

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

May 2014

## VLCT – THE MAKEOVER IS COMPLETE!

Those of you who have followed VLCT’s building saga over the years know that we have tried to do this several times. Around Montpelier, there are a multitude of sites we were going to build, buy, renovate, update, and make our own. Each and every one of them fell through.

Late last fall, our building owner, Doug Nedde, offered to do a complete renovation of our space at City Center. It has been a tremendous experience from start to finish. I’ve been involved in many aspects of the process – from design to paint colors to electrical requirements to furniture selection. I now

know the difference between a CO (Certificate of Occupancy) and a GC (General Contractor), and I have a whole new appreciation for these hard-working people! (See the full list of companies that were involved in the work on **page 9.**)

*(continued on page 8)*

### Remember the *before* photo?



before

*(Left) This picture ran in our January issue, and shows the old view when looking down the hallway of what used to be Risk Management Services. (Below) Looking towards that same window in the new, “open office” environment.*



after



*(Above right, top) VLCT staff members examine the renovation blueprints in the new Risk Management Services work area. (Above right, bottom) One of the first meetings is held in the medium-sized conference room, which staff voted to name the Montpelier Room.*

### INSIDE THIS ISSUE

Town and Village Reports . . . . .	2
Ask the League . . . . .	4
The Renovators . . . . .	9
Risk Management Services . . . . .	10
RMS Calendar . . . . .	11
Trivia . . . . .	12
Advice on Summer Employees . . . . .	14
Classifieds . . . . .	17
Upcoming Events . . . . .	20

## TWO TRUST BOARDS APPROVE EXPLORING MERGER

On March 27, 2014, the directors of the VLCT Health Trust and the VLCT Unemployment Insurance (UI) Trust convened a special joint meeting to discuss the feasibility of pursuing a merger of their two Trusts. The directors all acknowledged that the advent of Vermont Health Connect has significantly decreased the number of medical insurance subscribers who are eligible to be covered through the Health Trust. They also affirmed the value of the ancillary employee benefits (dental, vision, life and disability, and Health Advocate) and the outstanding member education and support services that

*(continued on page 10)*



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*Editor/Copy Editor*

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## TOWN AND VILLAGE REPORTS

Twenty-four V.S.A. § 1173 requires “[t]he clerk of a municipality [to] supply annually each library in such municipality with two copies of the municipal report, upon its publication” and to “also mail to the State Library two copies thereof, and one copy each to the Secretary of State, Commissioner of Taxes, State Board of Health, Commissioner for Children and Families, Commissioner of Vermont Health Access, Auditor of Accounts, and Board of Education.” But all of you town and village clerks already knew that, right? Ahh, but did you *also* know that you *don’t* have to send one to the Transportation Board? And haven’t had to since 2009, thanks to that year’s Act 123? It’s true! And it’s also true that the fine folks of the Transportation Board still receive the occasional town or village report – 65 of them this year (see photo below) – which they dutifully forward to the State Library. Ergo, if all clerks could henceforth stop sending a copy of their report to the Transportation Board, think of all the postage you’d save. And, and the trees! Just a thought.

*David Gunn, Editor  
VLCT News*



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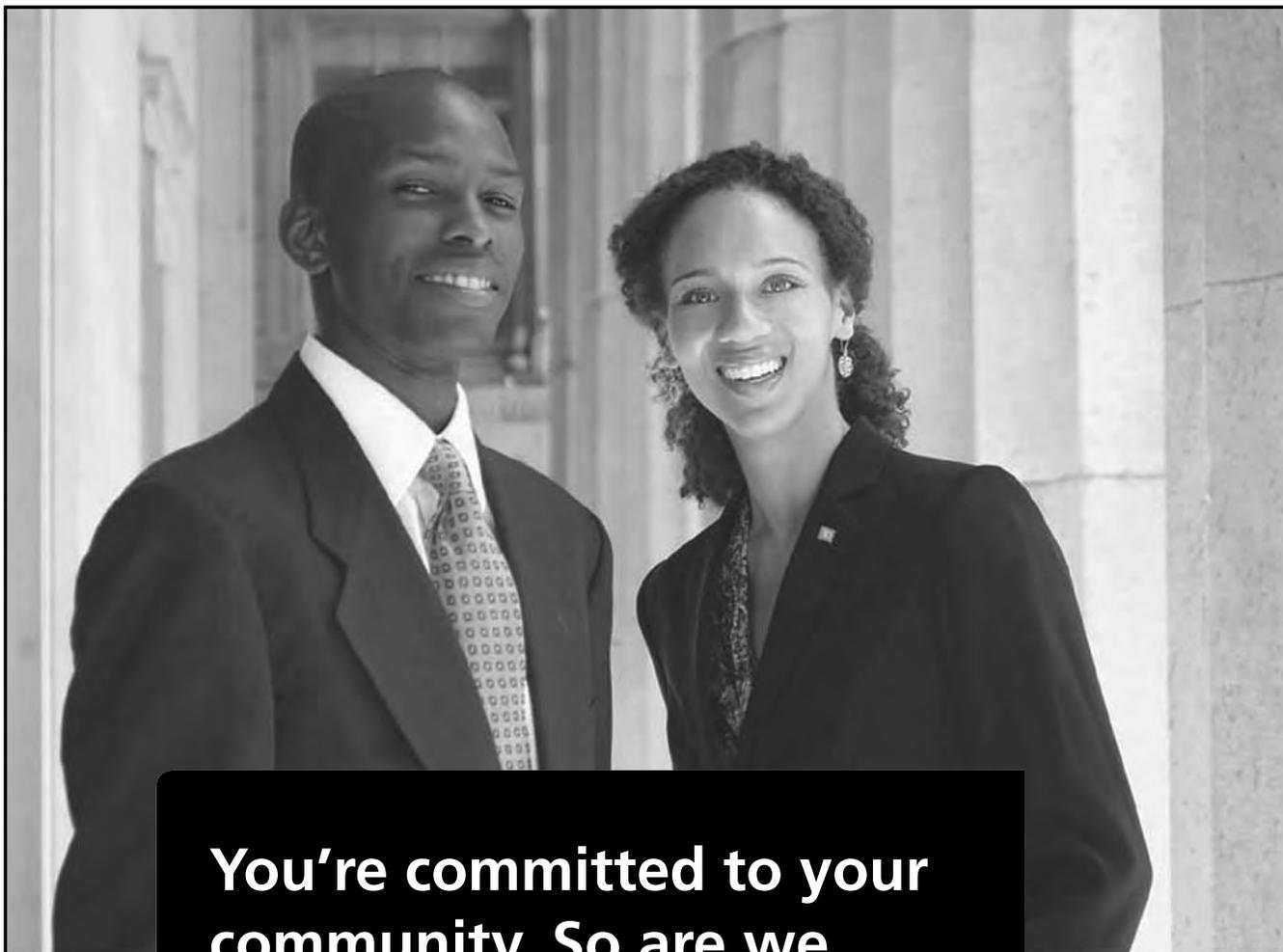
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# ASK THE LEAGUE

