

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

March 2016

VERMONT BETTER ROADS PROGRAM: MORE FUNDING AND A NEW NAME

Applications due April 15



Before: berm directs runoff onto road (above). After: stone-lined ditch stabilizes road surface and prevents erosion (right).



History. Established in 1997, the Better Backroads Program of the Vermont Agency of Transportation (VTrans) provides financial and technical assistance to support municipal road projects that protect and improve water quality in Vermont's lakes and streams. These road projects also lower maintenance costs. The program had previously been under the direction of the Northern Vermont Resource Conservation and Development Council until 2013, when VTrans as-

sumed its management and implementation in coordination with the Department of Environmental Conservation of the Vermont Agency of Natural Resources (ANR DEC). The program's focus has been to inventory, prioritize, plan, and correct road-related erosion problems through cost-effective road drainage and erosion control techniques on municipal gravel back roads.

Program Changes. With additional funding in FY17 from the Transportation Bill and Act 64, the program now also includes paved municipal roads, hence the slight name change to Vermont Better Roads. The program is adding two additional grant categories (C and D) and increasing the maximum grant amounts as follows:

- Category A. Road Erosion Inventory and Capital Budget Planning, increased from \$4,000 to \$8,000 state cap with a \$2,000 local match.
- Category B. Correction of a Road Related Erosion Problem and/or Stormwater Mitigation/ Retrofit for both gravel and paved roads, increased from \$10,000 to \$20,000 state cap with a \$5,000 local match. Examples include rock- or grass-lined ditches, road drainage turnouts, stone

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GOOD-BYE AND WELCOME

Town Meeting Day marks a moment of change in Vermont local government. Each year we say farewell to those who have served their towns for a few or for many years and welcome newly elected and appointed local officials to the ranks of municipal government. So we enter the process with a mix of nostalgia and excitement: nostalgia, as we see good friends step down and move to another phase in life or another volunteer opportunity, and excitement as we look to new direction, renewed energy, and untapped inspiration.

Therefore, we thank you who are moving on, for your service, your commitment to your community, your dedication to making things better and for leaving your mark on Vermont local government.

And we welcome you newcomers, with your enthusiasm and your desire to provide leadership and service to your community. We at the Vermont League of Cities and Towns applaud your willingness to take on this challenge and look forward to working with you as you get acclimated in your position and learn the specifics of your new duties. We are here to assist you and are only a phone call or an email away. We will contact you soon and look forward to hosting you at training sessions, responding to inquiries you have, listening to your concerns, advocating on your behalf, and helping you accomplish the goals of your community.

To all of you: congratulations, and a heartfelt thank you for your service!

*Maura Carroll
Executive Director, VLCT*

From the Executive Director

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IT'S NOT TOO SOON TO PREPARE FOR PROPOSED FLSA CHANGES

The U.S. Department of Labor (DOL) is proposing major changes to its overtime rules under the Fair Labor Standards Act (FLSA). The FLSA is the federal law that, among other things, requires overtime compensation for many employees (known as “non-exempt” employees) who work more than 40 hours in a workweek. The overtime rules, however, do not apply to certain classes of employees who are considered “exempt” from the law. According to the International Public Management Association for Human Resources (IPMA-HR), the proposed changes would extend overtime compensation eligibility to 4.6 million employees nationwide who are currently classified as exempt. While the final FLSA rules may not be announced until this summer or fall, municipalities can start preparing now by assessing how the changes could affect their payrolls.

Because the proposed rule changes relate to the FLSA's exemptions, smaller towns that employ only non-exempt employees, such as road crew members, will be unaffected. Non-exempt employees are usually those who are paid an hourly wage or who work on a salary

basis but do not meet the requirements of the job duties tests noted below. Likewise, the rule changes will not affect firefighters or law enforcement positions.

Currently, the FLSA specifically exempts from its provisions certain so-called “white collar” employees when all of the following conditions are met:

- the employee is paid on a salary basis;
- the salary is at least \$455 per week (\$23,440 per year) regardless of number of hours worked;
- the employee's work meets the job duties test requirements of at least one of the exemptions outlined by the DOL under the Executive, Administrative, or Professional exemptions (See fact sheets on these exemptions on the DOL website at <http://www.dol.gov/whd/flsa/>); and
- the employee's primary duty is exempt work.

The DOL has not proposed specific changes to the job duties tests; however, it is considering questions such as whether to limit the

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Vt. BETTER ROADS PROGRAM

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check dams, splash pools and Green Stormwater Infrastructure (GSI) management practices.

- Category C. Correction of a Stream Bank or Slope Related Problem, capped at \$40,000 state with a \$10,000 local match. Projects involving stream and river/road conflicts must have consultation with an ANR River Management Engineer or Army Corps Engineer prior to submittal of an application. Examples include stream bank stabilization or restoration and stone-lined slopes.
- Category D. Structure / culvert upgrades, capped at \$40,000 state with a \$10,000 local match. Examples include culvert and structure upgrades and replacements, culvert head cut, and gully stabilizations.

The Vermont Better Road grants represent a maximum of 80 percent of the total project cost. A minimum 20 percent local match is required and can be met through payment in cash as well as services such as staff time and use of equipment, as long as that in-kind service is not funded by state or federal dollars.

Scoring Criteria. For many years, all applications for Category A planning grants have been funded. Priority funding will be given to those projects identified as part of a Category A

planning grant, tactical basin plan, culvert inventory and to towns that have not yet received a Vermont Better Roads grant. (Tactical basin plans are prepared by DEC and prioritize sub-basins of Vermont's major watersheds for enhanced monitoring, assessment, planning, and project development.)

