

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

February 2016

## THE THREE NEW FACES

Last October, VLCT welcomed Deborah Beckett, Paul Monette, and Charles Safford to its Board of Directors. We finally got a chance to ask them why they aspired to positions on the Board.

Williston Town Clerk/Treasurer **Deborah Beckett** grew up primarily in Ludlow, Massachusetts, after moving to the U.S. from Scotland. Her mother was Scottish and she was always proud to be born not just in the U.S. but in Texas, "which, for a Scottish kid, was the epitome of being an American," she says.

Deb always had an interest in public service but really began to get involved in the community after moving to Williston in the early 1990s. "As a small business owner

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Above, left to right: VLCT's newest board members: Deb Beckett, Paul Monette, and Charles Safford.

## IRS EXTENDS DEADLINES FOR ACA REPORTING

Please note this important update to notices published in the last two issues of the *VLCT News*. On December 28th, the IRS announced it had extended the deadline for reporting and filing the new Affordable Care Act (ACA) tax forms. Employers who don't need more time are encouraged to follow the original schedule, but others may have up to two additional months to handle this paperwork.

See details on page 11.



## Important Update

## VLCT PERSPECTIVE ON LOCAL GOVERNMENT'S ROLE IN VERMONT

As we look to and prepare for the future of the Vermont League of Cities and Towns, the Board of Directors is reflecting on the following: (1) the future of local government in Vermont and VLCT's role in assisting local officials and their communities prepare for that future; (2) the current priorities of VLCT Members as we approach the 2016 Vermont legislative session; (3) the long-term experience and wisdom imparted by the former executive director; and (4) the transition to a new executive director and a new phase in the organization's life cycle. Accordingly, the Board has combined opinions expressed by member local officials, by members of the Board itself, and by the former and the new executive directors into the following statement of perspective that will be used in our discussions with state and federal officials and as part of VLCT's direct advocacy efforts with the legislature.

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Maura Carroll

## From the Executive Director

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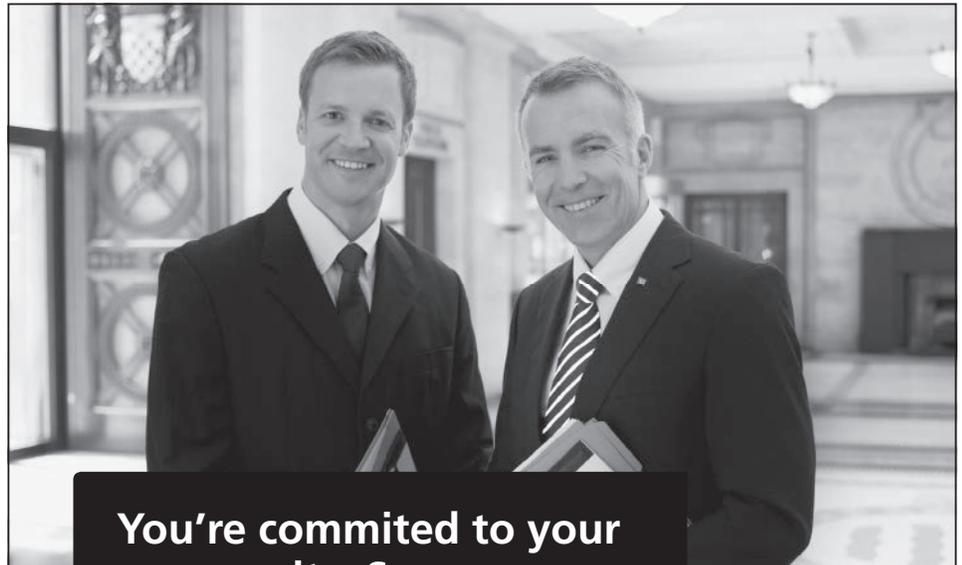
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## FY17 VERMONT BETTER ROADS GRANT PROGRAM

The Vermont Agency of Transportation (VTrans) announces its 19<sup>th</sup> year of funding to support municipal road projects that improve water quality and result in maintenance cost savings. The grant funds are provided by VTrans and the Vermont Agency of Natural Resources. The Vermont Better Roads Program's goal is to promote the use of erosion control and maintenance techniques that save money while protecting and enhancing Vermont's lakes and streams. **Funds, subject to availability, will be distributed as grants to municipalities to address town erosion problems.**

**Program Changes for FY17.** Additional funding is anticipated from the Transportation Bill through Act 40 and from the Clean Water Fund through Act 64. This year's grant application features additional categories to reflect this additional money as well as increased grant amounts. With these changes, the Better Backroads Program has been renamed the Better Roads Program to reflect the inclusion of paved roads into the program for the first time.

Questions? Please contact Alan May, Better Roads Coordinator (802-828-4585 or [alan.may@vermont.gov](mailto:alan.may@vermont.gov)). You can download an application at <http://vtransengineering.vermont.gov/bureaus/mab/better-back-roads>. Applications are due by Friday April 15, 2016.



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## PART 2 OF 2

# TIPS FOR EFFECTIVE JOB DESCRIPTIONS

Last month, we explored some of the ways job descriptions can assist municipalities with managing their human resources responsibilities. While not required by law, well-written and maintained job descriptions can provide invaluable support of legal compliance and other important functions such as creating return-to-work programs for injured employees, recruitment and hiring, and performance evaluation. Out-of-date job descriptions, on the other hand, may contain inaccuracies that negate such support.

Below are a dozen tips for creating and maintaining job descriptions so they are as useful and effective as possible for your municipality. (Note: In municipalities with one or more unions, changes to job duties usually occur as part of the collective bargaining process.)

