

## IS YOUR COMMUNITY FLOOD READY?

Municipal officials in Vermont can now get the most up-to-date information to improve their community's flood resilience by visiting a new website, [www.FloodReady.vermont.gov](http://www.FloodReady.vermont.gov).

**Flood Ready Vermont** supports selectboard members and other municipal officials who are working to help their towns avoid damage from flooding and qualify for financial support. For example, it has information on the **Emergency Relief and Assistance Fund (ERAF)**, and notes any action your municipality has taken to reduce flood damage and qualify for post-disaster funding.

The website has easy access to data on flood risks and a map portal that will help you prepare your municipal plan. On other pages you will find key contacts, funding opportunities, and other useful information to help your community be flood ready.

Already, cities and towns around the state are working to address known flood risks and to avoid increasing their exposure to damage from floods. **Flood Ready Vermont** features stories from communities working to make that happen. What is *your* town doing?

*(continued on page 11)*

## BRIDGE IN A BACKPACK

The Vermont Agency of Transportation (VTTrans) is piloting an innovative method of bridge construction for Vermont this summer.

Working with AIT Bridges of Orono, Maine, the agency will be installing a Composite Arch Bridge System over Wanzer Brook on Town Highway 30 in the Town of Fairfield. The "Bridge in a Backpack" system does not involve actual backpacks, but does use a system of carbon fiber tubes filled with concrete on-site to create clear span arches ranging in size from 20 to 75 feet. These materials have been extensively tested for loads and weather; they require only minimal maintenance and have up to twice the useful life of a conventional structure. The

*(continued on page 14)*

## OPEN MEETING LAW CHANGES EFFECTIVE JULY 1, 2014

The legislature significantly amended Vermont's Open Meeting Law this year. Changes include new requirements for posting meetings, creating and altering agendas, posting minutes onto a municipal website, and for entering into executive session. The amendments also include specific steps that must be taken when there is an allegation that a public body has violated the law. The VLCT Municipal Assistance Center has prepared a list of frequently asked questions about the law that explains the recent changes to the law along with information about existing requirements. The VLCT 2014 Open Meeting Law FAQs is available at [www.vlct.org/assets/MAC/VLCT\\_Open\\_Meeting\\_Law\\_FAQs\\_June\\_2014.pdf](http://www.vlct.org/assets/MAC/VLCT_Open_Meeting_Law_FAQs_June_2014.pdf).

Remember: the Open Meeting Law applies to *every* municipal selectboard, council, board of trustees, municipal commission, committee and subcommittee! Please take the time to review our 2014 Open Meeting Law FAQs.

There are certain actions which should be taken by every Vermont municipality before July 1, 2014, to comply with the law, including:

1. Designating locations in your municipality where notices and agendas for meetings will be posted (see #10 and #13 in the *2014 Open Meeting Law FAQs*); and

*(continued on page 5)*

The VLCT 2014 Open Meeting Law FAQs is available at:  
[www.vlct.org/assets/MAC/VLCT\\_Open\\_Meeting\\_Law\\_FAQs\\_June\\_2014.pdf](http://www.vlct.org/assets/MAC/VLCT_Open_Meeting_Law_FAQs_June_2014.pdf).

### INSIDE THIS ISSUE

Higher Standards . . . . .	2
Ask the League . . . . .	4
Vt. Shoreland Protection Act . . . . .	6
Risk Management Services . . . . .	8
Workplace Safety Conference . . . . .	8
Trivia . . . . .	10
Staff News . . . . .	11
Classifieds . . . . .	13
Upcoming Events . . . . .	16



# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

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# MUNICIPAL OFFICIALS' ACTIONS AND WORDS MUST BE GUIDED BY HIGHER STANDARDS

Earlier this year, several Vermont municipal officials were in the news headlines for reasons that put them, their towns, and our state in a bad light. In one town, a local official made a statement using a disparaging term of national origin; in another, allegations were made that official town actions discriminated against a couple based on their sexual orientation. In the first instance, an apology was issued, and in the second, the allegations, now the subject of a lawsuit, have yet to be proven but much damage has already been done.

Individuals or a group of people are wrong in so many ways and on so many levels when attributed to a person on the street. The impact and consequences rise to a much higher level when attributed to a public official and skyrocket when the bias perceived is conveyed against a group of people that has been identified as requiring extra protection under national and/or state law.

Whether intended or not, public officials' actions or words are often perceived as being officially sanctioned by the government and the people that person serves. Thomas Jefferson said, "When a man assumes a public trust, he should consider himself as public property." The same can be said for public officials' words and deeds. This is particularly true when those actions are taken or words are spoken at a public building, event, or meeting. The media play an important role in our communities, but nothing sells newspapers like conflict and controversy, and these incidents fit that bill. Add today's universally-linked

*(continued on page 10)*

## From the Executive Director

Vermont has no monopoly on this kind of unfortunate experience, as a recent report from our neighbors in New Hampshire clearly shows. Public utterances and alleged actions that an average person could only perceive as biased or discriminatory against

