

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

January 2014

PREPARING FOR A SUCCESSFUL TOWN MEETING 2014

The following is an update of a 2011 article by erstwhile Senior Staff Attorney Jim Barlow.

Vermont's next annual town meeting will be on **Tuesday, March 4, 2014**. Each town's meeting will start at the time designated by the selectboard unless the town has previously voted to set a time for its meeting. 17 V.S.A. § 2655. A town can vote to start town meeting on the Saturday, Sunday, or Monday preceding the first Tuesday in March. On that day, the town can conduct any business that does not require Australian ballot vote. If the meeting is started on Saturday, Sunday, or Monday, it must be adjourned to Tuesday to conduct Australian ballot voting. 17 V.S.A. § 2640(b).

For towns holding their meeting on March 4, the first day to begin posting the town meeting warning and notice will be Thursday, January 23, 2014. The last day to begin posting the warning and notice will be Sunday, February 2, 2014. The warning and notice must be posted in at least two public places in the town and in or near the town clerk's office. 17 V.S.A. § 2641(a). Please note that there is no statute extending the

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HOW ACT 148 IS CHANGING VERMONT'S SOLID WASTE AND RECYCLING LANDSCAPE

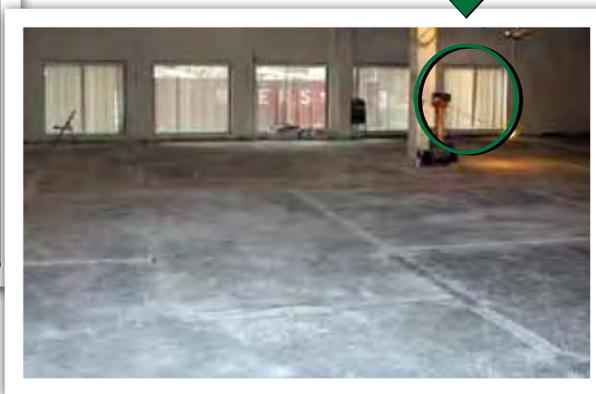
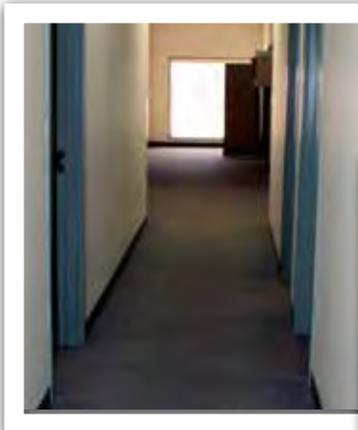
Act 148, passed by the Vermont Legislature and signed by the governor in the 2012 legislative session, attempts to increase the rate of diverting recyclable, organic, and compostable materials out of the waste stream that feeds into landfills. Landfill space in Vermont is more limited than ever since the Vermont Agency of Natural Resources (ANR) required the Moretown Landfill to close last summer, leaving the Coventry Landfill as the only commercial landfill open in the state. As well, recycling rates in

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VLCT CONSTRUCTION UNDERWAY

Top to Bottom, The cupola wall art that once graced the wall of VLCT's City Center reception area remains intact (for the most part) amid the construction. Before renovation: Looking down the hallway towards an outside window of what used to be Risk Management Services offices. Mid-construction: Viewing the same window, now that the walls have been taken down. (And who needs walls?!).



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GOLFERS SUPPORT VERMONT FOODBANK

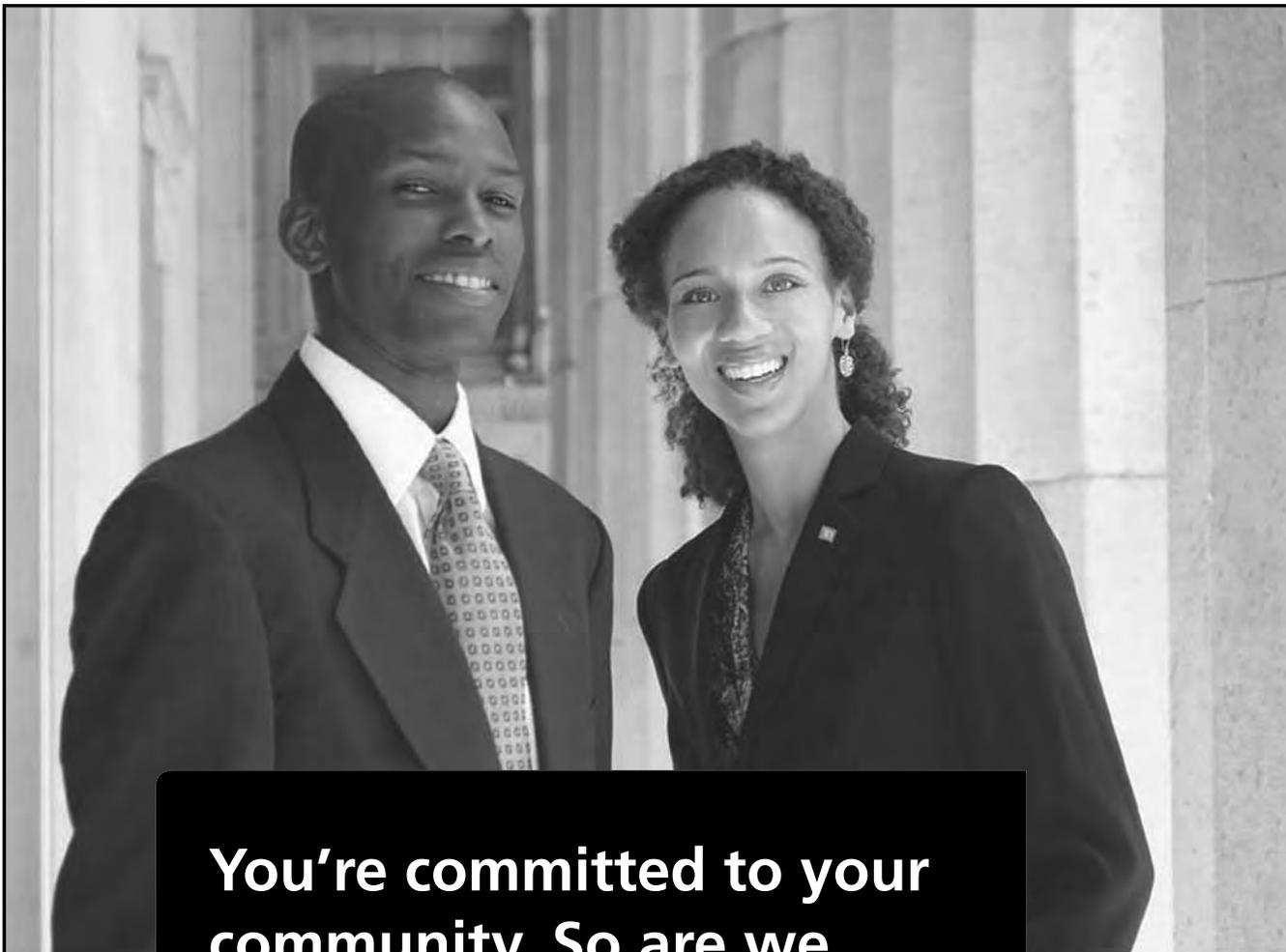
The 2013 Local Officials Golf Outing, which took place on August 14th at the Green Mountain National Golf Course in Killington, raised a record \$3,000 for a worthy Vermont cause. This 2013 donation was presented the week before Thanksgiving to the Vermont Foodbank, which immediately put the money to use providing holiday meals to hungry Vermonters. The Foodbank serves the entire state through a variety of programs and distribution sites.



