

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

April 2015

## LOCAL GOVERNMENT DAY IN THE LEGISLATURE 2015

Wednesday, February 18, appeared to be a fine day to visit the State House at least from the perspective of the local weather: no snow fell, the sun shone brightly, and the temperature was borderline balmy (i.e., it was above zero, a seeming novelty for Montpelier this winter).

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*Above left: Karen Richard, Colchester Town Clerk, speaks at a roundtable on same-day voter registration, open meeting, public records, and other topics. Above right: Rep. Connie Quimby greets Milton Town Clerk/Treasurer John Cushing, recipient of VLCT's Lifetime Achievement Award.*

## LOCAL EMERGENCY OPERATIONS PLANS

An important annual deadline is approaching for Vermont cities, towns and villages: updated Local Emergency Operations Plans (LEOPs) are due to your Regional Planning Commission by May 1st.

Vermont law requires every city and town to have an emergency operations plan on file at the Division of Emergency Management and Homeland Security, and it is a requirement for communities that wish to receive full disaster funding or apply for grants. Cities, towns, and villages must submit their LEOP to their regional planning commission each year, after Town Meeting Day and before May 1st. This deadline ensures that any changes to

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## ACCEPTED AGRICULTURAL PRACTICES: A REGULATORY PRIMER

There are many laws and regulations to mitigate nuisance and to safeguard the public and a property owner from undue adverse consequences arising from agricultural practices. These exist in various sections of Vermont law. However, municipal land use laws, enabled under Chapter 117 of Title 24 – a common source of regulation for the protection of property rights at the local level – are limited in their application to accepted agricultural practices.

The limitation provides that “accepted agricultural ... practices, including the construction of farm structures ...” are not regulated at the municipal level. 24 V.S.A. §4413(d). Rather, they are regulated by the Agency of Agriculture, Food & Markets (agency) through standards in the Accepted Agricultural Practice Regulations (AAP) (<http://agriculture.vermont.gov/sites/ag/files/ACCEPTED%20AGRICULTURAL%20PRACTICE%20REGULATIONS.pdf>). The purposes of these standards, which apply to all individuals who farm in Vermont, are to reduce the potential for polluting surface and groundwater and require farmers to properly manage manure, agricultural product processing waste, pesticide, fertilizer, and handling animal mortalities.

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## ACCEPTED AG. PRACTICES

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The statutory limitation on applying local land use regulations to accepted agricultural practices leads to confusion about whether a municipality can regulate any activity that occurs on a farm. Currently, activities that are not an “accepted agricultural practice” as defined in the regulations (AAP section 3.2) are subject to regulation by the municipality under Chapter 117. Examples of uses that may be regulated by a municipality through zoning are on-farm restaurants and events, and sales or processing of products that are *not* “principally produced on the farm.” In other words, the agency doesn’t regulate land use activities on a farm that aren’t considered accepted agricultural practices by the agency. A municipality *may* regulate the activity, depending on the local regulations in place.

Another point of confusion concerns the construction of “farm structures” (defined in AAP Section 2.06). Construction of buildings on a farm property that are accessory to a residential use – such as a garage, apartment, or buildings that contain a mixture of uses – would not meet the definition of a “farm structure” and may be regulated by the municipality. If the proposed building does meet the definition, a municipality would not have jurisdiction. The secretary of the agency applies the locally adopted setbacks unless he or she approves an alternate setback in accordance with the AAPs. The construction of farm structures,

moreover, still requires that the farmer notify the town of his or her intent to construct a farm structure (AAP Section 4.07 and 24 V.S.A. § 4413(d) (2)). It is important to note, however, that the agency does not have the authority to approve construction of a farm structure within a state or municipal highway right of way.

If you need help in understanding if an individual is using accepted agricultural practices or constructing a farm structure, as defined in the AAPs, or for a determination, contact the author at [stephanie.smith@state.vt.us](mailto:stephanie.smith@state.vt.us) or 802-828-1732. The information required by the agency for a determination is outlined in “Farming and Local Zoning” ([http://agriculture.vermont.gov/sites/ag/files/pdf/land\\_use/Farming%20and%20Local%20Zoning%201\\_16\\_15.pdf](http://agriculture.vermont.gov/sites/ag/files/pdf/land_use/Farming%20and%20Local%20Zoning%201_16_15.pdf)). Although the agency’s position on whether someone is “farming” and a building is a “farm structure” may carry some weight, ultimately the application and enforcement of municipal zoning law and the limitation in 24 V.S.A. §4413(d) rests with each town.

To learn more about accepted agricultural practices, and planning for agricultural economic development, please visit the Agency of Agriculture, Food and Markets’ Markets’ Agricultural Enterprise webpage, [http://agriculture.vermont.gov/protecting\\_lands\\_waters/land\\_use/agricultural\\_enterprises](http://agriculture.vermont.gov/protecting_lands_waters/land_use/agricultural_enterprises).

*Stephanie Ann Smith, AICP  
Vermont Agency of Agriculture,  
Food and Markets*

### 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](http://WWW.VEDA.ORG) ♦ 802-828-5627**



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

# ASK THE LEAGUE

## BACK TO A THREE-MEMBER SELECTBOARD; TOWN CONSERVATION COMMISSION MONIES; SERVING AS A LISTER AND JP; POSTING AGENDAS FOLLOWING TOWN MEETING

*How does our town go back to having a three-member selectboard rather than our current five-member board?*

Pursuant to 17 V.S.A. §§ 2646 and 2649, towns have selectboards consisting of three members who are elected in staggered three-year terms. If voters wish, they may vote to elect two additional selectboard members for staggered one- or two-year terms each. 17 V.S.A. § 2650(b). If added, the two

additional positions will remain in effect until the town votes to eliminate them at an annual or special town meeting duly warned for that purpose. 17 V.S.A. § 2650(c). If, in the future, the voters approve a measure to remove the positions, the two additional one- or two-year term seats would cease to exist. That is because “the positions” being discontinued refer to the “additional selectmen” added to the original three-member selectboard. Therefore, the three remaining seats will be those with

the three-year terms and the measure will go into effect immediately.

