspect a crime has been committed) exists and whether the warrant application sufficiently describes the place to be searched and the things to be seized (i.e., "particularity"). Any attempt to direct the manner in which searches are to be executed is beyond the reach of the Court and a clear abuse of power. Unconvinced, the Court could find no such "bright line" establishing a blanket prohibition on *ex ante* instructions. On the contrary, the Court reasoned, Vermont law hints at its past use. These instructions have also been used in more traditional contexts to ensure particularity by limiting the scope of searches to a particular room and not an entire house or instructing how to locate the items to be seized. "In other words, some *ex ante* constraint – of the form 'here, not there' – are perfectly acceptable." These types of instruction, the Court reasoned, have great relevance and applicability to the difficulties of the digital world "where physical notions of particularity are metaphorical at best. ... The modern development of the personal computer and its ability to store and intermingle a huge array of one's personal papers in a single place increases law enforcement's ability to conduct a wide-ranging search into a person's private affairs, and accordingly makes the particularity requirement that much more important."

Having accepted the practice of levying digital *ex ante* instructions in general, the Court next turned its attention to whether the specific instructions given in this case constituted an abuse of authority. Here we'll focus on those instructions of note. The first instruction related to the plain view doctrine, which the U.S. Supreme Court described thusly: "If police are lawfully in a position from which they view an object, if its incriminating character is immediately apparent, and if officers have a lawful right of access to the object, they may seize it without a warrant." *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993). The judicial officer granting the warrant in this case prohibited the State from seizing any electronic records other than those authorized by the

warrant as well as its reliance upon the plain view doctrine. The Court, on this point, agreed with the State that the judicial officer overreached by refusing to apply legal principles in certain situations. Allowing this, the Court held, would allow courts to "disregard the considered limitations of the law it is charged with enforcing." The Court also found the instruction unnecessary because other instructions restricting with whom the results could be shared and separating the search from the investigatory functions eliminated the possibility of viewing any incriminating evidence not described in the warrant in the first place.

The Court moved next to the instructions requiring the search be performed

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UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

TOWN MEETING TUNE-UP

Thursday, February 28, Capitol Plaza Hotel and Conference Center, Montpelier

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It focuses on the statutory requirements for Town Meeting, *Robert's Rules of Order*, recent pertinent court cases, and best practices for making it through Town Meeting unscathed.

TREASURERS WORKSHOP I

Tuesday, March 19, Middlebury Inn, Middlebury

Thursday, March 21, Lake Morey Resort, Fairlee

This workshop provides basic guidance for treasurers to perform their jobs on a daily basis. It will include a review of the duties and responsibilities of the treasurer, a discussion of financial policies and internal controls for the finance office, an introduction to basic financial reporting for governments, and suggestions on ways to manage your daily operations, including processing revenues and expenditures, preparing payroll, and managing cash.

TREASURERS WORKSHOP II

Tuesday, April 23, Lake Morey Resort, Fairlee, and

Thursday, April 25, Middlebury Inn, Middlebury

This advanced workshop is designed for treasurers and finance officials who wish to move beyond performing basic recordkeeping.

SELECTBOARD INSTITUTE I

Saturday, March 23, Capitol Plaza Hotel and Conference Center, Montpelier

The Selectboard Institute provides Vermont selectboard members with the skills they need to manage the affairs of their town, focusing on the fundamentals of municipal governance and current issues facing selectboards in small and large towns. Topics may include understanding the municipal organization, essentials of municipal law, running effective meetings, managing the town budget, and how to reduce liability risks. The agenda for each workshop will be available soon.

SELECTBOARD INSTITUTE II

Saturday, April 13, Holiday Inn, Rutland

See description above.

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



A NEW YEAR

(continued from page 1)

Here are some specific ideas for how to make the safe & healthy choice the EASY choice:

- Replace the candy in the dish at work with nuts, fresh fruit, baby cut carrots, or other wholesome snacks.
- Allow enough time in the morning to eat a wholesome breakfast at home.
- Buy snack-size plastic bags and healthy snack foods, then prepare and pack single servings so they are ready to grab when you're heading out for the day. Try these:
 1. Fresh fruit or vegetables such as apples, grapes, carrots, cherry tomatoes, bell peppers, celery – whatever you like to eat
 2. ¼ cup of raw (or at least dry roasted) nuts such as almonds, walnuts, cashews, or peanuts
 3. ¼ cup of dried fruit
 4. A stick of string cheese and one serving (check the label) of whole grain or multi-grain crackers
 5. A slice of whole grain bread, or half a bagel, and a cup of yogurt
- When parking, choose a spot farther from your destination so you can take extra steps – but not if the ground is slippery and walking is dangerous!
- If you drink coffee or soda in the afternoon, buy a box of herbal tea bags and drink tea, hot or cold, instead. This will decrease your caffeine intake and, by making your own, you can gradually reduce the amount of sweetener you add. (Even natural sweeteners create a spike in blood sugar levels, and some studies correlate the use of artificial sweeteners with weight gain.)

Pedometer Materials

- **The Joy of Wellness Pedometer Challenge.** Based on the **Six Dimensions of Wellness** devised by Bill Hettler, M.D., this 10-week challenge has you combine the Physical dimension of wellness with one of the other five – Social, Intellectual, Spiritual,

What ideas do you have for making the safe & healthy choice the EASY choice?

We are encouraging people at every worksite to help co-workers, friends, and families find effective ways to use this principle in their lives. Invite Heidi Joyce to your municipality to give a **free *Creating a Healthy Culture at your Workplace*** workshop to generate ideas from your employees on specific ways they can support each other in making healthy choices. Contact Heidi at hjoyce@vlct.org.