1. Use only non-discriminatory, gender-neutral language. Refer to the job itself, not personal characteristics of particular employees or applicants.
2. List the job duties in order of importance or by the percentage of time spent.
3. Avoid jargon; if you need to include acronyms, be sure to use the associated words the first time they appear.
4. To be concise and readable, use bullets with phrases or short sentences, not paragraphs or long narrative descriptions.
5. Solicit input from employees doing the job. Incumbents understand many aspects of the work best and will appreciate that their input is requested and valued.
6. Create a final version that communicates to the employee what successful performance entails. Be specific and describe how well, where, when or why a task should be done. It helps to use action words and descriptors. For example, instead of, "Maintains municipal vehicles" the job description might say, "Consistently follows recommended maintenance procedures for all municipal vehicles, including timely salt removal and regular oil changes to preserve vehicle longevity";
7. Include "soft skill" requirements that contribute to success. Examples

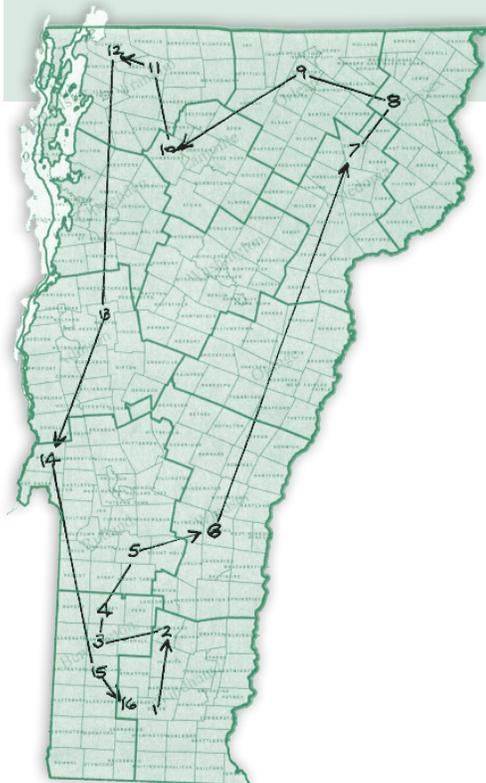
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## TRIVIA

Last time, as gasoline prices were dropping, I sent faithful readers on a 16-stop drive through Vermont towns that shared their names with places in jolly olde England. Hyde Park's Julie Rohleder had 14 correct answers, Barre Town's Carl Rogers successfully visited 15 destinations, but only Bevan Quinn of Guilford correctly navigated his way from beginning to end, viz., Dover, Londonderry, Manchester, Dorset, Wallingford, Reading, Sheffield, Brighton, Coventry, Cambridge, Sheldon, Highgate, Bristol, Benson, Sunderland, and Somerset. (See map below.) Önnittleme!

**What do archeologists consider to be the oldest site of human habitation in Vermont, how old is it, and when was it discovered?**

If you know the answer, email it to [dgunn@vlct.org](mailto:dgunn@vlct.org). The VLCT News Trivia Consortium's unexpurgated answer will appear in the modestly merry March issue.



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# ASK THE LEAGUE

## MEETING MINUTES REQUIREMENTS; FILLING FIRE DISTRICT VACANCIES; DUTIES OF TOWN MEETING MODERATORS

**What are the requirements for meeting minutes?**

Vermont's Open Meeting Law requires that minutes must be taken at every meeting

of a municipal public body. Such minutes must give "a true indication of the business of the meeting," which may require supplementing the following statutorily-required elements: (1) all members of the public

body present; (2) all other active participants in the meeting; (3) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of the same; (4) the result of any votes taken; and (4) a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1). The law does not require transcripts of public meetings, although a public body is free to create such transcripts. This is because the law sets out the minimum of what is required, not the maximum; as long as the minutes contain the required elements listed in 1 V.S.A. § 312(b)(1), then it does not matter whether they contain additional information. The VLCT Municipal Assistance Center (MAC) interprets the law to mean that minutes must be in written form and that neither an audio nor video recording will meet the statutory requirements.

Meeting minutes must be available for inspection by the public five days after that meeting is held and must be posted to a website, if one exists, that the public body maintains or has designated as the official website of the body. 1 V.S.A. § 312(b). The law does not state whether these are "calendar days" or "business days," therefore MAC recommends taking a conservative approach and counting calendar days. The law also doesn't specify what it means for a website to be "maintained" or "designated." At a minimum, the law seems to require that all of the public bodies of a municipality should post their minutes to a website that has been designated by the selectboard. In addition, given the Vermont Supreme Court's instruction that the law is to be construed in favor of openness and accessibility, MAC recommends that any individual public body should post minutes to any website that is

*(continued on next page)*

### UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

#### TOWN MEETING TUNE-UP

*Wednesday, February 3, Capitol Plaza Hotel and Conference Center, Montpelier*

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

#### SPRING SELECTBOARD INSTITUTE

*Saturday, March 12, Capitol Plaza Hotel and Conference Center, Montpelier*

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

#### SPRING AUDITORS WORKSHOP

*Tuesday, March 29, Capitol Plaza Hotel and Conference Center, Montpelier*

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

#### DELINQUENT TAX COLLECTORS WORKSHOP

*Wednesday, April 6, Lake Morey Resort, Fairlee*

This workshop will cover best practices and procedures for the efficient collection of delinquent municipal property taxes. The sessions will provide a dynamic mix of legal advice, practical solutions, and opportunities to ask questions and share experiences. The workshop is designed for all officials involved in the local tax collection process. Collectors of delinquent taxes, treasurers, town managers, town administrators, constables, selectboard members, listers and others are all encouraged to attend.

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



## ASK THE LEAGUE

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maintained or designated by that particular municipal public body.

There is nothing in the Open Meeting Law (or other Vermont law) that requires official approval or finalization of meeting minutes by the public body. Despite this lack of legal mandate, however, most public bodies make it a practice to approve minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agrees that the minutes accurately reflect what was discussed and decided at the meeting. This is a good practice since it ensures that there will be a precise historical record. Since there is no law on the subject, it is up to each public body to decide whether and how to correct, amend, approve, or accept minutes. This can be done by mere agreement of the members or with the adoption of rules of procedure that describe the process by which minutes are handled. In such instances, public bodies should mark the initial copy of meeting minutes as “draft” or “unapproved,” making it clear to the public that some corrections may be made once the minutes are reviewed.

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

### ***Who fills a vacancy on the prudential committee of the fire district?***

A vacancy is filled by the selectboard of the town in which the district is located, and that appointment is effective until an election is held within the district.