*Gwynn Zakov, Staff Attorney  
VLCT Municipal Assistance Center*

*Who has control over the monies raised by the town conservation commission?*

The selectboard has control over all money raised by or given to the town conservation commission. Any money received by the conservation commission must be turned over to the town treasurer and deposited into the general fund. That money may only be expended with approval of the selectboard. That said, however, the selectboard can only spend the money for those conservation purposes delineated in 24 V.S.A. § 4505. Though conservation commissions are authorized by law to “receive appropriations for operating expenses including clerical help by appropriation through the budget of the legislative body” and to also “receive money, grants or private gifts from any source, for the purposes of this chapter,” under 24 V.S.A. § 4505(4), (5), these monies are still town funds and as such cannot be expended without an order from the selectboard drawn on the town treasurer. 24 V.S.A. §§ 1621, 1576. Additionally, this money is subject to all of the accounting requirements of other town funds and must be accounted for in the auditors’ annual report.

Town committees, commissions, boards, and departments are not separate legal entities from the town and have no legal

*(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)*

authority to hold town assets or disburse town funds. Therefore, it is improper for these entities to open up bank accounts and hold monies separate from the larger town coffers.

*Gwynn Zakov, Staff Attorney  
VLCT Municipal Assistance Center*

### ***Can one person serve as both lister and justice of the peace?***

There is no statute that prevents a person from serving simultaneously as a justice of the peace and a lister. The positions are not ones that are listed in the incompatible office statute, 17 V.S.A. § 2647. However, the dual justice of the peace/lister role creates incompatibilities in the following circumstances:

1. *A person who holds both positions may not sit as a member of the board of civil authority during tax assessment appeals.* The board of civil authority (BCA) is made up of the town clerk, the members of the selectboard, and the justices of the peace. 24 V.S.A. § 801. During the tax assessment appeal process, the BCA determines whether the listers' assessment should be sustained or altered. It is a direct conflict of interest for a justice of the peace/lister to make such a determination about his or her own assessment as a lister. And, in fact, this is specifically precluded by 32 V.S.A. § 4404(d) which states that "listers ... shall not be eligible to serve as members of the board [of civil authority] while convened to hear and determine such appeals..." Therefore, the remaining members of the BCA will have to complete their tax appeal responsibilities without the participation of the member who is both justice of the peace and lister. Fortunately, the quorum rules for boards of civil authority allow the BCA to act with less than a majority of the total members. "The act of a majority of the board present at a meeting shall be treated as the act of the board." 24 V.S.A. § 801.
2. *In some cases, a person who holds both positions should not serve as a member of the board of abatement.* The board of tax abatement (BOA) is composed of the members of the BCA (selectboard, the town clerk, justices of the peace) plus the town treasurer and the listers. This does not mean that a justice of the peace/

lister – who is representing two offices – gets two votes. Rather, such a person may only vote once. In fact, there are instances in which a justice of the peace/lister should refrain from exercising even one vote, for example when the board is considering whether there has been a "manifest error or mistake of the

listers" pursuant to 24 V.S.A. §1535. In those cases, it will appear that a justice of the peace/lister has a vested interest in the outcome and may not be able to act impartially. A justice of the peace/lister should also recuse him or herself whenever he or she testifies in an abatement

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## VLCT Municipal Assistance Center

**Providing the resources municipal officials need to serve and strengthen their local governments.**

### PROFESSIONAL AND CONSULTING SERVICES

- Experienced local officials and professional staff available
- Areas include municipal law and governance, financial management, human resources, land use, law enforcement, and more
- Services include ordinance and by-law development, drafting and review, executive searches, audits and analysis of municipal services, and additional legal assistance
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- Additional services as needed

### WORKSHOPS AND TRAINING

- Workshops in Central Vermont and around the state
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- On-site land use training

### MUNICIPAL INQUIRY SERVICE

- Attorneys and professional staff available to answer VLCT members' questions

### ONLINE RESOURCES

- Available at [www.vlct.org](http://www.vlct.org)

### PUBLICATIONS

- Handbooks
- Technical papers
- Newsletter articles
- Posters
- Survey reports



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**Visit the Municipal Assistance Center page at [www.vlct.org](http://www.vlct.org) for more information.**



## ASK THE LEAGUE

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case, so as not to act as both witness and judge in the abatement hearing. In these instances, the remaining members of the board will have to complete their abatement responsibilities without the participation of the member who is both justice of the peace and lister.

3. *A justice of the peace who runs for election in a contested race for lister (or other town office) may not act an election official.* Justices of the peace are authorized to serve as election officials and to assist with local elections that are conducted by Australian ballot. 17 V.S.A. §

The Municipal Assistance Center is pleased to announce that the 2015 Municipal Law Index, which lists those Vermont statutes that specifically affect local government, is now available on the VLCT website at [www.vlct.org/assets/MAC/2015\\_Municipal\\_Index.pdf](http://www.vlct.org/assets/MAC/2015_Municipal_Index.pdf).

2451. Generally, a justice of the peace may serve as an election official in any election in which his/her name appears on the ballot as a candidate for justice of the peace. However, that same person may not serve as an election official if he or she is also a candidate for another office on the ballot unless he or she is the only candidate for that office. Therefore, a justice of the peace may not act as an election official at an election in which he or she is running in a contested race for lister or any other town office.

In summary: the dual justice of the peace/lister role is not like wearing two hats such that either of them can be taken off at any given time. Rather, a person who is elected to both positions holds both position at all times, and until resignation, removal from office, or expiration of the elected terms.