## CORRECTING A WARNING; RESTRICTING TRAVEL IN MUD SEASON; THE MEANING OF "LOCATION"; INTERNAL FINANCIAL CONTROLS; DELIBERATIVE VS. EXECUTIVE SESSION

*Our town made an error in the warning of our annual or special town meeting. Is there anything we can do about it?*

Perhaps you missed the deadline to submit notice of a town meeting to the local newspaper. Or, you belatedly discovered that your town meeting warning omitted information about the meeting's time or location. Even with careful preparation, a notice violation or warning mistake can occur. Through "validation," Vermont law offers a way to "correct and legalize" errors of omission or noncompliance with notice and warning requirements for municipal meetings. A town can cure this type of error – if the meeting and the business conducted at that meeting is otherwise legal and within the scope of the town's authority – by holding a vote at a properly warned subsequent town meeting. The town need not vote anew on each article of the prior meeting, but merely

pose one question in substantially the following form: "Shall the action taken at the meeting of this town (or city, village or district) held on (state date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed." 17 V.S.A. § 2662. The town may choose to call a special town meeting to hold this vote or wait until its next annual town meeting. Keep in mind, however, that a delay may heighten the risk that the actions taken at the improperly noticed meeting will be challenged.

*What if we made an error in how we conducted our town meeting?*

Validation may also be used to correct and legalize procedural errors or omissions in the conduct of the town meeting itself. Here, it is the selectboard who must hold a vote.

17 V.S.A. § 2662. To cure conduct errors, a selectboard must pass a resolution at a properly warned selectboard meeting by a two-thirds vote, stating that the procedural error or omission that occurred at the town meeting was "the result of oversight, inadvertence or mistake." Once this resolution is passed, and assuming that the town otherwise had the power to act, the actions taken at the prior town meeting are deemed valid.

*Jenny Prosser, Legal Extern  
VLCT Municipal Assistance Center*

*Can a town restrict highway travel during mud season?*

During spring thaw, road conditions can deteriorate to the point where roads become impassable and sometimes dangerous. Restricting travel during mud season reduces

*(continued on next page)*

### MAC MUNICIPAL CONSULTANTS

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](mailto: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**





## ASK THE LEAGUE

*(continued from previous page)*

the stress on roads, preserves their integrity, and saves the town time and money that are necessary to repair them. The state statute that gives selectboards the authority to manage and maintain town roads also provides selectboards with the necessary power to restrict their use when necessary.

In order to impose these restrictions, the selectboard must post copies of the rules restricting road travel in at least two public places in town. Posting signs provided by the Agency of Transportation must also be conspicuously placed at each end of the road, or portion of road, that inform drivers of the travel restrictions. 19 V.S.A. § 1110(a). Unlike vehicle weight restrictions, the town is not required to register these temporary postings with the Department of Motor Vehicles (DMV).

If a town wishes to keep a particular road open during mud season, but would like to apply more stringent vehicle weight limits that deviate from state standards, the selectboard must adopt a policy to accomplish this goal. In order for more stringent local weight limits to be enforceable, the selectboard must post both ends of the road, or portion thereof, with proper signage. It must also file a complete copy of local weight limits, the time of year they are in effect (such as the months comprising mud season) and identify the person responsible for issuing local weight permits to the DMV by February 10 of each year. 23 V.S.A. § 1400b(a). Whenever the selectboard wishes to temporarily alter

the weight limits set out in its town policy it must notify the DMV within three working days of such a posting. It is important to note that a town may not enforce weight limits on municipal or state construction or maintenance equipment when that equipment is used for road construction or maintenance. 23 V.S.A. § 1399.

VLCT strongly recommends that each town adopt a set of rules regarding the seasonal use of town roads that best suit its needs. Many towns, for instance, have

policies that suspend blanket excess weight permits and prohibit the issuance of new excess weight permits during rainy periods or mud season. Having set policies in place is the best practice because it helps to avoid the appearance of arbitrary enforcement and provides clear guidance for citizens and town officials alike.

*H. Gwynn Zakov, Staff Attorney I  
VLCT Municipal Assistance Center*

*(continued on next page)*

## UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

**Tuesday, May 6, Lake Morey Resort, Fairlee**  
**Thursday, May 8, Middlebury Inn, Middlebury**  
**CONDUCTING EFFECTIVE TAX APPEALS**

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

**Thursday, May 29, Capitol Plaza Hotel and Conference Center, Montpelier**  
**DOG CONTROL WORKSHOP**

Springtime in Vermont brings the melting of snow, the flowing of sap, the spinning of tires in mud, and, of course, dog complaints, dog complaints, and more dog complaints. Whether they're running at large or nipping at the heels of neighbors, our four-legged friends seem to get into all sorts of trouble at this time of year, presenting all sorts of headaches for town officials. This workshop will focus on Vermont's dog laws including licensing requirements, dog control enforcement issues, and "vicious" dog hearings.

**Wednesday, June 4, Lake Morey Resort, Fairlee**  
**SPRING PLANNING AND ZONING FORUM**

Land use officials from around the state will discuss important topics in planning and zoning regulation at this workshop. Representatives from the Environmental Division of the Superior Court will discuss decision making with municipal land use officials and present an introduction to the mediation process. Other experts will weigh in on enforcing land use decision and regulations, conducting effective meetings and hearings, and navigating common land use meeting and hearing issues.

