

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

March 2013

A NEW PACIF RESOURCE FOR WHEN DISASTER STRIKES

PACIF members have access to a new service if a disaster, large or small, incapacitates their municipal operations. PACIF has partnered with Agility Recovery to help establish temporary operations if the need arises. Whatever the extent of the damage or interruption, Agility Recovery (“Agility”) can provide four key types of resources: Power, Computer Systems, Office Space, and Communications – everything you need to get back up and running and reconnected to those who depend on you.



How does it work? Imagine you arrive at the office one Monday morning and find that a pipe has burst, severely flooding a crucial work area and all the computers in it. First, call PACIF. This will both start the claim process and enable PACIF staff to advise you on how to make the best use of your coverage. PACIF will also contact Agility to report the nature and extent of your damage, and an

(continued on page 8)

PREPARING FOR A SUCCESSFUL POST-TOWN MEETING

The gavel has come down and/or the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the myriad of post-meeting legal requirements that pervade Vermont’s statutes.

Finalizing Minutes. The town clerk must record all town meeting proceedings. The clerk’s record constitutes the official record of all action taken at town meeting and at a minimum must include all articles warned, all motions made, names of those making motions, names of those who spoke to motions and what was said, and the results of all votes. The clerk must request approval of the

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THE VLCT YOUTUBE CHANNEL

The Vermont League of Cities and Towns is introducing a new series of online Weekly Legislative Report video summaries that will appear every Friday afternoon through the legislative session. You can find them on our new YouTube Channel, www.youtube.com/vlctexec, or by scanning the QR code below with your smartphone. In each video, we will highlight legislative issues currently impacting Vermont’s cities, towns, and villages. We eventually plan to expand our YouTube presence to provide timely information to members, such as interviews and in-depth summaries of particular issues. And you can help.



What kinds of programming would you like see on the VLCT YouTube Channel?

Please let us know by contacting Jonathan Williams at 1-800-649-7915 or jwilliams@vlct.org.

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THE EFFECT OF HEALTH REFORM ON MUNICIPAL COLLECTIVE BARGAINING AND HEALTH INSURANCE COST CONTAINMENT

VLCT is collaborating with the Vermont Labor Relations Board and the Vermont State Labor Council, AFL-CIO to present two free seminars for union and management representatives engaged in municipal collective bargaining negotiations this year. Looming over negotiations is the January 1, 2014 implementation date of Vermont Health Connect, the Vermont health benefit exchange.

Each seminar will begin with an overview of health reform as defined by the federal Affordable Care Act and enacted through Vermont Health Connect. Plan design; employee choice; federal tax credits; and state mandates, regulations and assessments will be addressed.

Following the overview will be an explanation of the collective bargaining rights and obligations which apply to determining health benefits in municipalities.

The remaining time will have an interactive discussion of specific topics that negotiators will face in collective bargaining, including:

- Health plan designs under state and federal reforms compared to existing plans in municipalities
- Employer group health plans compared to employees going to the health benefits exchange as individuals
- The difficulty of maintaining health savings accounts under the new system
- Options for post-retirement health benefits pre-Medicare
- How part-time and seasonal employees will be accounted for in Vermont Health Connect

**Come to one of two
FREE seminars!**

Tuesday, April 16
Alumni Hall Meeting Room
Barre Civic Center
9:00 a.m. to noon

-or-

Wednesday, April 24
Fox Room
Rutland Free Library
9:00 a.m. to noon



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ASK THE LEAGUE

HIGHWAY RECLASSIFICATION RECORDING; TAX WITHHOLDING FOR A DECEASED EMPLOYEE

What specifically must be filed with and recorded by the town clerk when a selectboard reclassifies a town highway?

The process for reclassifying a town highway is found in Title 19, Chapter 7. If the selectboard, after the site inspection and hearing, finds that the "public good, necessity, and convenience of the inhabitants of the municipality require the highway to be ... reclassified," it must file specific documentation with the municipal clerk within the specified timeframe. Section § 711(a) provides that "[w]ithin 60 days after the examination and hearing, the selectmen shall return the original petition with

a report of their findings and of the manner of notifying the parties together with the survey or discontinuance, to the town clerk's office. Their order laying out, altering, reclassifying, or discontinuing the highway, with the survey, shall be recorded by the clerk."

We interpret this to mean that the following items must be filed with and recorded by the municipal clerk:

1. the original petition (if the reclassification was initiated by 5 percent of voters or landowners in town);
2. a report of the selectboard's findings;

3. the manner of notifying the parties (enumerated in 19 V.S.A. § 709);
4. a survey (if the highway right of way cannot be determined); and
5. the selectboard's order reclassifying the highway.

The minutes of the meeting reflecting the selectboard's decision to reclassify the town highway may be used as the selectboard's order. This information, filed with the clerk, will be used as a basis for updating the sworn certificate and town highway map that the municipality sends to the Agency of Transportation annually on or before February 10. 19 V.S.A. § 305(b).

