

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

January 2015

A NEW PROCESS FOR LOCAL AUTHORIZATION OF EMERGENCY IN-STREAM WORK

Vermont law requires that work done within Vermont's rivers receive authorization from the Vermont Agency of Natural Resources (ANR), but it also gives municipal legislative bodies the ability to authorize in-stream work to address imminent threats of significant damage to life and property. While the goal of allowing local authorization to facilitate emergency measures is laudable, the existence of multiple authorizing entities during a flood recovery period can create



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Cort Jones, "12:40 p.m. Bottom of Cream Hill Road washing away fast," in *Irene Digital Memory*, Item #23, <http://vermontfolklifecenter.org/irenelstories/items/show/23> (accessed December 18, 2014).

PLEASE WELCOME THE VERB TRUST

The VLCT Employment Resource and Benefits Trust (VERB Trust) officially began operations on January 1, 2015. This member-owned, member-operated self-insurance risk-sharing entity inherits the history (starting in 1978, when the original "VLCT Insurance Trust" was formed) and programs of both the VLCT Health Trust, Inc., and the Unemployment Insurance Trust, Inc. The membership of those two trusts recently approved the merger. The directors of both trusts proposed renaming the merged trust and positioning it to better serve members by providing comprehensive employee benefit programs, coverages, and services through one entity. All of the pre-merger programs and services – unemployment insurance; consultation on

(continued on next page)

BUILDING RESILIENCE IN VERMONT'S WATERSHEDS

The High Meadows Fund at the Vermont Community Foundation has issued a Request for Proposals (RFP) that represents a commitment of \$240,000 towards promoting planning and action within Vermont's watersheds. Tropical Storm Irene brought the devastation of extreme weather to the forefront in Vermont, but many Vermonters don't know that since 2000 the state has had at least one federally-declared disaster every year. In certain parts of the state, Vermonters have lived through *two* 100-year flood events in the past decade. The RFP encourages solutions at a multi-town, watershed level. Applications for the RFP are due April 15, 2015.

"Through this Initiative, we seek to inspire and encourage the creative and inclusive building of resilience within watersheds," says High Meadows Fund President Gaye Symington. "Flooding does not follow Vermont's municipal and regional boundaries and new thinking and approaches are needed." The first \$120,000 will support multi-town, watershed planning and early action, and the second \$120,000 will be available for additional implementation.

High Meadows Fund will choose projects by June 1 and expects them to last up to 18 months. More information on this initiative is posted at www.highmeadows-fund.org/rfp.

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THE VERB TRUST

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medical and other insurances; medical insurance placement for members with more than 50 employees; and competitive group rates for dental and vision coverages and for life, short-term disability, and long-term disability insurances – will continue uninterrupted. In addition, VERB will research, develop, promote, and implement human resource management and additional employee welfare benefit programs and services. VLCT staff will, of course, continue to advocate for Vermont municipalities at the state level on matters affecting insurance and employee welfare benefit programs.

The VERB Trust succeeds to all assets, liabilities, and any other obligations of both the Health and Unemployment Insurance trusts. It is also the successor to all contracts, member agreements, power

of attorney agreements, and broker of record letters of both predecessor trusts. All 2014 members of the Unemployment Insurance Trust or the Health Trust are 2015 members of the VERB Trust. As designated in the merger documents that members of the two predecessor trusts approved at their 2014 annual meetings, the directors of the Health Trust and the Unemployment Insurance Trust became the Directors of the VERB Trust as of January 1. They are: Kathleen Ramsey, Town of Middlebury; William Shepeluk, Town and Village of Waterbury; Sandra Gallup, City of Montpelier; Joel Cope, Town of Brighton; Carrie Johnson, Town of St. Albans; Joe Colangelo, Town of Shelburne; Todd Odit, Town of Jericho; and Charles Safford (Alternate), Town of Stowe.

If you have any questions about the VERB Trust, feel free to contact Ken Canning at 800-649-7915 or any one of the board members listed above.



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Member FDIC 



ASK THE LEAGUE

CEMETERY COMMISSION VACANCY; TOWN MEETING WARNING DEADLINE; VOTER-BACKED PETITIONS; TOWN REPORT DISTRIBUTION

Who fills a vacancy on the board of cemetery commissioners?

The cemetery commission. When there is a vacancy on the board of cemetery commissioners, that vacancy “may be filled by the remaining commissioners until the next annual meeting.” 18 V.S.A. § 5374. This is different from other elected offices, which must be filled “forthwith” by the selectboard. 24 V.S.A. § 963.

When the remaining cemetery commissioners fill such a vacancy, the person who is appointed serves until the next annual

meeting. At that next annual meeting, the person who is elected serves the balance of the unexpired term so as to preserve the staggering of the elected terms of the board. This is in contrast to the general rule in 24 V.S.A. § 963, which states that selectboard appointees serve “until an election is had.”