Larry Smith and Pam Fecteau of VLCT present a \$3,000 check on behalf of VLCT's golf enthusiasts to John Sayles, CEO of Vermont Foodbank, at the organization's Barre warehouse. This money will help provide 9,000 meals to Vermonters who don't have enough to eat.



John Sayles leads VLCT visitors on a tour of the Vermont Foodbank's busy warehouse. Provisions come from the federal government as well as a variety of local sources, and even the non-perishable items are distributed within 30 days.



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Questions asked by VLCT members and answered by the League's legal and research staff

ASK THE LEAGUE

NET-METERING AND ZONING REGULATIONS

Our town has received an application for a net-metered solar farm in the floodplain. Since net-metered power generating facilities are exempt from zoning regulations, are they also exempt from the town's flood hazard regulations?

Yes. A net-metered solar farm in the floodplain is exempt from municipal regulation, including the town's flood hazard regulations. Public Service Board (PSB)-regulated power generation and transmission

facilities are subject to Section 248 of Title 30, which incorporates by reference Act 250 environmental criteria included in 10 V.S.A. § 6086. The PSB will refer the application to the Vermont Agency of Natural Resources (ANR) for its review under 10 V.S.A. § 6086(a)(1)(D) for development in the Special Flood Hazard Area.

Act 138, passed in 2012, requires ANR to develop floodplain rules to regulate activities exempt from municipal regulation. According to agency staff, this state floodplain

permit program should be in force by early 2015, after which development activities in floodplains exempt from municipal regulation will be subject to the ANR rules.

*Milly Archer, CFM,
Water Resources Coordinator
VLCT Municipal Assistance Center*

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

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FROM THE IRS

The Internal Revenue Service (IRS) has announced that beginning on Jan. 1, 2014, the standard mileage rate for the use for business travel will be **56 cents per mile**.

On-line IRS resources for municipal governments include:

- the Tax Information for Federal, State and Local Governments webpage (www.irs.gov/Government-Entities/Federal,-State-&-Local-Governments), which includes news and educational resources; and
- the online Municipal Digest Newsletter (<http://www.irs.gov/pub/irs-pdf/p5116.pdf>), which features information on IRS programs and resources for municipal governments.

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UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

TOWN MEETING TUNE-UP

Tuesday, February 11, 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.

Is there an article on your town meeting warning you would like to discuss? Register and email your question by Friday, January 31, to afriedman@vlct.org with Town Meeting Tune-Up in the subject line.

TOWN HEALTH OFFICERS WORKSHOP

Tuesday, March 11, Capitol Plaza Hotel and Conference Center, Montpelier

Thursday, March 13, Holiday Inn, Rutland

(Co-sponsored by the Vermont Department of Health)

This workshop is designed to assist town health officers, selectboard members, and town managers or administrators who deal with local public health hazards and rental housing code enforcement. Topics will include the duties of a town health officer, legal requirements and best practices for writing health orders and emergency health orders, and how to comply with the state Rental Housing Health Code.

SPRING SELECTBOARD INSTITUTE

Saturday, March 22, Capitol Plaza Hotel and Conference Center, Montpelier

Saturday, April 12, Holiday Inn, Rutland

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

TREASURERS WORKSHOP

Tuesday, March 25, Lake Morey Resort, Fairlee

Thursday, March 27, Middlebury Inn, Middlebury

(Sponsored by the VLCT Municipal Assistance Center)

This workshop provides basic guidance for treasurers to perform their jobs on a daily basis. It includes 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.