## DELTA DENTAL



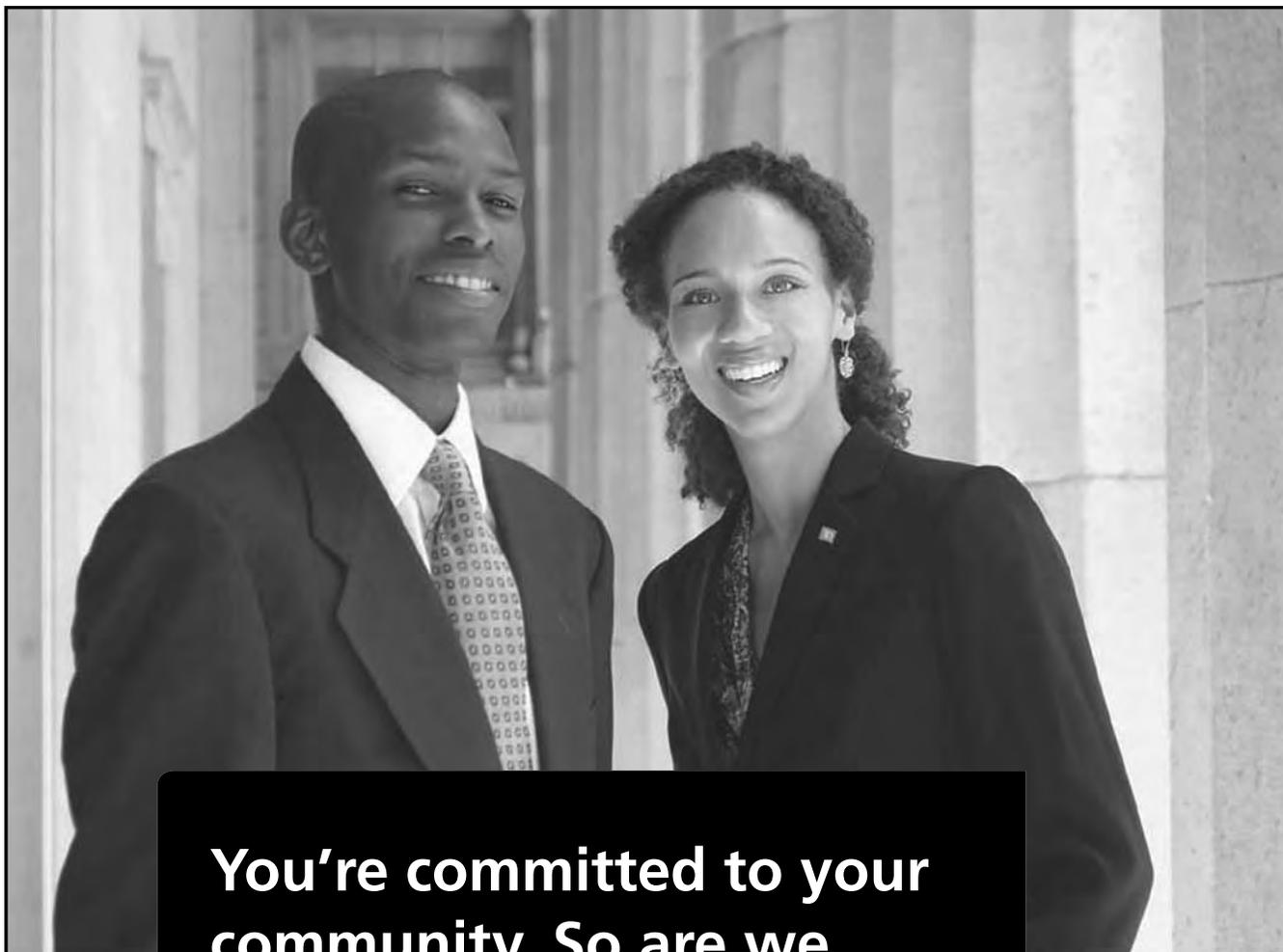
## Make oral health a priority.

Dental insurance programs prompt health conscious lifestyle behaviors and, by design, emphasize diagnostic and preventive services. Seeking care early is encouraged, which often helps minor problems from escalating.

Through your membership in the Vermont League of Cities and Towns, you have access to Northeast Delta Dental's dental plans designed with you and your employees in mind.

For more information, contact the VLCT Member Relations staff, or Kelley Avery at 1-800-649-7915, or Northeast Delta Dental at 1-800-329-2011.

[www.nedelta.com](http://www.nedelta.com)



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# ASK THE LEAGUE

## HOW TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE; HIRING SEASONAL WORKERS

*Our town's board of civil authority is faced with more than 50 property tax assessment appeals. We would like to increase the number of justices of the peace to help expedite the tax appeal hearing process. How is this done?*

Interestingly enough, the Vermont Constitution, not state statute, prescribes the number of justices of the peace for every town on the basis of population. The state constitution sets the maximum number of justices that may be elected,

however a town may choose to elect fewer if it wishes. The following table shows the number of justices allocated to each town according to population:

Population	Number of Justices
Fewer than 1,000	5
1,000 to 1,999	7
2,000 to 2,999	10
3,000 to 4,999	12

Justices of the peace, however, are only elected "biennially on the first Tuesday next

after the first Monday of November" during the general election. Vermont Constitution, Chapter II, § 43. Additionally, the Governor may only fill a justice of the peace vacancy if it occurs by resignation, death, insanity, or when an incumbent moves to another state. These are the only instances where a new justice of the peace can take office outside a general election.

Unfortunately, your board of civil authority will, for the time being, have to proceed with the current number of justices unless there is a valid vacancy that needs to be filled. If the town has too few justices, based on current population statistics from the most recent census, an article to increase the number of justices should be added to the next town meeting warning. If the article passes, the additional justices will be elected at the next general election.

For more in-depth information about justices of the peace, please refer to the Secretary of State's "The Vermont Justice of the Peace Guide" ([www.sec.state.vt.us/media/258659/JP\\_Guide.pdf](http://www.sec.state.vt.us/media/258659/JP_Guide.pdf)).