On the other hand, the remaining members of a cemetery commission can choose not to fill a vacancy on the board as long as there is a quorum of members still serving (e.g., at least three members of a five-member board). In that instance, the vacancy would be filled by election at the next annual meeting.

While the cemetery commission is given discretion about whether to fill a vacancy, the commission must still post notice of a vacancy once it is created. “When a town officer resigns his or her office, or has been removed therefrom, or dies, or becomes insane or removes from town, such office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the town, and in and near the town clerk’s office, within 10 days of the creation of the vacancy.” 24 V.S.A. § 961(a).

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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.

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- **Doug Hoyt**
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Municipal Management and Finance Consultant





ASK THE LEAGUE

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A cemetery commissioner may not also serve as town clerk, town manager, or town auditor. Otherwise, any legally qualified voter of the town may serve as cemetery commissioner. 17 V.S.A. § 2646(14). In order to be a “legally qualified voter,” a person does not have to be a registered voter, but does need to be a resident of the town. 17 V.S.A. § 2121.

If no one is willing or able to serve as a commissioner, it is possible to shift the responsibility for the municipal cemeteries from the commission to the selectboard. This may make sense in instances where there is no one willing or able to serve on the board of cemetery commissioners. This shift is accomplished by a public vote on the subject, which takes place at a special or annual town meeting. 18 V.S.A. § 5381. When a town so votes, the office of cemetery commissioner terminates.

*Sarah Jarvis, Staff Attorney II
Municipal Assistance Center*

What is the deadline for voters to submit petitions to place articles on the Town Meeting warning?

This year, the deadline for voters to submit a petition to place an article on the town meeting warning will be Tuesday, January 20, 2015. Due to a recent legislative change extending this deadline to a date that falls on a weekend – which happens to be followed by a Monday holiday – this deadline may not be as obvious as it was in years past.

The starting point for calculating this deadline is 17 V.S.A. § 2642(a)(3)(A). Amended by Act 161 in the 2014 legislative session, this law now gives voters 45 days instead of the traditional 40 days before town meeting to “file” with the town clerk a valid voter-backed petition to place an article on the town warning. Counting back 45 days from town meeting, which for towns that have not voted otherwise will be held on March 3rd, brings us to January 17th. However, that date cannot be the deadline because it is a Saturday, and “[i]f the last day for filing petitions, consent forms, or other documents or reports falls on a *Saturday, Sunday, or legal holiday*, then the deadline shall be extended to 5:00 p.m. on the next day which is not a *Saturday, Sunday or legal holiday*.” 17 V.S.A. § 2103(13), emphasis added. That would seem to push the deadline to the next Monday, which is January 19th. However, Monday the 19th happens to be “the third

Monday in January,” which has been designated by state law as a legal holiday: Martin Luther King Day. 1 V.S.A. § 371(a). This brings us to Tuesday, January 20th, which is the next day that is not a Saturday, Sunday, or legal holiday.

To complicate matters even further, there may be instances in which a petitioner is given more time to submit a completed petition. Please see “*What is the new process for handling voter-backed petitions for the annual town meeting warning?*” below.

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

What is the new process for handling voter-backed petitions for the annual town meeting warning?

In addition to changing the filing deadline for voter-backed petitions, Act 161 of the 2014 legislative session added a process which town clerks must follow when they receive such petitions. The process is described in the newly-amended 17 V.S.A. § 2642(a)(3). Town clerks must now “immediately proceed” to examine petitions to determine whether they conform to the law. In other words, town clerks need to verify that each petition, at a minimum:

- is worded in the format prescribed by statute;
- contains the signatures of at least five percent of the voters of the municipality;
- deals with a matter over which the town voters have been given authority by statute; and
- does not include an opinion or comment about the matter in violation of 17 V.S.A. § 2666.

The above list is not exhaustive. Town clerks should contact VLCT’s Municipal Assistance Center (1-800-649-7915), the Vermont Secretary of State’s Elections Division (1-800-439-8683), or their town attorney if they question the validity of any petition received.

If a petition is found to be defective, the town clerk must mark the petition with the reason(s) why the petition cannot be accepted and, within 24 hours of receipt, return the petition to the petitioners. Petitioners then have an additional 48 hours from the time the petition is returned by the town clerk to file supplemental petition(s) with the necessary corrections. Because of these new temporal requirements, it will be

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LEGAL AND REGULATORY NOTES



SUPREME COURT DIRECTS BOARD OF ABATEMENT TO COMPLY WITH STATUTORY MINIMUM FOR WRITING FINAL DECISIONS

Regardless of the outcome, one good thing that oftentimes results from a single town appealing or defending a decision all the way to the Vermont Supreme Court is that all other towns benefit equally from the clarity to the law that such a decision brings. The case of *Guntlow and Winterkorn v. Board of Abatement, Town of Pownal*, 2014 VT 188, is a prime example.