A duly-formed fire district is recognized by statute as a municipality and is therefore generally legally independent from the town in which it is located. As such, the voters within the fire district have authority to elect a clerk, treasurer, collector of taxes, and members of the prudential committee. 20 V.S.A. § 2485. The prudential committee is charged with filling a vacancy that arises in the office of clerk, treasurer, or collector of taxes of the district. However, when there is a vacancy on the prudential committee, that vacancy may only be filled by election in the district or by appointment of the selectboard of the town. The statute declares that “[a] vacancy in such committee may be filled at an annual meeting, or at a special meeting called for that purpose, but the selectboard of the town in which such district is located may fill a vacancy in such committee until an election by the appointment of a resident of such district.”

If the selectboard chooses to exercise its authority to fill a vacancy on the prudential committee by appointment, it should follow the same process that is used to fill a vacant position within the town. Notice of the vacancy must be posted in at least two places within the district, and in or near the office of the fire district clerk. 24 V.S.A. § 961. The selectboard’s appointment should be

made in writing and filed in the office of the fire district clerk. 24 V.S.A. § 963. The person who is appointed will serve on the prudential committee until the next annual or special meeting, at which time a successor should be elected to the position.

Regardless of whether the selectboard appoints someone to the prudential

*(continued on page 15)*

## VLCT Municipal Assistance Center

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### MUNICIPAL INQUIRY SERVICE

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

### ONLINE RESOURCES

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



## VLCT PERSPECTIVE

(continued from page 1)

**Empowerment.** VLCT members believe that local government should be empowered to make decisions, through local voters, about its form of government and the appropriate operations and policies that will best serve its citizens. As the government closest to the people it serves and consistently securing the highest level of confidence from its citizens of any level of government, local government is well-positioned to understand both the common and unique needs and concerns expressed by its citizens and to devise solutions that will best meet those needs.

VLCT will engage state officials and legislators in ongoing conversations about delegating authority to local government to carry out tasks that are appropriately housed in local government without interference or preemptive oversight by the State. The conversations begin with locally adopted charters. While the State may want to engage in discussions about the parameters of the subject matter to be included in charters, once those parameters are determined, the State should not have veto authority over the provisions adopted by local voters.

**Funding.** VLCT will oppose legislation that imposes unfunded mandates on cities and towns and legislation that preempts municipal authority to make decisions that belong at the local level. VLCT will strongly support state funding of functions mandated to be carried out at the local level and will offer alternatives to preemptive legislation, suggesting ways for the State and municipal governments to accomplish shared goals without limiting the authority of local government any further.

**Professionalism.** Local government has become complex and the demands upon local officials increase each year. VLCT is beginning discussions with local and state officials about the need to professionalize many aspects of local government. Vermont has a wealth of volunteers willing to commit time and energy to making their communities better places for all, but the demands on volunteers' time continue to increase as well. The time has come for trained staff to assist volunteers in continuing to accomplish the goals a community sets for itself. VLCT and its members will enlist the aid of legislators and

local officials to determine what roles need to be professionalized, what roles do not, and what legislative changes are required to

meet the changing needs of Vermont local government.

*Maura Carroll  
Executive Director*

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### SAMPLE PROJECTS:

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- Municipal Charter Amendments
- Highway Ordinances



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## EFFECTIVE JOB DESCRIPTIONS

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include customer service skills, the ability to communicate well with the public, working as an effective and supportive team member, communication and listening skills, the ability to accept and apply constructive feedback, flexibility and adapting well to change, problem-solving skills, self-motivation, and initiative.

8. Communicate safety expectations in job duties and requirements to encourage a safe and healthy work environment.
9. List as requirements only those qualifications that are truly necessary to avoid inadvertently disqualifying individuals who would do well in the role and to avoid discriminating against individuals in protected classes. Consider where there might be appropriate substitutions, such as experience for some of the education.
10. If a position is classified as "Exempt" under the Fair Labor Standards Act (FLSA), be sure the job description supports that determination. As an example, it is wise to document the types of independent judgment exercised and decisions made when a position is classified as "Exempt" based on the Administrative Exemption. (See the Guidance section regarding the FLSA in the VLCT job description template [on the VLCT website](#).)

### GREEN INFRASTRUCTURE

In the January newsletter, we highlighted our Municipal Assistance Center's new model stormwater management by-law and Green Stormwater Infrastructure (GSI) Simplified Sizing Tool. We'd also like to note the recent efforts of the Vermont Association of Planning and Development Agencies' work to compile other resources to help municipalities implement green infrastructure. Topics such as stormwater master planning, building GSI and low impact development principles into zoning bylaws, and how to finance green infrastructure can be found at [www.vpic.info/GreenInfrastructure-Toolkit.html](http://www.vpic.info/GreenInfrastructure-Toolkit.html).

11. For supervisory roles, include supervisory responsibilities and identify the positions the supervisor oversees. Again, paint a picture of successful supervisory performance. This can include listing the responsibility of ensuring that their staff members' job descriptions are kept up-to-date. Additional examples include delegating responsibilities and tasks to staff members to ensure reaching departmental goals; communicating regularly with staff to provide and receive feedback and to assess and implement a plan toward each employee's training needs and developmental goals; and conducting timely and substantive written performance evaluations of all direct reports to meet the June 1 and December 1 deadlines.
12. To ensure accuracy, review job descriptions regularly, i.e., at least annually and whenever changes occur. As noted above, it can be helpful if regular maintenance and accuracy of job descriptions is explicit as a supervisory responsibility. Another method is to require job description review and updating as the first step in the annual

performance review process. In addition to ensuring at least an annual check for accuracy, this step helps link the performance appraisal directly to the responsibilities in the job description. Finally, *except where precluded by a union contract*, job descriptions may be considered "living documents" rather than "set in stone" and should therefore be updated as needed.

To further assist with municipal job description writing, VLCT's Human Resources Assistance Program has created a generic job description template, containing additional guidance, that may be tailored to your municipality's needs. The template is accessible [on the VLCT website](#). Your municipality may prefer alternative section headings or additional sections or sub-sections but, regardless of the chosen format, it is helpful to be consistent across departments.