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

A town employee passed away recently. How do I report tax withholding properly?

The Internal Revenue Service provides guidance concerning tax withholding when an employee dies, and the guidance is different depending on the timing of the final paycheck. Final wages paid to the deceased employee's estate or legal beneficiary in the same calendar year of death are not subject to federal income tax withholding. Final pay is not considered taxable income for this purpose and is not included on the deceased's W-2 in Box 1. This amount (which may include accrued vacation time) must be reported on a Form 1099-MISC in Box 3, which is issued to the estate of the decedent or a legal beneficiary. At the same time, these earnings are subject to FICA

(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

(continued from previous page)

(Social Security and Medicare) and FUTA (federal unemployment) taxes. Therefore, the employer must report them in the gross Social Security and Medicare wages and the amounts withheld on the deceased employee's W-2 wage and tax statement in Boxes 3-6. Again, this is if the death occurs in the same calendar year as the issuance of the final paycheck.

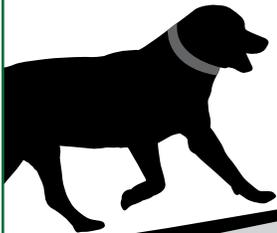
If the final wages are paid in a subsequent year after death, they are not subject to federal income tax withholding or FICA or FUTA taxes. They would be reported in Box 3 of the Form 1099-MISC issued to the decedent's estate or beneficiary, and not on a Form W-2 to the decedent.

For further clarification regarding IRS treatment of final paychecks for deceased employees, see the instructions on Form W-2 and Form 1099-MISC; also see Internal Revenue Service Publication 15 Circular E, Employer's Tax Guide, <http://www.irs.gov/pub/irs-pdf/p15.pdf>.

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



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UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

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

SELECTBOARD INSTITUTE II

Saturday, April 13, Holiday Inn, Rutland

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. Selectboard Institute I includes sessions tailored to help larger towns, and Selectboard Institute II sessions are designed with the needs of smaller towns in mind. Topics will include understanding the municipal organization, essentials of municipal law, effective communication, financial literacy and planning, managing conflicts of interest, local land use, updates on health reform and how to prevent embezzlement and bonding requirements. The agenda for each workshop is available at www.vlct.org/eventscalendar/upcomingevents/.

MUNICIPAL EMPLOYMENT LAW AND HUMAN RESOURCES MANAGEMENT WORKSHOP

Wednesday, May 1, Capitol Plaza Hotel and Conference Center, Montpelier

(Co-sponsored by the VLCT Municipal Assistance Center and PACIF)

CONDUCTING EFFECTIVE TAX APPEALS

Tuesday, May 7, Lake Morey Resort, Fairlee

Thursday, May 9, Middlebury Inn, Middlebury

SPRING PLANNING AND ZONING FORUM II

Wednesday, May 22, Lake Morey Resort, Fairlee

MUNICIPAL ATTORNEYS FORUM

Wednesday, May 29, Capitol Plaza Hotel and Conference Center, Montpelier

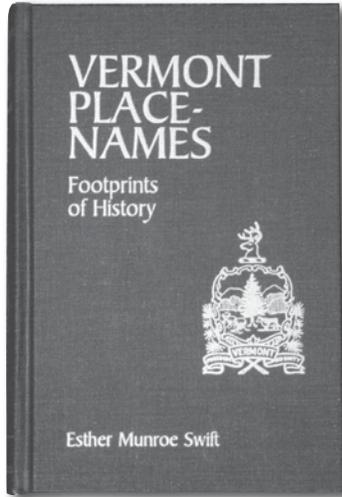
For registration, agendas, and other information, please visit www.vlct.org/eventscalendar/upcomingevents/, call 800-649-7915, or email info@vlct.org.



WHERE IN VERMONT ARE WE:

Working for the Vermont League of Cities and Towns has provided me the opportunity to learn much about my adopted state and about the communities that comprise it. One of the best sources at my disposal has been "Vermont Place Names: Footprints of History" by Esther Munroe Swift, published in 1977. It took 20 years for Esther to research Vermont to write her monumental tome, traveling to all of the state's 255 civil entities, plus mountains and rivers. She discovered there's a town named after an original settler's dog and one whose name was decided in a wrestling match.

Esther Munroe Swift, was a sixth generation Vermonter, but was born in 1923 in New York by accident when her very pregnant mother took a day trip across the



border and gave birth. She grew up in Montpelier, and can be forgiven that small lapse of her birthplace, as she devoted her adult life to studying and archiving Vermontiana in many forms. Esther attended the University of Vermont and then proceeded to earn degrees from Columbia University, the University of Utah, and ultimately a doctorate from the University of Chicago. She worked for the United Nations, where she developed libraries in remote corners of the world, and independently helped a number of international students attend college in the United States.

