

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

June 2015

VLCT EXECUTIVE DIRECTOR TO RETIRE IN JULY

“And so I leave you where I started out 20 years ago. I do not know more than I knew then. It is simply that I feel more strongly about it.”
 — Daniel Patrick Moynihan, 1985

By the time you read this article, you most likely will have already seen a news story announcing my successor as Executive Director of the Vermont League of Cities and Towns. We’ll be telling you a little more about this person in the next edition of the *News*. If all goes according to plan, the new executive director will assume her duties on July 6, and my last day in the office will be July 10. This changing of the guard will



(continued on next page)

Please contact VMERS at 800-642-3191 (toll-free within Vermont) or 802-828-2305 if you have questions or would like more information about VMERS or its Board of Trustees.

VMERS VACANCY

There will be a vacancy on the Vermont Municipal Employees’ Retirement Systems (VMERS) Board of Trustees beginning July 1, 2015. The trustee position serving as the employer representative elected by the governing bodies of the system employers will expire June 30, 2018. According to 24 V.S.A. § 5062(n), vacancies of an elected board member’s seat in midterm shall be filled by an individual eligible for election to that seat designated by the remaining members of the board.

To be eligible to be an employer representative, you must at all times during the term of office be a member of a governing body, the chief executive officer, or a supervisor as defined in 21 V.S.A. § 1502(13) of an employer participating in the system.

Trustees serve in governance of the VMERS operation and are required to attend business meetings as determined by the Board of Trustees. There are typically at least four in-house meetings in Montpelier each year, along with ad hoc in-house meetings and occasional teleconferences if necessary.

If you meet these eligibility requirements and are interested in filling the remaining term of the vacancy, please submit your name, a brief biographical sketch, and a paragraph stating your reason for wanting to serve as the employer representative **by Monday, June 1**, to:

VMERS Board of Trustees, State Treasurer’s Office, 109 State Street, Montpelier, VT 05609-6901.

RESOLUTION 153 HONORS STEVEN E. JEFFREY



Members of the Vermont House and VLCT staff members applaud after House Concurrent Resolution 153 honoring Steven E. Jeffrey for his exemplary leadership of the Vermont League of Cities and Towns passed unanimously.

INSIDE THIS ISSUE

- Ask the League4
- Upcoming MAC Workshops4
- Legal and Regulatory Notes.....6
- Risk Management Services8
- Swimmers’ Safety9
- Classifieds.....13
- Trivia14
- Upcoming Events16



VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

89 Main Street, Suite 4
Montpelier, VT 05602-2948
Tel.: (802) 229-9111 • Fax: (802) 229-2211
Email: info@vlct.org
Web: www.vlct.org

Follow us on:

Twitter: [@VLCTAdvocacy](https://twitter.com/VLCTAdvocacy)
Facebook: [VLCT Advocacy](https://www.facebook.com/VLCTAdvocacy)
YouTube: [youtube.com/vlctexec](https://www.youtube.com/vlctexec)

VLCT Board

Jared Cadwell, President
Selectperson, Fayston

Honorable Chris Louras
Vice President
Mayor, Rutland City

Hunter Rieseberg
Immediate Past President
Town Manager, Hartford

Sue Janssen
Selectperson, Benson

Tammy Legacy
Town Clerk, Roxbury

Eric Osgood
Selectboard Chair, Johnson

Sandy Pinsonault
Town Clerk, Dorset

Kathleen Ramsay
Town Manager, Middlebury

Karen Richard
Town Clerk/Treasurer, Colchester

Ted Simmons
Selectboard Chair, Orwell

Honorable Miro Weinberger
Mayor, Burlington

Brendan Whittaker
Selectperson, Brunswick

Steven E. Jeffrey
Executive Director

Allyson Barrieau
Design/Layout

David Gunn
Editor/Copy Editor

The *VLCT News* is published eleven times per year (the August and September issues are combined) by the Vermont League of Cities and Towns, a non-profit, nonpartisan organization founded in 1967 to serve the needs and interests of Vermont municipalities. The *VLCT News* is distributed to all VLCT member towns. Additional subscriptions are available for \$25 to VLCT members (\$60, non-members), plus sales tax if applicable. Please contact VLCT for subscription and advertising information.

EXECUTIVE DIRECTOR

(continued from previous page)



Photo Captions (top to bottom)
Steve in the early days when VLCT was at 52 State Street.
Steve and staff in the not quite as early days.
Steve and staff members outside VLCT at 12½ Main Street.
Groundbreaking ceremony at City Center, VLCT's current location.
(more photos on page 10)

enable VLCT to bring its services and representation of the interests of Vermont local government to the next level. For now, it is time to reminisce a bit and thank all of those who have made VLCT what it is today and who made my job the best I could have ever held.

Ted Baxter, the pompous newscaster on the "The Mary Tyler Moore Show," broadcast back in the 1970s, would start his recitation of his career for anyone who would listen, "It all started in a 5,000-watt radio station in Fresno, California, with just a \$50-a-week paycheck and a dream." With the exception of VLCT not being a radio station and being in Montpelier, and me getting paid a little more than \$50 a week back then, there were some similarities between the beginning of Ted's career and mine at VLCT. VLCT was actually 11 years into its program of serving and representing Vermont cities and towns when I came to work in 1978 as the Associate Director. My predecessor had already convinced over 90 percent of cities and towns to become dues paying members. He had just started VLCT's foray into risk sharing pools (the VLCT Unemployment Insurance Trust). After he left in 1982, a newspaper article announcing his departure was titled "When Towns Needed Clout, He Gave It." In the article, a fellow lobbyist was quoted as saying, "He knew more about local affairs than anyone, and he was the one who people turned to for input on any issues that involved the cities and towns." If similar words to those are in my eulogy as well, I will feel justly recognized.