The FY17 Vermont Better Roads application (http://vtransengineering.vermont.gov/sites/aot_program_development/files/documents/ltf/FY2017%20Vermont%20Better%20Roads%20Grant%20Program.pdf) includes detailed guidelines for scoring projects. **The application deadline is Friday, April 15, 2016.**

Intersection between Better Roads Program and DEC's Municipal Road General Permit. The Municipal Roads General Permit (MRGP) is currently under development, but municipalities can get ahead of the curve by taking advantage of the technical and financial assistance offered under the FY17 Vermont Better Roads Grant Program. By the end of this year, DEC is slated to

have a draft general permit with a final permit completed by January 2018. Permit coverage will be phased in between 2018 and 2021, with a 20-year implementation schedule prioritized by water quality benefits and based on individual municipal transportation capital plans.

The purpose of the roads permit is to bring priority road drainage systems up to basic maintenance standards that meet water quality standards. The MRGP standards will be consistent with the current VTrans Road and Bridge Standards, and will likely include measures such as stone-lined ditches, check dams, drainage turn outs and GSI management practices. Under the MRGP, municipalities will develop a Road Stormwater Management Plan, which will identify the sections of their road networks that are connected to surface waters through ditches, culverts, or other drainage structures and determine if the road and drainage systems meet the new permit standards. The road sections that do

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THE POST-TOWN MEETING PROCESS

(This article updates an article that appeared in the March 2013 and March 2014 editions of the VLCT News.)

The gavel has come down and the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the numerous post-meeting legal requirements that are found in Vermont statutes.

The Official Record. Under state law, the town clerk must record "all proceedings of all town meetings." 24 V.S.A. § 1152. There is no requirement that the clerk create a full transcript of the meeting, but the record should at least include the following information: all articles introduced, the substance of any motions made, the identity of the motion-makers and of those who spoke in regard to the articles and motions, and the results of all votes taken. Once it is created, the record must be approved by any two of the following officials who were present at the meeting: moderator, selectpersons, and justices of the peace. The clerk must request approval of the record from these officials within seven days after the meeting and the request must be given prompt consideration.

Certifying Elections. State law mandates that the town clerk report the election of certain officials. Certificates of election can be found on the Elections Division page of the Secretary of State's Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>.

- **Town Clerk:** File a certificate of election or appointment and a copy of the official oath with the county clerk within six days of the election or appointment. This certificate must be signed by the moderator if the clerk is elected from the floor; by the chair of the board of civil authority if the clerk is elected by Australian ballot; or by the selectboard if the clerk is appointed. 24 V.S.A. § 1151.
- **Treasurer:** Report the name of the town treasurer to the state treasurer on or before July 1st of every year. 24 V.S.A. § 1166.
- **Selectpersons:** File with the secretary of state a list of the names and addresses of selectpersons elected and notify the secretary of state of any changes in the list as filed. 17 V.S.A. § 2665.
- **Lister:** Names, post office addresses, and lengths of term of office of each lister must

be reported to the director of the Division of Property Valuation and Review after each annual meeting and in the event that a lister is appointed to fill a vacancy. 24 V.S.A. §1168.

- **First Constable:** Certify the name and post office address of the person elected to the county clerk. 24 V.S.A. § 1169.
- **Justice of the peace:** Send or deliver to each candidate that is elected a certificate (on a form provided by the secretary of state) signed by the town clerk and one other election official. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and notify the secretary of state of any changes in the list as filed. 17 V.S.A. § 2592(i).

Announcing and Reporting Votes. The clerk's post-town meeting responsibilities also include reporting certain actions taken by the voters at town meeting. Within five days of the meeting, the clerk must certify votes on all financial actions (raise taxes, borrow money, make any appropriation) to the town treasurer and selectboard chair. 24 V.S.A. § 1167. If the townspeople voted to amend their town charter, the clerk must, under direction of the local legislative body, announce and post the results of the vote immediately after it is counted; within ten days, the clerk must certify facts of the origin and procedure followed for each amendment adopted, if any, to the secretary of state and certify the result before any subsequent action on the amendment by the Vermont Legislature. 17 V.S.A. §§ 2645(b), 2663.

Towns that conduct elections by Australian ballot have different reporting requirements depending on how votes are tabulated. In towns that count by hand, the presiding officer must publicly announce the results when each summary sheet is completed. For those that use vote tabulating machines, the presiding officer may publicly announce the results from the tabulator tape and post them as "unofficial incomplete results" in the polling place. The clerk must deliver one certified copy of the election

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return to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk within 48 hours of the close of the polls. 17 V.S.A. § 2588.

Appointing Assistants. After his or her election, the town clerk must appoint at least one assistant. 24 V.S.A. § 1170. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the treasurer fails to appoint an assistant within ten days of a selectboard's request to do so, the selectboard may appoint one for him or her. The clerk's assistant must be sworn into office. 24 V.S.A. § 1171. A record of the assistant clerk's appointment must be certified by the clerk and a copy of the assistant's oath must be deposited with the county clerk. 24 V.S.A. § 1172. Appointments for both offices must be recorded in the town clerk's office.

Administering Oaths of Office. A handful of town officers must be sworn into office before carrying out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); selectpersons, justices of the peace, constables, listers, grand jurors, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). State law prescribes different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. The clerk's oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary or clerk of either chamber of the Vermont General Assembly; or by the governor. A listing of the different oaths of office is posted on the Elections Division page of the Secretary of State's Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>.

Settling Accounts. When a new treasurer is elected, his or her predecessor must immediately pay over to his or her successor all funds belonging to the town and town school district and deliver all books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if there is a change regarding the collection of taxes, the predecessor collector must give the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and re-issued to the new collector, who must in turn provide a receipt for them. 32 V.S.A. § 4671.

Bonding Requirements. Certain officers and employees must provide a bond

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UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

SPRING SELECTBOARD INSTITUTE

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

Focused on the varied roles and responsibilities of Vermont selectboards, the *Spring Selectboard Institute* provides indispensable training for newly elected members. More seasoned selectboard members as well as staff members who report to a selectboard will also benefit from attending. The program is highly interactive and designed to encourage learning from one another's experiences. Topics will include a review of the quasi-judicial roles of the selectboard, understanding Vermont's Open Meeting Law, municipal highway law, and drafting local ordinances as well as information on upcoming municipal road permitting and proposed changes to the federal Fair Labor Standards Act. Updates on the legislative session, risk management services, and our new Human Resources Assistance Program will be provided by VLCT staff.