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

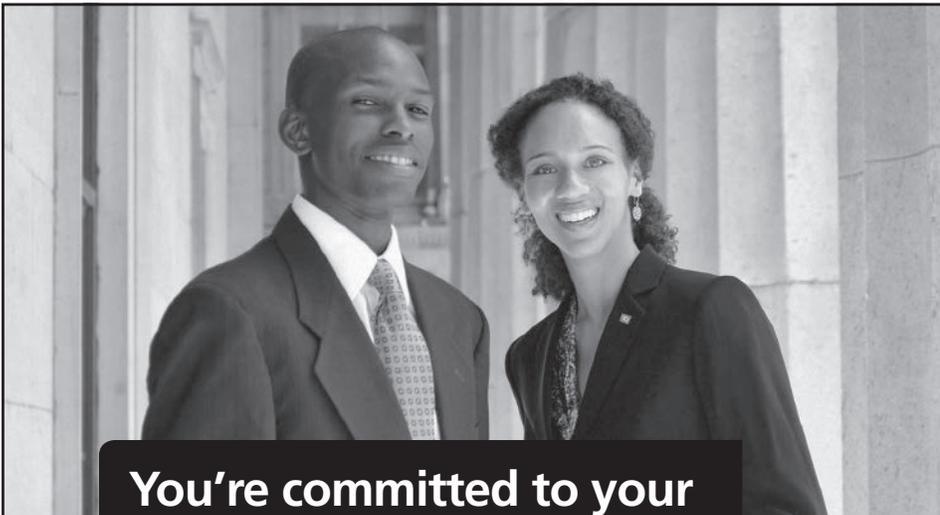
### ***How does a public body warn and post an agenda for its first meeting following the annual Town Meeting?***

Vermont's Open Meeting Law requires that public bodies warn and post agendas for their meetings. A "public body" is defined as "any board, council, or commission of the State or one or more of its political subdivisions...or any committee of any of the foregoing boards, councils, or commissions..." 1 V.S.A. § 310(3). A public body is "meeting" when there is a "gathering of a quorum of the members ... for the purpose of discussing the business of the public body or for the purpose of taking action." 1 V.S.A. § 310(2).

Known to selectboards as the "organizational meeting," the first meeting of a public body offers a unique opportunity to designate roles and set the tone for rest of the year. For selectboards, this means, at a minimum, electing a chairperson and, if voted, a clerk from amongst its members. Selectboards and other public bodies should also use this time to review and adopt their rules and policies and set a regular meeting schedule.

It may be that the time and place of the public body's regular meetings has already been established by statute, charter, regulation, ordinance or bylaw. In those instances, the only thing that needs to happen before the first meeting is the creation of an agenda. This agenda must be posted to a website, if one exists, in or near the town office, and in at least two other designated public places in the town at least 48 hours prior to the meeting.

What if there is no statute, charter, regulation, ordinance, or bylaw that establishes a regular meeting time? The decision as to when a public body will regularly meet will



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## ASK THE LEAGUE

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have to be set by resolution. But how does a public body warn and set an agenda for a meeting without first meeting to do so? The answer is found in last year's amendments to the Open Meeting Law, which now states that the members of a public body may engage in "written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing ... for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act ..." 1 V.S.A. § 310(2). This means that members of a public body can simply call or email each other about when they're going to hold their first meeting, what business should be listed on the agenda, and who is responsible for complying with the posting requirements.

Since this will be the public body's first meeting, it may be warned as a "special meeting" under the Open Meeting Law. This requires that the public body post notices in or near the town clerk's office and in at least two other designated public places in town at least 24 hours before the meeting. Notice must also be given at least 24 hours before the meeting to (1) each member of the public body orally or in writing unless previously waived; (2) an editor, publisher, or news director of a newspaper or radio station serving the area; and (3) any person who requested notification of special meetings. The agenda must also be posted at

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## UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

### MUNICIPAL CONSTRUCTION CONTRACTS: DON'T GIVE AWAY YOUR PROTECTION

**Thursday, April 9, Capitol Plaza Hotel and Conference Center, Montpelier**  
(Co-sponsored with VLCT PACIF and the Vermont Bar Association) Construction contracts are crucial to successful project completion, yet those presented by contractors typically shift the burden of risk from the contractor to the client. Attendees will learn how to negotiate with contractors to arrive at contracts that are not one-sided against your municipality. Strongly recommended for all who review, negotiate, or sign construction contracts on behalf of a municipality, including municipal attorneys, governing board members, managers and administrators, public works directors, highway foremen, and municipal engineers. **This workshop offers 5.25 continuing legal education credits (CLEs) to attorneys who attend.**

### EFFECTIVE PROPERTY TAX APPEALS WORKSHOP

**Tuesday, May 5, Lake Morey Resort, Fairlee**  
**Tuesday, May 12, Capitol Plaza Hotel and Conference Center, Montpelier**  
With the property tax under increasing pressure – and the subject of more and more scrutiny – it is essential that the appeals process be properly administered. At this workshop you will learn what your town can do to conduct effective property tax assessment grievances and appeals.

### DELINQUENT TAX COLLECTORS WORKSHOP

**Wednesday, May 20, Three Stallion Inn, Randolph**  
In this workshop, we will examine the role of the delinquent tax collector within town government and in relation to other town officials. We will highlight the legal and practical requirements of collecting delinquent property taxes in Vermont and examine the tax sale process in depth, including addressing such issues as when a town can bid at tax sale and what to do when a delinquent taxpayer files for bankruptcy. As always, ample time will be reserved for your questions.