Emotional, and Occupational – each week in turn for two complete cycles. Read about the six dimensions and explore different ways to foster them in your life.

- **The VLCT Lumberjack Challenge.** Take 10,000 steps a day and be inspired by the woodsman in the drawings, who starts the 10-week challenge overweight and struggling and finishes it trim and fit.
- **New easier-to-use pedometers** which can count steps even while inside a pocket or backpack. Read and follow the detailed instructions to learn a lot of dandy new functions.
- **The Joy of Wellness pocket calendar.** Monthly pages with nutrition information, healthy tips, and room to record your personal health information.

WHAT COULD POSSIBLY GO WRONG? UNLIKELY PACIF CLAIMS

Every year, PACIF pays some claims that seem too absurd for even a sitcom writer to dream up. But they can occur when regular people are doing what seems perfectly fine at the time. Following are summaries of a few actual claims that PACIF members filed in 2012. They have a humorous side, yet are serious events with costly consequences. We hope municipal employees and officials of all stripes will see a lesson in each of them.

Along a town highway during summertime roadside mowing, the mower kicked up rocks and threw them far enough to pummel vehicles parked outside a nearby home. Price tag: **\$6,644** in body work on two passenger vehicles. (The house was hit too, but the owner didn't include it in the claim. It was a log cabin, so maybe the dings enhanced its character.)

When several firefighters, dressed as clowns in a town parade, did cartwheels to entertain the crowd, one of them lost his balance and cartwheeled into a parked car, damaging it. Price tag: nearly **\$1,000** in body work ... to the car. Fortunately, no workers' compensation claim had to be filed! Coincidentally, the car's owner already suffered from coulrophobia (a fear of clowns).

When a fire hose was turned on for a routine flushing of fire hydrants, the DPW employee who was holding the nozzle was ready. Even so, the force of the water knocked him backward, and a nearby vehicle with its windows open was filled with water. Price tag: **\$1,700** for appraisal and repair of the vehicle's interior.

While mowing the town cemetery, the driver of the riding mower swatted at a deerfly that was biting him. The mower went out of control and veered into a row of headstones. Price tag: **\$1,059** for removing two damaged headstones and making and setting their replacements.



HOW ABOUT THAT GHS?

Does GHS, or “Globally Harmonized System,” mean anything to you? No, it’s not about world music, however every municipal employer needs to be in harmony with GHS in 2013.

GHS is shorthand for the United Nations Globally Harmonized System of Classification and Labeling of Chemicals. Yes, **chemicals**. This new international standard has been established through the research and cooperation of several agencies, and the new system will begin to influence U.S. employers in 2013. Implementing GHS involves significant changes to the preexisting OSHA and VOSHA standards on hazardous chemicals. This affects Vermont employers because they must provide updated hazard communication training for their employees.

Any Vermonter who uses hazardous chemicals should already know that the VOSHA Hazard Communication standard (1910.1200, a.k.a. “Hazcom”) requires his or her employer to have a written hazard communication program to make sure that: hazardous chemicals are labeled, employees are trained on the dangers and safe handling requirements of every chemical in use, each chemical’s Material Safety Data Sheet (MSDS) is printed and placed where employees can easily refer to it, and any visitor to the workplace is aware of potential hazards.

The outgoing system has many shortcomings. For example, MSDSs and container labeling have not been consistent from one manufacturer or distributor to the next (even for the same chemical), and the MSDSs can be very difficult to read and un-

derstand. Moreover, some employers have had an inconsistent or nonexistent hazardous materials program (i.e., policy, practices, and training).

ary statements, and signal words. The old MSDS has been renamed Safety Data Sheet (SDS), a document that will be easier to read and comprehend. OSHA’s intent is to

OSHA is requiring that U.S. employees be trained on the new label elements and SDS format by December 1, 2013.

The GHS requires chemical manufacturers and distributors to use standardized formats for container labels and data sheets. Labels will have new elements including pictograms, hazard statements, precaution-

provide a common and coherent approach which will improve the quality and consistency of hazard information in the workplace,

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GHS-Savvy Online Hazcom Training

The PACIF Online University course “Hazard Communication” (HC12) has been updated to include GHS-related requirements. This 60-minute course is an excellent tool to help train employees in the updated OSHA/VOSHA standard and meet the December 1, 2013 deadline. The Online University keeps a record of every employee’s courses and provides the employer with verifiable documented proof of completed courses. Learn more at www.vlct.org/rms/pacif/pacif-online-university/.

RE

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802.497.6100 x6156 or mcolgan@vhb.com

STATUS OF VOLUNTEER FIREFIGHTER SUPPLEMENTAL ACCIDENT COVERAGE

PACIF members with a volunteer fire department, please note: in 2012, PACIF added Supplemental Accidental Death and Disability coverage for firefighters specifically to fill gaps in Vermont's "in the line of duty" workers' compensation statute. Because the state legislature amended the statute to fill those gaps as of January 1, 2013, PACIF is no longer offering this coverage. However, the policy includes additional benefits that some members might want to continue receiving. If your department wants to buy this coverage from The Hartford (the same company that PACIF used in 2012), we are happy to facilitate that for you. Just call our Underwriting Department at 800-649-7915 for information.