The case began in 2012 when two taxpayers appealed to Bennington Superior

Court after their requests for abatement from the town board of abatement were denied. The Superior Court remanded the matter back to the board, directing it to either detail in writing the reasons for its denial, or hold a new, curative hearing, because the board failed to "state in detail in writing the reasons for its decision." The board held a second hearing, issued another decision, and again denied the taxpayers' requests for abatement. Unsatisfied with

the outcome, process, and explanation from the board, the taxpayers made a second appeal to Superior Court. This time the court affirmed the board's decision and the taxpayers appealed to the Vermont Supreme Court. The Supreme Court reversed the decision and remanded the case to the Superior Court with instructions to send it back to the board of abatement for either a third hearing or a more detailed explanation of the reasons behind its decision.

State law requires that boards of abatement "state in detail in writing the reasons for its decisions." 24 V.S.A. § 1535(c). This is a higher standard than what is required of boards of civil authority, which must merely state the "reasons" for rendering a decision in a tax appeal. 32 V.S.A. § 4404(c). The Supreme Court ruled in this case that a board of abatement's decision "must provide sufficient explanation to indicate to the parties, and to an appellate court, what was decided and upon what considerations." The writing need not be "lengthy, exhaustive, or legalistic," but it must address the arguments raised by the applicant. Further, "the more detailed and clear a taxpayer's own presentation, the greater the board's duty to respond in kind."

The board of abatement's response to the taxpayers' allegation that the Pownal listers erred when they arbitrarily changed one parcel of contiguous property to five individual parcels was "No, it was not

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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



LEGAL AND REG.

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proven by the appellant that the [l]isters had erred.” The Court found this explanation to be insufficient, “especially given that the only information presented to the board on this point was from taxpayers, who supported their claim with reference to documents and legal citation, this response does not meet [the test]. It amounts to ‘you were wrong,’ without any explanation why.” Compare this to another explanation that the Court found satisfied the standard in 24 V.S.A. § 1535(c): The taxpayers alleged that the Pownal listers erred by not equalizing four of the taxpayers properties to all other town properties between 2005 and 2010. The board’s decision stated “No, because the same cost table/schedule were used to value the appellant’s property as were to the rest of the parcels in town.” This explanation *was* sufficient because it “responded directly to the equalization argument, and reflected that because the same cost table and schedule were used for all properties, the board was not persuaded that taxpayers’ properties were unfairly valued. It provides ample basis for what would be a very deferential review, since the question before a reviewing court would be whether any evidence in the record supported the town’s conclusion on this point.”

New
↳

Boards of abatement should address each of the arguments raised by applicants in their written decisions. There is no requirement that board decisions be exhaustive or lengthy, however they must provide enough information for a court to understand why and how a decision was reached. It may be adequate to provide one or two sentences about each argument, but those sentences must directly address and explain the decision, and not simply answer “yes” or “no.” Towns may save time and money and even prevent appeals by clearly explaining the rationale for each of their abatement decisions.

New
↳

The case is archived at <http://info.libraries.vermont.gov/supct/current/op2014-139.html>.

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

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

MUNICIPAL SOLID WASTE MANAGEMENT WORKSHOP

Wednesday, January 28, Capitol Plaza Hotel and Conference Center, Montpelier

Vermont’s Universal Recycling Law (Act 148) institutes new requirements and deadlines for the municipal management of solid waste. This timely workshop is designed for selectboards, city councils, village trustees, planning commissions, municipal managers, and board members and employees of municipal solid waste districts/alliances.

TOWN MEETING TUNE-UP

Tuesday, February 10, Capitol Plaza Hotel and Conference Center, Montpelier

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

Is there an article on your town meeting warning you would like to discuss? Register and email your question by Friday, January 30, to afriedman@vlct.org with Town Meeting Tune-Up in the subject line.

SPRING SELECTBOARD INSTITUTE

Saturday, March 21, Capitol Plaza Hotel and Conference Center, Montpelier

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

SPRING AUDITORS WORKSHOP

Tuesday, March 24, Capitol Plaza Hotel and Conference Center, Montpelier

This workshop is designed for locally elected auditors, as well as treasurers, Selectboard members, municipal managers and administrators, and finance directors who want to improve internal controls and the quality of financial reporting.