Though she lived in and traveled to many other places, she returned to Vermont for the last three decades of her life, restoring a 1782 farmhouse in South Royalton as her home, originally owned by General Elias Stevens,

the hero of the Royalton Raid of 1780. She served as a lister in Royalton, and she made a contemporary contribution to Vermont municipal administration, designing the first computer program for listers.

She served for 19 years as librarian and archivist for the Billings Farm and Museum in Woodstock, collecting information on Vermont Yankee farm techniques and organizing old photos so they were accessible to the public. In 2007, she received a Lifetime Achievement Award from the Center for Research on Vermont. Esther died just last March 10th.

Vermont place names are derived from several sources. First, obviously, are those derived, however tortured by the white man, from the natives. Interestingly, not only are we the recipients of names from the Abnaki and other Algonquin tribes passing through and the Iroquois who mainly stayed to the west of Lake Champlain, we also inherited native names brought to Vermont by white settlers from the south and east of New England. There are 200 place names from Indian sources, almost half from the Abnaki.

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**WHAT DO MORE AND MORE
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HAVE IN COMMON?**

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WHERE IN VERMONT:

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Another 50 are from the Mohawk tribe of the Iroquois Nation, a dozen from the Mahican who were located mainly in the Albany area and western Massachusetts. From VLCT's perspective, though, Indian names aren't mentioned much as only one town and one city carry native names today. Windham County's Jamaica's name is the Natick Indian's word for "beaver" and it is not clear whether this name was borrowed from the Jamaicas of Massachusetts or New York or whether it is indigenous. The city should be known to everyone: Winooski, or "wild onion."

Speaking of which, what makes up the political subdivisions that form the basis of the "251 Club"? Nine cities (Barre, Burlington, Montpelier, Newport, Rutland, St. Albans, South Burlington, Vergennes, Winooski), 237 incorporated towns and five unincorporated towns (Averill, Ferdinand, Glastonbury, Lewis, and Somerset).

There are three settlements with post offices that have Indian-based names:

- Bomoseen, which is either derived from the Abnaki for "keeper of the ceremonial fire" or from "Obam Saween," the name of what Esther believed to be the last male Abnaki in Vermont whose Anglicized name was William Simon, who died in 1959;
- Passumpsic (in Barnet) from the river named such by the Abnaki meaning "over clear sandy bottom"; and
- Quechee from the Ottaquechee River meaning "swift mountain stream."

The French were the second chronologically of the Vermont place namers, as with their broader colonial endeavors, there is little to remember with some exceptions, including what became the name of our state. Our lake is named after our first white explorer (Champlain) and several of our rivers were named by him. He explored "La Riviere aux Loutres," our longest river, but it lost its French name to our English translation, Otter Creek. Champlain also discovered our third longest river following the gulls or "la mouette" that flocked there. A map engraver forgot to cross the "t's", creating the "La Mouelle" and then, forevermore, Champlain's river became the "Lamoille." Champlain also named "Le Lion Couchant" which many still prefer to its official name: Camel's Hump.

Two of Grande Isle's five towns have colonial French names: Grand Isle and Isle la Motte. Isle la Motte was named after the

commander of a French fort built there in 1666, Pierre de St. Paul, Sieur de la Motte. More French names were added during the Republic including two that would become cities: Montpelier and Vergennes.

Speaking of which, where did our cities come from? Vergennes is our only city that was not originally chartered as a town or a village and is the third oldest city in America (after New Haven and Hartford, Connecticut). Vergennes is named after Charles Gravier, Comte de Vergennes, France's minister of foreign affairs during the American Revolution. America received nearly 80 percent of its military supplies necessary to defeat the British through a dummy corporation Vergennes established (think Iran Contra Affair). Barre, Burlington, Montpelier, Rutland, and St. Albans were all created as descendants of

villages created in towns of the same name. Winooski had been an incorporated village within the town of Colchester and South Burlington, feeling slighted at being left a town after Burlington split off as a city; it is the last city created in 1971.

Our English rulers and settlers have had the largest impact on our place names. These names fall generally into three categories: those from the royal governors of New York and New Hampshire that were chosen to honor or influence members of the peerage of England to curry favor, those from the communities in the colonies from which the settlers of Vermont originated, and a small group are named for the people who bought the "grants" from the New Hampshire

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RETHINKING

- Redefine the Landscape
- Redesign for Low Impact
- Renew Energy
- Recharge Stormwater
- Reassess Transportation Systems
- Rehabilitate Infrastructure
- Redevelop Brownfields
- Reduce GHG Emissions

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AGILITY RECOVERY

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Agility representative will call you to discuss what your municipality will need in order to resume operations. Agility has nationwide resources, including computers ready to be shipped from warehouses, and trailers prewired for use as temporary office space (where there is good hard ground). You can decide which equipment and services you require, leave the busywork to Agility, and resume your operations within hours or days – not weeks. Agility gives you a lot more time and energy to focus on serving your citizens.