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. Auditors face the sometimes daunting task of auditing the accounts of local government. Municipal finances have become increasingly complex, requiring greater oversight to ensure appropriate fiscal controls are in place to prevent misuse or mismanagement of funds and ensure accurate financial reporting. At this workshop, we will scrutinize the role and responsibilities of the elected auditor and provide tools you can use to audit your town's accounts. Newly elected auditors will be able to better prepare for next year's audit after attending this workshop.

DELINQUENT TAX COLLECTORS WORKSHOP

Wednesday, April 6, Lake Morey Resort, Fairlee

This workshop will explain the legal requirements and practical logistics for the efficient collection of delinquent municipal property taxes. Guest speaker and practicing attorney Kevin O'Toole will review the tax sale process in detail and offer best practice pointers for all of the statutorily required steps. VLCT staff attorneys will provide a dynamic mix of legal advice and practical solutions along with ample opportunities to ask questions and share experiences. This workshop is designed for all officials involved in the local tax collection process. Collectors of current and delinquent taxes, treasurers, town managers, town administrators, constables, and selectboard members are all encouraged to attend.

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

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LEGAL AND REGULATORY NOTES



ASSESSMENT OF COMMON LANDS; CLASS 4 HIGHWAY DECISIONS UPHELD; DISMISSAL OF TAX APPEAL UPHELD

Vermont Supreme Court Addresses Assessment of Condominium Common Lands Located in Two Towns

Vermont law instructs that all properties must be assessed at their fair market value. Fair market value is "the price which a piece of property will bring in the market when offered for sale and purchased by another, taking into consideration all the elements of the availability of the property, its use, potential and prospective, and all other elements which combine to give a piece of property a market value." *Petition of Mallary*, 127 Vt.

412 (1968). Assigning a value to this elusive concept is difficult enough to do when a parcel of land is wholly located within the territorial limits of one town, but how is it to be achieved when that parcel is a condominium with common property located in two towns? That was the question before the Vermont Supreme Court in the case of *John T. Adams, II v. Town of Sudbury*, 2016 VT 11.

This case concerns a portion of a 26.9-acre condominium community known as Wancee Villas and Resorts (Wancee) in which the appellant taxpayer, John T. Adams, II, owns three units. Almost all of Wancee rests in the

Town of Hubbardton, with the exception of 1.29 acres of common land located in the Town of Sudbury. The valuation of that common land was the subject of this appeal.

There is a long, rich history of disagreement between taxpayer Adams and the Town of Sudbury regarding the assessment of his property, but for purposes of this case, Adams' dispute begins in 2012 when, as part of a town-wide reappraisal, the town assessed the portion of common land located within its borders at \$177,445, taxing Adams as one of the unit owners at his percentage ownership in Wancee. In assessing his property, the town adhered to the Vermont State law governing taxing common elements, which instructs,

[N]o separate tax or assessment may be rendered against any common elements for which a declarant has reserved no development rights; provided, however, that if a portion of the common elements is located in a town other than the town in which the unit is located, the town in which the common elements are located may designate that portion of the of the common elements within its boundaries as a parcel for property tax assessment purposes and may tax each unit owner at an appraisal value pursuant to 32 V.S.A. § 3481.27A V.S.A. § 1-105(a)(2).

Adams, after appealing unsuccessfully to the Sudbury Board of Civil Authority and then to Rutland Superior Court, raised three arguments before the Vermont Supreme Court: (1) The state law governing assessment of common elements of condominium communities violated both the U.S. and Vermont constitutions in that it results in condominiums having common land in two towns being taxed at a higher rate than condominiums with common land in just one

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town; (2) the Town of Sudbury's valuation of the common land was neither supported by the evidence nor representative of fair market value; and (3) all Wanece unit owners should have been taxed equally with respect to the common land, rather than according to their individual ownership interests.

With respect to Adams' first claim, the court looked first at whether the tax was established for a reasonable purpose and bore a reasonable relation to that purpose; and second whether it was applied fairly so that similarly situated taxpayers were treated alike. This tax survived scrutiny as to both criteria because, according to the court, "it creates a tax regime that is not only reasonable but also results in fair and uniform tax treatment if implemented properly." This was not the first time that the court had addressed the issue of taxing a parcel of land spanning two towns, though it was the first occasion for it to review such land belonging to a condominium community. In its previous case of *Vanderminde v. Town of Wells*, 2014 VT 49, the court held that towns could tax portions of parcels not wholly located within their own boundaries, "so long as the combined valuation of each portion does not exceed the actual fair market value of the entire piece of land." The law Adams challenged, 27A V.S.A. § 1-105(a)(2), comports well with the court's holding in *Vanderminde* because it allows towns to look at the estimated fair market value of the entire parcel of land and tax the value of the portion of that land lying within its boundaries.

Adam's second claim suffered the same fate as the first with the court ruling that the town's practice of adjusting actual sales data with factors specific to the parcel (e.g., land quality, depth, and lake frontage) as well as its methodology for calculating the degree of adjustment for each factor was well within its discretion of valuing property at fair market value.

Finally, the court rejected Adams' third claim that the town improperly apportioned the tax burden of the common lands to each of the condominium owners in Wanece equally rather than according to their percentage ownership interest. In thus ruling, the court relied upon another pertinent statute, 27 V.S.A. § 1310, that provides that "the common expenses shall be charged to the apartment or site owners according to the percentage of the undivided interest in the common areas and facilities." The "common expense" in this case was the

tax assessed upon the common property, so it was reasonable, according to the court, for the town to apportion it as it did.

Adams v. Sudbury and its predecessor *Vanderminde* are important cases for towns with parcels that straddle town borders because they affirm the town's ability to tax those parcels, and they illustrate how to do so in a manner that will survive legal challenge.