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

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MAC is pleased offer the services of our expert municipal consultants. To learn more or discuss a possible project, contact Abby Friedman at 800-649-7915, extension 1926, or afriedman@vlct.org.

MAC's consulting team consists of:

- **Bill Hall, Senior Financial Consultant**
- **Doug Hoyt, Municipal Law Enforcement Consultant**
- **Brendan Keleher, Municipal Management and Finance Consultant**



BILL HALL

DOUG HOYT

BRENDAN KELEHER



TOWN MEETING

(continued from page 1)

Sunday posting deadline to Monday. By Saturday, February 22, 2014, the warning (but not the notice) must be published in the town report or distributed in written form to all town or city postal patrons. Alternatively, the warning may be published in a newspaper of general circulation in the town no later than Thursday, February 27, 2014. 17 V.S.A. § 2641(b).

The warning must be accompanied by a notice that includes information on voter registration, early or absentee voting where applicable, and other appropriate information. 17 V.S.A. § 2642(b). Sample notices are available from the Vermont Secretary of State at <http://vermont-elections.org/elections1/townmeetingwarn.html>.

In drafting the warning, the selectboard should keep these tips in mind:

- Each article should be written to express the intent of the drafters as precisely as possible. Avoid unnecessary words and strive to be clear.
- If a statute prescribes specific language for an article, that language must be used. If a statute *doesn't* prescribe specific language, try to track the statutory language as closely as possible and make reference to the statute.
- Each article dealing with a public question or money vote should be stated in the form of a question that can be answered "yes" or "no." This is a requirement for public questions voted by Australian ballot and is a good practice for floor voting.
- Don't add comments such as "by petition" or "nonbinding." Statue prohibits the warning from including any opinion or comment by any town body or officer or other person on the matter to be voted on. 17 V.S.A. § 2666.
- Consult with the town clerk and moderator before signing and posting the warning.

The voters' deadline for submission of petitioned articles will be Thursday, January 23, 2014. The petition must be signed by at least five percent of the voters of the



town and filed with the municipal clerk. 17 V.S.A. § 2642(a). Not every petitioned article has to be included in the warning. The selectboard is only legally obligated to warn a petitioned article when the purpose stated in the petition "sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Royalton Taxpayers' Protective Assn. v. Wassmansdorf*, 128 Vt. 153 (1960).

Keep in mind that the selectboard can warn petitioned advisory articles but is not legally obligated to do so. This discretion allows the selectboard to balance the efficient transaction of town business with the provision of a local forum for discussing state and national issues. *Clift v. City of South Burlington*, 181 Vt. 571 (2007). Petitioners occasionally make mistakes in preparing petitions and drafting proposed

warning articles. If the petition is submitted on time, has the minimum number of signatures, and requests an article that the selectboard has no discretion to refuse, we recommend that you accept the petition and work with the petitioners to redraft the article using the correct language. Check with the VLCT Municipal Assistance Center if you have any questions about your obligation to warn a petitioned article.

There are two mandatory items of business that must be conducted at town meeting: election of officers and adoption of a budget. The failure to hold an election does not create a vacancy under 24 V.S.A. § 961 and a special town meeting will have to be called to conduct an election for the office. *Jenney v. Alden*, 79 Vt. 156 (1906). The person currently holding the office will serve

(continued on next page)

LOW-INTEREST LOAN FUNDS AVAILABLE THROUGH THE VERMONT STATE INFRASTRUCTURE BANK (SIB) LOAN FUND



Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) 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, bridges, sidewalks and bike paths;
- 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.

Also, in certain cases, electric vehicle charging stations and natural gas refueling stations for trucks and other vehicles available for public use are eligible for SIB financing.

FOR MORE INFORMATION: www.veda.org ♦ 802-828-5627



TOWN MEETING

(continued from previous page)

until a successor is chosen. 24 V.S.A. § 2646.

If your municipal budget is voted from the floor, statute assumes that the budget will be amended until the voters approve it. If the budget does not pass, the floor meeting can be recessed to a date and time certain when the article will be taken up again. If a floor meeting is closed without an approved budget, a special meeting will have to be called. If the rejected budget was voted on by Australian ballot, the selectboard must follow the provisions of 17 V.S.A. § 2680(c) in preparing and submitting a new budget to the voters.

There is tremendous variation in municipal budget articles, which are probably the most important articles considered at every town meeting. About a half billion dollars are appropriated by Vermont local government each year on the basis of the words, "A town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights." 17 V.S.A. § 2664.

There is little other guidance in the statute apart from the mandate that a town "express in its vote the specific amounts, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses." On the basis of these two categories, some towns vote separate general fund and highway budgets. VLCT doesn't believe two separate general fund and highway fund budget articles are legally necessary so long as highway funds are accurately accounted for within the general fund.

VLCT recommends this form for the budget article:

Shall the voters approve total general fund expenditures of \$_____, of which \$_____ shall be raised by taxes and \$_____ by non-tax revenues?

This is an optional highway fund article for Towns that vote separate general and highway fund budgets:

Shall the voters approve total highway fund expenditures of \$_____ of which \$_____ shall be raised by taxes and \$_____ by non-tax revenues?

Tough economic times have brought more attention to social service agency appropriations. The authority to vote on these appropriations at town meeting is found at 24 V.S.A. § 2691. There are two ways for a social service appropriation article to appear on the warning: with a petition submitted in accordance with 17 V.S.A. § 2642 or by the selectboard's own motion. Some selectboards will not include any social service agency appropriation article that is not supported by a petition. Other selectboards will allow some non-petitioned articles, but not others. Regardless of your approach, every selectboard should have a written policy to manage social service agency requests. A model social service agency appropriation policy is available from VLCT at <http://resources.vlct.org/u/Model%20Social%20Service%20Agency%20Policy%20November%202009.pdf>. Keep in mind that an agency receiving an appropriation does not have to be physically located in the town, so long as it provides services to town residents. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989).