Online pre-disaster planning and the response work of Agility employees are provided free of charge as part of PACIF membership; for covered claims, the equipment that Agility provides and any charges for additional staff, equipment, resources, and travel expenses incur no immediate cost to the member. For non-covered events or services, Agility estimates all out-of-pocket costs up front, and the member must pre-approve the work before anything is done. Because Agility doesn't make money from disasters, the re-

covery strategies that Agility recommends are truly in the best interest of the member.

"After seeing the damage caused by Tropical Storm Irene and hearing about the experience Kentucky municipalities endured in 2009," says Ken Canning, Director, Risk Management Services, VLCT, "we believe it's appropriate for PACIF to assist our members with pre-disaster preparedness planning and make sure they know how to access communications and computer equipment, temporary office space, and generators – before the next disaster hits."

PACIF members who receive login information can immediately use the myAgility portal to begin making their own Disaster Preparedness Plan. Doing so will save time if there is ever a need to seek Agility's assistance. The website walks you through the process: you list your municipality's major and departmental contacts; itemize your needs for equipment (computers, generators, and – this is very important – the amount of generator cable you would require); and note how to contact your telephone and internet service companies. The website also has a database for all of your employees' contact information, so you or Agility can notify all of them at once

by text and email if your municipal phone and internet systems go out.

For an entertaining introduction to Agility Recovery's services, visit www.2.agilityrecovery.com/ and click on "Short Answers to Big Questions" to watch five short videos. Keep in mind that PACIF has a special multi-member contract that replaces the monthly subscription mentioned in the videos.

Agility Recovery has seen the benefit of cities having a concrete preparedness strategy to implement during a disaster. In 2009, after a severe winter storm swept through the Midwest, many cities across Kentucky were rendered helpless. Luckily, the Kentucky League of Cities had a recovery plan in place that allowed the league to deliver emergency generators onsite to support rescue and recovery efforts. These generators, provided by Agility Recovery, powered city halls, civic centers, 911 command centers, community shelters, and water plants in 21 cities across Kentucky.



Josh Smith, a Continuity Planner with Agility Recovery who specializes in Public Sector clients, describes Agility's capabilities to Risk Management Services staff members.

VEHICLE BACKING ACCIDENTS DOMINATE P&C CLAIMS

December through March – the plowing season – typically experiences the highest frequency and expense of property and casualty claims involving vehicles backing up. Backing claims include the backing vehicle hitting another vehicle, stationary object, or person, thereby damaging itself and/or whatever or whoever it hits.

The following statistics are from PACIF claims for incidents occurring from January 2008 through October 2012:

- 21.5 percent of all vehicle-related claims involved backing.

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VEHICLE BACKING

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- 64.1 percent of all backing claims were associated with highway departments, 14.7 percent with law enforcement, and 12.1 percent with fire and ambulance departments.
- Five to ten percent of the law enforcement backing claims were related to pursuits.
- In the five-year period, the backing claims incurred by highway departments alone cost nearly \$319,000. One additional incident resulted in four claims, including one for personal injury, and cost more than \$915,000.

“This winter has been right in line with previous years,” says Fred Satink, VLCT’s Loss Control Specialist. “In January alone, PACIF had eight vehicle backing claims worth a total of \$15,000.”

Without knowing the exact causes of all backing related incidents, we can surmise that most of them occur from poor visibility at the rear and sides of vehicle, inattention to surroundings, and poor prior planning. Here are some simple suggestions for decreasing the likelihood of a backing incident:

- Before entering the vehicle, walk around it to clear snow off of windows and mirrors and to make a mental note of nearby obstructions.
- When possible, use a spotter who will communicate with predefined hand signals.
- Plan ahead to avoid backing altogether by making a series of left or right-hand turns around a parking lot or neighborhood. Plowing routes should be planned with this goal in mind.

Backing incidents are preventable. Allowing them to continue unchecked is an unnecessary use of taxpayers’ money. Supervisory review of all backing incidents can be coupled with employee accountability to help instill a safer approach to driving. In addition, the PACIF Loss Control team is developing new programs for reducing the number of backing claims. Look for more information and ideas in future issues of the *VLCT News*.

2013 RMS CALENDAR

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.

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.

Globally Harmonized System (GHS) Training & Safety Roundtable. Friday, March 29, 2013, 9 a.m. to 12 noon. Northwestern Medical Center, St. Albans. Presented by the Northwest Chapter of the Vermont Safety & Health Council. Free to VSHC members; \$20 per person for non-members. For information and to register, visit <http://www.vshc.org/calendar/index.php>.