When I started in 1978, the job included that of being the chief financial officer, the Municipal Assistance Center and most of the Risk Management Services department. Sounds impressive until you realized that there were only three of us in the office. The then-Executive Director focused on the state and federal relations, developing new risk sharing initiatives and, unfortunately, fighting some legal and

(continued on page 10)





Who is digging in your town?

Dig Safe members know.



Demonstrate your commitment to the safety of your community by protecting your underground utilities from excavation accidents. Dig Safe is a streamlined communication process that notifies you of projects that could potentially damage sewer, water, drainage, fire alarm and traffic control facilities.



- Municipalities with under 100 miles of underground facilities (or street miles) pay only \$1.00 per notification. Contact Dig Safe for an estimate.
- No expensive equipment needed - only an email address is required to receive Dig Safe tickets.
- Reduce notices with Dig Safe's digital mapping system.
- 24/7 notification process.
- Electronic and voice-recorded data stored for your legal protection.
- Dig Safe meets or exceeds all of Common Ground Alliance's Best Practice recommendations for the nation's one-call centers.
- Dig Safe's extensive advertising campaign raises awareness to call 811 before digging.
- Dig Safe's detailed education program includes on-site safety seminars for excavators to learn damage prevention strategies and the requirements of the "Dig Safe" law.

Call **811**  or visit digsafe.com to learn more about membership.



ASK THE LEAGUE

ABSENT MEMBER PARTICIPATION IN CONTINUED HEARING; EX-OFFICIO MEMBERS; SERVICE ANIMALS IN MUNICIPAL BUILDINGS; HOW ARE "SPECIAL" TOWN MEETINGS NOTICED?

A member of our PC/ZBA/DRB missed the first hearing for an application for development review. The hearing was continued. Can that absent member participate in the second part of the hearing?

The answer depends on whether this issue is addressed in the rules of procedure for

that Appropriate Municipal Panel (AMP, or planning commission, zoning board of adjustment, or development review board performing development review), whether an alternate has already been assigned to the pending case, and/or whether the town has adopted the Municipal Administrative Procedures Act (MAPA).

If an alternate has already been utilized, then that alternate will serve in that member's stead for the duration of the hearing including the conclusion of the hearing, its deliberative session, and issuance of the decision as a full voting member. If the town has adopted MAPA, then "(m)embers who have not attended every session of the board in a contested hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read transcripts of this testimony) and reviewed all exhibits and other evidence, prior to deliberation." 24 V.S.A § 1208(b). If an alternate has not been assigned, the town has not adopted MAPA and the rules of procedure do not address the situation, then the AMP could contact the applicant, explain the situation, and ask if he or she would agree to have the absent member listen to any audiotapes, if available, and review the minutes and written evidence submitted during the course of the proceedings in order for that member to participate in the future. Because the due process rights of interested persons are also implicated, we would also recommend that the AMP have the interested persons assent in writing before it moves forward.

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

What does it mean to be an ex-officio member of a planning commission?

The term "ex officio" means "because of the office." An ex officio member of a body is a member of that body merely by virtue of holding another office.

Twenty four V.S.A. § 4322 provides "the selectmen [sic] of a rural town, or not more

(continued on next page)

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

MUNICIPAL EMPLOYMENT LAW AND HUMAN RESOURCES WORKSHOP

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

Vital for municipal managers, selectboard members, and all who supervise employees, this workshop teaches the fundamentals of personnel administration, including key aspects that are unique to the municipal setting. It will focus on the major state and federal employment laws and cases, including emerging employment issues, which affect municipalities as employers.

SPRING PLANNING AND ZONING FORUM

Wednesday, June 10, Lake Morey Resort, Fairlee

This workshop is designed for all local officials involved in the local planning and development review process. Zoning administrators, planning commissioners, development review board and zoning board of adjustment members, town administrators and managers, municipal planners, and regional planning commission staff are all encouraged to attend.

GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM

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

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

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



ASK THE LEAGUE

(continued from previous page)

than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission." A "rural town" is a town having a population of fewer than 2,500 persons, or a town having between 2,500 to 5,000 persons that has voted by Australian ballot to be considered a "rural town." 24 V.S.A. § 4303(25).

A selectboard member of a rural town is automatically, and by operation of law, an ex officio member of the planning commission. No election or appointment is necessary. However, such a member is "nonvoting" and his or her presence at meetings does not count toward the quorum of the commission.

To be a fully vested member of the planning commission with the right to vote (and to be counted toward the quorum of the commission), a selectboard member must be specifically chosen for that role. In a town that elects its planning commission members, that selectboard member would have to be separately elected by public vote to serve on the planning commission. In a town that appoints its planning commission members, there would have to be a vote of the selectboard for a particular selectboard member to serve as a fully vested (voting) member.

*Sarah Jarvis, Staff Attorney II
Municipal Assistance Center*

What law applies to service animals in municipal buildings?

Under the federal Americans with Disabilities Act (ADA), municipalities must allow people with disabilities to bring their service animals onto any municipal property on which the general public is typically allowed. Similarly, Vermont's Fair Housing and Public Accommodation Act mandates that all animals that are training to perform as service animals must be allowed entry onto municipal property.

The ADA defines a "service animal" as a dog that is individually trained to do work or perform tasks for a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental

illness to take prescribed medications, calming a person with post traumatic stress disorder during an anxiety attack, or performing other duties. A service animal is not a pet. If a dog meets this definition, it is considered a "service animal" under the ADA, regardless of whether the dog has been licensed or certified by a state or local government.