More job description templates, for common municipal positions such as Road Crew Member and Road Foreman, will be added to the VLCT website. As soon as they become available, members will be notified.

*Jill Muhr*

*VLCT Human Resources Consultant*

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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.

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## WORKERS' COMP AUDITS COMING SOON

PACIF member contacts: please watch your email for information about an upcoming visit from a Member Relations or Underwriting staff member who will need to review your complete 2015 payroll records. This audit will identify any differences between your estimated and actual payroll for the 2015 calendar year so we can reconcile your contribution accordingly.

The email will contain a specific list of reports and information that we ask you to compile before one of our team members visits your office. We hope that each member – and PACIF has more than 330 of them – will make an effort to respond to this audit request in a timely manner and help us work efficiently throughout this process.

### 2016 RMS CALENDAR

**Deadline for ALEs and Smaller Self-Insured Employers to Provide Employers with IRS Form 1095B or 1095C.** Sunday, January 31/ Thursday, March 31, 2016. This is the first step in complying with the health insurance reporting requirements of the federal Affordable Care Act (ACA). See related item on page 11.

**PACIF's Annual Workers' Compensation Audits.** February-April 2016. PACIF members should expect an email or phone call from their Member Relations Representative or an Underwriting team member to schedule a time to review 2015 pay records in order to reconcile 2015 premiums. See related story above.

**Application Period for Round 1 of 2016 PACIF Equipment Grants.** Friday, January 1 to Saturday, April 30. PACIF Equipment Grants help members purchase equipment that may significantly reduce their risk of workers' compensation, property/casualty, or liability insurance claims. Most of the allotted \$200,000 for 2016 is expected to be awarded during Round 1, so we encourage PACIF members to read the newest guidelines, consider their group's needs, and compile their application materials sooner rather than later. Round 1 award notification letters will be sent to applicants during May.

**Reasonable Suspicion Training with a Pro-Active Approach to Discipline & Discharge.** Wednesday, February 10, registration starting at 8:30 a.m. and program starting at 9:00 a.m., AGC/VT Office, 1 Graves Street, Montpelier. Presented by the Associated General Contractors of Vermont (AGC/VT) and the Vermont Truck & Bus Association (VTBA) in cooperation with the Enforcement Division of the Vermont Department of Motor Vehicles. This informational seminar for owners, managers and supervisors will include Reasonable Suspicion training as required by FMCSA (this meets 49 CFR 382.603) and also examining Vermont State laws impacting employee discipline issues, learning best practices in documentation of employee misconduct, developing a fair approach to determining if discipline is appropriate, obtaining discipline and discharge checklists, identifying distinctions between "at-will" and "for cause", and exploring benefits of separation agreements and releases. Presenters will be Inspector Genevieve Paul, DRE, Vt. Dept. of Motor Vehicles and David Harlow, Esq., Downs Rachlin Martin PLLC. No charge for AGC/VT or VTBA members; \$25 materials charge for all others. Pre-registration is necessary. To reserve a seat, call 802-479-1778 or e-mail [lisajo@vtba.org](mailto:lisajo@vtba.org).

**2016 Worksite Wellness Conference and Governor's Wellness Awards.** Thursday, March 30, 8:00 a.m. to 4:00 p.m., Sheraton Hotel and Conference Center, South Burlington. Join your colleagues from the public and business communities to share and learn about best practices for a healthy workplace through workshops, exhibits, presentation of the latest Governor's Worksite Wellness Awards, and a keynote speaker. For information and to register, visit <http://healthvermont.gov/family/fit/worksitewellness.aspx#awards/> and scroll down.

## PACIF COVERAGE DOCUMENTS

By mid-February, PACIF members will receive by mail a large envelope containing their 2016 coverage documents. Inside will be three or four documents. One is for Property & Casualty, the second is for Workers' Compensation, and the third is for Supplemental Accidental Death and Dismemberment coverage for regular volunteers (not volunteer firefighters). A fourth document will only be sent to members that have a volunteer fire department insured by PACIF.

If your municipality does not receive this mailing by the end of February, or if you have any questions after you have reviewed the documents, please contact a member of our Underwriting team immediately at 800-649-7915.



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## COVERAGE FOR BUILDINGS UNDER CONSTRUCTION

Though we're only halfway through winter, some Vermont municipalities are already planning next summer's construction projects. The underwriters at PACIF see this as the perfect time to start educating members about Builders Risk insurance.

Builders Risk insurance is important because **traditional property coverage (including PACIF coverage) does not cover buildings under construction**. Builders Risk insurance is special property coverage that protects the owner's and/or the contractors' insurable interest in a building while it is under construction – including materials, fixtures, and/or equipment being installed during the construction or renovation of a building or structure – if those items or the building sustains physical damage or loss from a covered cause of loss (such as fire or wind).

VLCT PACIF no longer provides coverage for buildings under construction. In 2015 we began working with a local broker to facilitate the placement of Builders Risk policies with commercial insurance carriers, and we will continue to do this in 2016 if coverage is not obtained by the contractor, which should be the preferred practice of our members. Please call PACIF Underwriting early in the process if you are contemplating any new construction projects for help in understanding the impact to your PACIF coverage.

Construction contracts are often lengthy and usually require the owner to purchase and maintain Builders Risk coverage throughout the duration of the project. These contracts are written in favor of the contractor and require careful scrutiny by your attorney to identify and negotiate more balanced terms and conditions. Signing a construction contract without both a legal review and a review from an underwriting coverage perspective by PACIF can be problematic if a loss does occur.

Many contractors in Vermont use the **AIA 201-2007** as their standard contract. The sidebar here shows the paragraphs in that contract that speak to Builders Risk coverage. The crossed out and underlined words show how **we recommend editing the language** so the contractor will be responsible for purchasing the Builders Risk policy.