This case is archived at <https://www.vermontjudiciary.org/LC/Supreme%20Court%20Published%20Decisions/op14-465.pdf>; *Vanderminde v. Town of Wells*, 2014 VT 49 is archived at <https://outside.vermont.gov/dept/VTLIB/Documents/Vanderminde.pdf>.

Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

Vermont Supreme Court Upholds Town's Decisions Regarding Class 4 Highway

In 2002, the Vermont Supreme Court declared that towns have a great deal of discretion to determine whether and to what extent to maintain class 4 town highways. *Town of Calais v. Cty. Road Comm'rs*, 173 Vt. 620 (2002). The court based its decision on the difference in the way that Vermont statute addresses class 1, 2, and 3 highways compared to the way it addresses class 4 highways. Whereas a town "shall keep its class 1, 2, and 3 highways and bridges in good and sufficient repair during all seasons of the year," the town's class 4 highways "may be maintained to the extent required by the necessity of the

town, the public good and the convenience of the inhabitants of the town." 19 V.S.A. § 310. As the court noted in the *Calais* case, however, the town's discretion regarding its class 4 highways is not unlimited; decisions must be made pursuant to the town policy and may not be arbitrary or discriminatory.

The court had occasion to revisit its *Calais* decision in the recent case of *Demarest v. Town of Underhill*, 2016 VT 10. The case involved Town Highway 26, a class 4 highway in the Town of Underhill. In the years since 2010 when the highway was reclassified to class 4, the town did only periodic maintenance to the roadbed and its underlying culverts. Not satisfied with the extent of this maintenance, several landowners with property on the highway requested that the county road commissioners intervene pursuant to 19 V.S.A. §§ 970 et seq. and require that the town repair the road. Those statutes give commissioners the authority in certain cases to order a town to make highway repairs if they deem necessary. In the *Demarest* case, the commissioners did in fact order the Town of Underhill to provide maintenance and repair of TH26 and to replace five of the highway's culverts to the tune of \$68,000. The town opposed the commissioners' order and appealed it first to the superior court and then to the Vermont Supreme Court.

The latter court found that the county road commissioners had overstepped their

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On-Site BCA Training – Effective Property Tax Appeals

Staff attorneys from the Municipal Assistance Center will travel to your town office to conduct training for all members of the Board of Civil Authority – selectboard members, town clerks, justices of the peace – as well as listers and hired/appointed appraisers. It will cover:

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Leadership in Police Organizations (LPO) #12

Vermont Fire Academy, 93 Davison Dr, Pittsford

Length of course: 124 hours = one 3-hour orientation plus three 1-week sessions

8:00 a.m. to 4:00 p.m. Monday through Friday for the weeks listed below

This is Vermont's 12th instance of the LPO course, an intensive three-week leadership training course created by the International Association of Chiefs of Police (IACP) and conducted in conjunction with the Vermont State Police, the Burlington Police Department, and the Vermont League of Cities and Towns. *See related article on page 9.*

Tuition: Free, but meals and lodging are the responsibility of the sponsoring agency. To inquire about limited overnight lodging at the VPA, email Steven Coote at Steven.Coote@vermont.gov immediately. If the VPA is full, email losscontrol@vlct.org to ask if your municipality has 2016 PACIF Scholarship funds remaining to assist with lodging costs.

Registration: Applicants must obtain permission through their chain of command and forward all registration requests to Steven Coote at the VCJTC Office of Professional Development.

Documents required in Registration Packet:

1. Letter of support from Agency Head outlining benefit to applicant and agency
2. Completed Academy in-service training application (posted in this course description at <http://vcjtc.vermont.gov/training/courses/leadership>)

Dates for LPO #12, Fall 2016

Registration Packet Due.....	July 1
Orientation.....	August 3
Week 1.....	Aug. 29 - Sept. 2
Week 2.....	October 3 - 7
Week 3.....	Oct. 31 - Nov. 4
Final Presentations.....	TBD

Note: LPO #11, Spring 2016, is filled and no longer accepting applications.

Below 100 Intensive

South Burlington Police Department

Monday, April 25, 8:00 a.m. to noon

The U.S. has averaged 150 law enforcement officers killed per year for the last ten years. This training's aim is to reduce the number of Line of Duty Deaths (LODDs) to below 100 per year by instilling a culture of safety in law enforcement agencies and reducing preventable risks in operational areas. Instructional methods include lecture, guided discussion, and video case studies. For more information, please visit Below100.org. This is a prerequisite for the afternoon Train-the-Trainer class. Both are Free.

Below 100 Train-the-Trainer

South Burlington Police Department

Monday, April 25, 1:00 p.m. to 5:00 p.m.

Become a Below 100 instructor; bring this valuable information back to your and other agencies. Free.

Note: Anyone desiring to become an instructor for *Below 100* needs to attend the whole day of training.

Fair and Impartial Policing (FIP)

Vermont Police Academy

Monday, March 21, noon to 4:00 p.m.; Wednesday, June 22, noon to 4:00 p.m.; Monday, October 3, noon to 4:00 p.m.

As of July 1, 2012 all new police officers are statutorily required to have "anti-bias training approved by the Vermont criminal justice training council" (20 V.S.A. § 2358(e)), and the Council has approved this four-hour course as meeting this requirement. FIP is based on scientific research showing that even well-intentioned humans (including police officers) manifest unconscious biases that can affect their perceptions and behavior. By practicing FIP, officers are more effective, more just, and safer. Free, but lunch is not included.

Note: *Search and Rescue*, another statutorily required class for new officers, is offered the mornings of the same days as *Fair and Impartial Policing*. It must be registered for separately.

CALLING ALL 2015 UI ANNUAL WAGE REPORTS

In late January, all members of the VERB Trust's UI Program should have received a letter and an email from Kelley Avery asking them to complete their group's 2015 UI Annual Wage Report. The Excel file to use this year was attached to the email and can also be downloaded from our Unemployment Insurance webpage, <http://www.vlct.org/rms/unemployment-insurance-trust/>.