Free Breakfast Seminars on Excavation Safety. 7:30 a.m. to 11 a.m., on dates and at locations listed below. Presented by the Vermont Managing Underground Safety Training (MUST) team. To prepare for a safe and compliant excavation season, send your crews to learn from the experts about potential hazards of utility damage, “Dig Safe” rules and requirements, call center notification procedures, Common Ground Alliance’s best practices, working safely around underground facilities, the steps to take if you damage an underground facility, marking techniques for underground facilities, pre-marking tips, and the enforcement process. No charge to attend. Spaces fill quickly, so reserve now at www.must-ne.com/safety_training.php#trainedvt.

Tuesday, April 2 DoubleTree Hotel, 1117 Williston Road, Burlington
Wednesday, April 3 Elks Lodge, 1 Country Club Road, Montpelier
Thursday, April 4 Tupelo Music Hall, 188 South Main Street, White River Jct.

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.



HOW HEALTH ADVOCATE CAN WORK FOR YOU

For more than a year, the VLCT Health Trust has made a service called Health Advocate available to all of the Trust's subscribers. Health Advocate is not an insurer. Rather, it is a resource to subscribers and their dependents to help them understand their insurance coverage and get the most value from it.

This is the first in an occasional series of true-life stories from Health Trust subscribers about their own experiences with Health Advocate. For more information about Health Advocate, please visit www.vlct.org/rms/health-trust/health-advocate.

BILLING ERROR SOLVED

When Peggy Tucker, VLCT's Manager for Workers' Compensation Claims, was told by her doctor that she needed an MRI and that an opening was available on short notice. Because Peggy has worked in the insurance field for more than 20 years, she knew she didn't want to take the chance of the doctor's staff not having time to get prior approval from her insurance carrier. So, she called Cigna (her insurance carrier at the time) and got specific prior approval for the test. She also made sure to give Cigna's pre-approval number to her doctor before she went in for the MRI. Even so, after the test, Peggy read Cigna's Explanation of Benefits and saw that Cigna would pay the Hospital part of the bill, but not the Doctor part. (Fletcher Allen always splits its bills into these two categories.)

"I called Cigna again," said Peggy, "and explained that the two bills were for different aspects of the single procedure, so the pre-approval should have covered both completely. Cigna blamed the hospital, saying it had coded the doctor's bill wrong somehow. I really tried, but I just couldn't get Cigna to budge."

So Peggy called Health Advocate. After she had filled in and submitted the federally mandated paperwork giving Health Advocate permission to handle her health information, her personal advocate got right on the case. Health Advocate employees know the medical care and insurance systems from the inside out, and they soon resolved the problem with Cigna.

"Apparently, Health Advocate was able to convince Cigna that both bills were related to the single pre-approved procedure," said Peggy. "I'm really glad I could just let them handle it."

POST-TOWN MEETING

(continued from page 1)

minutes within seven days from any combination of two officials from the groups designated by statute: moderator, selectpersons, and justices of the peace. This request must be given prompt consideration. 24 V.S.A. § 1152.

Reporting Election Results. State law mandates that the town clerk report the election of certain officials. Each has his or her own deadlines. These include filing a list of the names and addresses of every justice of the peace and selectperson elected along with notation of those newly elected with the Secretary of State (17 V.S.A. §§ 2592(i) and 2665, respectively). The clerk must also deliver a certificate signed by the clerk and one other election official to each candidate for justice of the peace elected. Additional duties include reporting the name of the town treasurer to the State Treasurer by July 1st (24 V.S.A. § 1166); certifying the name and post office address of the first constable to the county clerk (24 V.S.A. § 1169); and reporting the names, post office addresses, and lengths of term of office of each lister to the Director of the Division of Property Valuation and Review (24 V.S.A. § 1168). The clerk must also file his or her own certificate of election with the county clerk within six days of the election. This certificate is signed by the moderator if elected from the floor or the chair of the board of civil authority if elected by Australian ballot (24 V.S.A. § 1151). Certificates of election can be found on the Elections Division page of the Secretary of State's Office website, http://vermont-elections.org/elections1/town_clerks_movie.html.

The clerk's post-town meeting responsibilities also include reporting certain actions taken by the voters at Town Meeting. Within five days of the meeting, the clerk must certify votes on all financial actions (raise taxes, borrow money, make any appropriation) to the town treasurer and selectboard chair. 24 V.S.A. § 1167. Within six days of Town Meeting, the clerk must report on the method for the collection of taxes to the Director of Property Valuation and Review together with any other related information as the Director requires. 32 V.S.A. § 5167. If the townspeople voted to amend their town charter, the

(continued on next page)

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POST-TOWN MEETING

(continued from previous page)

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

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

Satisfying Bonding Requirements.

Certain officers must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. Bond amounts are set by the selectboard and paid for by the

town. The clerk must record all bonds filed in a separate book kept for that purpose. 24 V.S.A. §§ 832, 833, 835.