Due to the complexities of construction contracts, PACIF recommends that, whenever possible, you should require the contractor to procure the Builders Risk insurance policy. It would be ideal to put this requirement in your Request For Proposals (RFP) bid specifications. To protect the municipality's interests, we recommend that, when negotiating construction contracts, you and your municipal attorney make the following amendments:

1. edit the "Property Insurance" section of the contract as shown in this article's sidebar, and
2. ask the contractor to specify your municipality as a Named Insured on their Builders Risk Policy, and
3. have your attorney review the contract before it is signed, and
4. have a member of the VLCT PACIF Underwriting staff review the contract before it is signed.

Please allow enough time to follow these important steps in your construction planning process.

Careful review of a construction contract can help to avoid undesirable risks to your municipality. Feel free to call PACIF Underwriting with any questions.

— Joe Damiata  
Manager, Underwriting and  
Safety & Health Promotion

### How to edit an AIA 201-2007 construction contract so the contractor will be responsible for purchasing the Builders Risk insurance policy:

Note: In the passages below, ~~strikethrough~~ formatting indicates words to delete and underlined formatting indicates words to insert.

#### § 11.3 PROPERTY INSURANCE

§ 11.3.1 Unless otherwise provided, the ~~Owner~~Contractor shall purchase and maintain, in a company or companies lawfully authorized to do business in the jurisdiction in which the Project is located, property insurance written on a builder's risk "all-risk" or equivalent policy form in the amount of the initial Contract Sum, plus value of subsequent Contract Modifications and cost of materials supplied or installed by others, comprising total value for the entire Project at the site on a replacement cost basis without optional deductibles. Such property insurance shall be maintained, unless otherwise provided in the Contract Documents or otherwise agreed in writing by all persons and entities who are beneficiaries of such insurance, until final payment has been made as provided in Section 9.10 or until no person or entity other than the Owner has an insurable interest in the property required by this Section 11.3 to be covered, whichever is later. This insurance shall include interests of the Owner, the Contractor, Subcontractors, and Sub-subcontractors in the Project.

§ 11.3.1.2 If the ~~Owner~~Contractor does not intend to purchase such property insurance required by the Contract and with all of the coverages in the amount described above, the ~~Owner~~Contractor shall so inform the ~~Contractor~~Owner in writing prior to commencement of the Work. The ~~Contractor~~Owner may then effect insurance that will protect the interests of the ~~Contractor~~Owner, Subcontractors and Sub-subcontractors in the Work, and by appropriate Change Order the cost thereof shall be charged to the Owner. If the ~~Contractor~~Owner is damaged by the failure or neglect of the ~~Owner~~Contractor to purchase or maintain insurance as described above, without so notifying the ~~Contractor~~Owner in writing, then the ~~Owner~~Contractor shall bear all reasonable costs properly attributable thereto.

§ 11.3.1.3 If the property insurance requires deductibles, the ~~Owner~~Contractor shall pay costs not covered because of such deductibles.



# AN INTRODUCTION TO 21ST CENTURY POLICING

In the past several years, VLCT PACIF has seen a significant increase in the number and cost of liability, workers' compensation, and auto liability claims that are related to law enforcement operations. As a result, PACIF had to raise its law enforcement liability rate by 28.2 percent and its law enforcement workers' compensation rate by 33.6 percent for 2016. To help our members stem future increases, we are building a comprehensive law enforcement risk management program in line with the recommendations of *The Final Report of the President's Task Force on 21st Century Policing*. VLCT Risk Management staff is currently working with PACIF members and outside law enforcement consultants to establish and deliver programs that will be useful to our member police departments.

**“Trust between law enforcement agencies and the people they protect and serve is essential in a democracy.”**

– *The Final Report of the President's Task Force on 21<sup>st</sup> Century Policing*

In December 2014, Barack Obama established the President's Task Force on 21st Century Policing. Comprising 11 professionals and academics in the fields of law enforcement (including Philadelphia's Police Commissioner, the Deputy Chief of Dekalb County, Georgia, and the Chief of the Tucson Police Department) as well as criminal justice, social justice, civil rights, and community action, this task force was charged with “identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust.” The task force heard testimony from more than 100 people from diverse stakeholder groups and also read many research articles and written testimony from other concerned individuals before issuing its report.

The report, released last May, begins, “Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.” The body of the report is organized in six main topic areas (or “pillars”): Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness. Each pillar is explained and has pointed recommendations with precise action items. Future issues of the *VLCT News* will provide information on each pillar.

According to Jim Baker, Director of Law Enforcement Operation and Support at The International Association of Chiefs of Police, “there is a way to control insurance costs by adopting the six pillars that were identified in *The Final Report of The President's Task Force on 21st Century Policing*. ... “Whether you like it or not, it's here to stay and will become the new way of policing in the future,” he says. “Vermont will miss an opportunity if it does not sit down and measure itself against the six pillars.”

To learn more, the 116-page Final Report is posted at [www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

— Joe Damiata  
Manager, Underwriting and Safety & Health Promotion

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## THREE NEW FACES

(continued from page 1)

[Beckett Business Services] and a freelance reporter for the *Williston Whistle*," she says, "I was able to see all that this community had to offer and become an involved part of it." The Town Manager encouraged her to become a Lister; she also became a member of the Zoning Board and the Development Review Board. "I was elected Town Clerk in 1999 and shortly thereafter realized that this is the absolute best position in municipal government," she says with unbridled enthusiasm. She was re-elected every three years, including twice while she was deployed with the Vermont Army National Guard, first to Kuwait in 2005 and then to Iraq in 2011. "Watching as women were given the right to vote on their own for the first time in Kuwait and then to witness the first elections in Iraq after Saddam Hussein was totally inspiring and gave me an even stronger appreciation for our governments (local, state, and federal), our individual rights, and in particular our right to vote," she says.

Deb is a Certified Vermont Clerk and Certified Vermont Treasurer and is also one of only 11 Certified Municipal Clerks in the state. She has also served Williston as Justice of the Peace, Town Agent, Trustee of Public Funds, Grand Juror, Cemetery Commissioner, and as a member of the 250<sup>th</sup> Celebration Committee when Williston commemorated its semiquincentennial in 2013.

Deb wanted to serve on the VLCT Board primarily to become involved at a greater level that benefits all aspects of municipal government. "I hope that my experiences and the experiences of the Town of Williston can be of service to the VLCT Board," she concludes.