Sometimes it can be hard to tell if an animal is a service animal. Some service animals wear special collars and harnesses, but some do not. Some are licensed or certified as service animals or have identification papers; many do not. Only two questions may be asked when it is not obvious what service an animal provides:

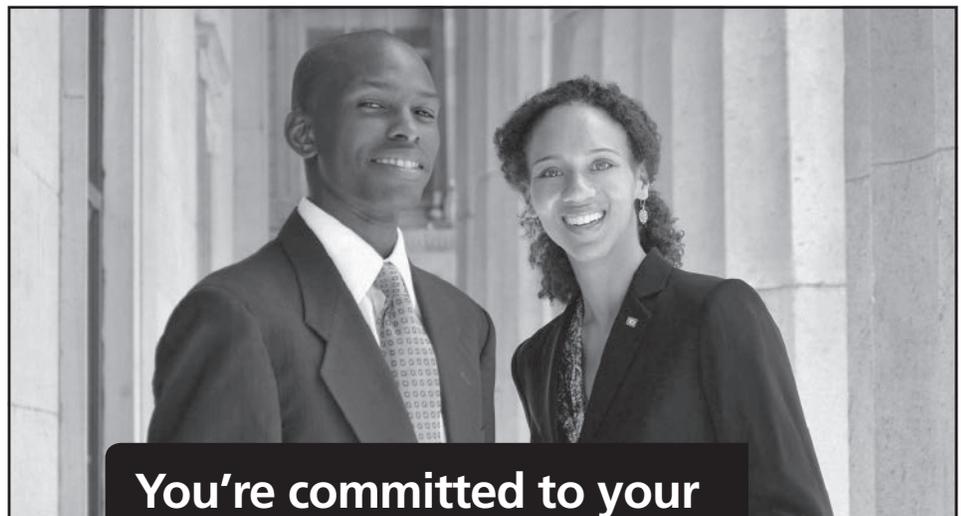
1. Is the animal required because of a disability?

2. What work or task has the animal been trained to perform?

You should only ask these questions if the service animal's tasks are not obvious. For example, if the dog is pulling a person's wheelchair or guiding an individual who is blind or visually impaired, you need not ask the above questions. You may not ask about the nature or extent of a person's disability or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require the animal to wear an identifying vest.

A service animal can be removed from a municipal facility if the dog is not housebroken or if it is not under the command or control of the person it is assisting. The dog

(continued on page 12)



You're committed to your community. So are we.

Put TD Bank to work for you.

At TD Bank, we're committed to corporate citizenship. We have a long track record of providing solutions to meet your operational needs, while making the most of taxpayer dollars.

- Dedicated and experienced local Government Banking team
- Full treasury management services and specialized products for public clients
- Banking platforms that make managing your accounts easier

To see how a Government Banker can help your community, visit tdbank.com or call 1-800-400-5163.



America's Most Convenient Bank®



LEGAL AND REGULATORY NOTES



POLICE MAY NOT EXTEND A TRAFFIC STOP TO BRING IN A DRUG-SNIFFING DOG

The U.S. Supreme Court ruled in April that police cannot prolong a routine traffic stop to bring in a drug-sniffing dog without probable cause of a drug-related crime. *Rodriguez v. United States*, 575 U.S. ____ (2015). The case transpired in Nebraska in 2012. After observing a car veer onto the shoulder of the highway for a few seconds and then jerk back onto the road, a police officer pulled the car over and questioned the driver and passenger. The Court later determined that the officer was justified in making the traffic stop since Nebraska state law prohibits driving on highway shoulders. The officer spoke with the driver and passenger about where they were coming from

and where they were headed, checked the vehicle's insurance and registration, ran a record check on the driver, and determined that there were no outstanding warrants for his arrest. The brief investigation, in other words, yielded no evidence of criminal activity other than violating the traffic law that prohibits driving on the highway shoulder.

After issuing a written warning for the violation, the officer asked for permission to walk his police dog around the vehicle. The driver said no but the officer persisted and, after waiting for backup to arrive, walked his drug-sniffing dog around the vehicle. The dog was alerted to the presence of drugs, and when the officer searched the vehicle,

he found a large bag of methamphetamine. The driver was subsequently indicted on drug charges but asked the Court to suppress the evidence taken from his car on the basis that it had been obtained in violation of his Fourth Amendment right to free from unreasonable search and seizure.

The Fourth Amendment to the U.S. Constitution states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause,

(continued on next page)

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



Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) has 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



Great-West
RETIREMENT SERVICES™

The Power of Partnering™

Kay M Kuzmik
Office Manager
Ronald "Chip" Sanville
Account Executive
Jonathan Smith
Account Representative

100 State Street, Suite 346
Montpelier, Vermont 05602
(802) 229-2391
(800) 457-1028 x 2
(802) 229-2637 Fax
www.gwrs.com

kay.kuzmik@gwrs.com
ronald.sanville@gwrs.com
jonathan.smith@gwrs.com
Securities offered through
GWFS Equities, Inc.
A Great-West Company





LEGAL AND REG.

(continued from previous page)

supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The right is understood to require that police officers must have some evidence of criminal activity before stopping or searching a person.

A “dog sniff” conducted during a lawful stop for a traffic violation does not necessarily violate the Fourth Amendment. (See, e.g., *Illinois v. Caballes*, 543 U.S. 405 (2005).) However, if conducting the dog sniff extends the time necessary to investigate the traffic violation, that extension of time is unconstitutional unless there is probable cause (in this case, evidence of drug activity) to conduct the sniff. If the police stop lasts longer than the time needed to handle the matter for which the stop was made, it becomes an unconstitutional seizure. Even a minimal extension of time (in Mr. Rodriguez’s situation it was eight minutes) is considered unlawful

unless there is some additional evidence of criminal activity to be investigated. “A seizure for a traffic violation justifies a police investigation of that violation” – not more – and “authority for the seizure ... ends when tasks tied to the traffic infraction are – or reasonably should have been – completed.”

The take-away from the case is this: A traffic stop that is based only on the

observance of a traffic violation becomes unconstitutional if it is “prolonged beyond the time reasonably required to complete the mission of issuing a ticket for the violation.”