### TOWN HEALTH OFFICERS WORKSHOP

**Wednesday, May 27, Best Western Windjammer Inn and Conference Center, South Burlington**  
**Saturday, May 30, Capitol Plaza Hotel and Conference Center, Montpelier**  
(Co-sponsored with Vermont Department of Health) This workshop is designed to assist town health officers, selectboard members, and municipal managers or administrators who deal with local public health hazards and rental housing code enforcement. Topics will include the duties of a town health officer, emergency preparedness and response roles for town health officers, and the basics of rental housing and landlord tenant laws in Vermont.

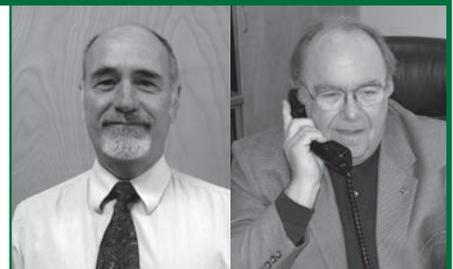
For registration, agendas, and other information, please visit [www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar), all 800-649-7915, or email [info@vlct.org](mailto:info@vlct.org).

## 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:

- **Bill Hall, Senior Financial Consultant**
- **Doug Hoyt, Municipal Law Enforcement Consultant**



BILL HALL

DOUG HOYT

## IT'S RENEWAL AND OPEN ENROLLMENT TIME FOR VERB TRUST'S LIFE AND DISABILITY PROGRAM

Last year the VLCT Health Trust, now part of the VLCT Employment Resource and Benefits Trust (VERB), switched from UNUM to Lincoln Financial Group for member Life and Disability coverage. This resulted in an average of 20 percent lower rates for participating members, and these rates were also guaranteed for three years — until July 1, 2017!

The change to Lincoln also brought access to these new features:

- extensive online resources
- the Travel Connect and Life Keys programs (for those with Group Life)
- employee-paid Voluntary insurance plans such as Optional Life and Accidental Death and Dismemberment (AD&D), Accident, and Critical Illness Coverages

The annual renewal (for policies that take effect on July 1) is right around the corner.

**Any group wishing to begin offering these**

**products must complete and submit all paperwork by May 15th.** Please contact Larry Smith or Kelley Avery at VLCT by mid-April if your group:

- is interested in a **quote for Group Life or Disability** (short-term or long-term) with Lincoln Financial;
- already participates in the Group products with Lincoln and wants to inquire about **adding the Optional Life and AD&D or Accident or Critical Illness** coverage; or
- already participates in any of the voluntary products and wants to inquire about **adding new employee subscribers** for open enrollment.

Lincoln Financial Group (rated A+ Superior by A.M. Best and AA- Very Strong by Standard & Poor's) is a proven leader in the group benefits field and has more than 100 years of expertise in life and disability insurance. Lincoln's claims processing is innovative, using real-time online systems in which employers can access forms, view certificates, pay bills, and track the status of claims. Claims can be submitted through this online portal or by phone, fax, e-mail, or regular mail.

Please call Larry Smith or Kelley Avery if you have any questions.

## DO YOUR FLAGGERS NEED (RE-)TRAINING?

With the construction season upon us, we remind public works directors and road foremen that PACIF membership entitles your department to free flagger certification training. Whether you have new hires with no current certification or veterans who need their two-year re-cert, PACIF loss control consultants are qualified and ready to train your crew in work zone safety.

Vermont Local Roads (now operated by the State of Vermont) also provides workzone flagger training at various times, and this is also free of charge. (Training schedules and other information are posted on their website, <http://vermontlocalroads.org/workshops>.)

We also provide traffic control training to PACIF member fire departments. Understanding advance warning methods and traffic control techniques at emergency scenes is a valuable skill for any emergency responder who will be working in a roadway or right-of-way.

Contact your loss control consultant or email [losscontrol@vlct.org](mailto:losscontrol@vlct.org) to set up a flagger training at your location.



## 2015 RMS CALENDAR

**Construction Contracts: Don't Give Away Your Protection.** 8:30 a.m. to 3:30 p.m., Thursday, April 9, Capitol Plaza Hotel, Montpelier. Strongly recommended for everyone who reviews, negotiates, or signs construction contracts on behalf of a municipality. Two lawyers who specialize in municipal contracts will reveal potential pitfalls and give attendees practical advice for negotiating contracts that are not one-sided against your municipality. Sponsored by VLCT PACIF and the VLCT Municipal Assistance Center. Prices until April 2: \$60 for PACIF members, \$90 for VLCT members, \$160 for others. Register before April 2 at [www.vlct.org/events-news-blogs/event-calendar/](http://www.vlct.org/events-news-blogs/event-calendar/).

**M.U.S.T. Excavation Safety Breakfast Seminars.** 7:00 a.m. to 11:00 a.m. on dates and at locations listed below. Free three-hour safety seminar to prepare road, utility, and construction crews for a safe excavation season. Learn about the potential safety hazards of utility damage, the "Dig Safe" laws and rules, new methods of call center notification, best practices, utility marking standards, what to do if a line is damaged, and the enforcement process. Includes a short Project WorkSAFE presentation on the VOSHA excavation standard. Presented by Managing Underground Safety Training (MUST) in cooperation with DigSafe™. To register, visit [www.must-ne.com/safety\\_training.php#trainedvtt](http://www.must-ne.com/safety_training.php#trainedvtt) or call 802- 951-0370.

**Tuesday, April 7** Hilton Doubletree Hotel, 1117 Williston Road, South Burlington

**Wednesday, April 8** Franklin Conference Center, 1 Scale Avenue, Rutland

**Thursday, April 9** Lake Morey Resort, 1 Clubhouse Road, Fairlee

**Application Deadline for Round 1 of 2015 PACIF Equipment Grants.** Thursday, April 30. 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 we encourage PACIF members to read the latest guidelines, consider their group's needs, and compile their application materials sooner rather than later. Materials are posted at [www.vlct.org/rms/pacif/pacif-equipment-grants/](http://www.vlct.org/rms/pacif/pacif-equipment-grants/).