PACIF COVERAGE DOCUMENTS TO ARRIVE SOON

This month, PACIF members will receive in the mail a large envelope containing their 2013 coverage documents. Inside will be three or four documents. One is for Property and Casualty, the second is for Workers' Compensation, and the third is for Supplemental Accidental Death and Dismemberment coverage for regular volunteers (not volunteer firefighters). A fourth document will only be sent to members that have a fire department insured by PACIF, as it defines mandatory Assigned Risk coverage for firefighters' workers' compensation.

If your municipality does not receive this mailing by the end of February, or if you have any questions after you have reviewed all of the documents, please contact a member of our Underwriting team immediately at 800-649-7915.

WORKERS' COMP AUDITS COMING SOON

PACIF member contacts: please watch your email for information about an upcoming visit from a Member Relations or Underwriting staff member who will need to review your complete 2012 payroll records. This audit will identify any differences between your estimated and actual payroll for the 2012 calendar year so we can reconcile your contribution accordingly. The email will contain a specific list of reports and information that we ask you to compile before one of our team members visits your office.

Because we serve more than 300 PACIF members, we hope that each member will make an effort to respond to our request in a timely manner, thereby helping us work efficiently throughout this process.



Photos above (left to right):

Larry Smith
Manager, Member Relations

Tanya Chambers
Senior Member Relations Representative

Pam VanDeursen
Senior Member Relations Representative

Pam Fecteau
Senior Underwriter

Vicky Abare
Underwriter

Susan Benoit
Associate Underwriter

PACIF BUILDING VALUATIONS ARE UNDERWAY

In the start of its second five-year Building Valuation cycle, VLCT PACIF is again partnering with UIS Group, Inc. to determine the insurance replacement value of all members' covered buildings. Over the next three years, UIS field consultants will visit every PACIF member with any building listed in their Property Schedule at \$50,000 or more, talk with an employee who knows the buildings, and inspect the interior and exterior of the structures in order to reappraise them accurately.

"The point is to determine each building's insurance replacement cost, not its market value," says Joe Damiata, VLCT's Manager of Underwriting, Safety and Health Promotion. "Our work with UIS Group has already helped improve our members' confidence in the accuracy of their listed property exposures," he adds.

If you are a PACIF Contact at a municipal entity that has one or more buildings listed at \$50,000 or more, please expect a phone call or email from a UIS field consultant – but don't hold your breath waiting, because the call could come any time between now and December 2015. If you have any questions about the building valuation process, please call VLCT Underwriting at 800-649-7915.

2013 RMS CALENDAR

Wellness & Safety NET Forums on the theme “Back-to-Back.” February 11-15, times and locations listed below. VLCT PACIF and Health Trust present a new format for learning and networking about safety and health-related topics. Open to all municipal employees whose work involves back health or driving or both. For details, see related story on page 2.

Feb. 11	2:00-3:30 p.m.	Vt. Dept. of Health, Barre
Feb. 12	10:00-11:30 a.m.	Vt. Dept. of Health, Bennington
Feb. 12	2:00-3:30 p.m.	Windham SWD Office, Brattleboro
Feb. 13	9:00-10:30 a.m.	Town Office, Hyde Park
Feb. 13	12:30-2:00 p.m.	Vt. Dept. of Health, Newport
Feb. 14	1:00-2:30 p.m.	Vt. Dept. of Health, White River Junction
Feb. 15	11:00-12:30 p.m.	Vt. Dept. of Health, St. Albans



PACIF's Annual Workers' Compensation Audits. February through April 2013. PACIF members should expect an email or phone call from their Member Relations Representative or an Underwriting team member to schedule a time to review 2012 payroll records in order to reconcile 2012 fees. See related story on page 10.

PACIF Building Valuations. February 2013 through December 2015. Field consultants working for UIS Group under contract with PACIF will contact members to arrange a date and time to discuss and visit all covered buildings worth \$50,000 or more. See related story on page 10.

Seminar on GHS. 8:00 a.m. to 11:30 a.m., February 27. DoubleTree by Hilton Hotel, 1117 Williston Road (Route 2), South Burlington. GHS is shorthand for the United Nations Globally Harmonized System of Classification and Labelling of Chemicals. As part of this international initiative, OSHA and VOSHA have updated their requirements for chemical labeling and documentation. Speakers: Jack Schill and Bruce Gray. Presented by the Vermont Safety and Health Council (VSHC). Free to VSHC members; \$25 for non-members. For more information, see related story on page 9.

Deadline to apply for a Governor's Workplace Safety Award. Friday, March 1, 2013. Look for application requirements in a memorandum and a nomination form at www.labor.vermont.gov, and if it is no longer posted there, email a request for information to leslie.curtis@state.vt.us or PCrawford@vtc.vsc.edu.

2013 Vermont Worksite Wellness Conference and Governor's Wellness Awards. Wednesday, March 27, 8:00 a.m. to 4:00 p.m., Sheraton Hotel and Conference Center, Burlington. Keynote speaker Bill Hettler, co-founder of the National Wellness Institute, has defined the wellness concept as it has emerged in the past 30 years. He will discuss the Six Dimensions of Wellness and how they help individuals and organizations strive for optimal health. The conference will also have workshops, exhibitors, and the handing out of the 2013 Governor's Awards on Worksite Wellness. Sponsored by the Governor's Council on Physical Fitness and Sports. For more information, visit <http://vermontfitness.org/>.

Confined Space Entry Training. Wednesday, March 27, 8:30 a.m. to 3:00 p.m., Vermont Technical College, Room 401, Blair Park, Williston. The training will comply with 29 CFR 1910.146 and will include CSE definitions and determination, hazards of CSE, responsibilities, permit system, and lockout/tagout. Instructor: Bruce Gray. Water and wastewater treatment plant operator certification contact hours are available. Lunch is included. Registration is \$125 per person. To register, contact Bruce Gray at Landrock@verizon.net or 518-562-1462.