Newport Mayor **Paul Monette** was born and grew up in Newport and attended public schools there. In 1982, after graduating from Lyndon State College with a B.S. in Meteorology, he left the area to work for Weather Services International near Boston. He returned to the Newport area in 1991, working for Vermont Creative Software in Richford until the company downsized. After a three-year stint as a computer consultant, Paul became Technology Coordinator at Newport City Elementary School, where he continues to work today.

(continued on next page)

## IRS EXTENDS DEADLINES FOR ACA REPORTING

**Please note this important update to notices published in the last two issues of the VLCT News.** On December 28th, the IRS announced it had extended the deadline for reporting and filing the new Affordable Care Act (ACA) tax forms. Employers who don't need more time are encouraged to follow the original schedule, but others may have up to two additional months to handle this paperwork.

In Notice 2016-4, the IRS announced that the deadline for providing to individuals the 2015 Form 1095 (-B and -C) would be delayed from February 1, 2016 to **March 31, 2016**. Similarly, the deadline for filing with the IRS Forms 1094 (-B and -C) would be delayed from February 29 to **May 31, 2016** for non-electric filers and from March 31 to **June 30, 2016** for electronic filers.

Because this delay might cause some employees not to receive their tax forms in time for the tax filing deadline of April 15<sup>th</sup>, the IRS indicated that these individuals will not be required to file amended tax returns and should instead keep all forms for their records in case of an inquiry.

The IRS *does* say that applicable large employers (ALEs) with 50 or more employees and health insurer entities should, if possible, produce and distribute the forms by the original deadlines. However, ALEs and insurers that use the extended deadlines will not need to file a request for an extension.

For further information, please review Notice 2016-4 at [www.irs.gov/pub/irs-drop/n-16-04.pdf](http://www.irs.gov/pub/irs-drop/n-16-04.pdf).

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## THREE NEW FACES

(continued from previous page)

"I have always been interested in municipal government and politics since attending Town Meeting with my father back in high school," he says. "I always had a goal of being involved in city government and one day becoming mayor" – a goal he achieved in 2009 after serving on the City Council for 12 years. "I strongly believe everyone should do some sort of public service during their lifetime," he adds. "It is very rewarding."

Paul currently represents Newport City as an appointed member of the Northeast Vermont Development Association and is also a member of the local airport advisory board. A strong believer in public service, he is a member of the Newport Rotary Club and is involved in various committee projects.

Paul sought membership on the VLCT Board of Directors because he felt he could offer a different, Northeast Kingdom perspective. Every area of the state – from the NEK to Burlington to Bennington to Brattleboro – faces many of the same issues, such as increasing property taxes and opiate addiction. It is crucial for VLCT "to play a key role in helping to craft legislation and

represent the municipalities' best interests to the folks at the State House," he says.

When asked what he hopes to achieve on the VLCT Board, he says he's not sure, "but initially I hope to be able to provide thoughtful input into the issues facing the VLCT board and municipalities." He thinks he'll bring a different perspective to the Board because, "as everyone knows, things can sometimes be a bit different in the Northeast Kingdom."

Because his father was a member of the U.S. armed forces, Stowe Town Manager **Charles Safford** grew up "all over the place," i.e., Columbus, Georgia; Leavenworth, Kansas; Colorado Springs, Colorado; and Burlington, Grafton, and Westminster, Vermont. His parents were both native Vermonters, so when his father retired, the family moved back to Vermont, where he graduated from Bellows Falls Union High School. Since then, other than when he was away at college, he has lived and worked almost entirely in Vermont: South Hero, Middlebury, Hardwick, Essex Junction, and Elmore.

His interest in municipal government arose from an internship in the City Manager's Office in Keene, New Hampshire. "I wrote their sign ordinance," he says. "I didn't

know what to major in [in college] and my father suggested municipal management. He said 'Someone has to manage public resources in a municipality, just like someone needs to manage resources in a private sector business,' which is what led me to knock on the Keene City Manager's door."

When asked why he wanted to be a VLCT Board member, Charles says that it was time to give back to an organization that has helped the communities he has worked for and helped him professionally. "I started out as the Hardwick Town Manager in my twenties," he says. "It was nice to have someone to phone and talk to when I needed to get my bearings. They only teach you so much in college; then you have to go live and make decisions that matter in your employees' and the citizens' lives." Having worked for a cross section of Vermont municipalities, he feels that he has "a pretty good perspective on the challenges municipalities are facing and what they have to offer."

Charles has been Stowe's Town Manager for eight years. Previously, he served as Essex Junction Village Manager, Hardwick Town Manager, and Administrative Assistant to the Middlebury Town Manager. He presently also serves on the VLCT VERB Board of Directors. He wanted to be on the VLCT Board because he has a broad perspective in Vermont, having lived and worked in so many different and diverse municipalities, and because he has served in Vermont local government for 27 years.

Like Paul, Charles doesn't have a specific agenda of issues to confront while on the VLCT Board of Directors, preferring to just listen and learn about the Board's responsibilities and how it operates. "I'll try to contribute where I can. I don't expect much to change," he says. "Hopefully, I will continue learning and be of service. If at the end, someone says thank you, then I have reason to believe the time was well spent."