WHAT DO MORE AND MORE VERMONT MUNICIPALITIES HAVE IN COMMON?

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Member FDIC 

ATTN: PACIF MEMBERS WITH CDL DRIVERS

One of the long-time and valuable perks of PACIF is support for municipal compliance with US DOT and Federal Motor Carrier Safety Administration regulations that apply to operators of commercial motor vehicles (CMVs). Since many municipal vehicles are CMVs and require a commercial driver license (CDL) to operate, these regulations apply. Municipalities with CMVs are responsible for implementing various policy and programmatic elements that are designed to ensure the safety of the general public. The activities include having a drug and alcohol testing policy for CDL drivers; checking their driving histories; updating certain records annually; monitoring these drivers for alcohol

and/or drug use; conducting random, reasonable suspicion, and post-accident drug and alcohol tests on drivers; providing appropriate follow-up after initial testing; and more. Meeting all of these requirements can be challenging, but **PACIF provides four important resources** to help our members through it: a comprehensive manual, a partner company to conduct drug and alcohol testing, special employer-level training, and Invest EAP to help follow up in case of a positive test. The first two of these have been updated for the start of 2014.

The PACIF Drug and Alcohol Testing Manual has been thoroughly revised by Fred Satink, Loss Control Supervisor, with help from Jim Carrien in his role as Administrative Assistant, Risk Management Services. Under their care, the manual has become a comprehensive, well-organized document that contains not only excerpts of the federal requirements involving CDL drivers, but also explanations and guidance, checklists, a model CDL Drug and Alcohol Policy, sample forms, and sections on Hiring and Recordkeeping. Our Loss Control team started hand delivering one printed and bound manual to each member municipality in mid-December. (If your municipality hasn't received this printed copy yet, contact your Loss Control Consultant to learn when he will be in your area.)

The printed version is a handy reference, but the computer-savvy among you will be glad to know that the entire manual is also available at www.vlct.org as a PDF file that is text-searchable and has electronic bookmarks, so you can easily find what you need and print any of the forms that it contains. Moreover, the model CDL Drug and Alcohol Policy is available as a freestanding Word document. **Every PACIF member should download this latest model policy, study the guidance passages** that appear throughout it, determine what approach the municipality will take, **edit the policy as necessary** (being sure to also delete all of the guidance text), and **adopt the policy as its own**.

PACIF has a new third-party administrator for CDL-related drug and alcohol tests. Occupational Drug Testing, LLC (ODT) is based in Manchester, New Hampshire and works across New England (although not all of Maine) with a fleet of eleven fully outfitted mobile collection units and a network of partnerships with selected Vermont laboratories. Municipal staffers have already been very helpful with compiling up-to-date information on all of your current CDL drivers as a crucial part of the transition to ODT, and we appreciate the time and effort that this has involved. The result is that all PACIF CDL drivers are entered in the random testing pool that ODT operates.

Details about PACIF's drug and alcohol testing perk include:

PACIF membership includes free pre-employment and random drug and alcohol testing.

Reasonable suspicion, post-accident, return-to-duty, and follow-up testing in accordance with federal regulations is available at nominal fees.

VLCT members that are not in PACIF can participate in PACIF's random testing pool for a discounted per driver per year fee.

For the federally mandated random testing, alcohol tests are separate from drug tests, names are drawn on a quarterly basis, and, in the course of a year, half of the pool members receive a drug test and a quarter of pool members receive an alcohol test. These tests

(continued on next page)



2014 RMS CALENDAR

Vermont Forklift Train the Trainer Classes. Two dates and locations listed below. Presented by Landrock E&S Consulting, Inc., of Plattsburgh, N.Y. Did you know that (V)OSHA requires that all fork truck operators be trained by a "qualified person?" This forklift training is designed for powered lift truck operators in manufacturing, construction, and retail. A complete overview of 29 CFR 1910.178 (V)OSHA standards will be followed with a discussion on load balance, characteristics and truck components, engineering design, fueling, and fundamentals of operation, with a hands-on forklift safety inspection. This course is primarily a train-the-trainer seminar and can be used to fulfill the classroom component of (V)OSHA requirements. \$150 per person fee includes lunch and valuable handouts. For more information or to register, contact Bruce Gray at Landrock@verizon.net or 518-562-1462.

- 8:30 a.m. to 3:00 p.m. Thursday, January 9, 2014, Vermont Technical College, Blair Park, Williston
- 8:00 a.m. to 2:30 p.m. Tuesday, February 11, 2014, North Country Chamber of Commerce, Plattsburgh, New York

PACIF FOR 2014

The VLCT Property and Casualty Inter-municipal Fund (PACIF) enters 2014 with the continuation of two especially popular programs and the launch of three completely new programs, all of which are designed to help members reduce their likelihood having to file claims. This article is a mere overview. PACIF members will learn more about each of these programs in emails from our staff, articles in future issues of this newsletter, and at www.vlct.org.

The two returning favorites are **Equipment Grants** and **Scholarships**. The PACIF Board of Directors again allotted \$200,000 for grants and \$50,000 for scholarships for the coming year. "We plan to adjust certain details of the Grant program," says Fred Satink, Loss Control Supervisor and a member of the Equipment Grant Review Committee. "For example, one change is designed to make the distribution of funds more equitable between members with differing fiscal years." Scholarship guidelines might be tweaked a bit, but they will remain substantially the same as when they were instituted in 2011. All of the updated guidelines and application materials will be available in January at www.vlct.org.