Annual Vermont Workplace Safety Conference and Governor's Safety Awards. April 12, 9:00 a.m. to 3:45 p.m., DoubleTree Hotel, South Burlington. Attending the conference is an excellent professional development opportunity for HR staff and employees with safety responsibilities. For topics and agenda, visit www.vtsbdc.org/small-business-training-workshops/workplace-safety. Registration: \$75 before 3/15/2013; \$85 after 3/15/2013. No-cost registration for the Governor's Safety Awards only is available by emailing pcrawford@vtsbdc.org.



SLOW DEMOCRACY

(continued from page 1)

a style of ideas and innovations coming together in sometimes random ways to produce a result greater than its individual parts. Think of open-source software, flash-mobs, the internet. What is interesting for local government officials is that the closeness to neighbors and the inherent transparency of its functioning (relative to a state or, certainly, the federal government) gives rise to collaborative decision-making and many heads in the huddle in times of crisis. Vermonters certainly experienced the irrepressibility of emergent action in the wake of Tropical Storm Irene. Clark and Teachout provide examples of people reviving vibrant and effective democratic governments around the country. "In many public arenas across the United States," they write, "on issues ranging from schools to public lands, planning to budgeting, public safety to the treatment of criminals through such programs as community diversion, leaders are in desperate need of the energy and

expertise that strong community engagement will offer. And citizens are diving in to help."

Coming to a consensus among disparate parts of a community about how to solve a problem is not easy, however – as we all know and as the authors explain. Nor may it be desirable in some circumstances, once we have slowed down to listen to each other and understand the different challenges a problem presents to different people. The authors describe a methodology that involves three ingredients for local democratic decision-making: inclusion, deliberation, and power. They then provide a "how to" for not only accomplishing quality inclusion and deliberation but also respecting that commitment from citizens by assessing how, when, how extensively, and where power is shared. And of course in this last regard, Vermont is way ahead of the curve because in most of its municipalities, town meeting is the governing body that adopts the budget and from which authority flows.

Even Vermont could do better with its town meetings. To find out how, you would do well to read "Slow Democracy."

"Slow Democracy: Rediscovering Community, Bringing Decision Making Back Home"

by Susan Clark and Woden Teachout
280 pages, Chesea Green Publishing
(Oct. 2012).

*Karen Horn
Director, Public Policy and Advocacy*



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LEGAL AND REG.

(continued from page 7)

by a third party, separate from the investigation and behind a firewall. Responding to the State's contention that the instructions essentially remove any application of the plain view doctrine, the majority differentiates between viewing evidence and seizing it. The plain view doctrine, it explains, touches upon seizures, not searches, by focusing on what action is permissible after incriminating evidence has been viewed, not before. Since the instruction requiring the search to be performed by third party screeners would not allow officers to view such evidence, the plain view doctrine has no application. Justice Burgess (with whom Chief Justice Reiber joins in the dissent) equates the practice of having police officers not tied to the investigation conduct the search as being anything other than an invasion of privacy by the government to the "old adage of being 'just a little bit pregnant.'" Regardless of which officer performs it, a search is a search, and evidence in plain view is in plain view whether it is seized or not.

Though the minority opinion doesn't seem to dismiss entirely the possibility that technology can pose a challenge to traditional Fourth Amendment search and seizure analysis, it fails to see this case as posing such a problem. The minority doesn't distinguish between the physical world and the metaphysical one but rather views a computer as merely just another device for information. "What the State seeks to look for, and where, seems hardly different from a search for files in a cabinet, papers in a desk, drafts in a checking account or letters in a box." What matters are the protections afforded by the Fourth Amendment. Once those are afforded, the intrusion of one's privacy is deemed reasonable and the plain view doctrine is in play. The minority also points out that the majority is trying to have it both ways by upholding conditions effectively negating application of the plain view doctrine while simultaneously ruling that the judicial officer issuing the warrant exceeded his authority in refusing to apply. "Eliminating plain view ad hoc in a particular search through the *ex ante* artifice of a separate and gagged search team achieves exactly what the majority acknowledges is improper, leaving the magistrate 'to disregard the considered limitations of the law' (like the court's lack of authority to proscribe plain view), and conferring 'on a judicial officer the authority to pick and

choose what legal doctrines would apply to a particular search' (as in commanding police to ignore evidence in plain view in a computer search, while allowing plain view discovery in a house or office search)."

But the majority holds that not all searches are created equal as there are real world consequences to who sees personal information. It is precisely the unique capacity and storage capabilities of computers and the potential exposure of vast personal information that their search pose that necessitates a different set of rules. The "massive storage capacity of modern computers creates a high risk of overbroad, wide-ranging searches and seizures." Criminals after all are not likely to have a folder entitled "identity theft" lying around on their desktop. A computer keeps a record of every search and every file created. Searching that history subjects to view all unrelated information, meaning that everything is in virtual plain view and therefore subject to seizure.