MUNICIPAL CONSTRUCTION CONTRACTS: DON’T GIVE AWAY YOUR PROTECTION

Thursday, April 9, Capitol Plaza Hotel and Conference Center, Montpelier

(Co-sponsored by VLCT PACIF)

EFFECTIVE PROPERTY TAX APPEALS WORKSHOP

Tuesday, May 5, Lake Morey Resort, Fairlee

Tuesday, May 12, Capitol Plaza Hotel and Conference Center, Montpelier

MUNICIPAL EMPLOYMENT LAW AND HUMAN RESOURCES

Wednesday, June 3, Capitol Plaza Hotel and Conference Center, Montpelier

SPRING PLANNING AND ZONING FORUM

Wednesday, June 10, Capitol Plaza Hotel and Conference Center, Montpelier

GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM

Tuesday, June 16, Capitol Plaza Hotel and Conference Center, Montpelier

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

LEARN THE WHY, WHAT, AND HOW OF PACIF WORKSTRONG

PACIF WorkStrong is embarking on its second year now. If your municipality isn't making full use of WorkStrong's resources, we sincerely hope you change that in 2015! All PACIF members are encouraged to log in to our free January webinar, "The Why?

What? and How? of PACIF WorkStrong," on **Wednesday the twenty-first at 2:00 p.m.** This is a great opportunity for your group's decision makers to learn about the value and workings of PACIF WorkStrong. Whether they log in together at a single site or individually from their own computers, webinar attendees don't have to take the extra time and trouble to travel in winter weather.

PACIF WorkStrong promotes employee health and well-being from the perspective of workers' compensation rather than health insurance. This shift makes sense because a growing amount of evidence indicates that the underlying physical (e.g., flexibility and body weight) and psychological health of workers are significant factors in preventing injuries and illness and enabling a quick return to productivity. Like the webinar, all PACIF WorkStrong programs are free for PACIF members.

Heidi Joyce, VLCT's Senior Health Promotion Consultant (and wellness enthusiast extraordinaire), has worked extensively with Joe Damiana, VLCT's Manager of Safety and Health Promotion, to research and develop a range of new offerings that should help Vermont's municipal employees improve their strength and flexibility – so they feel better just moving through their day and also gradually become healthier and happier. We named the program PACIF WorkStrong because its goal is for PACIF member workers to strengthen their resistance to injury and illness. Current offerings include promoting daily pre-shift warm-up stretching sessions and providing personalized individual consultations on physical well-being. WorkStrong is already off to a great start, and we will develop it over time.

Heidi and Joe are presenting this webinar to acquaint as many PACIF groups as possible with the advantages of WorkStrong by explaining the program and answering questions from attendees. If you haven't already received an email from Jim Carrien or Heidi Joyce about how to attend this webinar, please contact Jim at 800-649-7915, ext. 1946 or jcarrien@vlct.org.

VLCT PACIF
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For info, visit www.vlct.org/rms/pacif/pacif-online-university/ or call Jim Carrien at 802-649-7915, ext. 1946.

PACIF

2015 RMS CALENDAR

Workers' Comp Audit Deadlines for PACIF Member VFDs with Any Paid Personnel. Monday, January 5. Fire departments that are covered by PACIF and have any personnel who receive pay (whether it is per-call, per-training, wages, or stipends) need to note all final 2014 pay information in the updated 2014 roster file and submit it to Susan Benoit for their annual Assigned Risk Workers' Compensation audit. **Updated rosters from PACIF VFDs whose personnel receive no pay at all were due on Friday, December 26th.** Susan Benoit emailed details to each appropriate member's Assigned Risk Primary Contact in early December, but because this is a complicated process, we urge anyone who has any related questions to please contact Susan at sbenoit@vlct.org or 800-649-7915, ext. 1957. Thank you!

PACIF Webinar: The Why? What? and How? of PACIF WorkStrong. Wednesday, January 21, 2015, 2:00 p.m. to 2:45 p.m., online. Log in from your computer to listen and watch while Heidi Joyce and Joe Damiata explain **why** PACIF created its WorkStrong programs, **what** benefits they offer, and **how** they are already being used by many Vermont municipalities. All current PACIF members will be invited by email, and all of their decision makers, supervisors, and coordinators are strongly encouraged to attend.

Application Period for Round 1 of 2015 PACIF Equipment Grants. Thursday, January 1 to Thursday, April 30, 2015. PACIF Equipment Grants help members purchase equipment that can significantly reduce their risk of workers' compensation, property/casualty, or liability insurance claims. Most of the allotted \$200,000 for 2015 is expected to be awarded during Round 1, so PACIF members would do well to read the latest guidelines, consider their group's needs, and compile their application materials sooner rather than later. Round 1 award notification letters will be sent to applicants in May 2015.

First Aid, CPR, and AED Training. Thursday, February 12, 2015, AGC/VT Training Center, Montpelier. Presented by the Associated General Contractors of Vermont (AGC/VT). \$99 for AGC/VT members; \$110 for others. For a description of this half-day class, view the course catalog at www.agcvt.org, email info@agcvt.org, or call 802-223-2374.