**2014 Wage Report Filing Deadline for Groups in the Unemployment Insurance (UI) Program of the VERB Trust.** Friday, May 1. Details and the correct Excel form to use are posted directly under the Resources heading on VLCT's Unemployment Insurance webpage, [www.vlct.org/rms/unemployment-insurance-trust/](http://www.vlct.org/rms/unemployment-insurance-trust/). If you encounter any stumbling blocks, please contact Kelley Avery at [kavery@vlct.org](mailto:kavery@vlct.org) or 800-649-7915 ext. 1965.

**Vermont Municipal Highway Association's Equipment Show and Field Day.** 7:30 a.m. to 3:00 p.m., Wednesday, May 13, Barre Civic Center, Barre. The annual field day for municipal road crews, with exhibits all day, the snow plow rally in the morning, a sit-down lunch, and the backhoe competition and awards in the afternoon. To register, call 802-223-2374 or email [debbie@acgvt.org](mailto:debbie@acgvt.org).

### Welcome New PACIF Members!

Town of Londonderry,  
effective Jan. 1, 2015

South Burlington Fire District #2,  
effective Feb. 1, 2015

## PLAN NOW FOR THE CADILLAC TAX

An important part of the federal Affordable Care Act (ACA) is an excise tax that will be payable starting in 2018. Known as the Cadillac tax, it will apply to relatively expensive health insurance plans. The intention behind it is twofold: to generate revenue that will help subsidize health insurance premiums for low-income subscribers, and to make the most expensive plans (which can be seen as encouraging the overuse of medical care) less appealing. Vermont municipalities should take this new tax into account when planning and budgeting for employee health benefits.

*(continued on next page)*

# VERB

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## ASK THE LEAGUE

(continued from page 7)

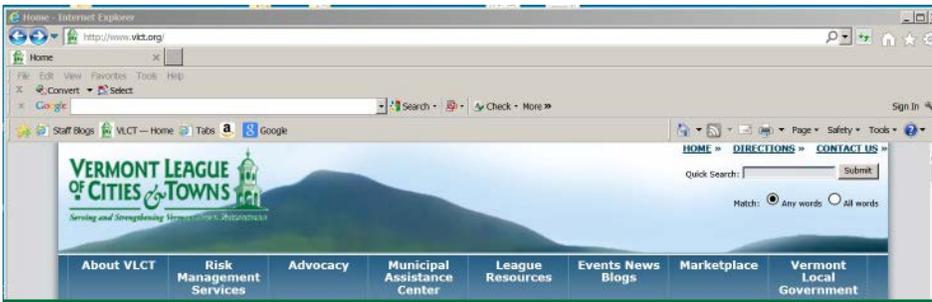
least 24 hours before the meeting to a website (if one exists), in or near the town office, and in at least two other designated public places in town.

Oftentimes the new iteration of a public body will simply adhere to the regular meeting schedule of the former. In these instances it makes sense, at least for this first

meeting, to warn the date, time, and place of the meeting on the agenda that is to be posted 48 hours prior to the meeting. Once the public body's initial meeting is held, it should thereafter redesignate the time and place of its regularly scheduled meetings by resolution.

More information about the open meeting law can be found on the VLCT website at [www.vlct.org/vermont-local-government/vermont-open-meeting-law/](http://www.vlct.org/vermont-local-government/vermont-open-meeting-law/).

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



The 2015 Municipal Law Index is now available at:  
[www.vlct.org/assets/MAC/2015\\_Municipal\\_Index.pdf](http://www.vlct.org/assets/MAC/2015_Municipal_Index.pdf)

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

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## CADILLAC TAX

(continued from previous page)

The Cadillac tax will be imposed on insurance carriers and on self-insured employers. Starting on January 1<sup>st</sup> of 2018, for every health plan that costs more than either \$10,200 for a single person or \$27,500 for two people or a family, the amount over the threshold will be taxed at a rate of 40 percent. **"Costs" include all premiums as well as HSA, HRA, and FSA contributions paid by either the employer or the employee.** The threshold amounts are adjusted for certain subscribers in 2018 and will all be raised with the Consumer Price Index (CPI) in subsequent years.

"Many Vermont municipalities are on a path to being affected by this tax, and the potential additional cost could be significant," said David Sichel, Deputy Director of Risk Management Services, during his presentation at VLCT's Spring Selectboard Institute in Montpelier on March 21<sup>st</sup>. "The federal rules for implementing it are still being written, and the final rules are likely to be complex."

Sichel urged municipalities to begin planning soon for the effect that this tax will start having on their budgets in 2018. Here are some factors for municipalities to consider:

- the administrative challenge of anticipating how the tax could affect the combination of health insurance, HSAs, HRAs, and FSAs;
- the lead time required for any proposed collective bargaining changes;
- how the costs of the new tax will be shared with employees; and
- equity issues if employees can choose from two or more different plans.

Readers can find a dizzying array of information and attitudes about the Cadillac tax online. The Vermont State Joint Fiscal Office's February 12<sup>th</sup> Issue Brief ([www.leg.state.vt.us/jfo/healthcare/Cadillac\\_Tax\\_Issue\\_Brief.pdf](http://www.leg.state.vt.us/jfo/healthcare/Cadillac_Tax_Issue_Brief.pdf)) considers the likely effect of this tax in Vermont. If you have questions about the Cadillac tax and how it might affect your municipality, please contact Dave Sichel at 800-649-7915 or [dsichel@vlct.org](mailto:dsichel@vlct.org).