*David Gunn, Editor  
VLCT News*

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

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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

**Town Administrator.** Derry, N.H. (pop. 34,000), is seeking an experienced, proactive, community-oriented leader to serve as its next Town Administrator. Derry is located along the I-93 corridor, 13 miles south of Manchester, N.H., and 43 miles north of Boston, Mass. The Town Administrator reports to a seven-member Town Council and oversees an operating budget of \$34.7 million and 226 full-time employees. Requirements: experience in municipal operations, staff development, and community problem solving; experience in community and economic development; strong interpersonal and written/verbal communications skills; Master's degree and at least 10 years of progressive municipal management experience preferred, or an equivalent combination of education and proven management experience. Salary to \$140K, commensurate with qualifications. Additional information is at [www.derry.nh.us](http://www.derry.nh.us) and [www.mrigov.com/career.html](http://www.mrigov.com/career.html) or contact Alan Gould, President, Municipal Resources, Inc., at 603-279-0352, ext. 320. To apply, please email a cover letter and resume as a PDF file attachment to [recruitment@mrigov.com](mailto:recruitment@mrigov.com) by **Monday, February 1.**

The Town of Derry is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, sex, national origin, disability, sexual orientation, or age. (12-29)

**Business Analyst.** Are you interested in joining a mission-driven organization staffed by dedicated colleagues? The Vermont League of Cities and Towns (VLCT) seeks a Business Analyst to work with its Risk Management Services (RMS) staff to serve our municipal membership. This position performs business analysis activities to define and validate solutions to meet the business needs, goals, and objectives of the organization. He or she provides analytical and reporting support across all operating units within RMS Department; assists in developing strategic and tactical initiatives and business processes; acts as liaison between the RMS and the Information and Communications Division; and utilizes technology to improve and enhance the efficiency and effectiveness of existing programs and assists with the development and implementation of new programs. This position requires a Bachelor's degree, preferably in

*(continued on next page)*

## VERMONT STATE INFRASTRUCTURE BANK (SIB) LOAN FUND

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) has low-interest loan funds available 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;
- Construct rail freight and intermodal facilities, and public transit facilities; and
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## CLASSIFIEDS

(continued from previous page)

a quantitative field. Three to five years of experience performing quantitative and qualitative analysis and data research in insurance, risk management or a related field required. CBAP or PMP certification preferred. Knowledge of municipal government is helpful. Salary range is \$48,500-72,000, commensurate with experience. A detailed job description is posted at [www.vlct.org/marketplace/classifiedads/business-analyst/](http://www.vlct.org/marketplace/classifiedads/business-analyst/). VLCT offers an excellent salary and benefits package, a convenient downtown Montpelier location, an enjoyable work environment, and great colleagues. To apply, please email a confidential cover letter, resume, and the names and phone numbers of three professional references to [jobsearch@vlct.org](mailto:jobsearch@vlct.org) with Business Analyst as the subject, or mail to VLCT, Human Resources, 89 Main Street, Montpelier, VT 05602. Position open until filled. EOE. (01-04)

**General Manager.** The Central Vermont Solid Waste Management District (CVSWMD), a union municipality consisting of 18 member towns, seeks a General Manager to work staff, board, and constituents to implement legislative mandates, our solid waste implementation plan, and grow our zero waste programming. The General Manager must be a strong organizational manager who can deliver innovative programming in a fiscally responsible manner. He or she will be responsible for personal management, ensuring compliance with state and federal laws, budgeting, planning, and providing technical assistance to the CVSWMD Board of Supervisors, local officials, and the public. Travel in the 18 member towns of the CVSWMD and evening meetings will be required on a regular basis. Qualifications: Bachelor's degree (Master's degree preferred) and at least five years of supervisory experience in a solid waste management, an environmental organization, or municipal government environment; a valid driver's license; and the ability to pass a criminal background check. Starting compensation, \$59,000 per year, plus paid benefits including sick and vacation leave and employer-sponsored health, dental, and vision insurance. Additional information is

posted at <http://www.cvswmd.org/employment--rfps.html>. To apply email resume, cover letter, writing sample, and three references to [administration@cvswmd.org](mailto:administration@cvswmd.org), or submit to General Manager Search, CVSWMD, 137 Barre Street, Montpelier, VT 05602. **Applications accepted until February 9, 2016.** (01-04)

**Finance and Office Manager.** The Central Vermont Regional Planning Commission (CVRPC) is seeking a Finance and Office Manager to complement our team of professional staff. The Finance and Office Manager performs administrative, financial, and business management work at a professional level to insure the organization's financial health and smooth operations. Requirements: attention to detail, the skills of a diplomat, the ability to respond quickly to changing workloads and to work independently; good interpersonal skills; a degree in accounting or related discipline; and three to five years in a similar position. Relevant knowledge of federal grants management and contract administration is highly desirable. A full job description is posted at [www.centralvt-planning.org](http://www.centralvt-planning.org). To apply, email a cover letter, resume, salary expectations, and three references to [Waninger@cvregion.com](mailto:Waninger@cvregion.com). Position open until filled. Desired start date is March 2, 2016. Equal Opportunity Employer. (01-05)

**Town Manager.** The Town of Wolfeboro, New Hampshire (approx. year-round

pop. 6,200; summertime pop. to 20,000), is seeking an experienced, community-oriented leader to serve as its next Town Manager. This desirable community, known as "America's Oldest Summer Resort," is located on the shores of magnificent Lake Winnepesaukee, and provides a high quality of life in a picture-book New England setting. With a traditional New England form of government, the Town has an operating budget of \$25 million, excluding schools, and employs 85 full-time and 45 part-time and seasonal staff. The Town Manager reports to a five-member Board of Selectmen. The successful candidate will have strong experience in local government operations, communication, finance, human resources, and analytical skills. A Master's degree in a related field is preferred, with at least seven years of relevant experience. Salary range, \$90,000-\$100,000, commensurate with qualifications. Visit [www.wolfeboronh.us](http://www.wolfeboronh.us) and [www.mrigov.com/career.html](http://www.mrigov.com/career.html) for additional information. For more information related to the search or Town and candidate profiles, contact Alan Gould, President, Municipal Resources Inc., at 603-279-0352, x-320. Please email a cover letter and resume as a PDF file attachment to [recruitment@mrigov.com](mailto:recruitment@mrigov.com) by Monday, February 8, 2016. The Town of Wolfeboro is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, disability, sexual orientation, or age. (01-07)



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## ASK THE LEAGUE

(continued from page 5)

committee, a special meeting of the fire district may be held to elect someone to the position. Such a meeting may be called on application in writing by three or more voters of the district, or by five percent of the voters of the district, whichever is greater. 20 V.S.A. § 2483. The person elected at such time would serve out the remainder of the unexpired term of the person who created the vacancy.

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

### Should the moderator answer legal questions at town meeting?

No.