**Thursday, June 19, Capitol Plaza Hotel and Conference Center, Montpelier**  
**GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM**

*(Sponsored by the VLCT Municipal Assistance Center, the Office of the Vermont State Auditor, the Vermont Government Finance Officers' Association, the Vermont Municipal Clerks' and Treasurers' Association, and the Vermont Association of School Business Officials)*

This annual symposium is a comprehensive series of educational sessions about governmental accounting and auditing presented by certified public accountants (CPAs) and state and local government officials. Continuing professional education hours are available for CPAs who attend.

**For registration, agendas, and other information, please visit  
[www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar), call 800-649-7915, or email [info@vlct.org](mailto:info@vlct.org).**



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## ASK THE LEAGUE

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**When regulating property owned by an entity such as a school, church, or the state, what does “location” mean under 24 V.S.A. § 4413?**

Towns are given rather broad discretion in regulating land uses under state law, but there are certain cases in which the town’s regulatory power is limited. Under 24 V.S.A. § 4413, towns may only regulate certain aspects of development for state- or community-owned and run facilities, public and private schools, places of worship, public and private schools, and solid and hazardous waste facilities. Those properties may only be regulated as to size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, screening, and location. This last aspect of regulation – “location” – may appear rather straightforward, but this term has in fact had a rather tortuous history. Courts have stated the term is “ambiguous” and, unfortunately, no definition is given in statute. This ambiguity left towns unsure about whether the term means the location of various components within a project development site, or whether it limited the general location of the project within the entire town. Fortunately, courts in Vermont have stepped in to provide more guidance, and now towns have some clarity of just what “location” truly means.

In the 2011 case *In re Town of Charlotte Recreational Trail*, Docket No. 98-5-08 Vtec,

the Environmental Court looked to the legislative history behind this section of state statute to determine the legislative intent behind the definition of “location.” The court held that “... the legislative intent in using the term ‘location’ was to give municipalities the ability to regulate the general location of public facilities, but not the specific siting of the improvements within the project site.” The court noted that when the term “location” was added to this portion of state statute in 1972, the person who drafted the legislation testified that the wording was added “... to give a town the opportunity to regulate the location of such things as certain public utilities and other kinds of things that are listed. ... The philosophy has been up to this point that they should be regulated in terms of all things with the exception of their location in a community.” The Environmental Court concluded that since no other conflicting authority was offered, the original testimony from 1972 provides that “location refers only to the general location within a municipality.”

Prior to the *Charlotte Recreation Trail* case, it was understood that towns could regulate the location of these limited uses on individual parcels, however it was unclear whether “location” referred to the location in the municipality. The Environmental Court has since clarified that the term “location” in 24 V.S.A. § 4413 refers to the general location within a town. Towns are now aware

that they may regulate the location of state- or community- owned and run facilities, public and private schools, places of worship, public and private schools and solid and hazardous waste facilities within the town’s geographic borders. Of course, towns also may regulate a certain project site via the other enumerated criteria, such as size, height, and setbacks.

The *Charlotte Recreation Trail* decision is archived at <https://www.vermontjudiciary.org/gtc/environmental/ENVCRTOpinions2010-Present/Town%20of%20Charlotte%20Rec%20Trail%20098-5-08%20Vtec%20and%20Map.pdf>.

*H. Gwynn Zakov, Staff Attorney I  
VLCT Municipal Assistance Center*

**Are treasurers required to complete an internal financial controls document by June 30?**

Yes. According to 24 V.S.A. § 1571(d), “[t]he town treasurer shall annually, on or before June 30, complete and provide to the selectboard a copy of the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11) regarding internal financial controls.” The document is posted on the State Auditor’s website at <http://auditor.vermont.gov/sites/auditor/files/Generic%20checklist.pdf>. For more information about the form, contact the State Auditor’s

(continued on next page)



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- SAMPLE PROJECTS:**
- Water & Sewer Ordinances
  - Zoning Bylaws
  - Municipal Charter Amendments
  - Highway Ordinances



## ASK THE LEAGUE

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office at 877-290-1400 or [auditor@state.vt.us](mailto:auditor@state.vt.us).

*Abby Friedman, Director  
VLCT Municipal Assistance Center*

### **What is the difference between deliberative and executive session?**

Deliberative and executive sessions are both exceptions to Vermont's Open Meeting Law, which declares that all meetings of a public body (including all municipal boards, commissions, and committees) are to be open to the public. 1 V.S.A. §§ 312(e), 313.

Selectboards may occasionally vote to enter executive session in the course of their regular business, but they will generally only enter deliberative session when they are sitting as the local board of health or liquor control commissioners, or holding a hearing on a vicious dog complaint, an employee termination matter, or reclassification of a town highway. In contrast, other boards – such as zoning boards of adjustment, development review boards, boards of civil authority, and boards of abatement – will frequently use deliberative session in the course of their regular business, but will hardly ever have reason to use executive session.

The reason for this difference is that deliberative sessions may only be entered in conjunction with “quasi-judicial proceedings.” The definition of a quasi-judicial proceeding is a case in which the legal rights of one or more persons are adjudicated, which is conducted in such a way that all parties have an opportunity to present evidence and to cross-examine witnesses, and which results in a written decision that is appealable to a higher authority. In other words, a deliberative session occurs only when a board or commission is acting like a court.

<sup>1</sup>This category requires a special review before an executive session is justified. Not only must the topic be listed here, but you must also make a specific determination, on a case-by-case basis, that some person or entity will suffer a “substantial disadvantage” if the matter is discussed in public. The timing of the disclosure must be an issue. If the subject is already well known to the community, there is less justification for entering into executive session and the board should proceed very cautiously.

The exception to the Open Meeting Law that allows for deliberative sessions is in recognition of the fact that a public body may need to weigh, examine, or discuss the reasons for or against a decision based on the evidence received at a quasi-judicial hearing. This same reasoning does not, on its own, justify entering into executive session. Executive sessions may be used only when the public body is considering a matter that is specifically exempted by law.