The **WorkStrong** program is the newest incarnation of our worksite wellness program, now with an even greater focus on improving employee health and reducing workers' compensation costs. Although the number

of workers' compensation claims per \$100 of payroll is flat or declining, the average cost per claim is increasing, and, after five years of rate decreases, members are starting to see costs rise again. We have learned that a significant underlying cause of these increased workers' comp costs is employee obesity and lack of flexibility. WorkStrong can help members turn this trend around by providing employees with simple, practical techniques for improving their overall physical wellbeing. We encourage all members to take advantage of this new program.

Heidi Joyce, Senior Health Promotion Consultant, has compiled a range of new activities to support employees in reconnecting with their bodies and improving their overall fitness (weight, strength, endurance, flexibility, balance, and mind/body awareness).

- **Fitness Evaluations** measure an individual's cardiovascular fitness, muscular strength, muscular endurance, body composition, and flexibility and produce a personalized report pointing out strengths and areas needing improvement. Heidi will design a plan with each employee, who will be motivated to improve for the follow-up evaluation later in the year.
- **Nutrition and Dietary Consultations** for weight management and healthy eating let Heidi enter an employee's dietary information into software that prints a recommended food plan complete with meal plans, recipes, and grocery lists.
- **Pre-shift Warm-up and Stretching.** Heidi holds Train-the-Trainer (TtT) classes in which employees at all levels learn how to lead gentle daily ten-minute standing stretching routines with their peers to gradually increase all workers' flexibility and range of movement.
- **Ergonomic Evaluations** (beyond what is currently offered) focus on reducing aches and pains. Heidi shares targeted training she has received from a physical therapist.

- **Relax and Renew Classes** are one-hour group stretching and relaxation sessions that Heidi leads at your workplace. It is amazing how effectively this physical change of pace and position can refresh both body and mind. This is restorative yoga, but don't let that scare you!

To learn more about or schedule any (or all) of these WorkStrong activities, contact Heidi at hjoyce@vlct.org or 800-649-7915. If your group is too small to hold its own Pre-Shift Warm-Up and Stretching Train-the-Trainer class, look for information about the regional ones that Heidi is planning.

eRisk Hub for Computer Security Savvy. As a complement to PACIF's new coverage against computer attacks and security breaches, we are providing a multifaceted online resource to help avoid or limit the damage caused by a security breach. Members now have access to PACIF's **eRisk Hub**, where they will find a variety of resources, information, and tools (such as model policies and security checklists) relating to cyber risk. With this website you can start implementing cyber risk management best practices and prepare to react efficiently and effectively in case your municipality's computers are ever attacked and data is compromised.

Consult an Employment Law Attorney for Free. A single Employment Practices Liability (EPL) claim, for matters such as Wrongful Termination or Discrimination, can be very costly. Yet such liability can often be avoided with early access to specific legal advice, and our new EPL Assistance Program is designed to provide that advice. Now, when a PACIF member faced with a difficult employment situation calls and discusses it with Municipal Assistance Center (MAC) staff, if MAC sees a need for specific actionable advice, the member will be referred to an attorney who specializes in Employment Law. PACIF has retained six attorneys for this service and will pay for the initial consultation with this specialist. We think this approach will be so effective that if the member calls MAC, is referred to one of the retained attorneys, follows that legal advice, and still gets sued, PACIF will waive the member's EPL deductible.

CDL DRIVERS

(continued from previous page)

are utterly random, so it is technically possible for one person's name to be drawn every quarter while another person's name might not be drawn for years.

During 2014, ODT staff will also help conduct PACIF's Reasonable Suspicion and Designated Employer Representative (DER) trainings. Our Loss Control staff looks forward to using the updated testing manual and this new relationship with ODT to help members that have CDL drivers to comply confidently with the relevant federal safety regulations.

*Ione L. Minot, Marketing Specialist
Risk Management Services*



PACIF JEOPARDY!

A & Q, PART 2: PACIF GRAB BAG

In this, the second of five installments, readers can continue to test their knowledge of municipal property, casualty, and workers' compensation coverage by playing the PACIF Jeopardy! game that VLCT's Loss Control and Claims staff members devised for Town Fair 2013.

In true Jeopardy! fashion, this is an A&Q instead of a Q&A: the board shows the answers, and contestants must supply the questions. Below are the answers. When you think you know the questions, turn to page 15 to see if you're correct. There you'll also find a brief and oh-so-enlightening explanation of each question. This issue's category: "PACIF Grab Bag."

(continued on page 15)

Points	Answer (on the Board)
10	These visible clothing items are worn when working in the road or right-of-way.
20	This type of drug and/or alcohol test is performed on CDL drivers who exhibit signs of substance use.
30	Injuries from these causes of loss are PACIF's most common and can be costly.
40	Increasing this insurance variable can reduce your contribution amount.
50	This online training resource is free for PACIF members and provides a wide range of courses.

RE

- Redefine the Landscape
- Redesign for Low Impact
- Renew Energy
- Recharge Stormwater
- Reassess Transportation Systems
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Vt.'s RECYCLING LANDSCAPE

(continued from page 1)

Vermont have not increased in several years and both ANR and the legislature are committed to raising them.