The case is archived at http://www.su-premecourt.gov/opinions/14pdf/13-9972_p8k0.pdf.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

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
- Water resources assistance
- Additional services as needed

WORKSHOPS AND TRAINING

- Workshops in Central Vermont and around the state
- Custom, on-site workshops
- 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

PUBLICATIONS

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



Help your local government be the best it can be.

Contact MAC today at 800-649-7915 or info@vlct.org.

Visit the Municipal Assistance Center page at www.vlct.org for more information.

FAST LAB



EASTERN ANALYTICAL, INC. has provided Northern New England environmental and compliance professionals with quality, comprehensive water & soil testing services since 1980. *Courier service is available.*

Email customerservice@eailabs.com or call us for more information.



Eastern Analytical, Inc.
PROFESSIONAL LAB AND DRILLING SERVICES.
25 Chenell Drive • Concord, NH 03301
800.287.0525 • www.eailabs.com

celebrating
35 years

Check into it!

Does your employee benefits package include ...

- Group Life Insurance
- Group Accidental Death and Dismemberment Insurance
- Group Short-Term Disability Insurance
- Group Long-Term Disability Insurance

Can your employees opt to pay low rates to ...

- increase their Life Insurance coverage beyond your basic plan
- add Accident Insurance (to help pay bills while they recover)
- add Critical Illness Insurance (for certain illnesses)

If not, contact Larry Smith or Kelley Avery to learn about the low rates and great opportunities that the VLCT Employment Resource and Benefits (VERB) Trust offers with the help of Lincoln Financial Group.

DENTAL COVERAGE COSTS ARE *Down!*

As groups that offer the VERB Trust's dental coverage should already know, Northeast Delta Dental's rates for the next renewal (July 1, 2015 for fiscal year contracts or January 1, 2016 for calendar year contracts) will be 1.89% lower overall than the previous year. That's welcome news in a world where medical coverage costs have been outpacing inflation for decades.

This is a reminder that any groups currently participating in a fiscal year dental plan still have a little time to make group changes – such as switching plans or adding riders – for your next plan year. To do so, or to initiate group dental coverage through the VERB Trust, please contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) by **mid-June**. Larry and Kelley, who can also be reached at 800-649-7915, look forward to continuing to provide you with the best value for you and your employees.

VERB'S VISION COVERAGE

Now might be the perfect time to start offering EyeMed Vision Care® vision coverage for your group. The VERB Trust offers three

(continued on page 15)

2015 RMS CALENDAR

Stevens Advanced Driver Training for Law Enforcement Personnel. 9:00 a.m. to 4:00 p.m., Monday and Tuesday June 1 and 2, Deerfield Valley Regional Airport, 69 Airport Road, West Dover. In each one-day training, law enforcement professionals who operate a PACIF-covered vehicle receive instruction and hands-on experience in pushing the abilities of a typical driver to become far more aware of a car's steering and braking limitations. Attendees practice driving maneuvers that are directly applicable to crash avoidance in real-life situations. Free of charge to sworn police officers of VLCT PACIF members. Look for details in an email announcement and at www.vlct.org. Register with Jim Carrien at 1-800-649-7915, ext. 1946.

Fifth Annual Vermont Safety Retreat. Wednesday, June 3, 7:30 a.m. to 4:30 p.m., Camp Ohana, 341 Quinibeck Road, Post Mills. Sponsored by the National Safety Council of Northern New England. Instructors from several occupations and disciplines are featured at an intense one-day safety retreat with three training tracks: OSHA Compliance, General Safety, and Life Safety. Camp Ohana, on the shores of Lake Fairlee, allows attendees to enjoy time with instructors and peers far from the stress of everyday business (and also welcomes families). \$125 for NSC members or \$150 for yet-to-be members includes lunch and a Camp Ohana tee shirt. For more information and to register, go to <http://nscnne.org/conferences.html>. Questions? Contact Catherine Doty at catherined@shcnne.org or 800-834-6472.

Agility Recovery Informational Webinar. Tuesday, July 14, 2-3 p.m., live online. Agility Recovery is a business continuity resource that can be accessed by PACIF members who experience an interruption in their business or service operations (such as a flooded office). This webinar, presented by Josh Smith of Agility Recovery, will explain the extent and procedures of Agility's services. PACIF members will receive an emailed invitation with login information in the coming weeks. To read how Agility Recovery helped Norwich Fire District #1, see pages 9-10 of the February 2015 *VLCT News*, www.vlct.org/assets/News/Newsletter/2015/vlctnews_2015-02.pdf.



MENT SERVICES

ALERT, PREPARED STAFF ARE CRUCIAL FOR SWIMMERS' SAFETY

An incident last summer at a municipal swimming pool in Vermont highlights the value of having staff who are well-trained and attentive. This value is enhanced when staff can rely on established and up-to-date procedures and policies that relate to their work.

It was a sunny July afternoon, perfect for staying cool and having fun in the water. At the pool were youth camps from both the host town's parks and recreation department and that of a neighboring town. In addition to the pool's lifeguards being in place, some of the visiting camp's counselors were certified lifeguards and water safety instructors.

Although the pool area was crowded, the lifeguards on duty were keeping a watchful eye on the scene and checking the water for potential problems. One of the lifeguards saw a child bobbing face-down in about four feet of water (part of the deep end) and thought the child might be playing, but asked a nearby swimmer to check. On learning that the child didn't respond, the lifeguard entered the water, was helped by two other swimmers in getting the child out of the pool, and saw that the child was purple-faced and breathing only minimally. The child was from the visiting camp, and one of his counselors administered rescue breaths until the child began breathing well on his own. The child was disoriented, and EMS services took him to the hospital where he was observed until he was deemed safe to be released. He not only survived: he had no lasting ill effects and was swimming again in a few days.

This is a happy story of success and recovery from a situation that could have been fatal. Success was the result of the staff members from both towns being alert to the potential risks, knowing exactly how to respond to an emergency, and performing appropriately and swiftly under pressure. In particular, if the lifeguard on duty had not been fully focused on her job of constantly scanning the pool, the outcome could have been very different. There is no substitute for preparedness and vigilance.