Your completed 2015 wage report is instrumental in determining your 2017 contribution, so please follow the instructions in the Excel file carefully.

- Include wages for all **full-time, part-time, temporary, and seasonal employees** who worked for your municipality in 2015.
- **Do not include wages** for any elected officials or non-salaried volunteer firefighters, ambulance workers, or EMTs, as these workers are not eligible for unemployment insurance.
- **Provide only one entry per employee.**
- Include employee department info for each employee listed so that we can provide you with your breakdown. If you leave this field blank, we will assume you do not wish to receive a breakdown.
- Use **only** the new 2015 report file provided, as there have been updates to the file since last year.
- Return your completed report to Kelley Avery **in Excel file format (not a PDF file)** by May 6, 2016.

If you have any questions regarding the above information, please contact Kelley (kavery@vlct.org or 800-649-7915).

HEALTH ADVOCATE FOR ALL

Health Advocate, Inc. is the nation's leading independent healthcare advocacy and assistance company. The VERB Trust offers this benefit *at no additional cost* to VLCT members who were enrolled in the Health Trust on December 31, 2013. This service is also available to all other VLCT members at the low

(continued on next page)

PACIF

Workers' Compensation, Property, Auto, Crime
 General, Law Enforcement, Public Officials, and Employment Practices Liability
 Loss Control Consultation, Safety Programs and Training, WorkStrong

MENT SERVICES

HEALTH ADVOCATE

(continued from previous page)

monthly cost of \$1.55 per subscriber. Below is just a sampling of some of the primary services Health Advocate provides.

- A Personal Health Advocate assigned to each subscriber
- Coverage not only for the employee, but also the spouse, dependent children, parents, and parents-in-law
- 24 hours, 7 days a week access via a toll-free assistance hotline
- Insurance claims resolution
- Assistance with correcting billing errors
- Explanation of coverage and plan details, **including Medicare assistance**
- Assistance with eldercare issues
- Help with serious or chronic conditions
- Answers to questions regarding medical terms, tests, medications, and treatments
- Finding the best doctors and hospitals
- Locating and researching treatments for a medical condition
- Securing second opinions
- Scheduling appointments with hard-to-reach specialists

Health Advocate's team of professionals can assist your employees with navigating aggravating health care issues, particularly with claims and coverage. They are also well versed in Medicare issues and coverage options, which can be very confusing to employees approaching Medicare eligibility. The health insurance landscape gets increasingly more complicated with each passing year, and the professionals at Health Advocate are trained to assist employees with these types of questions or complications. If your group does not already have this program at no cost (as explained above) and you are not taking advantage of this invaluable program for your employees, we encourage you to sign up today! For questions regarding Health Advocate, or to request brochures or to sign up for services, please contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

TEAMWORK + PROBLEM SOLVING IN POLICE LEADERSHIP

When current managers and supervisors retire, law enforcement agencies, like all employers, need qualified leaders to fill the vacated positions. A national professional development program specifically for law enforcement personnel – sworn officers of all ranks and also their non-sworn colleagues – has become a strong and effective resource for police agencies across Vermont. The **Leadership in Police Organizations (LPO)** course, a product of the International Association of Chiefs of Police (IACP), has been embraced by the Vermont State Police (VSP), the Burlington Police Department, and VLCT PACIF as an important tool in developing law enforcement leaders. LPO uses a collaborative approach that thrives on participation from law enforcement groups of all types, including state police; other state departments including Fish and Wildlife, Motor Vehicles, and the Office of the Attorney General; local police; county sheriffs; and campus police. Vermont's LPO courses welcome attendants from inside our borders as well as from neighboring jurisdictions. In the ten times that the LPO training has been held in Vermont, only a handful of Vermont municipalities have put more than one officer through the LPO training, which means many other cities and towns have yet to make good use of this excellent resource.

There is no fee for this training because the costs are covered by VSP, the Vermont Criminal Justice Training Council (VCJTC), and PACIF. Even so, as with most worthwhile endeavors, an investment of time is necessary. Each LPO course starts with a half-day orientation, then meets for one full week a month in three consecutive months. The first week, all students become

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2016 RMS CALENDAR

PACIF's Annual Workers' Compensation Audits. February to April 2016. PACIF members should expect an email or phone call from Larry Smith or an Underwriting team member (Pam Fecteau, Vicky Abare, or Susan Benoit) to schedule a time to review 2015 pay records in order to reconcile 2015 contributions.

VSHC Fall Prevention Day for Southern Vermont. Tuesday, March 8, 8:00 a.m. to noon, River Valley Technical Center (Howard Dean Education Center), 307 South Street, Springfield. Informative workshops and vivid demonstrations of DBI/Sala Fall Prevention equipment. Registration required: free for members of VSHC or ASSE and for host facility tech students; \$25 for others. Lunch included for attendees. Find more information and register at <http://vshc.org/calendar/?month=mar&yr=2016>.

VSHC Fall Prevention Day for Northern Vermont. Wednesday, March 9, 8:00 a.m. to noon, Swanton Village Complex, 120 First Street, Swanton. For description, see listing above for Southern Vermont on March 8.

2016 Worksite Wellness Conference and Governor's Awards. Wednesday, March 30, 7:30 a.m. to 4:00 p.m., Sheraton Hotel and Conference Center, South Burlington. Join colleagues from businesses of all sizes to share and learn about best practices for a healthier workplace. The conference will include workshops, exhibits, and keynote speaker Dr. David Katz, a nationally-recognized physician in preventive medicine. Worksite Wellness Awards will be presented in the morning. **Deadline to register is March 16.** For details and to register, visit <http://healthvermont.gov/family/fit/worksitewellness.aspx#awards/> and scroll down.

Extended Deadline for ALEs and Smaller Self-Insured Employers to Provide Employees with IRS Form 1095B or 1095C. 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 in February 2016 *VLCT News*.