Act 148 requires the ANR secretary to adopt a solid waste management plan by November 1, 2013, that promotes the following priorities:

1. the greatest feasible reduction in the amount of waste generated;
2. materials management that furthers the development of products that generate less waste;
3. the reuse and closed loop recycling¹ of waste to reduce to the greatest extent feasible the volume remaining for processing and disposal;
4. reduction of the state's reliance on waste disposal to the greatest extent feasible;
5. creation of an integrated waste management system that promotes energy conservation, reduces greenhouse gases, and limits adverse environmental impacts; and
6. waste processing to reduce the volume or toxicity of the waste stream necessary for disposal.

Municipalities and solid waste districts, alliances, and groups are expected to comply with Act 148's mandates, which will take effect over the next few years. All households and businesses will be required to have equal access to collection of recycling and solid waste beginning in 2015. Variable rate pricing of solid waste, beginning in July 2015, will further encourage households and businesses to recycle instead of dispose of recyclables in the trash as refuse. With this type of "pay as you throw" usage, users rent a container whose size reflects the amount of waste they generate – the smaller the container, the lower the rental fee.

¹ . a system in which a product made from one type of material is reclaimed and reused in the process or manufacturing of a new product.

Starting in 2016, landfills must ban leaf and yard residual disposal. By 2020, landfills must prohibit food residuals and organic waste, and Vermonters will have to separate them from their trash. A phase-in requirement for large generators of food residuals/organic waste begins as early as 2014.

Last October, DSM Environmental Services of Windsor, Vt., submitted a comprehensive report on the potential impacts of Act 148 to ANR. Titled "Systems Analysis of the Impact of Act 148 on Solid Waste Management in Vermont" (http://www.anr.state.vt.us/dec/wastediv/solid/documents/FinalReport_Act148_DSM_10_21_2013.pdf) it includes a cost analysis and a local governance evaluation, which breaks down costs and services provided by the municipalities and the solid waste districts, groups, and alliances. According to the report, Vermonters will spend more on solid waste management "to achieve the highest recovery rates and the greatest environmental benefits."

The report estimates that Vermont will have to spend \$7.8 million per year in new waste management system funds to implement single stream recycling. Mandating deposits on beverage containers would also increase costs by \$5 to \$10 million per year, though the report did not take a position on the continuation or elimination of deposits. The consolidation of solid waste districts and alliances and the reduction or elimination of the bottle handling fee could reduce these costs, though with significant impacts to redemption centers and retailers. Another way to reduce costs is

to increase the implementation of biweekly collection of refuse and recycling along with the ban on residential organic waste in landfills. Due to public health concerns, curbside collection of residuals generally requires weekly pickups in order to avoid attracting pests.

"Act 148 has the potential to raise materials recovery rates to between 63 and 68 percent," concludes the report, "and to divert roughly 60 percent of the food residuals, yard residuals and compostable papers for composting, animal feed, and energy (through anaerobic digestion). This increased diversion comes with concomitant reductions in [greenhouse gas] emissions of roughly 23,500 to 27,300 metric tons carbon equivalent per year over the existing system once Act 148 is fully implemented."

VLCT will closely follow the implementation of Act 148 and any potential legislation that may result from ANR recommendations during the 2014 legislative session and beyond.

*Jonathan Williams, Associate
VLCT Advocacy and Information*

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FHWA, MUTCD, AND RSFS

Recently, the Vermont Agency of Transportation (VTrans) posted a letter on its website it received from the Federal Highway Administration (FHWA) concerning radar speed feedback signs (RSFS, or changeable message signs) and whether their use is allowed under the federal Manual on Uniform Traffic Control Devices (MUTCD). Under 23 V.S.A. § 1025, MUTCD is state law:

“(a) The United States Department of Transportation Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD) for streets and highways as amended shall be the standards for all traffic control signs, signals, and markings within the State.”

Some municipal officials were concerned that, due to the letter’s confusing language, towns were liable if they utilized any radar speed feedback signs. This was particularly distressing because last summer, a number of municipalities used grant money to install such signs in their village, school, and downtown areas. And such signs are typically quite effective at getting drivers to slow down.

Part of the letter quotes from MUTCD at 2L.05 paragraphs 05 and 06A:

Techniques of message display such as fading, rapid flashing, exploding, dissolving, or moving messages shall not be used. The text of the message shall not scroll or travel horizontally or vertically across the face of the sign.

Guidance: When designing and displaying messages on changeable message signs, the following principles relative to message design should be used:

A. The minimum time that an individual phase is displayed should be based on 1 second per word or 2 seconds per unit of information, whichever produces a lesser value. The display time for a phase should never be less than 2 seconds.

VLCT contacted VTrans engineers to confirm that towns *may* use such signs. We learned that off-the-shelf RSFS can be operated in a manner compliant with MUTCD. Use of devices such as violator strobes that flash a white light when the speed limit is exceeded or rapid flashing speed displays, however, are not allowed. The speed display may change as long as the rate does not exceed 30 times per minute (or two seconds per phase).

Please contact me (jwilliams@vlct.org) or Amy Gamble, VTrans Traffic Operations Engineer (amy.gamble@state.vt.us), if you have any questions about the FHWA ruling on radar speed feedback signs.

Of related interest to municipalities is that, thanks to Act 57 (www.leg.state.vt.us/docs/2014/Acts/ACT057.pdf), the handheld use of portable electronic devices (including cell phones) will be banned while operating a moving motor vehicle in highway work zones effective January 1, 2014. The work zone must be properly designated with warning devices, such as traffic cones and signs.

This prohibition does not extend to hands-free use of electronic devices when their use is necessary to communicate with law enforcement or emergency services personnel in the event of an emergency.

*Jonathan Williams, Associate
VLCT Advocacy and Information*

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
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- 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
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CLASSIFIEDS

Please visit the VLCT website www.vlct.org/marketplace/classifiedads/ to view more classified ads.