# VLCT BOARD DONATES 2014 GOLF OUTING FUNDS TO OPIATE RECOVERY



Vermont Association for  
**Mental Health &  
Addiction Recovery**

mont, but also the greatest threat to the state's quality of life. "This scourge impacts all communities, large and small alike, and cuts across all socioeconomic lines" said Louras. "We must commit ourselves to attacking it from all sides, including aggressive law enforcement and equally aggressive, evidence-based methods of treatment and prevention." The other directors readily agreed and instructed VLCT staff to identify a reputable organization that addresses this issue on a statewide basis. The group that was chosen is the Vermont Association for Mental Health & Addiction Recovery (VAMHAR). VAMHAR is a 501(c)3 organization that serves the entire state, works cooperatively with a range of public and non-profit groups, and has a program that focuses specifically on opiate addiction recovery.

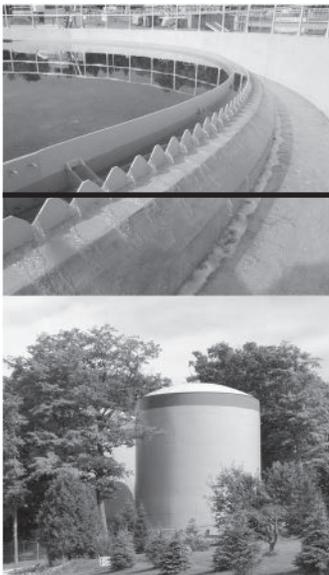
The golf outing took place in beautiful weather on September 3<sup>rd</sup> (after it was postponed from August 13 due to a forecast of heavy rains). We are grateful for all the local officials who came out to play and the generous donations from our sponsors because, after all costs were covered, we were able to donate \$2,000 to VAMHAR solely for programs involving recovery from opiate addiction. VAMHAR's Executive Director, Peter Espenshade, was happy to visit the VLCT offices to receive the funds and pose for a photograph.

For information about VAMHAR, visit [www.vamhar.org](http://www.vamhar.org) or call 802-223-6263.

At the VLCT board meeting last June, staff sought guidance from the VLCT directors in selecting a suitable charity to receive the surplus funds that would be raised during the 2014 Local Officials Golf Outing. Christopher Louras, Mayor of Rutland City and VLCT Director, pointed out that Governor Peter Shumlin, in his 2014 State of the State address, correctly characterized the opiate epidemic as not only the greatest challenge facing the law enforcement community in Ver-



*L-R: Larry Smith, Pam Fecteau, and Ken Canning of VLCT present the 2014 Local Officials Golf Outing donation to Peter Espenshade and Angelica Selinger of the Vermont Association for Mental Health & Addiction Recovery.*



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## TRIVIA

Erik Wells, Bruce Urie, and Rob Gaiotti of Milton, Craftsbury, and Dorset, respectively, knew that Caspian Lake is the Vermont body of water that shares its name with the Caspian Sea, 5,555 miles away. Cien bravos, por favor!

**One Vermont town is unique in that it was established by two separate charters. Name the town.**

That is to say, name the town, *please!* Then email that name to [dgunn@vlct.org](mailto:dgunn@vlct.org). The answer will appear in the celebratory "Winter is Officially Over!" May issue.



# LOCAL GOVERNMENT DAY

(continued from page 1)

And 150 local officials *did* visit, making the annual pilgrimage to the capital city for Local Government Day. The morning began at the Capitol Plaza Hotel and Conference Center with welcomes from Montpelier Mayor John Hollar and Tammy Legacy, President of the Vermont Municipal Clerks' and Treasurers' Association (VMCTA) and VLCT Board member. Following a preview of the day's planned events, attendees broke into three groups to hear about the issues being discussed in the State House.

Agency of Transportation Deputy Secretary Christopher Cole discussed transportation funding both in Vermont and Washington, D.C., by talking about extensions of the national "Moving Ahead for Progress in the 21<sup>st</sup> Century" (MAP-21) Act. Enacted in 2012 and set to expire September 30, 2014, the act was funded at \$105 billion for federal fiscal years 2013 and 2014, including \$82 billion for road, bridge, bicycle, and walking improvements. An extension through May 31, 2015, was signed into law last summer. Vermont has traditionally fared quite well under federal transportation authorization acts. Now Congress is faced with passing a reauthorization of federal surface transportation programs. President Obama proposed a "Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act" (GROW America Act) for a six-year \$478 billion reauthorization. Jeff Munger, Transportation Policy Advisor to U.S. Senator Bernie Sanders,

was on hand to answer questions about what a reauthorization might mean for Vermont.

VLCT Executive Director Steven Jeffrey discussed amendments to the Open Meeting Law that was passed last session and how discussions are proceeding in the Senate Government Operations Committee. A draft proposal would amend the law with respect to voting protocol and notice of meetings when members of a public body participate electronically, posting of meeting minutes and how long those minutes need to remain posted, and enforcement of the law.

Karen Richard, Colchester Town Clerk and Chair of the VMCTA Legislative Committee, discussed proposals for same-day voter registration, open meeting, public records, training, and fees, to name a few of the subjects covered. This discussion followed up on her excellent testimony in the Senate Government Operations Committee on Tuesday in which she explained the early voting laws and practices in Vermont that are not in place in many other states. She indicated that directing clerks to offer both early voting and same-day voter registration would extend the election process on both sides of Election Day and leave the entire process more vulnerable to fraud.

Armed with up-to-date information, local officials walked to the State House to participate in a joint hearing of the House and Senate Transportation committees for local officials, which legislators host every year. Local officials discussed the pending obligations for stormwater management on roads and whether a temporary increase in the gas tax while prices are low would be a reasonable source of funding to support stormwater-related infrastructure projects. The speakers

emphasized the struggles of their towns when it comes to funding regular transportation network maintenance and the desperate need for a new revenue source.