The moderator plays an important role at town meetings. In towns not using the Australian ballot system, the first order of business at town meeting must be to elect a moderator, whose authority resides in Title 17 Section 2658 of the Vermont Statutes Annotated. The moderator is the presiding officer of the meeting, deciding procedural questions, preserving order, and declaring voting results. Put plainly, the moderator's main objective is to guide the meeting and play referee, ensuring the business of the meeting proceeds fairly and efficiently.

The moderator has other duties, including potentially approving the town meeting minutes and preserving order in the conduct of business and in debate, which may include ordering the removal of persistently disorderly persons. 17 V.S.A. § 2659; 24 V.S.A. § 1152. Robert's Rules of Order is a key tool aiding the moderator in his or her role as the meeting's referee. Unless a town has adopted other rules of order, Robert's Rules must be used, except in instances where a specific state statute applies. 17 V.S.A. § 2658. Although the voters cannot change state statute they may vote (by a two-thirds majority) to alter the application of Robert's Rules.

If the moderator is confronted with a legal question, he or she should not endeavor to answer it. As the impartial guide of the meeting, the moderator is limited to deciding procedural questions and performing other non-legal functions such as making a public declaration of votes.

Sometimes the moderator is asked to perform a function or answer a question that is outside the role of his or her office. For instance, if the legality of an amendment is called into question, the moderator should

either consult with the town attorney or decline to answer. Similarly, the moderator should avoid deciding if a particular article on the town meeting warning is legal.

What if the moderator is asked to determine the eligibility of a voter? The moderator might personally know, as a fact, that the individual is eligible to vote. Even so, it is the Board of Civil Authority's duty to decide this legal question, not the moderator's.

Importantly, the moderator facilitates the will of the voters. If the moderator is in doubt about a situation and can't find an answer in Robert's Rules of Order, he or she should ask the voters how they wish to proceed. The voters also have the authority to overrule decisions made by the moderator. The moderator should only decide procedural questions using Robert's Rules of Order and relevant state statutes. When faced with a substantive law question, the moderator should consult the town attorney, and – if he or she is not present – decline to answer.

If necessary, the town can reconsider the issue at a subsequent meeting. Avoiding legal questions will both maintain the impartiality of the moderator and also go a long way in gaining the respect of the voters.

For more information on the position of town moderator, please consult the chapter on moderators in the *VLCT Handbook for Vermont Town Officers*, available online at <http://www.vlct.org/league-resources/handbooks-online/>. Also see *A Handbook for Vermont Moderators* (2009) published by the Vermont Secretary of State's Office and available online at <http://www.sec.state.vt.us/>. Copies of *Robert's Rules of Order, Newly Revised 11th edition* are available for purchase online at [www.vlct.org/bookstore/](http://www.vlct.org/bookstore/).

*Carl Andeer, Staff Attorney I  
VLCT Municipal Assistance Center*

## STAFF NEWS

Last time, we reported that **Carl Andeer** was the Municipal Assistance Center's new Municipal Research and Information Associate. Since then, however, he has been promoted to Staff Attorney 1, replacing **Gwynn Zakov**, who, you'll recall, assumed the new Public Policy and Advocacy Department role of Municipal Policy Advocate. For those of you who rely on MAC for legal research, have no fear. The appropriately named **Heather Law** has assumed the role of Municipal Research and Information Associate. Heather is an eighth generation Vermonter who is descended from local farmers with roots (ha) in Washington and surrounding counties. She graduated from Norwich University with an undergraduate degree in Political Science plus an MPA with a focus on Public Policy. Before arriving on VLCT's doorstep, Heather spent many public sector years working in higher education, nonprofit insurance, and government service. And although an anagram of her name is "whale hater," she assures us that she harbors no ill will towards her cetacean colleagues. In fact, she's read the first few chapters of Moby Dick "several times and find myself rooting for the whale."

December marked the end of VLCT's Risk Management Internship, which was skillfully filled by **Brian Story**, a Master of Public Administration candidate at UVM. For a total of nine months, Brian worked under the guidance of Risk Management Services Deputy Director David Sichel on a series of special projects to support and supplement VLCT staff in operating VLCT PACIF and the VERB Trust. In addition to accompanying Dave to the State House and to various meetings with members, Brian applied his potent information-wrangling skills to organizing, analyzing, and presenting claims data. Like all good internships, this one proved to be valuable to both the individual and the organization. We wish Brian well – or *extremely* well, really – as he proceeds with his career in public administration.

Meanwhile, **Jeremiah Breer** has been promoted to Deputy Chief Financial Officer for the Trusts, **Jen Woodward** has been promoted to Senior Property and Casualty Claim Representative, and **Milly Archer**, VLCT Water Resources Coordinator, just celebrated ten years of VLCT service. Way to go, persons!





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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.

**LOCAL GOVERNMENT DAY IN THE LEGISLATURE**  
**Wednesday, February 10**  
Capitol Plaza Hotel and Conference Center,  
Montpelier

**TAX APPEALS WORKSHOP**  
**Tuesday, May 3**  
Lake Morey Resort, Fairlee  
**Tuesday, May 10**  
Holiday Inn, Rutland

**GOVERNMENTAL ACCOUNTING AND AUDITING**  
**Wednesday, June 8**  
Capitol Plaza Hotel and Conference Center,  
Montpelier

**SPRING SELECTBOARD INSTITUTE**  
**Saturday, March 12**  
Capitol Plaza Hotel and Conference Center,  
Montpelier

**HR/EMPLOYMENT LAW WORKSHOP**  
**Thursday, June 2**  
Capitol Plaza Hotel and Conference Center,  
Montpelier

**SPRING PLANNING AND ZONING FORUM**  
**Wednesday, June 15**  
Lake Morey Resort, Fairlee

**SPRING AUDITORS WORKSHOP**  
**Tuesday, March 29**  
Capitol Plaza Hotel and Conference Center,  
Montpelier

**DELINQUENT TAX COLLECTORS WORKSHOP**  
**Wednesday, April 6**  
Lake Morey Resort, Fairlee

**Save the Date!**



Vermont League of Cities & Towns  
**TOWNFAIR2016**  
October 6, Champlain Valley Expo

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