The acceptable reasons to go into executive session are listed in 1 V.S.A. § 313, and the ones most pertinent to municipal officials are listed below:

1. Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the State, where premature general public knowledge would clearly place the State, municipality, other public body, or person involved at a substantial disadvantage;<sup>1</sup>
2. The negotiating or securing of real estate purchase options;
3. The appointment or employment or evaluation of a public officer or employee;

(continued on page 13)

## 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/](http://www.vlct.org/rms/pacif/pacif-scholarships/) for more information on the program. In addition, MAC can develop custom workshops upon request. To discuss or schedule a workshop, please contact Abigail Friedman or call 800-649-7915.

### ON-SITE WORKSHOP PROGRAM OFFERINGS:

- Improving the Relationship Between Independent Officers and the Selectboard
- Roles and Responsibilities of Town Officers
- Conducting Effective Selectboard Meetings
- Conducting Effective Tax Appeal Grievances and Hearings
- A Field Guide to the Open Meeting Law and Executive Session
- How to Write a Good Hearing Decision
- The Role of the Manager and the Role of the Selectboard
- An Orientation to Local Government for New Selectboard Members
- How to Respond to a Public Records Request
- Developing and Managing the Town Budget
- Financial Management, Internal Controls, Fraud Risk Assessment
- Inter-local Agreements
- Municipal Charter Adoption and Amendment
- Many specific topics for local land use boards

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



## THE MAKEOVER

(continued from page 1)

Our construction team and subcontractors have gone above and beyond their calls of duty on numerous occasions.

One example was the beautiful VLCT logo, featured in the April *VLCT News*, that had been cut out and preserved from the reception area in the old space. After it had been moved multiple times and gathered lots of construction dust, the sign fell apart. Instead of abandoning it, the construction team decided to bring it back to life. One worker in particular, Ron Plouffe, resurrected it by cutting new letters and even pieces of letters by hand, then rebuilding the frame from leftover materials. It is so very nice to see it hanging in the new reception window as a reminder of where our journey began and how it continues.

The significance of the move for me was the date. We were so close so many times over the past nine years. On March 11, 2009, my birthday – and just days before beginning the project – we learned that our deal to purchase a building from a local golf club fell through and we would have to start yet again ... for at least the third time. But finally, on March 11, 2014, I sat in my new office in the midst of our beautiful new space and thought, ‘thank you. And happy birthday to me!’

Having lived in our new office for just over a month, we’ve learned some important things. An open office environment is, well, open. Cell-yelling is bad! Fruit flies are bad! The aromas of what you eat for lunch may intrude into your neighbor’s space. (Note to self: not everyone thinks fish smells amazingly good!) An open office environment can also cause a bit of concern for one’s personal space – for example, am I making too much noise? That said, more and more organizations are trending toward this design. Open spaces allow for collaboration, flexibility in space design ensuring growth accommodation, more natural sunlight due to fewer walls, and so on. Steve Frey, owner of Arocordis Design, and VLCT’s personal architect and consultant during renovations, had the unique perspective of before and after interactions with our staff. He joined us last November to discuss early phases, provide education, and help with the design of our new space based on VLCT’s teams and departments. He helped to guide us through the office transformation as he worked closely with staff, our furniture design team, and our contractors.

He also offered training to help bring staff up to speed on the cultural norms of open office environments. We discussed everything from where and how to book meetings, the proper use of cell phones, whether or not to allow plants in the office, and where to eat in the open spaces. While we will continue to learn more about ourselves and our environment, it’s reassuring to have accepted a few ground rules as a starting point.

Staff and managers will continue to experiment with what works at VLCT. Among several great resources on the topic is one from Library Worklife: <http://ala-apa.org/newsletter/2008/09/14/cubicle-etiquette-or-how-to-survive-life-in-a-cube/>.

This environment’s success will hinge on common sense and figuring out what works for each person. Workers will have to establish protocols for when they are open for collaboration and when they need time to focus on a project. They must be their own advocates and not be afraid to (politely) tell their neighbors to turn down their ringtones. Most importantly, eat that fish in the café.

*Jessica Hill, Manager  
Human Resources and Administration  
VLCT*





## Many thanks to the following companies for their time and energy during the VLCT office renovations at City Center!

**Arocordis Design**  
(802) 448-0056  
88 Phillips Road  
Montpelier, VT 05602

**Building Construction Services, Inc.**  
(802) 558-2632  
5 Beebe Hill Road  
Chittenden, VT 05737

**City Center Montpelier, LLC**  
Doug Nedde, Principal  
(802) 651-6888  
620 Hinesburg Road, Suite 220  
South Burlington, VT 05403

**City of Montpelier Planning and Development Department**  
(802) 223-9506  
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407 Barre Street  
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**Village Builders, Inc.**  
(sprayfoam)  
PO Box 10  
Wolcott, VT 05680



*(Page 8, top to bottom) Our new front door opens to a waiting room, where VLCT Administrative Assistant/Receptionist Theresa Bachand greets visitors and announces them to the appropriate staff members.*

*Page 9 (Top) The resurrected VLCT logo board (see article in April VLCT News) is displayed in the reception alcove. (Middle) Staff meet in "huddle rooms" when a conference room is too big for a small group discussion. (Bottom) Adjoining Reception is the Mud Room, a vital space for any Vermont concern!*

*(Right, top) The Vermont Room is our largest conference room and can comfortably accommodate 50 people. (Right, bottom) The café/kitchen is an ideal space to eat lunch. Just be sure to promptly wash that coffee mug!*



## DENTAL INSURANCE OPEN ENROLLMENT IS MAY 1-30 FOR COVERAGE JULY 2014 THROUGH JUNE 2015

The month of May is the annual open enrollment period for Health Trust members that have their dental coverage on a fiscal year schedule (the majority of groups). During open enrollment:

- new groups may join and start offering Northeast Delta Dental coverage through the VLCT Health Trust;
- current groups may change the plan they offer to their employees;
- current groups may add a rider for
  1. orthodontic care (for groups of 10 or more employees only),
  2. coverage for a domestic partner, or
  3. coverage for dependents up to age 26;
- employees not already on the group dental plan may enroll; and

*(continued on page 12)*

### TWO TRUST BOARDS

*(continued from page 1)*

the Health Trust continues to offer. Seeing that these benefits and services could integrate well with those of the UI Trust, the directors confirmed that both trusts are financially very sound and decided to reevaluate how to most efficiently and effectively provide employment benefit services to members. The directors voted unanimously to authorize VLCT Risk Management Services staff to begin developing a plan of merger that addresses the definition and status of current members, addresses existing programs and assets, proposes new services, and defines governance and organizational structures for the merged entity.