In a meeting of the House Natural Resources and Energy Committee, legislators heard from local officials about the difficulties of complying with Act 148, the Universal Recycling Law, and proposals for amending its mandates and pricing requirements. (See *Weekly Legislative Report No. 7's* "Talking Points" for details on both discussions.) And several local officials joined State House Curator David Schutz for a tour of Vermont's historic and beautiful capitol building. One learns so much on a Schutz-led State House excursion!

Legislators, some of whom are new to the State House this year, joined local officials for lunch at the Capitol Plaza where Governor Shumlin spoke of his political roots as a selectman in Putney and calling for action on education funding, stormwater management, and funding of health care. John Cushing, retiring town clerk and aspiring selectperson, was on hand to receive VLCT's Lifetime Achievement Award for his 46 years of service as Milton's Town Clerk and Treasurer – his dedication to local government and governance extends well beyond the borders of his town. Attendees gave him a standing ovation as he accepted his award and reminded us that the purpose of public officials is to serve the public, to strive to help someone's life better every day. (John was later honored in the State House with Concurrent House Resolution 43 in the House Chamber – <http://legislature.vermont.gov/bill/status/2016/H.C.R.43>.)

The House and Senate Government Operations committees hosted a joint hearing in the Senate Chamber in the afternoon to discuss same-day voter registration, Open Meeting Law amendments, and governance and charter changes. Also, the House Education Committee heard testimony from several representatives of the Vermont Assessors and Listers Association on property appraisal matters under consideration as part of the committee's attempt to reform education governance and funding.

We want to thank everyone who traveled to Montpelier on Wednesday to make Local Government Day a success. Thanks also to all of the legislators who listened to local officials and frankly discussed the many matters before them that affect local governments.

*Karen Horn, Director  
Public Policy and Advocacy  
and David Gunn, Editor  
VLCT News*

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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

**Assessor.** The Town of Hartford, Vt. (pop. 10,400/6,600 parcels) seeks a career-oriented, progressive professional to supervise and conduct the appraisal of real property within the Town of Hartford for the purposes of taxation. Minimum Requirements: Associate's or Bachelor's degree in an appropriate discipline, plus three to five years of directly related training and experience, or a combination of education and experience from which comparable knowledge and skills are acquired. A broad base of technical knowledge and skills related to real estate appraisal and assessing practices, including a good working knowledge of building construction techniques and practices. Proficient computer skills and the ability to perform property inspections. Strong public relations skills are also desirable. Salary: \$51,489 to \$55,660

DOQ, with a very competitive benefits package. A complete job description is posted at <http://www.hartford-vt.org/content/listers/>. To apply, email a letter of interest and resume **by Friday, April 3, 2015**, to Clarissa Holmes, Assessor, at [cholmes@hartford-vt.org](mailto:cholmes@hartford-vt.org) (electronic submissions encouraged), or send via U.S. mail to Office of the Listers, Town of Hartford, 171 Bridge Street, White River Junction, VT 05001. Questions? Contact Clarissa Holmes at 802-295-3077. EOE. (03-02)

**Human Resources Director.** Sullivan County (N.H.) continues to seek a highly motivated, experienced individual to work in a team environment to provide leadership and policy direction for the Human Resources Department and for the County. For further information, call Jessie Levine, Sullivan County Manager,

*(continued on next page)*

## DELTA DENTAL



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## CLASSIFIEDS

(continued from previous page)

at 603-863-2560 ext. 101. You can view a full job profile at [http://www.sullivan-countynh.gov/index.php?n=human\\_resources\\_sullivan\\_county\\_job\\_postings](http://www.sullivan-countynh.gov/index.php?n=human_resources_sullivan_county_job_postings). Qualifications: Bachelor's degree (Master's degree preferred) from an accredited college or university in the field of human resource administration, public administration, business administration, or other related field; at least five years of progressively responsible human resources experience, including labor relations; any combination of education, training and work experience that demonstrates possession of the knowledge, skill, and experience required to perform the work. To apply, please email a cover letter, resume, and list of five professional

references to [jlevine@sullivancountynh.gov](mailto:jlevine@sullivancountynh.gov), or send via U.S. mail to Director of Human Resources Search, Jessie Levine, County Manager, Sullivan County, 14 Main Street, Newport, NH 03773. A drug screen, criminal history and background check will be required of the finalist. Application review begins after Tuesday, March 31, 2015. Position open until filled. Equal Opportunity Employer. (03-03)

**Executive Director.** The Central Vermont Public Safety Authority (CVPSA) exists to enhance the safety and quality of life of the people of Barre and Montpelier (total population of 18,000). By combining the cities' public safety resources into a single entity, the CVPSA intends to provide more efficient and effective emergency response as well as expand the education and training opportunities currently available to the men and

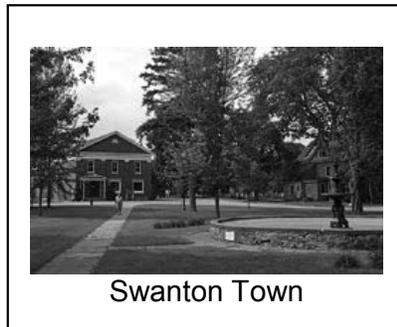
women of public safety. Barre is known as the "Granite Capital of the World" and Montpelier is the state capital of Vermont. The CVPSA Board seeks a strategist to map out the progressive integration of the two cities' existing municipal public safety entities — specifically their dispatch, EMS, police, and fire departments — into a single, regional organization. The Executive Director position affords an exciting opportunity to grow this up-and-coming regional public safety organization in collaboration with its influential board of directors. The successful candidate must be a high-energy professional with strong management and organizational skills who can work with individuals and stakeholders at all levels. A full job description is posted at <http://www.montpelier-vt.org/story/1249/CVPSA-Executive-Director-Ad.html>. Salary range, \$40,000-\$60,000, negotiable and dependent on qualifications, experience, professional achievement and anticipated hours worked. (The position is part time.) Email résumé, cover letter, contact information for five professional references, and a writing sample **by Wednesday, April 15, 2015**, to [TGolonka@montpelier-vt.org](mailto:TGolonka@montpelier-vt.org), or submit to Tom Golonka, City of Montpelier, 39 Main Street, Montpelier, VT 05602. A first review of applications will commence after April 15. Interviews will be conducted in May with the position to be filled soon thereafter. The starting date is expected to be July 1. (03-09)