Returning finally to the condition requiring the search to be performed by an outside third party, the State argues that the suspect's privacy rights are materially well advanced to justify their imposition. The minority agrees, taking the position that an invasion to one's privacy occurs when anyone sees any personal information without his or her permission, so it doesn't matter if an officer tied to the investigation sees it. The majority takes a more nuanced approach to this analysis by focusing instead on the relational aspects of one's privacy interests. By means of demonstration, let's say you really like those pictures on the internet of cats with the funny sayings ... a lot. Now if some stranger in Tulsa, Oklahoma logs onto your work computer and sees a thousand of those pictures in your saved files, that probably won't affect you because you don't have a relationship with that person. Replace that person with your employer and you'll probably have a difficult time explaining what you do all day at work. The point the majority makes is that of course it matters who sees what. People have relationships, and the nature of what is discovered has an impact on them, particularly when that relationship is with a police officer. "A citizen's relationship with a police officer engaged in an investigation is asymmetric in power and laden with potential consequences. Unlike virtually any other person, an investigating police officer has the power to place a citizen at the mercy of the State." Having that search filtered through someone, whether it be a computer expert, court or special master, limits the potential nega-

tive consequences of the invasion suffered. "There is interplay between probable cause, particularity, and reasonableness that judicial officers reviewing a warrant application must consider in authorizing a form of privacy invasion."

One wonders if the majority of the Court will apply this same practical approach to privacy interests in other realms. In the meantime, enjoy those funny cat pictures without fear of discovery, at least not by investigating officers. The decision is archived at <http://info.libraries.vermont.gov/supct/current/op2010-479.html>.

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center

TRIVIA

The TRIVIAC nearly choked on the number of correct answers it received to last month's query. Marianne Blake, Carol Daigle, Bonnie Lucas, Cheryl Barker, Carol Hammond, Louise Luring, Jack Beasley, Mardee Sanchez, Erikasue Jacobs, John Zwick, Heidi Racht, Darlene Johnson, Ann Myers, Earl LaBatt, and Katie Johnson of Windsor, Williston, West Rutland, Weston, Vernon, Saxtons River, Salisbury, Randolph, Morgan, Jericho, Huntington, Hartford, Essex, Arlington, and the Addison County Solid Waste Management District, respectively, knew that the first motorist to drive across the U.S. was Horatio Nelson Jackson, a Burlington physician. He did so in 1903 with a mechanic named Sewall Crocker plus Bud, a be-goggled bulldog. Kudos – or maybe Googles? – to you all! (Enosburg's Sandi Murphy got two-thirds of the answer correct, earning her a Kud/Goog.)

That was too easy, eh? Okay, how about this: In the early 1880s, a Windsor pharmacist began bottling an elixir that, according to an advert of the day, "... Cures Disease of the Nerves, Kidneys, Liver, Stomach, and Bowels, and acts as a Blood Purifier and Tonic to the Central System." Who was the pharmacist and what was the name of his fabulous product?

If you know the answer, email it to dgunn@vlct.org, whose meticulous research will be revealed in the formidably fertile February issue.



FEDERAL REQUIREMENTS

(continued from page 1)

the upper right corner is a drop-down menu identified by the words *Information for...* Place your cursor over that menu and click on the section titled *Government Entities* and to bring you to the home page for all types of government entities. Choosing the top selection, *Tax Information for Federal, State & Local Governments*, opens the FSLG home page.

The FSLG Home Page. The main body of the page contains links to topics that are timely, as well as some general links of interest to municipalities. For example, currently the page has links to information on the *Patient Protection and Affordable Care Act* (PPACA), and *Quick Links for Government Entities*. On the left side of the page are additional links to FSLG topics, some of which are also found on the home page. As you explore the various sections and links on this page, you will find that there is often more than one way to find the information you are looking for. Let's spend a few minutes looking at some of the links on the page.

We can start with a closer look at what FSLG does. Its mission is to provide government entities with top quality service by helping them understand and comply with their tax responsibilities and applying the law with integrity and fairness to all. Its representatives provide assistance in employment tax withholding, reporting and filing, and for information return reporting for payments to vendors, as well as guidance on any federal tax-related issue. They provide these services

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LOCAL GOVERNMENT DAY

Local Government Day in the Legislature will take place on Wednesday, February 20, 2013, starting at 9 a.m. at the Capitol Plaza Hotel in Montpelier. Registration is easiest online at www.vlct.org/eventscalendar. **The deadline to register is February 13**, after which a \$10 late fee per person will be charged (including on-site registrations).

both through individual interaction and educational seminars.

FSLG also works with the Social Security Administration (SSA) to educate government entities about Section 218 Social Security Agreements. These voluntary agreements provide social security and/or Medicare coverage for state and local employees. While the IRS is responsible for administering and enforcing the laws, SSA processes and interprets these agreements and related coverage issues. More information about Section 218 agreements can be found elsewhere on the website, or at SSA's State and Local Government Employers webpage, www.socialsecurity.gov/slge.

Also on the home page is a link to another timely topic, Affordable Care Act provisions, a number of which will become effective in 2013. This link will provide you with up-to-date information on, for example, new provisions for additional Medicare taxes on high income individuals, new rules about how much can be contributed to a Flexible Spending Account (FSA), requirements for reporting health care coverage on Form W-2 and available transition year relief, and implementation of the PPACA.

There is also a link to the IRS' *Compliance Self-Assessment Tool*, which allows you to review all areas of federal tax law that a government typically deals with by providing links to resources that deal with specific issues.

FSLG Newsletter. A link on the left side of the home page will take you to the semi-annual *FSLG Newsletter*. Not all topics in it will be of interest to all governments, but the newsletter addresses current concerns of FSLG. In addition, it provides phone numbers of FSLG specialists who represent Vermont. Issues addressed by these specialists include general information about SSA Section 218 agreements, worker classification as employee or independent contractor, special employment tax rules for public employees, and other federal tax issues for government entities.