Settling Accounts. If a new treasurer is elected, his or her predecessor must immediately pay over all funds belonging to the town and town school district and deliver all books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if a new collector of taxes is elected, his or her predecessor must lodge with the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and reissued to the new collector, who must in turn provide a receipt for the same. 32 V.S.A. § 4671.

Aministering Oaths of Office. A handful of town officers must be sworn into office before carrying out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); selectpersons, justices of the peace, constables, listers, grand jurors, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). State law prescribes

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different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. The clerk's oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary or clerk of either chamber of the Vermont General Assembly; or by the Governor. A listing of the different oaths of office can be found on the Elections Division page of the Secretary of State's Office website, http://vermont-elections.org/elections1/town_clerks_movie.html.

Appointing Assistants. After his or her election, the town clerk must appoint at least one assistant. 24 V.S.A. § 1170. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the

TRIVIA

Ann Myers, Pamela Bolster, Mardee Sanchez, Louise Luring, Pam Pratt, Carol Daigle, and Marianne Blake of Essex, the Northwest Vermont Solid Waste Management District, Randolph, Saxtons River, Waterbury, Williston, and Windsor, respectively (respectfully, too, but that's another story), knew that Windsor pharmacist Milton K. Paine began bottling his fabulous Paine's Celery Compound in the early 1880s. Incidentally, the elixir was later marketed by Wells, Richardson & Co. of Burlington, Vermont. Wells' daughter, Bertha, was the wife of H. Nelson Jackson, who, you may recall, accompanied Bud The Beggoggled Bulldog on the first cross-country automotive adventure in 1903.

The only trivia question that comes to mind today is this one: **Who, what, when, where, or why was Old Dads Turnout?** If you know the answer – and, for once, Google doesn't – email it to dgunn@vlct.org. March's mainly marvelous issue provides full disclosure.

treasurer fails to appoint an assistant within ten days of a selectboard's request to do so, the selectboard may appoint one for him or her. The clerk's assistant must be sworn into office. 24 V.S.A. § 1171. A record of the assistant clerk's appointment must be certified by the clerk and a copy of the assistant's oath must be deposited with the county clerk. 24 V.S.A. § 1172. Appointments for both offices must be recorded in the town clerk's office.

Organizational Meetings. After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a clerk. Certificates of election for these positions must be recorded with the town clerk. The selectboard must also appoint a legally qualified voter to serve as the tree warden and may, though it is no longer required to, appoint three fence viewers, a poundkeeper (residency not required), and one or more inspectors of lumber, shingles and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. This is also a good time for the selectboard to establish its regular meeting schedule. 24 V.S.A. § 871.

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WHERE IN VERMONT:

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governor or the “patents” of the New York governor.

A side note: most of Vermont’s early history lessons focus on the New Hampshire-New York dispute, but part of Vermont was actually part of Massachusetts and Connecticut for a short time. Massachusetts erroneously claimed about 110,000 acres of what was Connecticut’s royal grant, presumably along its northern border. In order to keep that land as it was already settled by Massachusetts Bay colonists, Massachusetts swapped equal acreage in what was to become Vermont, including what is now Dummerston, Putney, and Brattleboro. Connecticut, being of sound mind, quickly auctioned off the land and donated the proceeds to the then-12-year-old Yale College of New Haven to a Boston group of land speculators, including William Dummer and William Brattle.

But I digress from the matter at hand. New Hampshire’s royal governor, Benning Wentworth, issued 129 town grants – mostly the six-square mile areas we now see for most of our towns – between 1749 and 1764.

The first of those was Bennington. Vermont now has 113 towns that can trace their history and their names to a Benning Wentworth grant. Three of the original 128 towns (Dunbar, the 129th grant, was canceled when surveying showed it overlapped with another grant) were merged into other towns and 12 have had their names changed. Wentworth granted about three million acres in the state, about half our landmass.

The New York governors issued the bulk of their competing 107 patents between 1765 and late 1775, with the last being issued in January 1776, overlaying the New Hampshire grant of the town of Topsham. Only five of Vermont’s present towns derive from the New York patents: Bradford (originally named Mooretown), Londonderry (part of which was originally named Kent), Readsboro, Whitingham, and Royalton. The other 102 patents fall into two groups: those patents which were given to single individuals, and hence did not have town names assigned; and 58 patents for what have become known as “paper towns,” as no one ever settled in them, so no one associated their names with their places. New York (the state) even issued a grant for Isle la Motte as late as 1786.