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

### *What should our town know about hiring seasonal workers?*

Many municipalities choose to hire workers to assist with warm-weather operations such as landscaping and running recreational programs. Although these individuals are bona fide municipal employees, they are not subject to the same state and

*(continued on next page)*

### NEED A WRITTEN LEGAL OPINION?

### LOOKING FOR EXPERTISE DRAFTING A NEW ORDINANCE?

### NEED HELP UPDATING THAT PERSONNEL POLICY?

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



### SAMPLE PROJECTS:

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



## ASK THE LEAGUE

(continued from previous page)

federal laws regarding wages and overtime. For instance, employees in municipal recreational programs operating for fewer than seven months of the calendar year are exempt from the overtime provisions of federal and state law. The applicable laws are Section 13(a)(3) of the federal Fair Labor Standards Act, and Title 21, Section 384(b)(2)(A) of Vermont Statutes Annotated.

The legal scheme in regard to minimum wage is slightly different. A seasonal recreational employee – which 21 V.S.A. § 2002 defines as one who works for an employer for 20 or fewer weeks in a calendar year and who works in a job scheduled to last 20 weeks or fewer – is exempt from federal minimum wage requirements but not from state minimum wage requirements. In other words, municipal employees performing recreational functions must be paid the state minimum wage, even though they are only employed seasonally. However, there is an exception to the law for students who work during all or any part of the school year or during regular vacation periods. Those student employees are exempt from state minimum wage requirements under Title 21, Section 383(2)(I) of Vermont Statutes Annotated.

The current edition of VLCT’s Handbook for Vermont Selectboards states that “employees in municipal recreational programs operating for fewer than seven months of the calendar year” must receive Vermont’s minimum wage. While this is still generally the case, it does not take into account the statutory exception for students, which is cited above. According to the Wage and Hour Division of the Vermont Department of Labor, a municipality may pay its student employees anywhere on the federal pay scale from a training wage of \$4.25 per hour to the federal minimum wage of \$7.25 per hour for a maximum of 90 days.

State law limits the hours that minors may work and the functions they may perform. Those restrictions are listed on the Department of Labor’s website at <http://labor.vermont.gov/wordpress/wp-content/uploads//WH-30-Information-for-Employer-Child-Labor-Law.pdf>.

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

## OPEN MEETING LAW

(continued from page 1)

2. Preparing your municipality’s website, if there is one, so that you will be ready to post agendas before meetings (see #10 in the *2014 Open Meeting Law FAQs*) and minutes five days after those meetings occur (see #14 in the *2014 Open Meeting Law FAQs*). Otherwise, you should deactivate the website to avoid violating this requirement.

MAC is scheduling regional trainings on how to comply with the changes to the Open Meeting Law and updating our Open Meeting Law poster and Model Rules of Procedure. We will notify members about workshop dates and when the new documents are available. For more information, please contact Abby Friedman at [afriedman@vlct.org](mailto:afriedman@vlct.org) or 800-649-7915 ext. 1926.

The Open Meeting Law is found in 1 V.S.A. §§ 310-314. The amended sections of the law are found in the text of Act 143 (as signed by the Governor), which is archived at [www.leg.state.vt.us/DOCS/2014/ACTS/ACT143.PDF](http://www.leg.state.vt.us/DOCS/2014/ACTS/ACT143.PDF).

## 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 VERMONT SHORELAND PROTECTION ACT

**Intent.** This legislative session, the Vermont General Assembly passed shoreland protection legislation that applies to activities within 250 feet of the mean water level of all lakes greater than 10 acres in size. Effective July 1, 2014, the Shoreland Protection Act (Chapter 49A of Title 10 §§ 1441 et seq.) establishes a new state regulation for guiding shoreland development. The intent of the Act is to prevent degradation of water quality in lakes, preserve habitat and natural stability of shorelines, and maintain the economic benefits of lakes and their shorelands by defining standards for the creation of buildings, driveways, and cleared areas in shorelands. The Act seeks to balance good shoreland management and shoreland development.



*New Development is located 100 feet from the water's edge in the Development Zone. In the Woodland Zone, a path and minimal clearing is allowed, as well as tree thinning in accordance with the Vegetation Management Practices. Existing Development can be expanded using Best Management Practices. Best Management Practices, such as re vegetating stretches of the Woodland Zone or infiltrating runoff, are techniques that help prevent or reduce degrading effects of increased impervious surface or cleared areas.*

The Shoreland Protection Act recognizes that many shoreland properties in Vermont are already developed or are small lots that cannot meet the new standards. Developed properties are “grandfathered” unless the owner proposes redevelopment. In the case of small lots, staff of the Agency of Natural Resources will work with homeowners so that standards are met to the extent possible. The table below summarizes the standards in the Act.

For a project occurring in the Protected Shoreland Area, with some exemptions, the Shoreland Protection Act requires all shoreland owners to either register or apply for a permit. Generally explained below are what activities will be exempt, can be registered, or will need a permit. Full information is available from the Shoreland Permit Program.

**Permit Exemptions** (These projects do not need to be registered or permitted through the Shoreland Permit Program.)

- Maintenance of existing buildings, gardens, and lawns, without enlarging them.
- Creation of a six foot wide footpath to access the lake through the Woodland Zone.
- Re construction of existing impervious areas without increasing or changing the current footprint, such as

*(continued on next page)*

What the Act Regulates	Why
Naturally vegetated areas within 100 feet of the mean water level must be maintained according to the Vegetation Protection Standards in the act.	A wooded shoreland is essential for a healthy lake ecosystem. Most animal and plant life in a lake spend all or some of their life cycle in the shallow water, along a lake's shore. A buffer of natural vegetation and duff absorbs and filters runoff from uphill land uses much more effectively than lawn. Tree roots, trunks, and branches hold the bank together, protection against erosion as well as shade the shallow waters.
The Act establishes a maximum of 20% impervious surface coverage unless best management practices are used to mitigate impact.	Hard surfaces (roofs, driveways, decks, etc.) result in increased runoff during rain storms. Increased runoff can result in erosion, and lessen absorption and filtration functions of the natural vegetation.
The Act establishes a maximum of 40% cleared area coverage unless best management practices are used to mitigate impact.	Clearing the shoreland of its natural vegetation increases stormwater runoff and reduces the lake's natural defense in protecting itself from pollution, eroding banks, and creating degraded habitat.
Building on slopes greater than 20% requires demonstrating the development will not compromise stability.	Steeper slopes are more prone to erosion and instability, and therefore a wider Woodland Zone, and/or other Best Management Practices may be required to help reduce these impacts.