The municipal investigation of this event found no employees at fault and brought to light two circumstances that might have contributed to a higher level of risk that day. It also inspired the towns to tighten certain rules in an effort to further reduce future risk. First, the child who was saved had strayed into the deep end even though he had not passed the pool's deep-water swimming test. To reduce the chance of this happening

(continued on page 15)

Are you a

- Public Works Director,
- Highway Supervisor, or
- Road Foreman

who didn't go to PACIF's new two-day risk management workshop in May?

Your peers are so eager for this comprehensive training that we are planning more like it, **including a day-long track of seminars at Town Fair in Killington on October 8th.**

Watch these pages and our website for more information.



Drownings are quick, silent, and hard to notice.

Because there are no second chances after a drowning, all staff members in the swimming area, not just lifeguards, need to be aware of risk factors and stay alert to children's safety.

Use the new PACIF Online University course

Aquatic Safety

Train your employees at any time, on any computer, at any pace. For info, visit www.vlct.org/rms/pacif/pacif-online-university/ or call Jim Carrien at 802-649-7915, ext. 1946.

VERB

Unemployment Insurance Administration, Claims Management, Advocacy
Dental, Vision, Health Insurance Consultation, Large Group Health Insurance
Group Life, Accidental Death, Disability, Optional Life, Accident, Critical Illness



EXECUTIVE DIRECTOR

(continued from page 2)

come 50, the annual budget grew from \$160,800 to \$5.5 million, our net position changed from an \$89,000 deficit to a positive \$580,000. We were able to convince the last non-member town to finally join for good in 2001 (we won't mention any names) and since then have had all 246 cities and towns as full members plus about 150 other municipal entities as associate members. Your municipality can now obtain just about any kind of insurance you can imagine a municipality could need through us. You can download a publication describing every municipal office, receive training on almost every-



thing cities and towns do, and have almost any legal question you have about doing your job answered, all from one source. I wish I could say more positive things about how successful we have been before the Vermont Legislature in accomplishing our goals, but I feel I have to leave something for my successor to be able to accomplish on her watch.

All I have done since being appointed Executive Director in 1982 is follow a path that was pretty much laid out for us, starting with the first state municipal league meeting in Indiana in 1891. (There is an organization comparable to VLCT in each state except Hawaii, which has only one municipal government.) VLCT has basically just two things to accomplish to best serve Vermont local government: to protect its authority to act in the best interests of its citizens and to ensure it has the resources necessary to accomplish what its voters and taxpayers expect of it. Those two goals are so easily expressed in short phrases but so hard to accomplish in the real world with so many wanting their agendas enacted remotely and uniformly. I am confident that my successor will continue to fight to accomplish

those goals with the help of leadership from your board of directors and your own efforts as avid spokespersons on behalf of your own municipalities.

Sir Isaac Newton said it much better than I – “If I have seen further [than certain other men] it is by standing upon the shoulders of giants.” I have spent my entire career standing on countless giants’ shoulders. Without denigrating any of the contributions so many have made, let me list just a few of the tallest and strongest of those giants.

LOCAL OFFICIALS TO WHOM I OWE A LOT *(in chronological order)*

Peter Clavelle was President of VLCT when I was hired in 1978. He was transitioning from being Castleton town manager to city manager of his home town of Winooski. Peter of course went on to become mayor of Burlington, became our one and only return President, and ran for governor. Peter was a rock during the period in which several high profile lawsuits and criminal charges were brought against the previous executive director and when the future of VLCT was very much in doubt.

Barbara Hurley, a Westminster selectperson, followed Peter as President and was one of the first members of the VLCT Unemployment Insurance Trust Board of Directors. Not only was she great support for a scared kid thrust into a difficult situation basically having to be VLCT, she worked Town Fair, where she registered attendees, and was always just a phone call away to provide encouragement to me.

Dave Lewis was VLCT President when the crisis involving my predecessor finally ended in 1982. When the Board couldn't find anyone more qualified or willing to take his place, I was appointed executive director. Dave was the long-time manager in Killington – actually Sherburne back then. Under that gruff exterior was a visionary, a very smart mind and a really nice guy.

Jeff Wilson and **Larry Wood** were back to back town manager presidents in the early '90s that were strong supporters of VLCT and became biking buddies.

Bill Shepeluk has been a member and president of the VLCT Health Trust and now its successor, the VLCT Employment Resource and Benefits (VERB) Trust, for 29 years now. Bill also served on the VLCT Board, including as its President, and has served as its immediate past president for more

(continued on next page)



Photo Captions (top to bottom)

This Page

Steve with Don Milne, erstwhile VLCT President and long-time Clerk of the House.

Jim Condos, Jim Jeffords, Steve Jeffrey.

Steve with Dave Lewis and former VLCT Board President Bernie Sanders.

Steve with his wife and colleagues in the State House following the unanimous passage of H.C.R. 153.

Facing Page

Steve with former Board President Bill Perkins.

A VLCT staff meeting in the early days.

Steve and Jessi.

Steve and Mike.

Steve and Beth Pearce greet members.

Thanks to Mr. Jeffrey's influence, bow ties proliferate in the office.





terms than either of us can recall. Believe or not, if anything were to happen to Hunter Rieseberg for the next 18 months, he'd be back in that saddle once more. Bill's been VLCT's biggest cheerleader and all around "go-to" guy. He's also been a great person to complain about almost anything to. He's a great listener and sympathizer.

I thank all 32 individuals who served as VLCT President and who put up with me, the 101 municipal officials who have served on the VLCT Board, and all the wonderful members of the Unemployment Trust, the Health Trust, the Property and Casualty Intermunicipal Fund (PACIF) and the VERB boards during my time in service to you.