VTDOL: ONLINE QUARTERLY REPORTING AND A NEW DECLARATION OF COVERAGE REQUIREMENT

We hope that all VLCT members are already on board with the Vermont Department of Labor (VTDOL)'s new totally online system of reporting the information that in yore days of yore involved paper C101 forms. As a Vermont employer, you are now required – regardless of how many employees you have – to go online to file your group's wage and health care contribution information with VTDOL electronically every quarter. The deadline for filing fourth quarter 2014 information is January 31, 2015.

Please note these important points concerning quarterly VTDOL reporting:

- VTDOL assesses a \$100 penalty on every employer that fails to comply with the electronic filing requirements in any quarter.
- If you need to reset your online report-

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PACIF BOARD RETURNS \$700,000 TO MEMBERS

In its October 2014 meeting, the PACIF Board of Directors voted to return \$500,000 to the membership in the form of contribution credits toward 2015 coverage for members whose claims did not exceed their contributions. These credits have already been noted on each eligible member's renewal invoice and applied to their final amount due. The same day, the PACIF Board voted to make an additional 200,000 available to members via the PACIF Equipment Grant program. This program provides matching grants for PACIF members who purchase certain types of equipment that will help to reduce losses, protect municipal assets, and make their workplaces and employees safer. In the grant program's first five years, 55 percent of all PACIF members applied for and received at least one grant, and many of them received two or more grants.

Returning a portion of PACIF's net position to the fund's members – for a total of approximately \$16,600,000 since PACIF was founded – is a key feature of the organization, distinguishing it from commercial insurance carriers. This focus on members also demonstrates the inherent value of a member-owned and -operated self-insured risk management program.

To learn more about PACIF Equipment Grants or to receive a 2015 grant application, please contact Jim Carrien at 800-649-7915 ext. 1946 or jcarrien@vlct.org.

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- Wellness videos with Heidi Joyce





VTDOL REPORTING

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ing system password, please contact VTDOL's Employer Services Unit at 802-828-4344.

- You must include in your Full Time Equivalent (FTE) calculation employees

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.

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To view the current *VLCT News* or the archives, please go to www.vlct.org/newsletter.

who are considered "uncovered" for the following reasons:

- A) All full-time, part-time, or seasonal employees who are not covered by your insurance and are enrolled in Medicaid.
 - B) All full-time employees who are not on your health insurance and who purchase health care coverage as individuals through the Vermont Health Benefit Exchange.
- The health care assessment (formerly known as the Catamount Health tax) for the third and fourth quarters of

2014 has increased to **\$133.30 for each "uncovered" FTE employee in excess of four.**

But wait! There's more! The state has a new **Declaration of Coverage Form**, and you must complete and keep one each year **for every one of your employees**, regardless of whether they participate in your health insurance coverage. Download the new form at <http://labor.vermont.gov/wordpress/wp-content/uploads/HC-2.pdf>.

If you have any questions regarding the above information, feel free to contact the Department of Labor's Employer Services Unit (802-828-4344) or Kelley Avery at VLCT (800-649-7915 or kavery@vlct.org).



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A NEW PROCESS

(continued from page 1)

confusion and potentially contribute to increased hazards to public safety and impacts to aquatic habitats.

Following Tropical Storm Irene, the Vermont Legislature passed Act 138, the 2012

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Rivers Bill, whose intent was to reduce the state's vulnerability to flood and flood erosion hazards. Among other things, the Rivers Bill required that in-stream work authorized by a municipal legislative body to address imminent threats of significant damage to life or property meet specific reporting requirements and standards as established by ANR.

In accordance with Act 138, ANR established new rules that created a process for the local authorization of Emergency Protective Measures, which municipalities are required to follow. More information about the process is available at http://www.watershedmanagement.vt.gov/permits/htm/pm_streamalt.htm#EPM. For further information, contact Morgaine Bell at morgaine.bell@state.vt.us.