# SHORELAND PROTECTION

(continued from previous page)

rebuilding a house, deck or driveway in the exact same spot.

- Removal of 250 sq feet of vegetation under three feet in height, 25 feet from the mean water level, is allowed as long as the Vegetation Management Practices are met and the duff layer is not removed.
- Tree removal and pruning within 100 feet of the mean water level using the Vegetation Management Practices.

**Registrations** (projects that require the landowner to submit a registration form). The limits described below are the total allowed for the lifetime of the property, regardless of ownership.

- Creation of less than or equal to 100 sq feet impervious surface, such as a gazebo or shed, located 25 feet back from mean water level.
- Less than or equal to 500 sq feet of new clearing or impervious surface at least 100 feet from the mean water level.

**Permits** (Projects that require a landowner to fill out a permit application and obtain a permit before proceeding.)

**Re development of existing developed shorelands.** If a property does not already meet the new standards, re development proposals will be reviewed to ensure:

- Any existing wooded areas within 100 feet of mean water level are maintained under the Vegetation Management Practices;
- New buildings, decks, or driveways are not closer to the mean water level than currently located;
- Total coverage of all buildings, decks, and/or driveways (impervious surface area) does not exceed 20% of property area or Best Management Practices (BMPs) are used to offset the effects of the new surfaces;
- Any proposed new clearing does not exceed 40% of the property area or BMPs are used to offset the impact of the new cleared areas;
- Development takes place on slopes of less than 20% unless it is demonstrated BMPs maintain slope stability and prevent erosion; and
- Standards are scaled down to fit a small lot that was already in existence as of July 1, 2014.

**Development of undeveloped shorelands.** Undeveloped properties, both existing small lots and lots that can meet all the standards, will be reviewed to ensure:

- The 100 foot wide Woodland Zone is maintained using the Vegetation Management Practices. For existing small lots, the width will be scaled to allow development on the property;
- New buildings, driveways, and other

- surfaces will be created above the 100 foot wide Woodland Zone. For small lots in existence by July 1, 2014 the width of the Woodland Zone will be scaled to allow for development; and
- Development avoids areas of the property with slopes over 20% whenever possible.

### Vegetation Management Practices.

The Vegetation Management Practices outline maintenance of plants in the Woodland Zone using a point and grid system. For each 25'x25' plot, the diameter of each tree is measured along with the number of saplings to calculate the number of points. Trees can be thinned as long as the minimum number of points is met for each 25'x25' plot. The lower one-third of a tree's branches can be pruned, and hazardous trees can be cut.

### Contact Information for Guidance Materials and Questions

#### Vermont Agency of Natural Resources

*Department of Environmental Conservation  
Watershed Management Division*

Lakes and Ponds Shoreland Permit Program  
1 National Life Drive, Main 2  
Montpelier, VT 05620

**Webpage:** [www.watershedmanagement.vt.gov/lakes.htm](http://www.watershedmanagement.vt.gov/lakes.htm)

**Email:** [ANR.WSMDShoreland@state.vt.us](mailto:ANR.WSMDShoreland@state.vt.us)

**Phone:** 802 490 6196

### Guidance Materials Available (now or soon)

- Frequently Asked Questions
- The Guide to the Vermont Shoreland Protection Act: A Handbook for Shoreland Development
- List of Vermont Lakes Greater than 10 Acres
- Permit Application Instructions and Worksheets

## 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**



## BENNINGTON LAUDED AT WORKPLACE SAFETY CONFERENCE

On May 16, representatives from the Town of Bennington attended the 12<sup>th</sup> Annual Vermont Workplace Safety Conference and received one of only five 2014 Governor's Awards for Outstanding Workplace Safety. The day-long conference invites all employers to acknowledge the award winners and learn about research and resources that can help them improve their own safety programs. The conference was organized by Peter Crawford of the Vermont Small Business Development Center with sponsorship from seven organizations and exhibits from 16 vendors.

Governor's Awards for Outstanding Workplace Safety are granted to employers that demonstrate exceptional commitment to workplace safety and have the results to prove it. Minimum requirements include having a low Workers' Compensation Experience Modification Factor (or Ex-Mod), no worksite fatalities or catastrophic injuries in the previous three years, no outstanding DMV/motor carrier fleet violations, a written safety and health policy, safety and health programs that are clearly communicated to all employees, and an active safety and health

committee that involves both management and employees and has representatives from all departments. All of these show that the employer actively fosters a culture of safety and health in the workplace.