STAFF MEMBERS TO WHOM I OWE THE MOST *(again in chronological order)*

Janet Foster was my first solo hire and was our office manager for almost 20 years. She was such a hard worker, good at everything and just the nicest person to work with – everything this flatlander imagined Vermonters to be.

Karen Horn has for 28 years shared the responsibilities of being the voice of local government and serving the members. No one cares more about protecting what you do and making what you do as municipal officials better than Karen. She is tremendously loyal and willing to take on anything thrown her way.

Another 20-year veteran, **Jessica Hill**, has done just about every job at VLCT except mine (so far). Every day, Jessi brings a unique combination of optimism, humor, smarts, and a work ethic that would kill a horse. The girl's got very high standards.

My cube mate in our renovated open office space, **Mike Gilbar**, is one of our numerous double-dippers. He worked with us early in this millennium then left for what he believed were greener pastures in of, all places, New Hampshire. After realizing the error of his ways, he has come back. Mike is the guy behind the curtain that makes all the finances work for what have been as many as four corporate entities with as much as \$50 million of your money running through it. He does so with good humor and an appreciation for finance being a means and not an end.

All the 138 others who joined us along the way serving and strengthening Vermont local government.

THE OTHERS

Paul Giuliani was VLCT's corporate counsel in the good old, bad old days. Paul was the fount of knowledge about municipal government and he willingly shared it. He might have billed VLCT for about a tenth of the advice and counsel he offered.

Paul Gillies, who became Deputy Secretary of State in 1980, would spend hours late in the evening debating the workings of Vermont local government with me. We would discuss the deep, dark secrets of the universe – like whether voters had the ability to amend budget articles from the floor of Town Meeting, and, if so, by how much. We differed frequently on our opinions, but he certainly tested all of mine by trail by fire.

We couldn't have asked for a better State Treasurer than **Beth Pearce** for the safekeeping of our retirement funds (an issue I have become keenly interested in lately) or when towns needed help coping with Tropical Storm Irene. There doesn't seem to be an hour of the day or night that Beth won't pick up the phone if you call her office.

Frank Bryan is the soul and conscience of local government. The UVM Professor Emeritus of Political Science has committed his entire teaching and writing career to enlightening the world to the attributes of small-scale government directly controlled by the voters.

Andrew Nuquist and **Rolf Haugen** are two other UVM professors whose persistence and foresight led to the creation of VLCT 48 years ago. One of few regrets of my career was not having the opportunity to meet these giants, on whom this entire organization now stands.

ALL OF YOU

Nothing makes a person strive harder to accomplish great things than a purpose he believes in and people that appreciate what he does. I find both those drivers in you and your service to your fellow Vermonters. Thank you all for all you do for your citizens and for giving me the chance to work for something so special all these years.

*Steve Jeffrey, Executive Director
VLCT*

From the Executive Director





ASK THE LEAGUE

(continued from page 5)

must be tethered or leashed unless the handler is unable to do so because of a disability or the use of a tether or leash would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the dog must be under the handler's control through voice commands, hand signals, or another effective means. If a service animal is excluded from the premises, the individual with a disability must still be allowed to obtain goods, services, and accommodations without having the service animal present.

If a municipality has a "no pet" policy, that policy does not apply to service dogs and they may not be denied entry. This does not mean a municipality must abandon its "no pets" policy, but rather that the municipality must make an exception to the general rule for service animals.

Public entities and establishments that violate the ADA or Vermont's Fair Housing and Public Accommodations Act can face serious penalties. If you have any question regarding allowing a service animal access to a municipal facility and property, contact your municipal attorney or VLCT's Municipal Assistance Center before you ask any questions of the disabled person or before you restrict the dog's access.

*Gwynn Zakov, Staff Attorney I
Municipal Assistance Center*

How are "special" town meetings noticed?

A "special" town meeting is a meeting of a town held on some day other than its annual meeting which can be initiated upon the application of five percent of the voters or by the selectboard when it deems it necessary. 17 V.S.A. § 2643(a).

The voters may petition for a special town or annual meeting so long as its purpose is not "frivolous, useless or unlawful." *Royalton Taxpayers v. Wassmandsdorf*, 260 A.2d. 203 (1969). The Vermont Supreme Court has ruled that a selectboard cannot be compelled to present a petitioned article on a town meeting warning if the article does not "set forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Clift v. City of South Burlington*, 2007 VT 3, ¶6, quoting *Royalton Taxpayers' Protective Assoc. v. Wassmandsdorf*, 128 Vt. 153, 160(1969). Some examples of voters' authority to petition for a special town meeting include overriding ordinances approved by the selectboard (24

V.S.A. § 1973), filling vacancies in elective offices (24 V.S.A. § 962), and approving the conveyance of town real estate (24 V.S.A. § 1061(a)(2)).

A selectboard, on the other hand, may call a special town meeting at any time for any reason, but *must* do so when required by law, such as when it receives a valid voter backed petition (as previously mentioned) or is seeking to incur bonded indebtedness (24 V.S.A. § 1755(a)), approve charter amendments (17 V.S.A. § 2645), and when some towns approve zoning regulations (24 V.S.A. § 4442(c)(2)) outside the timeframe of an annual town meeting. A selectboard may also call a special town meeting to gauge public opinion on a particular course of action by taking a non-binding vote, make an important announcement, or inform and/or seek feedback from the public.

To "call" a special town meeting means to set a date for when it is to occur. For example, the selectboard must "call" a special town meeting "within 15 days of receipt of the [voters'] application by the legislative

body." 17 V.S.A. § 2643(a). This means that the selectboard has a 15-day window to warn a special town meeting petitioned by the voters. The actual meeting date then must be "not less than 30 nor more than 40 days" from the date it is warned. 17 V.S.A. § 2641(a).