Before a merger can be completed, it must be approved by the board and membership of both Trusts. Watch these pages for progress reports. If you have any questions about the proposed merger, feel free to contact any director of either the Health Trust or the Unemployment Insurance Trust, listed on VLCT's Boards page at <http://www.vlct.org/aboutvlct/boards/>. Or call 800-649-7915 and speak with David Sichel or Ken Canning.

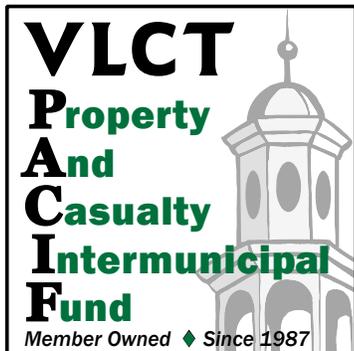


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PACIF member employees can log on to PACIF Online University to take a variety of free courses at any time, on any computer, at any pace. Employers can set up required courses and retain records of completion.

For info, see the PACIF Online University page at [vlct.org](http://vlct.org) (Quick Search on PACIF Online University to find it), or call Jim Carrien at 802-649-7915, ext. 1946.

## 2014 RMS CALENDAR



**Deadline to Apply for PACIF Equipment Grant in Round 1 of 2014.** Wednesday, April 30. All PACIF members can apply for 50/50 matching funds toward certain safety-oriented equipment. Please go to [www.vlct.org/rms/pacif/pacif-equipment-grants/](http://www.vlct.org/rms/pacif/pacif-equipment-grants/) for this year's guidelines and application. Jim Carrien of VLCT Risk Management Services must receive completed Round 1 applications must by April 30. Round 2 applications will be accepted until August 31.

**Delta Dental Open Enrollment Period** for members on a Fiscal Year contract. May 1-30, 2014, for a July 1, 2014 effective date. See details on page 10.

**NSC Defensive Driving Courses.** 8:00 a.m. to 12:00 noon on dates and at locations listed below. Presented by the Associated General Contractors of Vermont (AGC/VT). \$99 for AGC/VT members. Attendees who complete this course will receive handbooks and certificates of completion from NSC and AGC/VT. For more information, visit [www.agcvt.org](http://www.agcvt.org), call 802-223-2374, or email [info@agcvt.org](mailto:info@agcvt.org). Register at [www.agcvt.org](http://www.agcvt.org).

**Thursday, May 1** HBRANV office, 202 Commerce St. #300, Williston

**Thursday, May 15** AGC/VT Training Center, Montpelier

**Wednesday, June 11** AGC/VT Training Center, Montpelier

**Vermont Municipal Highway Association's Equipment Show and Field Day.** 7:30 a.m. to 3:00 p.m., Wednesday, May 14, Barre Civic Center, Barre. The annual field day for municipal road crews, with exhibits all day, the snow plow rally in the morning, a sit-down lunch, and the backhoe competition and awards in the afternoon. To register, call 802-223-2374 or email [debbie@acgvt.org](mailto:debbie@acgvt.org).

**12th Annual Vermont Workplace Safety Conference and Governor's Safety Awards.** 9:00 a.m. to 3:30 p.m., Friday, May 16, DoubleTree Hotel and Conference Center, 1117 Williston Road, Burlington. The 2014 Governor's Safety Awards will be presented at 9:00 a.m. (No-cost registration for only the awards portion of the day is available by emailing [pcrawford@vtsbdc.org](mailto:pcrawford@vtsbdc.org).) Conference topics include Total Worker Health, Return-To-Work Business Success Stories, How to Write a Functional Job Description, OSHA Updates, and Technology in Safety. Sponsored by the Vermont Safety & Health Council, the Vermont Small Business Development Center, Airgas, and Workability PLC. Full conference fee with lunch: \$85. For an agenda and to register, visit: <http://www.vtsbdc.org/small-business-training-workshops/12th-annual-vermont-workplace-safety-conference-and-governors-awards/>.

**Local Solutions: Northeast Climate Change Preparedness Conference.** May 19-20, 2014, Radisson Manchester Downtown, 700 Elm Street, Manchester, N.H. Through exhibits, workshops, presentations, and keynote speakers, this regional conference on "Building Resilient Communities" will help local planners and decision makers identify current and future vulnerabilities and become better prepared to handle severe weather and climate impacts. Sponsored by Antioch University New England and the U.S. EPA. Fees, including meals: \$110 for a single day or \$190 for two days. The next day, Friday, May 21, is specifically for middle and high school educators to learn how to teach students to support municipal officials in preparing for impacts from a changing climate. For details and to register, go to [www.antiochne.edu/innovation/climate-change-preparedness/](http://www.antiochne.edu/innovation/climate-change-preparedness/).

**2014 Vermont Safety and Health Retreat.** Wednesday, August 20, Camp Ohana, Post Mills. Sponsored by Safety and Health Council of Northern New England. When available, information will be posted at [www.shcnne.org/vt\\_conference.html](http://www.shcnne.org/vt_conference.html). Or call 800-834-6472.



## RMS BLURBS

(continued from page 10)

- employees currently on the dental plan may add dependents without a qualifying event.

If your group is satisfied with your current group dental plan, do nothing. Your plan will automatically be renewed when you pay your July premium payment – just be sure to pay it on time so as not to cause any possible lapse in coverage for your employees. You will need to process any subscriber changes directly with Northeast Delta Dental Eligibility. Groups that want to change plans or add riders need to notify Kelley Avery at VLCT before Friday, May 30<sup>th</sup>.