Bennington has a history of being very safety-conscious, and in the past year the town has put several important programs in place that the Governor's Safety Awards

*(continued on page 12)*



*Accepting Bennington's 2014 Governor's Workplace Safety Award are (left to right) Terry Morse, Water Resources Superintendent; Keith Goodhue, Building Inspector, Fire Marshall, Code Enforcement Officer, and more; and Gail Tiffany, Wastewater Laboratory Technician. Delivering the award is (far right) Steve Monahan, Director of Workers' Comp and Safety, Vermont Department of Labor.*

## NEW ADMIN TOOLS FROM DELTA DENTAL

We are happy to announce that Northeast Delta Dental (Delta) has two helpful new administrative tools available to all VLCT dental groups. First, your group can sign up for **eBilling**, so you can receive your invoices electronically! Find more information on eBilling and register for this new feature either on Delta's homepage or under Tools in the green section at the bottom of any page on [www.nedelta.com](http://www.nedelta.com). Second, online enrollment is now available through Delta's Group Admin Portal. Registering for access to this portal is a two-part process:

- 1. On paper**, fill in and submit Delta's **Admin Portal Group Authorization Form**. Find the form on VLCT's Dental webpage: go to [www.vlct.org](http://www.vlct.org), hover over "Risk Management Services" in the blue menu bar, select "Health Trust" from the drop-down menu, and click on "Dental Insurance" in the bullet list. Now click on "Online Administrative Portal Group Authorization Form" in the list of PDFs. Print and fill in the form and mail it to Account Services at the address that's on the form.
- 2. Online**, register as a **Group Admin** user. At [www.nedelta.com](http://www.nedelta.com), click on the Employers tab, and in the "Login To Group Admin" box (on the left side, half way down) click on "Register Here," complete the online form, and click on the Submit button.

For information on how to use the Group Admin Portal, refer to Delta's **Group Online Portal Manual**, which you will also find in the list of PDFs on VLCT's Dental webpage. If you have any questions regarding the above information, feel free to contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

### eBilling Now Available

Northeast Delta Dental is pleased to announce electronic billing for our customers, in keeping with our dedication to environmental initiatives. Visit <https://ebilling.nedelta.com> and sign up today to enjoy the following features:

- Online access to your bills through a secure portal
- Email notification when bills are issued
- Ability to export and save bills in Excel or PDF format
- Online payment option
- Ability to allow multiple users to receive the email notification and access bills

## MERGER OF TWO VLCT TRUSTS PROCEEDS

VLCT's Risk Management Services (RMS) staff members are making progress in fulfilling the requests of the Directors of the VLCT Unemployment Insurance Trust and the VLCT Health Trust to develop the plan to merge these two trusts into a single new entity (as we reported in the May 2014 *VLCT News*).

The merger plan is being developed, with all due deliberation and considerable care, by RMS staff in close coordination with the trusts' corporate counsel. A significant part of the work is to prepare four key documents: *Articles of Incorporation*, *Bylaws*, *Articles of Merger*, and *Plan of Merger*. The Plan of Merger is the most involved, containing (among other things) the manner of the merger, operational details on the merged entity, and how each previous trust's assets and liabilities will be accommodated after the merger. The final versions of the four documents will be presented to the two boards in late July of this year. By that time, a name for the new trust will be revealed. The current leading contender is the VLCT Employment Resource & Benefits Trust (VERB).

A merger such as this must be approved by the board and members of both trusts. If both boards approve it in July, the proposed merger will be voted on by members at the trusts' Annual Meetings on October 9, 2014 (during VLCT Town Fair). If the members of both the Unemployment Insurance Trust and the Health Trust approve the proposal, the merger will take effect on January 1, 2015.

Members should look for detailed information enclosed with their Annual Meeting notices in late August or early September. Members with any concerns or questions about the proposed merger can contact any director of either the Health Trust or the Unemployment Insurance Trust, listed on VLCT's Boards page at [www.vlct.org/aboutvlct/boards/](http://www.vlct.org/aboutvlct/boards/), or call 800-649-7915 and speak with David Sichel or Ken Canning.

### 2014 RMS CALENDAR

**NCOS 511 OSHA Standards for General Industry.** Tuesday to Friday, July 8 to 11, Windjammer Conference Center, South Burlington. Presented by the Region 1 OSHA Training Institute Education Center (based at Keene State College); conducted by Lee Marchessault. Each student receives a current Code of Federal Regulations 1910, materials related to the curriculum, and a certificate verifying course completion. \$150 discount for members of the Vermont Safety and Health Council. For further information, refer to the Events Calendar at <http://vshc.org/>. Go to [www.oshaedcenter.com/files/RevisedOSHAregform-8.pdf](http://www.oshaedcenter.com/files/RevisedOSHAregform-8.pdf) for a registration form.

**VLCT's Local Officials Golf Outing.** Wednesday, August 13, 2014, 8:00 a.m. to 3:00 p.m., Green Mountain National Golf Course, Barrows-Towne Road, Killington. Shotgun start at 8:30 a.m. The low per golfer fee includes morning snacks and barbeque lunch. VLCT members will receive an email with details and a registration form, which we ask to be distributed throughout your organization. Learn about Green Mountain National, Vermont's only municipally owned golf course, at <http://www.gmngc.com/>.

**2014 Vermont Summer Safety Retreat.** Wednesday, August 20, Camp Ohana, Post Mills. Sponsored by Safety and Health Council of Northern New England. For more information, use the Vermont link at <http://www.shcnne.org/conferences.html> or call 800-834-6472.

**2014 Vermont Safety and Health Council Expo.** Friday, October 3, at the Killington Grand Hotel and Conference Center, Killington. Save the date! Information will be posted in the Events Calendar at [www.vshc.org](http://www.vshc.org).

**OSHA 3015 Excavation Trenching and Soil Mechanics.** Monday to Thursday, October 20 to 23, AGC/VT Training Center, Montpelier. Presented by the Region 1 OSHA Training Institute Education Center (OTIEC). For course description and registration, please visit [www.OSHAedcenter.com](http://www.OSHAedcenter.com) or call OTIEC at 800-449-6742.