Fair and Impartial Policing (FIP). Monday, March 21, 12:00 noon to 4:00 p.m., Vermont Police Academy, Pittsford. See description and other trainings for law enforcement professionals on page 8.

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



LEGAL AND REG.

(continued from page 7)

authority by imposing their own set of standards for Underhill's class 4 highways. In fact, the only issue that the commissioners should have reviewed was whether the town had acted in a way that was discriminatory or which constituted "an arbitrary abuse of authority." Otherwise, the commissioners should have "respect[ed] the Town's discretion" in applying its own class 4 highway policy. "It is not for this Court to consider the merits of the Town's justification or reasoning, or that the trial court agree with the Town's decision or analysis. Our decision in *Calais* requires only that the Town based its decision on the standards and principles in its highway policy, if consistent with § 310(b), and that its decision was not arbitrary or applied in a discriminatory fashion." Since the plaintiffs in *Demarest* offered no evidence of an arbitrary or discriminatory purpose, the court found that there was no basis to intervene regarding Underhill's TH26.

The decision in the case emphasizes the need for every town to adopt and adhere to a class 4 highway policy. Although the court did not go so far as to require such policies, it made it abundantly clear that town decisions regarding class 4 roads are more likely to sustain legal challenges if those decisions are based upon

written town policies. For towns that do not already have such policies, the VLCT Municipal Assistance Center has developed a Model Class 4 Highway and Trail Policy, which is available at <http://www.vlct.org/assets/Resource/Models/Model-Class-4-Highway-and-Trail-Policy-2015.pdf>. Towns may customize the policy to include more specific provisions about maintenance and repairs. For instance, the Calais Town Policy states that the town will only provide minimal summer maintenance and that other maintenance and repairs of class 4 highways are generally the responsibility of the adjacent landowners. For more information about these types of provisions, or for assistance in drafting or reviewing a Class 4 Road policy for your town, please contact MAC at info@vlct.org.

The *Demarest* case is archived at <https://www.vermontjudiciary.org/LC/Supreme%20Court%20Published%20Decisions/op15-248.pdf>.

*Sarah Jarvis, Staff Attorney II
VLCT Municipal Center*

Vermont Supreme Court Upholds Town's Dismissal of Tax Appeal

The Vermont Supreme Court reiterated in January its prior rulings that tax appeals to a municipality's board of civil authority (BCA) may be "deemed withdrawn," and therefore dismissed, if the taxpayer appealing his or her property assessment refuses to allow the BCA to inspect all property within the taxpayer's parcel.

Rasmussen v. Town of Fair Haven, 2016 VT 1.

The appellant taxpayer, Lauritz Rasmussen, owned three lots, each containing a house. Rasmussen rented out two of the houses while the last lot contained his primary residence. All three lots were adjacent to each other, forming one contiguous parcel. The Town of Fair Haven's listers assessed the three lots as one parcel in the town's grand list, lumping together both rental houses and Rasmussen's residence, and assigning a valuation of \$585,800 to the parcel in 2014.

Rasmussen appealed the assessment to the Fair Haven BCA but refused to allow the BCA to inspect all property on the parcel, specifically the interior of his residence. Based on this refusal, the BCA considered the appeal "withdrawn," and, therefore, the appeal was dismissed. Rasmussen appealed the BCA's decision to Vermont's director of the Property Valuation and Review Division (PVR) of the Tax Department, who assigned a property tax hearing officer to the case. The hearing officer considered Rasmussen's argument and concluded the BCA properly dismissed the appeal.

On appeal to the Vermont Supreme Court, the justices considered Rasmussen's main argument: that the BCA inappropriately deemed his appeal "withdrawn" for refusing to allow inspection of his residence. Rasmussen stated that he was appealing only the valuation of the two lots containing the rental houses, not the lot where his residence was located. Therefore, he asserted, only the property on that portion of the parcel required inspection.

The court upheld the BCA's dismissal, reaffirming current tax appeal case law and providing all parties involved – towns, taxpayers, and PVR – with some concise guidance when dealing with these types of appeals. First, the Court restated the well-established but significant law

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LEGAL AND REG.

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giving presumptive validity to BCA's fact finding and tax appeal decisions. See *Garbitelli v. Town of Brookfield*, 2009 VT 109, ¶ 5. (BCA's decision on merits is "presumed valid in an appeal" and the burden is on the taxpayer to overcome this presumption.) Second, the court explained how adjacent lots under the same ownership may be assessed as a contiguous parcel, where assessment includes all property therein valued as a whole. Finally, for the BCA to properly hear a taxpayer's appeal, state law provides that the BCA is able to inspect all property located on the parcel being contested, and further that inspection necessarily implies interior inspection.

In its consideration of Rasmussen's arguments, the Vermont Supreme Court started by reviewing the duties and authority of listers. When listers make valuations of real property in the town, they do so by including in the grand list the taxable real estate of each parcel. According to 32 V.S.A. § 4152(a)(3), a "parcel" is "all contiguous land in the same ownership, together with all improvements thereon." Put differently, when listers make a valuation of a parcel, all property therein is assessed. Assessment of a property is "based on the highest and best use of the property." *Zurn v. City of St. Albans*, 2009 VT 85. Additionally, PVR rules provide that the state appraiser "shall" review the valuation of "an entire contiguous parcel of land together with all buildings and fixtures thereon." Div. of Property Valuation & Review, § (32)4467-1. The takeaway is that listers may assess separate lots and all real property therein as one parcel (assuming the lots are contiguous and under the same ownership).

Here, the Fair Haven listers were entirely

within their authority to assess Rasmussen's three adjacent lots as one contiguous parcel. Critically, the BCA viewed the listers' assessment of Rasmussen's contiguous parcel as an indivisible aggregation of the properties. In other words, for the appeal to be properly considered, the BCA needed to inspect all of Rasmussen's property, including his residence. Only then would the BCA have the necessary evidence to make an informed decision on the merits regarding the listers' assessment of the parcel on the whole.