The groups currently in a fiscal year contract will soon receive their renewal rates by mail and email, and they can anticipate good news, because **we expect little or no increase in the dental rates for FY 2014-2015**. These very competitive rates are partly due to the VLCT Health Trust's longstanding relationship with Northeast Delta Dental.

Delta Dental also offers coverage on a calendar year basis. Groups that consider switching from a July 1 to a January 1 contract start date should know the following:

- You would have one short plan year from July 1 to December 31<sup>st</sup> of this year.
- You would need to notify Kelley Avery by no later than October 31, 2014, of your intent to switch to a January 1 renewal.
- Your rates for calendar year 2015 will be a bit higher (in anticipation of marketplace inflation).

If you have any questions regarding the above information, please contact Kelley Avery at [kavey@vlct.org](mailto:kavey@vlct.org) or 800-649-7915, ext. 1965.

## REMINDER OF PACIF P&C DEDUCTIBLE AMOUNTS

Effective January 1, 2014, PACIF changed its normal Property and Casualty (P&C) per-occurrence deductible from \$500 to \$1,000 (which actually put it back to its original 1987 level). As was listed in the cover letter that members received with their 2014 Renewal mailing last November, most members now have a **\$1,000 deductible for property, auto, and most liability claims** and a \$2,500 deductible for certain liability claims.

Members can elect to change the \$1,000 deductible by agreeing to changes in their final Property and Casualty only (not Workers' Comp) contribution:

- Members with a P&C only contribution of \$30,000 or less may elect to have a \$500 deductible if they increase their final P&C contribution by 1.4 percent.
- Any member may decrease its P&C only contribution by 3.1 percent by electing to have a \$2,500 per-claim deductible.
- Any member may decrease its P&C only contribution by 6.7 percent by electing to have a \$5,000 per-claim deductible.

Please note that any change from the \$1,000 deductible must be officially arranged with PACIF Underwriting. This can be done at any time in the coverage year.

For claims involving **Employment Practices Liability (EPL)**, **Public Officials Liability (POL)**, and **Law Enforcement Liability (LEL)**, all members now have a **\$2,500 deductible** because these claims, although not common, are always very costly to resolve. An EPL deductible will be waived under certain circumstances if the member makes appropriate use of PACIF's new EPL Legal Assistance program.

You can confirm your current deductible by looking at the **Declarations** pages of your 2014 Property and Casualty Coverage Document. If you have questions about any of this, or if you'd like our help in assessing the cost vs. benefit to your municipality of electing to change your \$1,000 deductible, please call 800-649-7915 and ask to speak with a member of our Underwriting team. We are happy to help!

## TRIVIA

Herb Durfee III, Patricia Johnson, John Weir, Louise Luring, Marianne Blake, and Pamela Stefanek of Fair Haven, Wilmington, Fayston, Saxtons River, Windsor, and Middlebury, respectively, knew that during the sheep craze of the 1840s, Vermont's Addison County produced more wool per acre than any other county in the United States. Expertly sussed, fellow Vermonters!

Orthography aficionados take note: **The spelling of one town in Vermont is unique in all the world** (or so they say). **Which town is it?** Hint: It isn't Springfield.

When you at long last arrive at the answer, email it to [dgunn@vlct.org](mailto:dgunn@vlct.org) at the Trivia Command Center. The answer will appear in the justly justifiable June issue.



## May is VMHA Expo Time!

**Wednesday, May 14**  
**7:30am to 3:00pm**  
**Barre Civic Center**

**VLCT PACIF** will give away  
*one sign package*  
*to a municipality, and*  
*three chainsaw helmets*  
*to individuals*

**Visit the VLCT exhibit to enter!**



## ASK THE LEAGUE

(continued from page 7)

4. A disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;
5. A clear and imminent peril to the public safety;
6. Discussion or consideration of records or documents excepted from the access to public records provisions of [1 V.S.A. § 317].<sup>2</sup>

Executive session is an optional tool that should be used sparingly by municipal boards. Just because an issue is one of those included in the above list does not mean that the body must go into executive session to discuss it. In fact, a board or commission may only enter into executive session when the topic is one that is permitted by statute, and there is a motion to go into executive session that indicates the nature of the business of the executive session and is approved by a majority vote of the members present. Only the matter indicated in the motion may be discussed in executive session. 1 V.S.A. § 313(a).

### *Should executive session appear on the agenda?*

While some think that it is poor form to warn an executive session because it presupposes that an executive session will be held, the League holds a different opinion. We believe that listing an item as “possible executive session” merely signifies that the public body may discuss and then enter into executive session and therefore it is a courtesy to anticipated attendees. It also serves as a reminder that the public body is required to take a public vote prior to entering executive session. The level of detail that is provided on the agenda will depend on the particular situation, but the agenda item should provide as much detail as possible without undermining the purpose for going into the executive session. The specific statutory citation should be provided.

### *Can a board take action in a deliberative or executive session?*

<sup>2</sup>There are additional provisions in the statute, but the ones listed here are those that are most likely to apply to municipal bodies.

A board may take action (make a decision) in a deliberative session if that action is documented and explained in a written decision issued by the board that will become a public record. Note: Boards can also use deliberative session to determine whether additional evidence is needed before closing a hearing. That decision (that additional evidence was warranted) wouldn't necessitate a written decision. A board may *not* take action in an executive session except to exercise a real estate option. In all other cases, the board must come out of executive session and take a vote within the context of a public meeting.

### *What about minutes?*

Minutes in either executive or

deliberative session need not to be taken. 1 V.S.A. §§ 312(e), 313(a). If minutes are taken, they will be exempt from inspection and copying under Vermont's Public Records Act. 1 V.S.A. § 317(24).

As a matter of course, members of municipal boards, committees, and commissions should always conduct themselves in an open and transparent manner. The Vermont Supreme Court has made it clear that the exceptions to the Open Meeting Law will be liberally construed in favor of openness and accessibility to meetings for the public. VLCT's motto is “**When in doubt, stay out!**” And, of course, call the Municipal Assistance Center if you have any questions.