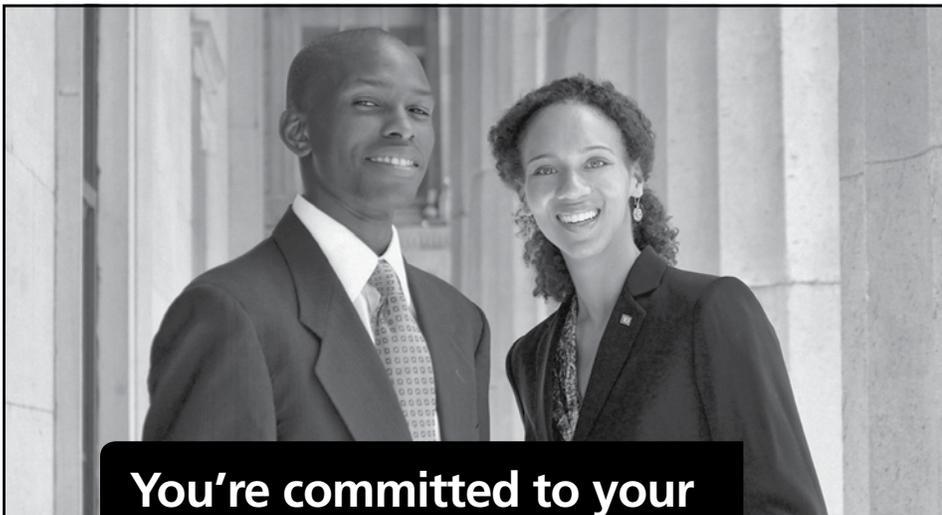
TRIVIA

In the years since Vermont's transition from a Republic to a member of the good ol' U.S.A., only twice has a census reported a decrease in the population, and only Astute Trivialogist and Fair Haven Town Manager Herb Durfee knew the decennial declines were from 1910 to 1920 (-1.0%) and 1930 to 1940 (-0.1%). Well researched!

VLCT's Triviamonger *Emeritus* provided this month's question: Two future U.S. Presidents once taught at an academy in Vermont within a few years of each other.

Who were they and where was the academy?

If you know the answer – or, indeed, *any* answer (I'm less fussy this month) – email it to dgunn@vlct.org. The answers will appear in the forthrightly forthcoming February issue.



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CLASSIFIEDS

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

VLCT NEWS Advertising Information

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

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

CLASSIFIEDS

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

The *VLCT News* publishes classifieds from municipal entities, public agencies, businesses, and individuals. This service is free for VLCT members (regular, contributing, and associate); the non-member rate is \$41 per ad.

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

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

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

DISPLAY ADS

(Placed in the printed VLCT News)

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

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

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

Visit the VLCT website www.vlct.org/marketplace/classifiedads/ to view more classified ads. You may also submit your ad via an email link on this page of the site.

HELP WANTED

Human Resources Director. Sullivan County, incorporated on July 5, 1827, is located in west-central New Hampshire between Vermont and the Sunapee region of N.H. With its county seat in Newport and County complex in Unity, Sullivan County covers an area of 528 square miles and is home to 14 towns and one city. The county's population is approximately 44,000. With convenient access to Interstates 89 and 91, Newport is 45 minutes northwest of the state capital of Concord, 45 minutes north of the City of Keene, and 45 minutes south of Lebanon, Hanover (home of Dartmouth College), and the Upper Connecticut River Valley of N.H. and Vermont. The communities in Sullivan County are host to numerous outdoor recreational opportunities, including hunting, hiking, boating, golfing, and farming, as well as ample shopping and dining opportunities. Additional information about Sullivan County is at <http://sullivancountynh.gov/>. Updated information about the search and a complete job description will also be posted on the Human Resources page of that website. To apply, email a cover letter, resume, and a list of five professional references **by Friday, January 2, 2015**, to jlevine@sullivancountynh.gov, or send via U.S. mail to Director of Human Resources Search, Jessie Levine, Sullivan County Manager, 14 Main Street, Newport, NH 03773. For more information, contact Jessie Levine at 603-863-2560, ext. 101. We expect to review resumes by January 9, 2015, and schedule initial interviews on January 22 and 23. Equal Opportunity Employer. (12-05)

Police Officers. The Littleton, New Hampshire, Police Department is accepting applications for both full-time and part-time police officers. Requirements: high school diploma or equivalent (college degree preferred), valid NH driver's license, must be 21 years or older, ability to work with limited direction, physical ability to carry out essential functions of the position, ability to communicate effectively in writing and verbally,

and ability to establish a working knowledge of all applicable state, local and federal procedures, processes, regulations, and statutes. The selection process will include a written exam, psychological testing, an extensive background investigation, physical examination, and a polygraph may be administered prior to employment. Preference will be given to those possessing N.H. Full-Time or Part-Time Certification. Monetary and training incentives may be available for certified police officers. Veterans may be able to collect a stipend using the GI Bill benefits while training to become a Police Officer. Attractive benefits package available. Starting hourly salary, \$20.20 to 21.74, DOE. Full-time is 42 or more hours per week; part-time is 29 hours per week or less. An employment application and job description are posted at www.littletonpd.org or can be picked up at the Littleton Police Department (2 Kittridge Lane, Littleton, NH 03561). Positions open until filled. Equal Opportunity Employer. (12-08)