Regarding the necessity of inspection, the court made it clear that state law allows the BCA to inspect an appellant taxpayer's property after proper notice. Inspection is "a critical component of an assessment" and the BCA's fact finding process; it allows the gathering of proper evidence upon which to make a decision. Referring to *Garbitelli* again, the court made it clear that inspection "would necessarily have to include an inspection of the interior of any dwelling."

Finally, Rasmussen argued that the inspection was an "unreasonable" search under the Fourth Amendment of the United States Constitution. The court rejected this argument by reasoning that "obviously" a taxpayer can refuse an inspection, although doing so will likely prevent the appeal from proceeding in a manner advantageous to the appellant. This is precisely what Rasmussen did: he refused to allow the BCA to inspect all the property on the contiguous parcel (i.e., his residence), and the BCA deemed his appeal "withdrawn," thereby dismissing it. With no review by the BCA, the record on appeal was essentially nonexistent. Without a record, and further refusal by Rasmussen to allow even the state hearing officer to inspect his property, there was no basis in law or fact in which Rasmussen could overcome the BCA's

presumptively valid dismissal of his tax appeal.

VLCT's Municipal Assistance Center provides on-site training for the tax appeal process. Please email info@vlct.org or call 802-229-9111 to discuss how MAC can assist your town.

The *Rasmussen* decision is archived at <https://www.vermontjudiciary.org/LC/Supreme%20Court%20Published%20Decisions/op15-131.pdf>.

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

POLICE LEADERSHIP

(continued from page 9)

acquainted in a single group as they begin to learn the program's behavioral science approach to leading, initially from the perspective of the individual. Material is presented in a combination of classroom instruction, small group discussion, and hands-on scenarios, and trainees do homework every night. Before long, the 36 students are divided into six teams, and from then on they work closely with their teammates. In the second week, while the students learn about team dynamics, each team chooses a current challenge facing the law enforcement community and begins to research and explore the underpinnings and ramifications of the problem. The third week, when the instruction focuses on leadership theory and organization-wide dynamics, the teams arrive at possible solutions for their chosen problem, determine practical ways to implement those solutions, and create presentations to explain their topic clearly. Each course officially closes with a daylong event in which the students' superior officers and other program supporters look on while the teams conduct their final presentations professionally and persuasively. Then the individuals are awarded their Certificates of Completion.

The closing ceremony is actually a beginning, because all participants return to their agencies to share a wealth of new information and ways to communicate. They have delved deeply into the topic of their own group's presentation and have also become acquainted with the content of every other team's presentation. They have learned compelling principles of leadership and explored how these principles operate on individuals, groups, and organizations. Moreover, along the way, participants have forged professional relationships with colleagues from a broad range of law enforcement organizations.

LPO instructors are seasoned law enforcement officers who have already been through the LPO training and who use

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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
- In certain cases, electric vehicle charging stations and natural gas refueling stations that are available for public use.



www.veda.org
802-828-JOBS



VT. BETTER ROADS PROGRAM

(continued from page 3)

not meet the standards will be deemed “priority road segments,” and must be brought up to the MRGP standards as soon as possible, over a period of time not to exceed 20 years. Towns do not have to wait until the MRGP is issued to begin work on problematic road drainage and erosion prone road segments. Proactively identifying and addressing road-related water quality issues via funding from the Vermont Better Roads Program is a great way for towns to get ahead of the curve in demonstrating compliance with the upcoming MRGP.

Questions and Technical Assistance. For questions regarding the FY17 Vermont Better Roads Grant application, general program related questions or for technical assistance, please contact Alan May of the VTrans Municipal Assistance Bureau (802-828-4585). For technical

assistance, you can also contact: Kevin Gadapee, Vermont Local Roads Branch Manager (802-828-3537) or your local VTrans district staff.

For questions related to projects affecting rivers and streams please contact:

- Chris Brunelle, ANR Rivers & Streams, Northwest Vt. (802-777-5328)
- Patrick Ross, ANR Rivers & Streams, Northeast Vt. (802-279-1143)
- Todd Menees, ANR Rivers & Streams, Southeast Vt. (802-345-3510)
- Jaron Borg, ANR Rivers & Streams, Central Vt. (802-371-8342)
- Josh Carvajal, ANR Rivers & Streams, Southwest Vt. (802-490-6163)

Direct any questions about the upcoming Municipal Road General Permit to Jim Ryan, DEC Municipal Roads Program Coordinator, at 802-490-6140 or jim.ryan@vermont.gov.

*Milly Archer, Water Resources Coordinator
VLCT Municipal Assistance Center*

POLICE LEADERSHIP

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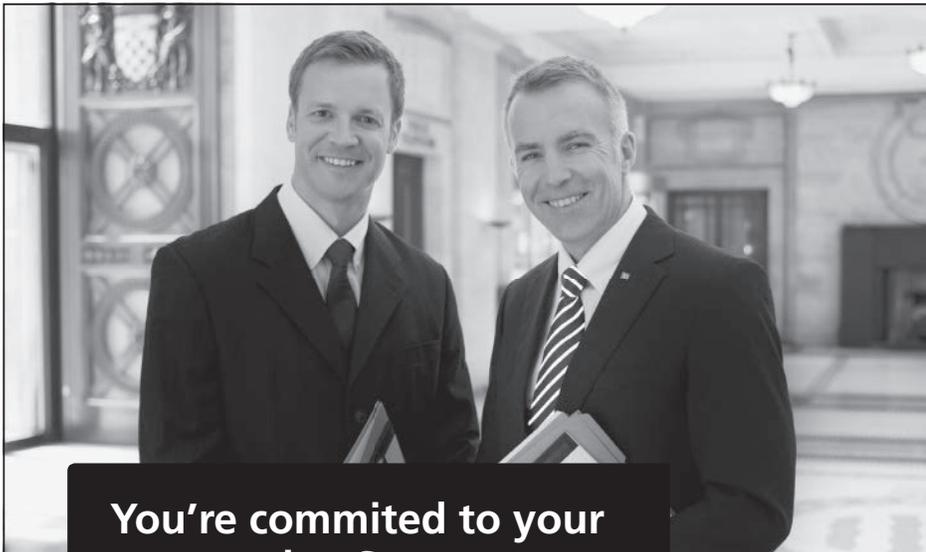
IACP-sanctioned materials and methods. Every three-week course is led by two nationally qualified instructors who often bring in one or more local or regional instructors to teach particular half-day modules. Vermont has two National LPO instructors – Bruce Bovat, Deputy Chief of Operations of the Burlington Police Department, and Jennifer Morrison, Chief of Police of the Town of Colchester – in addition to one of the highest level, LPO Master Instructor Major William D. Sheets, Executive Officer and Support Service Division Commander of VSP. Major Sheets recently earned this designation after years as a National Instructor and a leading force in Vermont’s LPO program. As a master, he will help to continually enhance and update the curriculum that is used by all instructors.