VLCT NEWS Advertising Information

The *VLCT News* is published eleven times per year – the August and September issues are combined – and reaches readers no later than the first week of the month.

Two kinds of advertising are available in the *VLCT News*:

CLASSIFIEDS

(Posted online and also placed in the printed VLCT News)

The *VLCT News* publishes classifieds 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.

While there is no deadline for posting classifieds online, the print advertisement deadline (below) applies to classifieds that run in the printed VLCT News.

Classifieds are generally limited to 200 words due to limited space in the newsletter, but they may be longer when posted online. The online version can also include hyperlinks to images or other websites.

For more information on placing classifieds, contact classifieds@vlct.org.

DISPLAY ADS

(Placed in the printed VLCT News)

The deadline for submitting display advertisements is the first Friday of the month prior to the issue date.

Download a calendar of print deadlines and find information on print ad requirements, sizes, and prices at www.vlct.org/advertising-information.

For answers to specific questions about print advertising, email vlctnews@vlct.org.

HELP WANTED

Town Administrator. Wayland, Mass. (pop. 14,000), seeks a creative and

proactive community leader to serve as its next Town Administrator. Wayland has a strong commitment to preserving its heritage while providing the highest level of municipal services to its residents. This beautiful, semi-rural community offers easy access to routes 90 and 95 and is just 20 miles from the world-class medical, educational, and cultural assets of Boston. Led by a five-member Board of Selectmen, this fiscally stable community with an open town meeting form of government is recognized for its excellent schools, civic engagement, and quality of life. The Town Administrator, with the assistance of an Assistant Town Administrator, oversees an operating budget of approximately \$72M and 164 Town FTEs. The successful candidate must have a Bachelor's degree in a related field (Master's preferred) and at least seven years of experience in public administration, with a minimum of five years served in a senior management capacity, or an equivalent combination of education and business management experience. Salary range is competitive and commensurate with qualifications and experience. The Town expects to fill this position in the spring of 2014. For additional information related to the search, or Town and candidate profiles, contact Alan Gould, Vice President, Municipal Resources Inc., at 603-279-0352, x-304. Additional information is at www.mrigov.com/career.html. Submit a resume by Wednesday, January 15, 2014,

in confidence, to recruitment@municipalresources.com (electronic submission preferred) with Wayland MA Town Administrator Search as subject, or mail to Wayland, MA Town Administrator Search, Attn: Gail Schillinger, Municipal Resources, Inc., 120 Daniel Webster Highway, Meredith, NH 03253. Wayland is an equal opportunity employer. (12-12)

Director of Public Works. The City of Somersworth, N.H., is accepting applications for a Director of Public Works and Utilities. The Director is a key member of the city's leadership team who oversees all facets of city's street, water, wastewater, storm water, and engineering divisions. Requirements: BA/BS in Engineering, Public or Business Administration, or closely related field strongly preferred; eight years experience, three in supervisory and administrative role; extensive senior level public works experience may be considered in lieu of degree; experience in operation and maintenance, project management, and service delivery with team-orientation and customer-focus essential; must possess (or acquire) N.H. CDL and have a good driving record. Annual salary, \$72,430 to \$88,039 DOQ, NH retirement system, medical insurance, and other highly competitive benefits. Visit www.somersworth.com/employment

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CLASSIFIEDS

(continued from previous page)

for a full description of the position and required application materials. To apply, submit resume to City Manager, City of Somersworth, One Government Way, Somersworth, NH 03878. Position open until filled. EOE. (12-11)

IT Technician. The Town of Essex seeks an IT Technician to join its busy IT department. Duties include installation and support of all technology equipment including computers, servers, firewalls, switches, phones, etc., and technical support and training for all technology equipment and software. The ideal candidate must be able to work in a fast-paced environment, work well with people, have excellent communication skills, and an aptitude for logical analysis. Experience with Windows operating systems and other Microsoft products to include Exchange is preferred. A computer science or related degree or related work experience is strongly desired. Due to work on police computer systems, the successful candidate must pass a police criminal background check and hold a valid driver's license. Compensation: \$41,000, dependent of qualifications, full benefits package. To apply, email a cover letter, resume, and a completed Town of Essex Employment Application (available at <http://www.essex.org/> under Local

Government/Employment Opportunities where you can also find a full job description) to amyers@essex.org, or send via U.S. mail to Town of Essex, Attn: Ann Myers, 81 Main Street, Essex Junction, VT 05452. The Town of Essex is an Equal Opportunity Employer. (12-10)

Police Chief. The historic Town of Concord, Mass. (pop. 17,668; 26 sq. mi.), seeks a progressive, forward-thinking manager to lead the Concord Police Department in providing a complete range of community-focused police services and programs. Reporting to the Town Manager, the Chief has responsibility for the overall management and administration of a full-time department consisting of 35 sworn officers and eight public-safety dispatchers, with a \$3.8M budget. Minimum requirements include a bachelor's degree in criminal justice, law enforcement, public administration, or a closely related field, plus ten years of progressively responsible command experience, or any equivalent combination of education and experience. For additional information regarding the position and required qualifications, visit Job Opportunities at www.concordma.gov. Salary range, \$89-136K, plus education incentive. Application deadline: **Wednesday, January 15, 2014.** Send cover letter and resume, in confidence, to recruitment@municipalresources.com (electronic submission preferred), or submit via U.S. mail to Concord, MA Police Chief Search, Attn: Gail Schillinger, Municipal Resources, Inc., 120 Daniel Webster Highway, Meredith, NH 03253. (12-09)