Planning and Zoning Clerk. The City of Burlington has an exciting opportunity for someone interested in working in a fast-paced, customer service-oriented planning office. Our Planning and Zoning Clerk provides administrative and paraprofessional support for the Department of Planning and Zoning and its eight-member staff. This position provides direct assistance at the counter for customer inquiries and is responsible for the initial processing of permit applications and the review of selected minor project zoning permit applications. A lot of very exciting things are happening in Vermont's "Queen City" and this position has a front row seat and is in a key position to help facilitate positive change. Requirements: Associate's degree; five years of experience in a customer service and/or office management/administration capacity; experience in land development, permitting, and/or government administration capacity is preferred; a Bachelor's

(continued on next page)



CLASSIFIEDS

(continued from previous page)

degree in urban planning or a closely related field can be substituted for experience. For a complete job description and employment application, visit www.BurlingtonVT.gov/jobs or call 802-865-7000. **Application deadline: Friday, January 9, 2015.** (12-16)

Wastewater Utility Operator. The City of Lebanon, N.H., is seeking qualified candidates for the position of Utility Operator – Wastewater. The Operator performs a variety of operational and maintenance tasks including operating, controlling and maintaining instrumentation, electric motors, pumps and valves to purify water for human consumption and treat wastewater per state and federal regulations; adjusting valves to admit chemicals into treatment processes; conducting laboratory tests and analyses of water/wastewater; and general maintenance. The Operator works under the direction of the Wastewater Treatment Superintendent. Working hours may include nights and weekends and the incumbent may be contacted at home at any time to respond. Regular standby duty is required. Duties include: the daily operations and maintenance of the wastewater treatment plant and facilities to ensure compliance with state and federal regulations and requirements; evaluating and verifying plant performance and water quality in

meeting federal and state regulations by performing and/or ensuring all sampling requirements required by federal and state agencies, reviewing operating data and evaluating it against plant operating standards; assisting in the performance of construction, repair or maintenance of the utilities collection and distribution system as required; cleaning, servicing, and making minor repairs to all treatment equipment, including pumps, mixers, and related equipment; performing general and preventative maintenance tasks necessary for the care of the treatment plant facilities, including janitorial duties; operating and controlling electric motors, pumps, and valves to regulate the flow of water and chemicals into treatment and distribution system; and generating operating reports and maintaining necessary and appropriate records as required by department and city policies and procedures and state and federal regulations, including review and revision of standard operating procedures. Requirements: High school diploma or equivalent (college degree in a related field preferred); N.H. Grade 1 Water Treatment Operator's license; N.H. Grade 1 Wastewater Treatment Operator's license; and Valid Class B CDL. Position is subject to DOT drug and alcohol testing. Pre-employment testing or checks include a physical exam, DOT drug test, reference check, motor vehicle record check, and criminal background investigation. A complete job description and employment application are posted online at [http://](http://hr.lebnh.net)

hr.lebnh.net. Salary range, \$19.32 to \$23.08 per hour; Grade 4/AFSCME. To apply, email a completed City of Lebanon Employment Application to human.resources@lebcity.com or send via U.S. mail to Human Resources, City of Lebanon, 51 North Park Street, Lebanon, NH 03766. Equal Employment Opportunity Employer. (12-16)

Loss Control Consultant. The Vermont League of Cities and Towns (VLCT) seeks an experienced Loss Control Consultant to fill a field position serving our membership of Vermont municipalities. The consultant will provide loss control services to members of VLCT's Property and Casualty Intermunicipal fund (PACIF) in the northern half of the Vermont, with travel to other areas of the state as needed. A company car is provided. He or she may be hired at the senior level depending on experience. Requirements: Bachelor's degree in business or public administration, risk management engineering, occupational safety and health, or a related field or experience, with at least five years of loss control or risk management experience; substantial knowledge of multi-line insurance loss control techniques and workers' compensation best practices; experience working with all levels of organizations; excellent written, oral, and presentation skills; knowledge of applicable occupational and life safety regulations; and familiarity with the exposures encountered by municipalities. Consideration will be given to law enforcement candidates who have five years' experience working in risk management or a related area of expertise and who have an aptitude and ability to learn loss prevention methods for non-law enforcement exposures. Salary commensurate with experience; excellent benefits. A detailed job description is posted at www.vlct.org/marketplace/classifiedads/. To apply, send a confidential cover letter, résumé, the names/phone numbers of three professional references, and two writing samples **by January 9, 2015**, to Human Resources, VLCT, 89 Main Street, Montpelier, VT 05602, or email to jobsearch@vlct.org with "Loss Control Consultant" as subject. Resumes reviewed as they are received. Position open until filled. EOE. (12-17)

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;
- Make operational improvements such as traffic control and signal systems; and
- Construct rail freight and intermodal facilities.

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

FOR MORE INFORMATION: WWW.VEDA.ORG ♦ 802-828-5627



ASK THE LEAGUE

(continued from page 5)

important for towns to date-stamp petitions upon receipt and to keep copies of any that they return to petitioners.