The Republic of New Connecticut was founded at a meeting in Windsor on January 17, 1777. This was actually an adjourned meeting that had begun the previous summer at a convention called in Dorset where the delegates voted to “take suitable measures to declare the New Hampshire Grants a free and independent district.” Later in 1777, someone realized that there was already a “New Connecticut” in Pennsylvania, so they scratched out “New Connecticut” and inserted the new name “Vermont.” The place name “Vermont” is most likely owed to Pennsylvania as well, as lore has it that Dr. Thomas Young, a Pennsylvania statesman who also suggested that Vermont use the Pennsylvania constitution as the basis of its own. It is said that he suggested the name to perpetuate the memory of the Green Mountain Boys, originally coined by a New York colonial official bedeviled by the boys. The name of our state, based on the literal translation from the French, should be “Les Monts Verts,” but, fortunately, grammatical shorthand prevailed and we are Vermont.

The Republic of Vermont began issuing charters in 1779, the first to the town of Bethel. It started by issuing charters to the 128 New Hampshire grants and the five remaining New York grants, most for full-sized towns of about 30,000 acres and the rest for the leftover scraps of land between towns called gores or grants. James Whitelaw, the second state Surveyor General, described gores as “the result of man’s frustrating attempt to lay our right-angled plots of land upon a spherical earth’s surface.” The surviving grants and gores are Buel’s Gore, Avery’s Gore, Warren Gore, and Warren’s Grant. Gores continue to pop up as modern day surveying continues to find fault with that used more than 200 years ago to lay out the boundaries of the towns chartered by meets and bounds. Take, for example, Perley’s Gore. It came into being in 1986 when a survey of the town boundaries of Bakersfield, Enosburg, and Montgomery was redone. The towns, which border the gore, each had tried to claim its 350 acres as its own. After a parade of local and state officials made their way to the spot in December 1985 in foot-deep snow, an agreement was reached to divide the land and its tax revenue between two of the three towns.

The town of Bakersfield had been collecting taxes on the land until 1982. That’s when its owner, Peter Watson, informed officials that his survey showed the land was

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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/newsletter-archive/advertising-information/.

HELP WANTED

Police Officer. The Stowe Police Department is looking for a professional, community minded, ethical team player to join the department as a full-time police officer. The department is accepting applications from Vermont (VCJTC) certified officers, candidates who are

currently attending Vermont (VCJTC) Police Academy, or out-of-state officers whose certification will transfer to Vermont VCJTC. Requirements: must be 21 years of age and have a high school diploma or equivalent, and a valid driver's license. Police testing – including physical fitness examination, polygraph, oral board, written exam, medical exam, fingerprint check and extensive background check – will be required of selected applicant. Starting hourly salary, \$17.83-\$20.74, depending on qualifications and experience. Visit www.townofstowevt.org for a job description and application. Please call Chief Donald Hull with questions at 802-253-7126. Email application, letter of interest, and resume to recruit@townofstowevermont.org, or mail to Kim Grogan, HR Coordinator, Town of Stowe, PO Box 730, Stowe, VT 05672. Applications accepted until position is filled. EOE. (2-5)

Management Intern. Students interested in a career in local government are encouraged to apply for the Town of Milton (Vermont) Management Internship Program. The position is available to either graduate students in or recent graduates of a public administration, public policy (policy analysis), or related graduate school program. The intern is required to attend numerous meetings outside of his or her regular duties to ensure individual exposure to all aspects of local government. He or she may attend local government training opportunities and the Vermont Municipal Managers' Association conferences. The intern works directly under the direction of the Town Manager, but also provides research, analytical, and writing assistance to all Town departments, divisions, boards, and commissions with management tasks and projects. The

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WHERE IN VERMONT:

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not part of any town and that he would not pay taxes on it. At the request of the three bordering towns, state Rep. Merrill Perley took the land dispute under his wing. In 1985, the Legislature dubbed the area Perley's Gore and appropriated \$10,000 to survey it.

Officials decided to split the land along a mountain ridgeline between Bakersfield and Montgomery. Enosburg, the third town, was left with no land from the gore. Perley was quoted as saying he was pleased "his" gore was given to the towns, but added, "It would be nice to keep the name."

Vermont now is left with three official gores – places that belong to no towns because they were missed by surveyors – which are administered by appointees of the governor.

By the time of statehood in 1791, there were only six town-sized pieces of land left to be chartered. The towns existing today that were chartered after statehood are Belvidere, Goshen, Jay, Lowell, Newport, Sheffield, and Stannard. Now, you say, "Wait a minute. You just named seven towns." Note that I said, there were only six town-sized pieces of land left. Goshen has only 11,000 acres and is the smallest town in land mass of Addison County. Stannard, too, is only 6,499 acres and wasn't incorporated until August of 1867. I am not sure to which Esther was referring when she differentiated between town-sized pieces and those that were not.

Unlike the names of cities and towns, which have legal standing from their arti-

cles of incorporation – or the names of post offices or railroad stations – the names that are used for most villages, hamlets, areas, rivers, mountains, and lakes in Vermont are often assigned fairly casually by people living in a given area and gain status through usage. This is certainly the case with most of Vermont's nearly 10,000 place-names, and it is in this body of names that one most clearly sees the footprints of history on the Green Mountain state.