*Sarah Jarvis, Staff Attorney II  
VLCT Municipal Assistance Center*

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## PACIF ADVICE ON SUMMER EMPLOYEES

Many municipalities are now hiring seasonal workers for the summer. PACIF covers seasonal employees for both workers' compensation and property/casualty while they are acting within the scope of their duties. Summer municipal work tends to be dangerous because it often involves intense heat combined with construction, handling machinery, working in the midst of traffic, or heavy equipment. Supervising groups of children has its own special concerns and challenges. Summer workers tend to be younger and/or less experienced than the year-round workforce, and statistics show that workers who are young or relatively new to a job are more likely than others to be injured at work. Therefore, even though these workers will only be on the payroll for 120 days at most, an incautious employer could find that he or she has a significant negative effect on insurance claims (and on future rates). That's why we urge municipalities to keep in mind two important roles as an employer: managing for safety and your hiring process.

**Safety.** Proper training significantly reduces work-related incidents and injuries, so

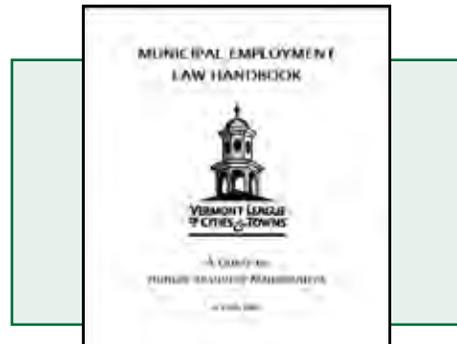
schedule time to provide thorough orientation training to all seasonal workers – as a refresher even if the same person did the job a year ago. Be sure to have all personal protective equipment (PPE) necessary for the job – hard hats, gloves, sunscreen, safety glasses, etc. – readily available. Clearly demonstrate the proper use of all tools and equipment, and periodically check to make sure employees are operating devices safely and using their PPE. Acknowledge workers

who follow safety procedures or who notice and report hazards, and provide incentives for adhering to good safety practices. Applying these and other extra safety measures will help keep everyone healthy – and avoid preventable claims.

**Hiring.** You should apply ideal hiring standards even for seasonal workers. We strongly suggest using these resources because the hiring process is complex and needs to be conducted with forethought and care.

- For general information regarding hiring municipal employees, please see the Employee Selection chapter (pages 8-61) of VLCT's **Municipal Employment Law Handbook**, which is posted at [www.vlct.org/assets/Resource/Handbooks/VLCT\\_Municipal\\_Employment\\_Handbook.pdf](http://www.vlct.org/assets/Resource/Handbooks/VLCT_Municipal_Employment_Handbook.pdf). It covers pertinent topics regarding hiring and includes sample documents, such as job descriptions and postings, as well as guidance for interview questions and more. To verify the most

*(continued on next page)*



[www.vlct.org/assets/Resource/Handbooks/VLCT\\_Municipal\\_Employment\\_Handbook.pdf](http://www.vlct.org/assets/Resource/Handbooks/VLCT_Municipal_Employment_Handbook.pdf)

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**Stacey:** 802-773-4627, [styler@mbvt.com](mailto:styler@mbvt.com)

**Anita:** 802-865-1641, [abourgeois@mbvt.com](mailto:abourgeois@mbvt.com)

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## SUMMER EMPLOYEES

(continued from previous page)

up-to-date information or if you have questions, call 800-649-7915 and speak with a MAC staff member.

- Town recreation or other departments hiring employees or volunteers to provide care for “vulnerable populations” including children, the elderly, and persons with disabilities should contact the Vermont Criminal Information Center (VCIC) Vulnerable Populations Program for information about screening prospective applicants. This program’s website, [www.vcic.vermont.gov/record\\_checks/Vermont/vulnerable/](http://www.vcic.vermont.gov/record_checks/Vermont/vulnerable/), provides a detailed overview of process and requirements for obtaining information on criminal convictions from Vermont and other states (subject to additional fees). For more information, contact the VCIC Records Check Coordinator at 802-241-5157 or email [tina.healy@state.vt.us](mailto:tina.healy@state.vt.us).
- If your town will be hiring minors for recreation or other positions, please see the Vermont Department of Labor’s convenient summary of important information at <http://labor.vermont.gov/wordpress/wp-content/uploads//WH-30-Information-for-Employer-Child-Labor-Law.pdf>.

*Joe Damiata*  
 Manager, Underwriting  
 Safety & Health Promotion  
 VLCT Risk Management Services



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- 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.

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- No expensive equipment needed - only an email address is required to receive Dig Safe tickets.
- Reduce notices with Dig Safe's digital mapping system.
- 24/7 notification process.
- Electronic and voice-recorded data stored for your legal protection.
- Dig Safe meets or exceeds all of Common Ground Alliance's Best Practice recommendations for the nation's one-call centers.
- Dig Safe's extensive advertising campaign raises awareness to call 811 before digging.
- Dig Safe's detailed education program includes on-site safety seminars for excavators to learn damage prevention strategies and the requirements of the "Dig Safe" law.

Call **811**  or visit [digsafe.com](http://digsafe.com) to learn more about membership.



# CLASSIFIEDS

Please visit the VLCT website [www.vlct.org/marketplace/classifiedads/](http://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](mailto: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](http://www.vlct.org/advertising-information).

For answers to specific questions about print advertising, email [vlctnews@vlct.org](mailto:vlctnews@vlct.org).

Visit the VLCT website [www.vlct.org/marketplace/classifiedads/](http://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.