## HIGHER STANDARDS

(continued from page 2)

instantaneously-beamed-around-the-world Internet to that age-old broadcast media and you have the recipe for offending people and

## TRIVIA

Last time, I asked for the location of Vermont's "Big Mountain," as it was known in Pocumtuck, as well as its more common translated name. Only one faithful trivialist hazarded a guess, and no one knew that it was Jamaica's Shatterack Mountain. Ergo, I'll go easier on you this time.

One Vermont town was named after a feisty feller who went to jail in 1811 for refusing to pay a legal judgment of \$50.13 plus an additional \$51.10 in court costs. **Name the gent and you'll name the town.** And the best way to do that is by emailing your answer to [dgunn@vlct.org](mailto:dgunn@vlct.org). The answer will appear in the gently genial July issue.

raising the ire of whole nations or sectors of society from your seat at the table in town hall literally before your meeting adjourns.

The notoriety of such actions and deeds can only have a negative effect on our communities and our state. "Tourism Boycott Threats Follow Racist Comments by Wolfeboro Commissioner" trumpets the headline following New Hampshire's episode. Not only tourists, but potential investors, business owners, and employees can develop the bitterest perception of a community in which such incidents are created by people viewed as leaders.

Discrimination based on age, mental or physical disability, ancestry or national origin, race, color, gender, pregnancy, sexual orientation, or gender identity is illegal in Vermont. Statements made or allegations of actions taken against members of these groups are not only unacceptable on a societal basis, especially when ascribed to municipal officials, but they can also be used as grounds to bring or bolster an enforcement action by the attorney general or a state's attorney if a person was denied employment, accommodation, or town services as the result of illegal discrimination. If the fact that such actions are just plain wrong and that they could cost your community's economy

isn't enough to convince local officials to avoid this, the time, energy, good will, and financial costs of defending a lawsuit should be enough.

As these recent incidents prove, it is hard to stuff this genie back in the bottle once it is released. We serve a rapidly diversifying population and live in a world that is interconnected 24/7. Being sensitive to and appreciating our differences lead us to a greater understanding of the impact of our words and deeds on people who may be different from us in some ways, despite our many similarities. The VLCT Property And Casualty Intermunicipal Fund (PACIF) offers many training programs to help develop a greater understanding of diversity and discrimination:

FirstNet Learning (online training) – offered free to all PACIF members.

- Preventing Discrimination
- Workplace Diversity
- Workplace Harassment
- Workplace Harassment for Supervisors
- Ethical Decision Making

In-person training through Invest Employee Assistance Program (EAP):

(continued on next page)

# WHAT DO MORE AND MORE VERMONT MUNICIPALITIES HAVE IN COMMON?

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## HIGHER STANDARDS

(continued from previous page)

- Sexual Harassment and Respect in the Workplace

Law Enforcement – We offer several resources (e.g., policies, trainings, legal updates) for law enforcement professionals at no charge in the following areas:

- Fair and Impartial Policing
- Civil Liberties/Privacy
- Discrimination and Unlawful Harassment
- Ethics
- Limited English Proficiency
- Persons with Diminished Capacity
- Persons with Disabilities

PACIF also has a scholarship program that will pay up to \$500 for two individuals to attend training and \$2,500 for a

## STAFF NEWS

**Jill Muhr** is working as a Municipal Assistance Center consultant on a human resources project until mid-October. Jill, you may recall, previously worked at VLCT in a number of capacities. From 1999 to 2009, she held every conceivable Human Resources title known to man, including HR Director. More recently, she was a temporary Member Relations Representative. Even more recently, Jill served as Director of Operations at HR Sentry and Director of Human Resources at Goddard College, though not at the same time. (Note: An anagram of HR Sentry and Goddard College is “a drenched doggy stroller,” just sayin’.)

**Jonathan Williams**, our Legislative Associate who helped to represent VLCT Advocacy at the State House for the past three years, has departed to commence thrilling new adventures in distant lands, beginning with Thailand and later North Africa. We wish him well. No really, we do! Who will replace him? Now *there’s* a question worthy of the **Trivia** column.

*David Gunn*  
Editor, VLCT News

municipality-wide training. Diversity awareness and non-discrimination would certainly be eligible topics.

VLCT staff also has access to HR Sentry, an online human resources site that is loaded with all kinds of resources (model policies, trainings, etc.) on diversity, discrimination, and harassment. For more information on these and other programs, contact Fred Satink ([fsatink@vlct.org](mailto:fsatink@vlct.org)).

Another resource is the *Vermont Partnership for Fairness and Diversity* ([www.vermontpartnership.org/](http://www.vermontpartnership.org/)), which offers help in inclusion, diversity, and equity issues in the public sphere.

*Steven E. Jeffrey, Executive Director*  
VLCT

## FLOOD READY

(continued from page 1)

**Flood Ready Vermont** is a place where municipal officials, residents, non-governmental organizations, and state agencies can collaborate toward flood resilience. Check the news posts and use the listserve to share ideas and questions with your colleagues around the state.

The site design was led by Tamarack Media Cooperative and WebSkillet Cooperative with help from an advisory group comprising municipal, regional, non-governmental, and state agency participants as well as the Vermont League of Cities and Towns.