The warning and notice requirements for a special town meeting are the same as those for the annual town meeting and include:

- Posting/publication of the warning and its accompanying notice in/on:
- at least two public places in town as well as in or near the town clerk's office not less than 30 nor more than 40 days before the meeting;
- a newspaper of general circulation in the town as designated by the selectboard at least five days before the meeting *or* publishing it in the town report and distributing it as provided in 24 V.S.A. § 1682; *and*

(continued on page 15)



Meeting the Capital Needs of Vermont's Municipalities Since 1970

The VMBB provides bond financing to Vermont Municipalities at low interest rates with a very low cost of issue.

Check out our website at vmbb.org. You can review and print loan schedules of projects that have been financed through VMBB and SRF programs. Or you can request an application for a new project.



Town of Warren

For more information contact:

Vermont Municipal Bond Bank
Champlain Mill
20 Winooski Falls Way, Suite 305
Winooski, VT 05404

(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org



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

Town Administrator. The Town of Underhill, Vt., has an immediate opening for an interim, temporary Town Administrator for approximately five months beginning about June 1, 2015, as a short-term leave replacement. The Town Administrator works closely with the selectboard to help with the general administration of the Town by providing administrative support, policy and decision-making advice, and presenting the selectboard's decisions to external audiences when necessary. Other work includes overseeing selectboard meetings, developing agendas, attending all meetings, taking minutes, and coordinating selectboard activities with town staff, citizens, and other interested parties. The Town Administrator professionally represents Town policies and actions. Requirements: Relevant experience with planning, coordinating and communications responsibilities;

municipal experience preferred, but not required; position requires some evening hours. Salary, \$20.80 per hour; no benefits. A complete job description is posted at www.underhillvt.gov/. To apply, email resume to RaMona Sheppard, HR Manager, at rsheppard@underhillvt.gov, or send to RaMona Sheppard, HR Manager, Town of Underhill, PO Box 120, Underhill, VT 05489. Position open until filled. (04-29)

Director of Finance. The Town of Bedford, N.H. (pop. 21,500), seeks an experienced accounting/finance professional to serve as its next Director of Finance. Responsibilities: overall financial management of the Town, including advising and updating the Town Administrator, Town Council, department heads, and other interested parties on the Town's financial condition; overseeing and directing a staff that is collectively responsible

(continued on next page)

DELTA DENTAL



Make oral health a priority.

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

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

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

www.nedelta.com



CLASSIFIEDS

(continued from previous page)

for the Town's day-to-day finance operations including payroll, AP/AR, accounting, cash flow management, and financial planning. The department handles preparation of the annual budget and five-year Capital Improvement Plan, financial audit preparation, regular financial status reports, utility billing, risk management, internal financial controls, and compliance with a myriad of municipal finance laws and regulations, as well as meeting the financial recording and reporting requirements of federal and state governments. Requirements: BS in accounting, with solid hands-on experience with accounting, advanced degree in business or finance and/or be a CPA; prior experience in New Hampshire local government finance administration; experience with and working knowledge of Tyler Technology Munis Financial Software. Salary negotiable based upon education and experience. FLSA exempt position; additional information is at www.mrigov.com/career.html. To apply, email resume (held in confidence throughout the recruitment

process) by **Friday, May 29**, to recruitment@mrigov.com. EEO. (05-05)

FOR SALE

Generator. The Town of Randolph, Vt., has a 250-Kw generator for sale. Made by Katolight of Mankato, Minn. in 1972, the generator is 277/480 volt 3-phase and includes an automatic transfer switch, battery charger, and disconnect switch. The unit is in excellent condition and has been professionally maintained and serviced; 500.1 hours of use. For detailed specifications or to make an appointment to inspect the generator, contact Elizabeth Walker at 802-728-9079 or stp01@randolphvt.org, from 8 a.m. to 3 p.m. Monday through Friday. Minimum bid or reserve: \$6,500. The expense and removal of the generator is the responsibility of the successful bidder. The generator will be available for removal after June 15, 2015. The successful bidder must make payment in full prior to the removal of the generator. The town requires a 48-business hour notification to make arrangements to pick up the unit. Generator is offered "as-is." Sale is final. Submit your bid in a

sealed envelope by **Thursday, May 28**, to Generator, Town Manager's Office, Town of Randolph, PO Drawer B, Randolph, VT 05060. The Town of Randolph reserves the right to reject any and all bids. (04-28)

REQUEST FOR PROPOSALS

Financial Services. The Town of Westmore is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal year ending Dec. 31, 2015, with the option of continuing the engagement for the two subsequent fiscal years. The town has voted to eliminate the town auditor position. For more information, contact Town Clerk Greg Gallagher at 525-3007 or clerk@westmoreonline.org. Please submit your proposal by **Monday, June 15**, to Town of Westmore, 54 Hinton Hill Road, Orleans, VT 05860. (04-15)

TRIVIA

Bruce Urie, R.J. Burke, Mardee Sanchez, Linda Parent, Louise Luring, Cheryl Barker, Clifford Rankin, Carol Daigle, and Lynn Grace from Craftsbury, East Haven, Randolph, Richmond, Saxtons River, Weston, Williamstown, Williston, and Windsor, respectively, knew that Ida May Fuller, of Ludlow, Vermont, was the first person in the U.S. to receive a Social Security payment. The amount was for \$22.54. Hey, nice going! You folks didn't need to Google that bit of Trivia, right? You just, like, knew it? Or, once upon a time, knew Ida?

Anyway. This Pownal native, after a brief period in school, ran away to join Van Amberg's Mammoth Circus & Menagerie. Later, he became a stockbroker and accumulated a lot of money, which he subsequently lost in speculation. Still later, he fell in with unscrupulous New York politicians and attempted to corner the gold market. Later still, his business associate – with whom his girl friend had fallen in love – shot him dead after a threat of extortion didn't work.

Who was this colorful – if oft vilified – Vermonter and where is he buried?

Email your answer to dgunn@vlct.org. A perfectly reasonable answer will appear in the perfectly reasonable July issue, no kidding.