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## REQUESTS FOR PROPOSALS

**Build to Suit Development.** The Central Vermont Solid Waste Management District (CVSWMD) in Montpelier, Vermont, is seeking proposals from development partners for a design build/ build to suit development package for a recycling/solid waste facility. The Request for Qualifications package is posted on the CVSWMD website, [www.cvswmd.org](http://www.cvswmd.org). For more information, call 802-229-9383, ext. 110 or email [cathleeng@cvswmd.org](mailto:cathleeng@cvswmd.org). Send proposals in a sealed envelope **by July 15, 2015**, to RFQ Build to Suit, CVSWMD, 137 Barre Street, Montpelier, VT 05602. (02-11)



## LOCAL EMERGENCY PLANS

(continued from page 1)

infrastructure or personnel in the previous 12 months are reflected in the updated plan.

Any member of the selectboard, town/city/village manager, or mayor may certify adoption of the plan, as long as they have taken either ICS 100 (Introduction to the Incident Command System) or ICS 402 (Incident Command System Overview for Executives/Senior Officials). Classroom offerings for ICS 100 and ICS 402 are posted at <http://www.vtemergencytraining.org>; ICS 100 is also available as an online course at <http://www.training.fema.gov/is/nims.aspx>.

For those jurisdictions that submitted a 2014 LEOP, thank you! You can now review and update the information you submitted for 2014, readopt the plan, and submit your 2015 LEOP to your regional planning commission.

Does your community have a Local Emergency Operations Plan (LEOP)? In 2014, three-quarters of Vermont communities did. But remember that LEOP contact information needs to be confirmed or updated and the plan must be re-adopted at Town Meeting each year. The date of the most recent LEOP is posted under the Community Reports link at **Flood Ready Vermont** ([www.floodready.vt.gov](http://www.floodready.vt.gov)).

If you did not submit a 2014 LEOP, you can find the LEOP template and template guidance at [http://vem.vermont.gov/local\\_state\\_plans/local](http://vem.vermont.gov/local_state_plans/local). This webpage also includes optional appendices for your LEOP, such as disaster forms, a communications plan, a Mutual Aid List, the Emergency Relief and Assistance Fund Rule, and the Vermont Stream Alteration Rule and Guidance.

Your regional planning commission stands ready to assist you in meeting this requirement. Information about your regional planning commission, including contact information, is at <http://www.vapda.org/>.

*Emily Harris, Emergency Management Planner  
Vermont Division of Emergency Management  
and Homeland Security*

## ADIOS, SRA. CHALOUX!

After nearly twenty years of service, Kathi Chaloux, Senior Workers' Compensation Claim Representative, is retiring from VLCT. Kathi started working here in August of 1995 as a secretary in the Claims Department for the Group Services Division, which later became Risk Management Services.

A year later, she was promoted to Inside Claims Representative in the Workers' Compensation Division, a title she held until 2001, when a promotion led to her position of Senior Workers' Compensation Claims Representative.

Over the years, Kathi has worked with a countless number of claimants, members, doctors, and medical facility representatives, all of whom she's treated with kindness and a gentle wisdom. Her sunny smile and easygoing demeanor will be missed by all. We at VLCT wish Kathi much peace and happiness as she moves on to the next phase of life in which she plans to spend more time with family and assist her husband and sons in their business.

Kathi's workers' compensation claims files have all been transferred to the other members of the Workers' Compensation (WC) team, who will treat them with the same professionalism. VLCT is presently recruiting for Kathi's replacement. If you have any questions or concerns about Kathi's claims files in the meantime, please contact Peggy Tucker, WC Claims Manager, at [ptucker@vlct.org](mailto:ptucker@vlct.org) or 802-262-1937.



*Kathi Chaloux*



*VLCT Staff wear pink (her favorite color) to wish Kathi well on her last day at the League.*



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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.*

### MUNICIPAL CONSTRUCTION CONTRACTS

**Thu., April 9**, Capitol Plaza Hotel and Conference Center, Montpelier

### EFFECTIVE PROPERTY TAX APPEALS WORKSHOP

**Tue., May 5**, Lake Morey Resort, Fairlee

**Tue., May 12**, Capitol Plaza Hotel and Conference Center, Montpelier

### NEW! DELINQUENT TAX COLLECTORS WORKSHOP

**Wed., May 20**, Three Stallion Inn, Randolph

### NEW! TOWN HEALTH OFFICERS WORKSHOP

**Wed., May 27**, Best Western Windjammer, South Burlington

**Sat., May 30**, Capitol Plaza Hotel and Conference Center, Montpelier

### HUMAN RESOURCES/EMPLOYMENT LAW WORKSHOP

**Wed., June 3**, Capitol Plaza Hotel and Conference Center, Montpelier

### SPRING PLANNING AND ZONING FORUM

**Wed., June 10**, Capitol Plaza Hotel and Conference Center, Montpelier

### GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM

**Tue., June 16**, Capitol Plaza Hotel and Conference Center, Montpelier

**Save the Date!**  
↓



Vermont League of Cities & Towns  
**TOWNFAIR2015**  
**October 8**, Killington Grand Hotel



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