Vermont's two specialists are Fran Reina (315-793-2932) and Stephen Polak (802-859-1049). Although you can direct questions to the general customer account services number

(877-829-5500), these specialists can give you a more accurate answer as some issues differ from state to state.

FSLG Fact Sheets. To address the recurring issues that impact almost all local governments, FSLG has developed a series of fact sheets that can be accessed from the link on the left side of the home page. Some of them, such as the fact sheet for information return reporting for state and local governments, you may wish to access frequently. Others, such as how to treat group-term life insurance provided for employees, you may only need to access one time. Following are descriptions of other pertinent fact sheets.

Information Return Reporting for State and Local Governments provides guidance on requirements for information returns. Government entities are generally subject to the same information reporting requirements as businesses are, and must file information returns for each calendar year with respect to payments made during the course of the year. These information returns include Form 1099-MISC for miscellaneous payments such as rent (including both building rent and equipment rent), services (including parts and materials), prizes, awards, or other income payments; Form 1099-INT for reporting amounts of interest income paid by a government entity during the course of the year; Form 1099-R for reporting distributions from certain pensions, annuities or retirement plans; and information about backup withholding.

Government Workers: Employees or Independent Contractors? answers the question of whether someone who works for you is an employee or an independent contractor has important tax consequences concerning paying and withholding income and social security/Medicare taxes, reporting requirements, workers' compensation, and other liability consequences. While each government entity that addresses this issue (Department of Labor, Internal Revenue Service, etc.) has its own particular requirement, most revolve around three tests:

(continued on next page)



FEDERAL REQUIREMENTS

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1. behavioral control – whether the service recipient has a right to direct or control how the worker performs the task for which he or she is hired, including providing training or instruction;
2. financial control – whether the service recipient has a right to direct or control the financial aspects of the worker's activities, including whether the individual has a significant investment and expenses and has the opportunity for profit or loss; and
3. the type of relationship – whether the parties intend there to be an employee-employer relationship, including any written contract between the parties, whether employee-like benefits are being provided, and the permanency of the relationship.

Some employees are covered by special rules. Emergency workers are hired on a temporary basis in case of fire, storm, snow, earthquake, flood, or other emergency, and compensation for these workers is excluded from Social Security and Medicare withholding under IRC 3121(b)(7)(F)(iii). This does not include permanent employees who work regularly in response to emergencies. Election workers are provided an exception from the Federal Insurance Contribution Act (FICA, a payroll tax) withholding for services provided in that capacity when the payments are below a specified amount during the course of the calendar year. This exception does not apply to these workers when they are engaged in non-election duties. For example, members of the Board of Civil Authority often serve as election workers, but also may be paid for property tax appeals and abatements. Persons performing these duties are not considered to be election workers for those hours worked.

Classification of Elected and Appointed Officials. Generally, any individual who serves as a public official is an employee of the government for which he or she serves. Accordingly, the government entity is responsible for withholding and paying income taxes, Social Security and Medicare taxes, and issuing a W-2 to a public official. While there is no precise definition for the term public official or public officer, it has generally been held that anyone who exercises significant authority pursuant to public laws is a public officer.

This includes any official who administers or enforces public laws, whether the individual is elected or appointed.

Some factors that indicate the office is “public” include the fact that the office was created by the constitution or through legislation, or by a municipality or other body with similar authority; the office was delegated a portion of the powers of a government body; the powers conferred and the duties

Vermont's Two FSLG Specialists

Fran Reina (315-793-2932)
Stephen Polak (802-859-1049)

to be discharged are defined either directly or indirectly through law or legislative authority; the duties are to be performed independently and without control of a superior power other than the law; and the office has some permanency and continuity. Examples include a member of a legislative body (such as a city council or school board), a justice of the peace, a constable, a registrar of deeds,

tax collectors and assessors, and members of advisory boards and committees.

Issues for Firefighters. Generally, tax laws apply to firefighters in the same manner as for other types of workers. It does not matter whether firefighters are termed “volunteers,” are considered employees or are identified by any other name. If the work they do is subject to the will and control of the payer, they are considered employees for federal tax purposes. Similarly, it does not matter whether they are paid on an “on-call” basis, monthly, hourly, etc., or whether the worker is full-time or part-time. Some benefits may be excluded from income based on specific sections of the law, such as health insurance, education benefits, or meals provided for the convenience of the employer, or for reimbursement of expenses under an accountable plan. (Accountable plans will be discussed in a future article on Fringe Benefits.)

Future articles will cover some of the Frequently Asked Questions included on the website, as well as discuss some of the wage and tax topics covered in the various publications and other educational products that are available from the IRS.

Bill Hall
Senior Financial Consultant
VLCT Municipal Assistance Center



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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 200 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

Police Chief. The City of Lebanon, N.H., is accepting applications for the full-time exempt position of Police Chief. Description: Senior management level professional position responsible for administering and managing the city's police de-

partment, including establishing department goals, objectives, policies, and regulations; directing and coordinating all department procedures, practices and functions; inspecting police personnel to ensure proper discipline is maintained and cooperating with other law enforcement agencies; serving as the principal department representative and overseeing the department's financial management system. Serves as primary spokesperson for the department; maintains positive relationships with the media, local community, other law enforcement agencies, etc. Provides oversight to approximately 50 employees. Works under the direction of the City Manager. Requirements: Bachelor's degree with major course work in police administration or related field, and 10 years of progressively responsible experience in law enforcement and crime prevention work, including five years in a supervisory capacity; valid motor vehicle operator's license; current NH Police Standards and Training Council certification preferred, otherwise, certification must be obtained within six months of hire; good moral character as presented in NH Police Standards and Training Rules; must pass a thorough background investigation and meet all entrance standards, which may include fitness, psychological, and medical testing, as well as a polygraph examination. Application and job description are available from Human Resources and at www.hr.lebnh.net. Email completed applications by **February 15, 2013**, to human.resources@lebcity.com, or mail to Human Resources, City of Lebanon, 51 North Park Street, Lebanon, NH 03766. Equal Employment Opportunity Employer. (1-15)