And, oh, by the way, the town named after a dog? According to Hamilton Child's Gazetteer of Windham County, published in 1884, an oft-repeated story is that Amos Hayward got up at a meeting of the town incorporators and said, "Name it after my dog, Dover!" More likely the Windham County town was named after the Dover of New

Hampshire. And everyone in Washington County has had to listen at least once to the story of the re-naming of Wildersburgh. Originally named after a town in Massachusetts, two other ne'er-do-wells from that state – one from Holden and one from Barre – supposedly duked it out for naming rights. Interestingly, Barre, Massachusetts, was not its original name either. It had been Hutchinson after the hated royal governor who served during the Stamp Act hostilities and the Boston massacre. Post-revolutionary Massachusetts thought better of the original name, changing it to Barre after a Huguenot descendant who served with Wolfe in the conquest of Canada and was in Parliament as an outspoken supporter of the colonies.

Steven Jeffrey

VLCT Executive Director



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CLASSIFIEDS

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intern will be selected depending upon qualifications and any previous work history, and will be a temporary employee of the Town. Salary, \$27,000. To apply, please email cover letter, resume, and application (available at <http://www.milton.govoffice2.com/> under Employment Opportunities) to bcomstock@town.milton.vt.us. (2-5)

Town Manager. The Town of Dixfield, Maine, is reopening its search for a Town Manager. The Board of Selectmen seeks a leader skilled in budgeting and finance, personnel management, labor relations, and grant-writing. The Manager must have a positive attitude and be able to communicate with both government officials and citizens on the street. Experience in water and sewer operations is also desired. Municipal management experience and a college degree would be a plus but individuals with comparable work experience and education are encouraged to apply. Located in a four-season resort area, Dixfield (pop. 2,500) has a municipal budget of \$3

million excluding schools, 15 FT municipal employees, and a selectmen/town meeting form of government. Salary negotiable based on experience and training. To apply, submit cover letter, resume and salary requirements by Feb. 28, 2013, by email (HumanResource@memun.org), fax (207-624-0118), or U.S. mail to Director of Personnel Services, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Equal Opportunity Employer. (2-1)

Road Maintenance Crew Member. The Town of Andover's Highway Department seeks a full-time Road Maintenance Crew member. Minimum requirements: CDL license, experience with truck operation and plowing; grader experience a plus. Must be available 24/7 during the winter months. A complete job description is available at the Andover Town Office. Benefits include health and retirement package, paid vacation and holidays. To apply, please submit a resume and your job experience to Town of Andover, 953 Weston-Andover Road, Andover, VT 05143. (1-31)

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 supervision of personnel, plowing, grading, 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)

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RFPs

The Town of Morristown is seeking proposals for a Bicycle and Pedestrian Scoping Study. The goal is to develop a conceptual layout for a bike lane and sidewalk from the intersection of B Street and Jersey Heights in Morrisville south along Historic Vt. Route 100 to the proposed pedestrian tunnel under the new Vt. Route 100 Truck Route adjacent to the Bishop John A. Marshall School in Morristown, while also identifying potential environmental and cultural resources that may affect project development. A copy of the RFP is available at the Town Offices at 43 Portland Street or on the Town website, www.morristownvt.org. Please direct questions to Todd Thomas, Zoning Administrator, at 888-6373 or tthomas@morristownvt.org. **Responses due April 15, 2013.** (2-7)

Colchester Technical Rescue is accepting bids for a 1999 Ford F550 light duty rescue truck with 14' walk-in box, 15,000 miles, excellent condition. Minimum bid, \$40,000. **Submission deadline: March 8, 2013.** For more information, visit www.colchestervt.gov (Opportunities/RFPs). (1-29)

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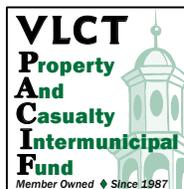


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Calendar

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.)

TREASURERS WORKSHOP I
Tuesday, March 19
Middlebury Inn, Middlebury
Thursday, March 21
Lake Morey Resort, Fairlee
(Sponsored by VLCT and the Vermont

Municipal Clerks' and Treasurers' Association)
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.

SELECTBOARD INSTITUTE I
Saturday, March 23, Capitol Plaza Hotel
and Conference Center, Montpelier
SELECTBOARD INSTITUTE I
Saturday, April 13, Holiday Inn, Rutland
(Sponsored by the VLCT Municipal Assistance Center)

The Selectboard Institute provides Vermont selectboard members with the skills they need to manage the affairs of their town. Delivered over the course of two Saturdays, the program will focus on the fundamentals

of municipal governance and current issues facing selectboards 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.

**IMPACT ON MUNICIPAL COLLECTIVE
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Barre Civic Center, Barre
Wednesday, April 24,
Rutland Free Library, Rutland

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Please see page 2 for seminar details.

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