WHAT DO MORE AND MORE VERMONT MUNICIPALITIES HAVE IN COMMON?

Merchants Bank



Vermont's Number One Team for Government Banking.

Every city and town is unique. So it takes an experienced banking team to understand and meet the ever-changing financial demands of Vermont's municipalities. At Merchants Bank, our Vermont-based team has over 70 years of combined experience helping municipalities be successful. Please contact us today and we will show you how local experience and local commitment can benefit your municipality.

CALL OR EMAIL US TODAY.

Call: 802-773-4627
Email: governmentbanking@mbvt.com

Member FDIC
 EQUAL HOUSING LENDER





ASK THE LEAGUE

(continued from page 12)

- the town's website, if the town actively updates its website on a regular basis.

The **warning** must include:

- the date and time of the meeting or election;
- location of the polling place or places;
- the nature of the meeting or election; and
- specifically indicate, by separate articles, the business to be transacted including the offices and questions to be voted upon.

As with warnings for annual town meetings, the warning for special town meetings must be signed by a majority of the select-board and filed with the town clerk for recording before being posted.

The **notice** must include:

- information on voter registration;
- information on early or absentee voting; and
- any other appropriate information. 17 V.S.A. § 2642.

Please be aware that, depending on the reason for the special town meeting, it may require Australian ballot voting, even if a town has not previously adopted this type of voting, as well as an accompanying informational hearing.

This is an update to a previous *Ask The League* article.

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

*Below: Karen Horn and Steve Jeffrey —
the results of working together for 28 years.*



VERB'S VISION COVERAGE

(continued from page 8)

different EyeMed plans with varying levels of coverage. You can find a comparison of these plans and enrollment forms on our website at www.vlct.org/rms/health-trust/vision-coverage/.

Here are just a few of the services provided through EyeMed:

- Continued access to your current independent provider
- Rich out-of-network benefits
- Access to national leading retail chains such as Lenscrafters, Pearle, Target, Sears, and JC Penney Optical
- 40% discounts off an additional pair of prescription eyewear with no same day or same doctor purchase required
- Contact lens fit and follow-ups no longer come out of the materials benefit

Contact Larry Smith or Kelley Avery at VLCT at 800-649-7915 if you have any questions regarding the EyeMed plans, coverage, or providers, or to enroll your group today.

SWIMMER'S SAFETY

(continued from page 9)

again, the visiting camp changed its policy so it now requires all campers who haven't passed this test to (1) wear a red wristband at all swimming sites and (2) have this detail noted on the counselor's daily attendance roster. Second, though it was unclear whether overcrowding was a factor in this near-drowning, the two towns worked out a way for their camps to use the pool at different times to reduce the number of children swimming at one time.

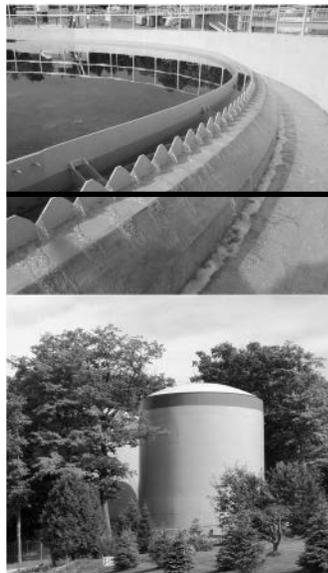
To help all PACIF member employees learn the principles of municipal pool safety, we now offer a **new course in the PACIF Online University's Parks and Recreation curriculum: Aquatic Safety**. We encourage the use of this course (which includes a short video that does not end happily) as part of employee training. For more information as well as resources – such as safety checklists and model policies – concerning this topic and a wide range of other loss control best practices, PACIF members should feel free to contact VLCT Loss Control at 800-649-7915 or losscontrol@vlct.org.

Use the new PACIF Online University course

Aquatic Safety

Train your employees at any time, on any computer, at any pace.

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



AE Aldrich+Elliott
WATER RESOURCE ENGINEERS

Innovation

Leading Initiatives in
Sustainable Water Resources

Water, Wastewater, & Stormwater

Joe Duncan, Senior Engineer
jduncan@AEengineers.com
802.879.7733 | www.AEengineers.com



89 Main Street, Suite 4
Montpelier, VT 05602-2948

PRSR STD
U.S. Postage
PAID
Montpelier, VT
Permit No. 358

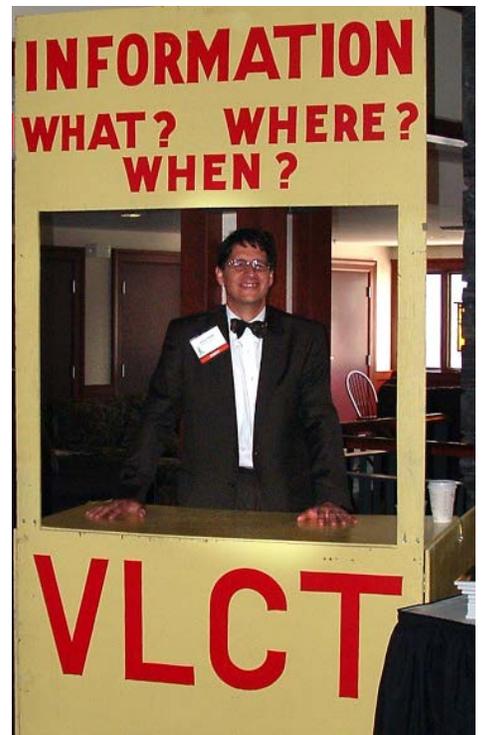
UPCOMING EVENTS

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

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

SPRING PLANNING AND ZONING FORUM
Wed., June 10, Lake Morey Resort, Fairlee

GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM
Tue., June 16, Capitol Plaza Hotel and Conference Center, Montpelier



www.vlct.org/eventscalendar