## HELP WANTED

**Business Manager.** The Grand Isle Supervisory Union, located in North Hero, Vermont, is looking for a full-time Business Manager to be responsible for administering, managing, and maintaining the financial affairs of school districts and the GISU so as to provide the best educational support services within available resources. The right candidate should have a Bachelor's degree in Business or the equivalent work/management experience, as well as a demonstrated knowledge of governmental and fund balance accounting; experience in the administrative utilization of modern data and information processing equipment; and demonstrated ability to communicate effectively. To learn more about this position or to apply, please visit [www.schoolspring.com](http://www.schoolspring.com) and search job number 696182. (04-11)

**Management Fellow.** Students interested in a career in local government are encouraged to apply for the Town of Milton (Vermont) Management Fellowship 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. Vermont residents and graduates of a Vermont college or university will be given preference. The intern must attend local government training opportunities and the Vermont Municipal Managers' Association conferences. He or she works 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 intern is required to attend numerous meetings outside of their regular duties to ensure the individual exposure to all aspects of local government. He or she will be paid at a salary of \$35,000 with limited benefits, including health insurance, and must commit to working for the Town for two years. Please send a resume with three references (names, titles, and phone

numbers) knowledgeable of your work and/or academic qualifications to Office of the Town Manager, Town of Milton, 43 Bombardier Road, Milton, VT 05468. For more information, please email Town Manager Brian Palaia ([bpalaia@town.milton.vt.us](mailto:bpalaia@town.milton.vt.us)) or Human Resources Coordinator Brenda Comstock ([bcomstock@town.milton.vt.us](mailto:bcomstock@town.milton.vt.us)). (03-28)

**Police Chief.** The Town of Weathersfield, Vermont (pop. 2,842), is seeking qualified applicants for the position of Police Chief. This is a regular, full-time, salaried position, with excellent benefits, including health care and retirement. Department staffing currently includes the Chief, 1 full-time patrol officer, 3 part-time patrol officers working a total of 40 hours per week, and a part-time clerk. A complete job description and application for

*(continued on next page)*



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## CLASSIFIEDS

(continued from previous page)

employment are available from the Town Manager, [townmgr@weathersfield.org](mailto:townmgr@weathersfield.org).

(It is acceptable to answer questions on the employment application by saying "see resume.") Salary range, \$54,000-\$62,000, depending on qualifications and experience. To apply, email a letter

of interest, resume, and employment application to Weathersfield Town Manager Jim Mullen at [townmgr@weathersfield.org](mailto:townmgr@weathersfield.org). Position open until filled. (04-02)



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## REQUEST FOR PROPOSALS

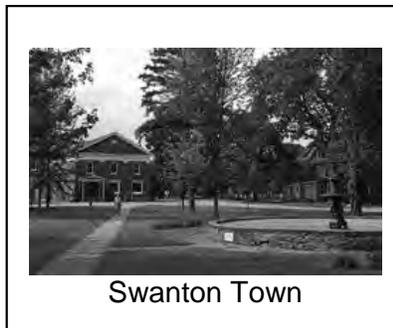
**Public Safety Study.** The towns of Dorset (pop. 2,031) and Manchester (pop. 4,391) seek responses from qualified professionals and academic organizations to analyze and make recommendations about governance, management, and administration of police, fire, emergency medical, and emergency management services regarding possible consolidation and collaboration between the two towns. Both towns are so-called "sending towns" under the statewide education property tax system. This means that they contribute more money to the system than they receive back, which has placed an increased burden on local property taxpayers. Both towns have low municipal tax rates. To read or download the RFP, visit <http://manchester-vt.gov/pss>. For questions please email [PSRFP@manchester-vt.gov](mailto:PSRFP@manchester-vt.gov) or call John O'Keefe, Manchester Town Manager, at 802-362-1313, option 2. Responses to the RFP must not exceed \$30,000 in total value and are due by 4:30 p.m. on **Wednesday, June 4, 2014**. (04-10)



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Swanton Town

### For more information contact:

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[www.vmbb.org](http://www.vmbb.org)

## VLCT NEWS ONLINE

We encourage all subscribers, especially single-use readers, to consider switching from paper copies to online viewing of the *VLCT News*. The benefits are many: a smaller carbon footprint, lower printing and postage costs, less paper used, full-color rendering of color photographs, and immediate access to web links.

If you are ready to switch to accessing the *VLCT News* completely online, please email us so we can remove you from our postal mailing list and make sure that your correct email address is on our *News* email list.

To view the current *VLCT News* or the archives, please go to [www.vlct.org/newsletter](http://www.vlct.org/newsletter).



# NATIONAL LEAGUE of CITIES



## WHY BELONG TO NLC?

The National League of Cities is THE voice for municipalities of all sizes in Washington, DC, as well as THE resource for local leaders and city staff to find solutions to the most pressing challenges in their communities.

### Did you know...?

NLC shares a close relationship with the 49 state municipal leagues. It was originally formed by a core group of state leagues to ensure representation in Washington for local governments. NLC still counts all of the 49 state leagues as voting members, and cities are required to belong to their state league prior to joining NLC.

Cities who are members of the National League of Cities enjoy distinct benefits from those afforded by membership in the state municipal leagues, including:

- Representation and advocacy on the federal level,
- A vast pool of geographically diverse members to connect with,
- Its own unique set of solutions and programs designed to save your city and residents time and money, and
- Abundant NLC resources, publications, and technical assistance to help your city navigate the most difficult local government challenges.

See for yourself what it's all about! Have your city join today and begin the NLC experience! Contact [memberservices@nlc.org](mailto:memberservices@nlc.org) or (877) 827-2385, or visit [www.nlc.org](http://www.nlc.org) for more information.



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## UPCOMING EVENTS

*Questions? Visit [www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar) to register and for the most updated information and events.*



**Vermont League of Cities & Towns**  
**TOWNFAIR2014**  
 SAVE THE DATE FOR TOWN FAIR  
 Thursday, October 9, 2014

Town Fair 2014 will be held on October 9 at the Champlain Valley Expo Centre in Essex, Vermont. General Exhibitor registration begins Monday, May 12. Attendee registration information will be mailed to VLCT members and posted on our website in July. We look forward to seeing you!



Check out all of the upcoming  
MAC workshops online at  
[www.vlct.org/eventscalendar!](http://www.vlct.org/eventscalendar!)

**Conducting Effective Tax Appeals**  
May 6, Lake Morey Resort  
May 8, Middlebury Inn

**Municipal Dog Control**  
May 29, Capitol Plaza

**Spring Planning and Zoning**  
June 4, Lake Morey Resort

**Finance Symposium**  
June 19, Capitol Plaza