Asst. Director, Public Works. The City of Lebanon, N.H., seeks an Assistant Director of Public Works to be responsible for assisting the Director in the planning, coordination, and supervision of the activities of the Department of Public Works. Other responsibilities include: coordinating work activities; assigning work crews; managing the day to day maintenance, repair and construction of public ways, facilities, storm water col-

lection systems, cemeteries, and other public areas; and preparing and reviewing plans, specifications, estimates, and contracts. The Assistant Director also has primary responsibility for personnel administration, including, but not limited to preparing substantive performance evaluations on department employees; investigating allegations of employee misconduct or poor job performance; developing performance improvement plans; initiating disciplinary actions, including issuing verbal and written warnings and recommending suspension or termination; serving as a member of the City's labor negotiation team; and serving as the Director's designee for hearing and issuing decisions on grievances. Serves in the place of the Director when the Director is incapacitated or unavailable and possesses all the duties and authority of the Director in his absence. Requirements: Bachelor's of Science degree in Civil Engineering; 7-10 years experience in public works management, construction, operations and maintenance methods with 7 years of public works supervisory experience; must be registered as a Professional Engineer in the State of New Hampshire; and possess a valid New Hampshire Driver's license. Applications and job description are available in Human Resources and at www.hr.lebnh.net. Send completed application by **Feb. 15, 2013**, to Human Resources, City of Lebanon, 51 North Park Street, Lebanon, NH 03766, or email to human.resources@lebcity.com. Equal Opportunity Employer. (1-15)

Director of Operations and Human Resources. The Town of Manchester, Vt. (pop. 4,391) seeks a strong, dynamic, multi-talented and results-driven leader with a high degree of integrity as its Director of Operations and Human Resources. Candidates must have at least five years of management experience in government or business and a strong background in operations, finance, human resources and/or organizational management. The Director reports

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CLASSIFIEDS

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to the Town Manager and supervises two employees. He or she oversees accounts payable and payroll processes, information technology, facilities and fleet maintenance, human resources functions such as benefit management and recruitment, procurement and project management. He or she also assists the Town Manager in budget preparation and capital planning. Candidates must be able to work in a team environment. The Director will work closely with other department heads and the Director of Finance and Accounting. This "hands-on" position requires a strong work ethic and a "roll-up-your-sleeves" mentality. Bachelor's degree is required but candidates will be considered on overall experience, qualifications, education and training. Master's degree preferred. This management-level position requires a strong commitment and work ethic, as well as evening meetings. Please refer to job description for more details

regarding duties and responsibilities. Because the position has access to cash and vulnerable populations, the final candidate must pass a background check conducted by the Manchester Police Department and Town Manager that includes a credit check, criminal records check, and character references. Salary range, \$48,000 to \$54,000, commensurate with experience and education, with an attractive benefit package. Visit <http://www.manchester-vt.gov/jobs> for an application, job description, and other information about the position. To apply, submit an application, current resume, letter of interest that explains the candidate's qualifications and experience, and references **by January 30, 2013**, to Town Manager John P. O'Keefe at j.okeefe@manchester-vt.gov or Town of Manchester, Vermont, 6039 Main Street, Manchester Center, VT, 05255. EOE. (1-9)

Road Foreman. The Town of Wallingford is seeking a full-time working Road Foreman to start April 1, 2013. Candidates must have a CDL. Experience with su-

pervision of personnel, plowing, mechanical repair, and heavy equipment operation is desired. Good benefits package. Please apply at the Wallingford Town Administrator's office, 75 School Street in Wallingford. For more information, call 446-2872 or email townadmin@wallingfordvt.com. (1-9)

Fire Chief. The Centerville-Osterville-Marstons Mills Fire District (pop. 28,000) in Barnstable, Mass., seeks qualified candidates for the position of fire chief (non-civil service). The district comprises three stations covering 26 square miles, ISO Class 4, 48 full-time firefighters and paramedics, two fire prevention officers, one EMS officer, four civilian dispatchers, one mechanic, and support staff. There were 4,033 fire and EMS calls in 2011. The Chief is appointed by and reports to a three-member board of fire commissioners. Requirements: strong leadership and managerial skills combined with excellent interpersonal and communications skills; a proven, successful record of experience in progressively responsible supervisory, administrative, and command assignments; Bachelor's degree in fire science, public administration or related field; completion of NFA EFO program or equivalent; 10 years of fire/EMS supervisory experience including three years of command officer experience; MA EMT certification within one year; residency requirement within 13 months of hire. Salary range \$120,000-\$130,000 DOQ/E; excellent benefits. For further information, visit www.municipalresources.com/career.html and click on Fire Chief/Support Documents. To apply, submit resume, letter of application, and work-related references to recruitment@municipalresources.com or mail to Municipal Resources, Inc., 120 Daniel Webster Hwy., Meredith, NH 03253. Electronic submissions preferred. **Deadline: February 6, 2013.** (1-8)

Accountant. The City of Rutland has an opening for a temporary staff accountant to work on a part-time basis (20 hours per week) from late January to September 2013, with the possibility of training for a full-time position thereafter. The ideal candidate will have a BA or BS in Business Administration or Accountancy. Ability to learn, comprehend and apply