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## WORKPLACE SAFETY

(continued from page 8)

Committee recognized as making a significant improvement. The Safety and Health Committee that was set up in the late 1990s was later re-energized and made more comprehensive as the town-wide Safety and Wellness Committee, which builds on input from each department's monthly safety and health meetings. In July of 2009, the Vermont Occupational and Health Administration conducted a surprise safety inspection of its entire operation (described in the January 2010 *VLCT News*) that revealed certain violations and helped the town see that it had room for improvement. After correcting those violations, Bennington set up its own Roving Inspection Team to conduct surprise inspections and identify hazards in town facilities on an ongoing basis. From 2009 through 2011, Bennington participated wholeheartedly in PACIF's Workers' Compensation (WC) Rewards program, which provided a financial incentive (a percent reduction in WC contribution costs) if the municipality could establish and clearly document specific policies and procedures related to worker safety. Each year, the town acts on recommendations from PACIF Loss Control staff and steadily improves its safety compliance and workers' compensation management. Although the WC Rewards program has run its course, Bennington still requires each department to review and document its safety programs on a regular basis. Overall, Bennington has been especially

cognizant of the fundamental connectedness of occupational health, workplace safety, and wellness at both work and home.

In the first of two morning informational sessions, Heidi Joyce, VLCT's Senior Health Promotion Consultant, and Scott Meyer, Program Manager of Project WorkSAFE for the Vermont Department of Labor, discussed **Total Worker Health™ (TWH)**. The National Institute for Occupational Safety and Health (NIOSH) developed this new initiative, which it defines as "**integrating occupational safety and health with worksite health promotion**," in order to prevent worker injury and illness and to advance health and well-being. Heidi shared statistics that unhealthy workers cost employers more than healthy workers in WC expenses because they file more claims and their claims are more expensive due to both higher medical costs and more lost work time. On the other hand, money spent fostering employee health is effective at reducing healthcare costs, reducing short-term sick leave, and raising productivity. Heidi concluded that a successful TWH program must address the **safety and health** of employees both **at work and at home**. Scott Meyer spoke about a recent NIOSH conference where TWH was being rolled out. An alarming statistic he explained involves the NIOSH guidelines for lifting weight safely. Originally, when most workers were thin enough for the weight to be about six inches away from their spine, the recommended maximum was 90 pounds. Several years ago, this was reduced to 50 pounds because the typical worker's girth had increased, moving the weight to about ten inches away from

the spine. Now, many employees are so big around that, as Scott put it, "it's hard to get a reading for 10 pounds." Scott also explained that every workers' comp case should involve an occupational health doctor because most primary care doctors are not specifically trained to take into account all of the patient's workplace factors.

The conference's second morning session was a panel presentation on Early Return to Work (RTW) programs, also known as Stay at Work Programs (SWPs), which help employees with work-related illnesses or injuries to recover without undue delay and return to their jobs if possible. After the three panelists explained their main points, they took questions from the audience.

Charles Alexander, Licensed Occupational Therapist with Injury & Health Management Solutions, Inc. (IHMS), explained that when an employee is injured and out of work, he or she is at risk of becoming entirely disengaged from the workplace; workplace morale can suffer while other employees are picking up the slack; and employers pay an average of \$50,000 per workers' compensation claim for the combination of medical costs, lost work time, and hiring a short-term replacement worker. **In the worst cases, good workers are lost completely.** Conversely, getting an injured employee back into the workplace and gradually regaining as many of his or her former capabilities as possible decreases lost work time (which saves money right away) and helps reduce claim costs (which can keep insurance costs from rising in future years).

(continued on page 15)

### 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 loan funds available at interest rates as low as 1% 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;
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- Construct rail freight and intermodal facilities.

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# 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

**Plant Superintendent.** The Village of Morrisville Water and Light is searching for a Plant Superintendent. Morrisville is a multi-function (electric, water, and wastewater) utility serving 4,000 electric customers in northcentral Vermont. The Plant Superintendent will manage all day-to-day operations and will, ideally, want to be considered to fill the General Manager position when it becomes vacant. Needed skills and experience include managerial experience in a municipal environment; the ability to interact with public; experience reporting to a board; a degree in Engineering or an equivalent level of practical experience; background in water, wastewater, electric and purchasing; knowledge of purchased power; experience working with unions; and proficiency in standard Microsoft Office suite. General IT knowledge preferred but not required. For more information, call 802-888-3348. To apply, please send a resume by **Friday, July 4, 2014**, to Craig Myotte, General Manager, Village of Morrisville, Water and Light Department, 857 Elmore Street, Morrisville, VT 05661. (6-3)

**Road Foreman.** The Town of Winhall is seeking a Road Foreman to serve as the working manager of the Town of Winhall Highway Department, both managing and carrying out a variety of highway and town maintenance tasks. The Foreman is responsible for the day-to-day

operations of the Highway Department. This position requires experience in personnel management, highway and bridge construction and maintenance, mechanical ability, record keeping, computer experience, and communication skills. A complete job description is posted at [www.vlct.org/assets/Marketplace/winhall\\_road\\_foreman.pdf](http://www.vlct.org/assets/Marketplace/winhall_road_foreman.pdf). For more information, call 802-297-2119. To apply, email a cover letter, resume, and three references by **Monday, June 30**, to Lissa Stark, Winhall Town Administrator, at [townadmin@winhall.org](mailto:townadmin@winhall.org), or mail to Lissa Stark, Winhall Town Administrator, PO Box 420, Bondville, VT 05340. (6-4)

**Police Dispatchers.** The Town of Manchester, Vt. (pop. 4,391), seeks full- and part-time dispatchers with the Town of Manchester Police Department to receive and process routine and emergency calls and alarms; dispatch police and other public safety entities; enter, retrieve, and use data from various automated law enforcement information systems; coordinate with other emergency service providers; and perform other related duties as required. Candidates must be able to learn applicable policies, procedures, and work methods associated with assigned duties. Requirements: strong verbal and written communications skills; high school degree or equivalent; data entry