The above procedure is not to be used as a delay tactic to allow petitioners time to obtain additional signatures following the passage of the filing deadline. The law clearly states that “supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) [e.g. “at least five percent of the voters of the municipality”] of this subdivision (3) were not filed by the filing deadline.”

Town clerks should be cautious in their communications to petitioners and resist the urge to be overly helpful. Although clerks must make an assessment of the legal sufficiency of a petition, they should not provide legal advice or drafting assistance to petitioners. As before, if petitioners seek assistance in drafting legal petitions, they should be directed to their attorney or the Vermont Secretary of State’s Elections Division.

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

Is there an alternative to mailing the town report?

Yes. State law says that the town report must be “mailed or otherwise distributed to the voters or residents of the town at least ten days before the annual meeting.” 24 V.S.A. § 1682. A “resident” is defined by 17 V.S.A. § 2122(b). The law doesn’t define or provide examples of what it means to “otherwise distribute” the report, but conventional wisdom is that this means to pass out or deliver the town reports to their intended recipients.

While most towns choose to mail their town report, the law does give the voters the authority to agree to a different arrangement. Specifically, the voters may vote at a duly-warned special or annual town meeting to provide “notice of availability” of the town report instead of mailing or otherwise distributing it. However, it is not enough that the voters merely decide to give notice that the town report is available. They must also specify how that notice is provided. A sample article for such a vote could take the following form:

Shall the voters provide notice of the availability of the town report to the [voters/residents] of the town in lieu of mailing or otherwise distributing the report pursuant

24 V.S.A. § 1682? The notice of availability shall be provided by [insert specific manner of providing notice of availability].

Examples of the manner of providing notice include postcards that are mailed to voters or residents alerting them that the town report is available to be picked up at the town clerk’s office, and public notices posted at the town hall and post office announcing that the town report will be available at the local transfer station.

Despite this option, there are some things that the voters won’t be able to change. Regardless of the method chosen, the notice of availability must be provided to the voters

or residents at least 30 days before the annual town meeting. At the same time the notice of availability is provided the town auditors must still deliver enough copies to the town clerk in order to comply with his or her responsibilities under 24 V.S.A. §§ 1173, 1174 as well as any surplus copies. The town’s vote will also not relieve the auditors of their duty to mail or distribute town reports to voters or residents upon request. For a town that has voted to eliminate the office of town auditor, these responsibilities will be carried out by the selectboard.

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

ON-SITE WORKSHOPS

LET THE VLCT MAC STAFF TRAVEL TO YOU!

Since 2005, VLCT Municipal Assistance Center staff have been conducting customized on-site workshops in municipal offices across the state.

Each workshop costs \$800, though VLCT PACIF members are eligible for a reduced rate of \$400 for many of the topics listed below (except for land use). PACIF members may also be eligible for a PACIF scholarship, which can cover the cost of the training. Please call PACIF Loss Control at 800-649-7915, or visit www.vlct.org/rms/pacif/pacif-scholarships/ for more information on the program. In addition, MAC can develop custom workshops upon request. To discuss or schedule a workshop, please contact Abigail Friedman or call 800-649-7915.

ON-SITE WORKSHOP PROGRAM OFFERINGS:

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

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UPCOMING EVENTS

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

2015 Workshops

TOWN MEETING TUNE-UP
February 10, Capitol Plaza Hotel and Conference Center, Montpelier

LOCAL GOVERNMENT DAY
February 18, Capitol Plaza Hotel and Conference Center, Montpelier

New Date!
SPRING SELECTBOARD INSTITUTE
March 21, Capitol Plaza Hotel and Conference Center, Montpelier

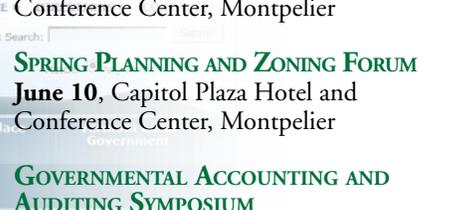
SPRING AUDITORS WORKSHOP
March 25, Capitol Plaza Hotel and Conference Center, Montpelier

EFFECTIVE PROPERTY TAX APPEALS WORKSHOP
May 6, Capitol Plaza Hotel and Conference Center, Montpelier
May 13, Lake Morey Resort, Fairlee

HUMAN RESOURCES/EMPLOYMENT LAW WORKSHOP
June 3, Capitol Plaza Hotel and Conference Center, Montpelier

SPRING PLANNING AND ZONING FORUM
June 10, Capitol Plaza Hotel and Conference Center, Montpelier

GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM
June 18, Capitol Plaza Hotel and Conference Center, Montpelier



Check out all of the upcoming MAC workshops online at www.vlct.org/eventscalendar!