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CLASSIFIEDS

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governmental accounting rules and generally accepted accounting principles to the work environment is a requirement. A high level of proficiency in Microsoft Office, including pivot tables and experience with current accounting software, is a must. Duties: review and posting of routine activity to the general ledger, review daily banking and electronic payment activities, posting adjustments to customer accounts; support city departments with financial recordkeeping; assist internal auditor with periodic reconciliations and analysis; audit preparation; and preparing adjusting entries for review by the Treasurer. To apply, email a resume to Treasurer Wendy Wilton at wendyw@rutlandcity.com, or mail to Treasurer Wendy Wilton, City of Rutland, PO Box 969, Rutland, VT 05702. Equal opportunity employer. (1-2)

City Manager. The City of Berlin, N.H. (pop. 10,050), seeks a City Manager. Berlin is an outdoor-person's paradise situated just north of New Hampshire's White Mountains along the Androscoggin River. The City is a full-service community with approximately 120 full-time and 140 part-time city employees, not counting the dependent School District or the Berlin Water Works. The departments reporting to the City Manager include Public Works, Parks and Recreation, Wastewater Collection and Treatment, Fire, Planning, Finance, Assessing, City Clerk, Library, Welfare, Health, Housing and Code Enforcement. The City Manager communicates and coordinates with the Police Department, Schools, Water Works and Airport. The City Manager also works closely with the Berlin Industrial Development and Park Authority. Candidates must possess a Bachelor's degree from an accredited college and a minimum of four years' related experience or equivalent combination of education and experience. For more information, please visit www.berlinnh.gov. The salary range for the position is currently \$75k-\$105k, negotiable depending on qualifications and experience, along with an excellent benefits package. Submit resumes in confidence **by February 1, 2013**, to City

Manager's Office, City Hall, 168 Main Street, Berlin, NH 03570. Equal Opportunity Employer. (12-19)

REQUEST FOR PROPOSALS

Consulting Services. The Village of Morrisville Water and Light utility is seeking consulting services for various aspects of MW&L's operations, including writing a business plan for the organization; providing an overview and suggestions on streamlining management; providing analysis of current staffing levels and suggestions for cost savings; providing analysis of the best way to capture the value of MW&L's hydropower units (i.e. should they be rolled into a separate business entity, should they be sold to a larger utility); providing big picture guidance as to the pros and cons of MW&L merging with another utility or selling to another utility. Given the complex nature of what is being asked of the consultant, MW&L expects that just one firm is unlikely to be able to provide comprehensive guidance. As such, the five points above could receive responses from different consultants to tackle a portion or portions of the requested project. The complete RFP is at www.vlct.org/assets/Marketplace/morrisville_rfp.pdf. Submit all questions by February 8, 2013, to Craig Myotte, cmyotte@mwlv.com. The deadline to receive proposals is **February 15, 2013**. (1-9)

HOW ABOUT THAT GHS?

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making it easier for workers to learn and understand appropriate handling and safe use of hazardous chemicals. All of these changes are also in the updated VOSHA Hazcom standard.

OSHA believes that workplaces will soon begin to receive labels and SDSs that satisfy the GHS standard. Therefore, it is requiring that U.S. employees be trained on the new label elements as well as the SDS format by December 1, 2013. According to the OSHA website, "It is important to ensure that when employees begin to see the new labels and SDSs in their workplaces, they will be familiar with them, understand how to use them, and access the information effectively." (www.osha.gov/dsg/hazcom/hazcom-faq.html#3)

We strongly urge VLCT members to update (or create) their hazard communication program very soon. Begin the process by collecting the new labels and SDSs as soon as they start to arrive from your distributors. **You must train all appropriate employees in the new labels and SDSs before December 1, 2013**, but that is only the start of meeting the new requirements: full compliance with the final rule begins in 2015. This is great opportunity to get a head start on adapting your hazcom program to comply with this regulation. If you do not already have a program in place, contact us to learn exactly what is required and let us guide you through the process. For more information, visit www.osha.gov/dsg/hazcom/ghs.html#1.1 or contact your PACIF loss control consultant.

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Calendar

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.)**

where local officials can learn the status of pending legislation from VLCT and VMC-TA representatives, attend legislative hearings, and speak with their representatives and senators.

TOWN MEETING TUNE-UP

Thursday, February 28, Capitol Plaza Hotel and Conference Center, Montpelier
(Sponsored by the VLCT Municipal Assistance Center)

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It focuses on the statutory requirements for town meeting, Robert's Rules of Order, recent pertinent court cases, and best practices for making it through Town Meeting unscathed.

This workshop provides basic guidance for treasurers to perform their jobs on a daily basis. It will include a review of the duties and responsibilities of the treasurer, a discussion of financial policies and internal controls for the finance office, an introduction to basic financial reporting for governments, and suggestions on ways to manage your daily operations, including processing revenues and expenditures, preparing payroll, and managing cash.

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

LOCAL GOVERNMENT DAY IN THE LEGISLATURE
Wednesday, February 20, Capitol Plaza Hotel and Conference Center, Montpelier
(Sponsored by VLCT and the Vermont Municipal Clerks' and Treasurers' Association)
A special day at the Vermont State House

TREASURERS WORKSHOP I
Tuesday, March 19, Middlebury Inn, Middlebury
Thursday, March 21, Lake Morey Resort, Fairlee
(Sponsored by the VLCT Municipal Assistance Center)

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