Library Director. The Peterborough (New Hampshire) Town Library trustees seek a director who can continue to shift the library into the 21st Century. The director must exhibit excellent leadership and interpersonal skills, oversee all aspects of library operations, and is expected to be active in the community. Requirements: Master of Library Science degree with at least five to seven years of experience in public library administration, or related relevant experience; demonstrated knowledge of innovative resources, programs, and services available to public libraries and a commitment to the mission and philosophy of public library service; proficiency with technology and how it can support the library of the future;

knowledge of library funding, reporting procedures, and N.H. library laws and regulations; strong written and oral communication skills; ability to project a positive public image and make effective public presentations; ability to network in the community; ability to promote the library, including through social media; fundraising experience a plus. A full job description is at www.townofpeterborough.com. To apply, submit resume and three references **by Thursday, January 31, 2014**, to Marcia Patten, Board President, at LIBDS@townofpeterborough.us. E.O.E. (12-08)

Planning Analyst. The Central Vermont Solid Waste Management District (CVSWMD) seeks a pragmatic and strategic municipal planner to work with our volunteer board, staff, and other stakeholders to develop plans that meet the zero waste goals of the CVSWMD and the State of Vermont's waste reduction mandates. Preferred qualifications include experience or education in urban or rural planning, zero waste systems, and municipal government environments, as well as the ability to work independently in a small office. This full-time position is located in our Montpelier office, but may require travel throughout central Vermont. Starting salary, \$46,000, plus benefits. For more information and to review the job description, visit www.cvswwd.org/jobs-internships.html. To apply, submit a cover letter, resume, writing sample, and at least three professional references **by Friday, January 10, 2014**, to administration@cvswwd.org, with Planning Analyst in the subject line, or mail to CVSWMD Planning Analyst, 137 Barre Street, Montpelier, VT 05602. (12-05)

REQUEST FOR QUALIFICATIONS

Site Planning, Engineering, and Architectural Services. The Town of Hinesburg seeks proposals from consultant teams for professional services including site planning, community and stakeholder engagement, preliminary design, document preparation, independent cost estimating, bidding and negotiation, and construction administration for a

(continued on next page)

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PACIF JEOPARDY! CONTINUED

(continued from page 10)

Points	Question	More Information
10	What are ANSI Class 2 vests or clothing?	ANSI Class 2 clothing is designed for daytime use and Class 3 is for nighttime use. Municipal workers without them are easy targets for VOSHA inspectors!
20	What is a Reasonable Suspicion test?	A Reasonable Suspicion test must be requested by a supervisory person who has completed the required two-hour training on drug and alcohol signs and symptoms. Your LC rep can provide this training for you!
30	What are slips, trips and falls?	Employees and the general public experience slips, trips and falls (STFs). They are preventable by using appropriate footwear, reasonable sidewalk maintenance, and taking care while getting in and out of vehicles.
40	What is your insurance deductible?	Increasing your deductible will reduce your contribution, but the trade-off is that you take on more deductible risk. Consult our Underwriting Department to see if this makes sense for you.
50	What is the PACIF Online University?	PACIF Online University is a free resource for all member employees. It is a great way to fit training around a busy operational schedule. Some Continuing Education Units (CEUs) are now available for water and wastewater employees.

CLASSIFIEDS

(continued from previous page)

new highway garage and associated master planning for the 36-acre town owned parcel used as a highway garage, solid waste drop-off center, and could have further use as a municipal facility. The location of the site is 907 Beecher Hill Road in Hinesburg. The selected consulting team will help the Town fully define its project needs, work with the community and strategic partners on how to best organize both current and future program needs at the location, develop a master plan for the site, and, if approved by the voters, provide required design and construction documents and construction administration services for the garage and other related facilities. There is presently no set project date, timeline, or budget. The Town anticipates, however, that the selected consultant team will remain with the project from the initial planning phase to construction of the garage. Direct all questions to Joe Colangelo, Hinesburg Town Administrator, at 802-482-2281, ext. 221, or jcolangelo@hinesburg.org. (12-04)



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Bond-bank@vtbondagency.org
www.vmbb.org

TRIVIA

Last month's question—A weigher of coal fishing in Joe's Pond reels in a 15-inch long bass whose head is as long as its tail. If its head were twice as long, the combined head and tail would be as long as the fish's body. How long is each portion of the fish?—stumped everybody except Bob Kelley and Marianne Blake of Derby and Windsor, respectively, who figured out that the head and tail each equal 3 inches and the body is 9 inches long. Well calculated!

Meanwhile, the sole location in the United States that three covered bridges can be seen at one time is in Vermont. **Where is it?**

If you know the answer, email it to dgunn@vlct.org. The fleetingly phantasmagoric February issue will reveal the answer.



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UPCOMING EVENTS

Questions? Visit www.vlct.org/eventscalendar to register and for the most updated information and events.

TOWN MEETING TUNE-UP

February 11, Capitol Plaza, Montpelier

LOCAL GOVERNMENT DAY IN THE LEGISLATURE

February 19, Capitol Plaza, Montpelier

TOWN HEALTH OFFICERS WORKSHOP

March 11, Capitol Plaza, Montpelier
March 13, Holiday Inn, Rutland

SPRING SELECTBOARD INSTITUTE

March 22, Capitol Plaza, Montpelier
April 12, Holiday Inn, Rutland

TREASURERS WORKSHOP

March 25, Lake Morey Resort, Fairlee
March 27, Middlebury Inn, Middlebury

www.vlct.org/eventscalendar

VERMONT LEAGUE OF CITIES AND TOWNS AND THE
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Questions?

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