*(continued on next page)*

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## CLASSIFIEDS

(continued from previous page)

(typing) skills and proficient computer ability; candidate must be able to make good decisions under stressful conditions and must be U.S. citizen or permanent resident alien, eligible to work in the U.S., and be at least 18 years old by the time of appointment. The Manchester Dispatch Center is a 24-hour, seven days a week operation. Candidate must be willing to work evenings, nights, weekends and holidays. Final candidates must be able to successfully pass an intensive background check and polygraph test. Starting salary, \$16.00 per hour, commensurate with experience and education. For more information, contact Michael L. Hall, Chief of Police, at 802-362-2022. To apply, submit a Town of Manchester employment application, which you can download from <http://manchester-vt.gov/employment/>. Resumes are *not* accepted in lieu of the application. Applications accepted until the positions are filled. EOE. (6-5)

**Water Operator.** The Norwich Fire District is seeking a full-time (40 hours per week) Water Operator to help run its municipal water system, which has more than over 300 connections. Weekend sampling and an on-call emergency pager are required. The successful candidate must have a Class 3 Operator Certification or be willing to obtain it within one year. Hourly pay commensurate with experience; benefits are available. For more information, call the District Office at 802-649-5424.

To apply, please email a resume to [norwichfiredistrict1@myfairpoint.net](mailto:norwichfiredistrict1@myfairpoint.net) or mail to Norwich Fire District, PO Box 777, Norwich, VT 05055. (6-8)

## FOR SALE

**Dump Truck.** The Town of Shelburne has for sale a 2007 International 7500 single-axle dump truck. Vehicle includes Tenco side dump, snowplow, 10-foot wing, sander, warning lights, 350 hp engine with Allison automatic transmission. 39,300 miles. Well maintained, very good condition. Vehicle will be sold "as is." Minimum bid: \$42,000. You can inspect the vehicle at the Shelburne Vermont Highway Department, 114 Turtle Lane in Shelburne. For more information, call 802-985-5123. Submit sealed bid by 5 p.m. on **Tuesday, July 1, 2014**, to Truck Bid, Shelburne Town Offices, PO Box 88, 5420 Shelburne Road, Shelburne, VT

05482. The Town of Shelburne reserves the right to reject any and all bids. (6-5)

## BRIDGE IN A BACKPACK

(continued from page 1)

system is based on technology developed over an 11-year period by the University of Maine's Advanced Structures and Composites Center.

Municipal officials are invited to visit the job site in Fairfield, and VTrans will be organizing an open house in late July. The exact date will be determined by the construction schedule but the plan is for it to coincide with the installation of the main elements. Visit [www.aitbridges.com](http://www.aitbridges.com) for more information about Bridge in a Backpack.

If you are interested in participating in the tour, please contact Eileen Blake-Sayers at [Eileen.Blake-Sayers@state.vt.us](mailto:Eileen.Blake-Sayers@state.vt.us).



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## WORKPLACE SAFETY

(continued from page 12)

Fred Satink, VLCT's Loss Control Supervisor, outlined the principles of a successful Return to Work program, which is **initiated by the employer and conducted in coordination with the insurer** (such as VLCT PACIF) **and the medical provider** (ideally an Occupational Health specialist). He also explained how Rutland City tackled a common disincentive to using an RTW program – the fact that a department's payroll budget is seldom sufficient to cover the combined costs of an injured worker's modified duty wages and any overtime or additional worker's wages that must be paid during the recovery period – by budgeting a separate city-wide line item specifically for the wages of injured employees working on modified duty.

Mike Flora, Safety and Health Director of Burlington Electric Department (BED), described how he worked with Charles at IHMS to create BED's Stay at Work Program. Mike pointed out the importance of **using a formal process** in which each injured employee who is eligible for the program learns exactly what to expect at every stage, and the manager in charge of that employee's SWP actively monitors the employee's progress while letting the doctor and insurer handle the medical details at every stage. In general, it is best to use a graduated approach that assigns increasing functional demands as the employee recovers. A key element of a successful RTW program is the employer having **clearly defined functional**

**job descriptions.** Knowing the employee's job duties and required functions helps the medical provider to identify appropriate transitional duties. Employers with labor contracts can expect the union to make sure that any recovering union member's long-term full-time job description and pay rate are not changed. Research shows that employees who participate in RTW programs tend to recover more quickly and more completely than those who stay at home the entire time.

Safety and health enthusiasts can plan to attend two other intriguing day-long events coming soon: the Safety and Health Council of Northern New England's Vermont Summer Safety Retreat on Wednesday, August 20<sup>th</sup> at Camp Ohana in Post Mills, and the 2014 Vermont Safety and Health Council

Expo on Friday, October 3<sup>rd</sup> in Killington. You are also welcome to call 800-649-7915 and speak with Fred Satink about Return To Work programs or with Heidi Joyce about wellness and Total Worker Health.

*Ione L. Minot  
Contributing Writer*

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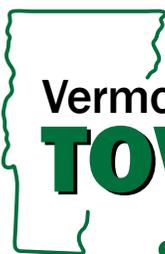


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## UPCOMING EVENTS

*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 began 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!**



### **VLCT's 2014 Local Officials Golf Outing**

- **Date:** Wednesday, August 13
- **Time:** 8:00 a.m. check-in; 8:30 a.m. shotgun start
- **Location:** Green Mountain National Golf Course, Killington, Vt.
- **Fee:** \$65 per person includes shared cart, snack, and lunch
- **Registration and payment:** due by July 25. If you didn't get our email, please visit [www.vlct.org](http://www.vlct.org)