Chief Morrison has had eight members of the Colchester Police Department take the LPO training, and more are scheduled to attend this year. “We are also starting to cycle our non-sworn staff through the training,” she says. “In a perfect world, all employees would have LPO training so we can all talk the same language and approach problem solving the same way.” She also sees value for each trainee as an individual. “The skills and strategies learned in LPO are transferable far beyond the workplace. Many are just as relevant to other relationships, such as parenting or coaching.” Yet Morrison is not myopic in her estimation of the LPO program. “We also use the Roger Williams University First Line Supervisor Course. The two are completely different types of training, and they complement each other very well.”

Rick Hebert, Chief of the Winooski Police Department, has sent four officers so far, has three scheduled for each of the next two trainings (LPO #11 this spring and LPO#12 next fall), and will start sending dispatch staff members next year (LPO#13). “The group dynamic sets the LPO program apart from standard classroom training,” he says. “These trainees learn first-hand that every problem can have several good solutions, because when six groups are given the same problem to solve, they arrive at six completely different solutions *which are all valid*. In a very short period of time, these students both develop deep decision-making skills of their own and gain insight into how colleagues can arrive at different decisions.” The department pays for transportation and incurs the cost of replacement staff for three weeks – an investment in the agency’s future which Hebert doesn’t hesitate to make.

As Major Sheets of the VSP says, “In the 21st century, police departments can no longer

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

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

HELP WANTED

Town Assessor. The Town of Manchester, Vt., is accepting applications for a full-time Town Assessor. The Town Assessor is responsible for the oversight and management of the Town's property tax assessment functions, valuation of all properties, and producing of the Town's annual Grand List. Requirements: a Bachelor's degree or equivalent length of education and experience, and the ability to attain and maintain a certification from IAAO or the Vermont Property Appraisal Level IV. A job description is posted at <http://manchester-vt.gov/employment/employment-opportunities/>. The town offers a full benefits package including medical, dental, life insurance, short-term disability, vacation time, sick time, and annual pension contribution after a waiting period. To apply, email a letter of interest stating qualification, experience and references, and a Town employment application (available at <http://manchester-vt.gov/employment/>) to Leslie Perra, Human Resources and Operations Manager, at l.perra@manchester-vt.gov, or submit to Town of Manchester, 6039 Main Street, Manchester Center, VT 05255. Equal Opportunity Employer. (2-5)

Human Resource Manager. The Town of Springfield, Vt., is seeking an experienced Human Resource Manager to work approximately 20 hours per week. The Human Resource Manager plans, organizes, and directs Human Resources activities in accordance with state and federal laws and collective bargaining agreements. The position requires the handling of personnel files and confidential correspondence, and oversees new hire orientation. The successful

candidate will have demonstrated strong communication, interpersonal, and organizational skills and leadership abilities. A working knowledge of safety programs, retirement, health insurance, life/accident, and disability coverage is necessary. The Human Resource Manager reports to the Town Manager and works in close cooperation with all Town department heads. Salary is based upon experience. To apply, please send a cover letter, resume, and references **by Friday, March 11, 2016**, to Town of Springfield, Town Manager, HR Manager Search, 96 Main Street, Springfield, VT 05156. (2-5)

Water/Wastewater Assistant Operator. The Town of Chelsea seeks a responsible and motivated person for the part-time (with potential to full-time) position of Water/Wastewater Assistant Operator. Requirements include a high school diploma or equivalent and a valid driver's license. On-the-job training provided. Employment applications are available by email or at the Town Office. Contact Town Clerk Karen Lathrop at 802-685-4460 or town.clerk@chelseavt.us for more information. Town of Chelsea, 296 Vt. Route 110, PO Box 266, Chelsea, VT 05038. EOE. (1-29)

Town Engineer. The Town of Falmouth, Mass., is recruiting for the position of Town Engineer. Reporting to the Director of Public Works, the Town Engineer is responsible for the professional, managerial, administrative, and technical work in developing, directing, and overseeing engineering

programs for construction, repair, and maintenance of municipal facilities, including solid waste facilities, bridges, highways, utilities, recreational facilities, buildings, and related projects. Requirements: Bachelor's degree in Civil Engineering; 7 years of progressively responsible civil engineering experience, including maintenance, design and construction; supervisory and budgetary management experience; Registered Professional Engineer, or the ability to obtain a Mass. Professional Engineer registration within 6 months of hire; valid Mass. motor vehicle operator's license. A job description can be viewed at www.falmouthmass.us. The Falmouth Public Works Department provides a full range of services to the town through its Highway, Parks and Forestry, Water, Wastewater, Facilities Maintenance, and Engineering divisions. Competitive salary (\$78,416 to \$102,315), commensurate with experience. Please email resume to faljobs@falmouthmass.us, or mail to Town of Falmouth, Personnel Department, 59 Town Hall Square, Falmouth, MA 02540. Resumes accepted until position is filled. Falmouth is proud to be an EEO/AA Employer. (1-27)

Fiscal Assistant II. The Town of Milton is seeking candidates with financial experience for the full-time position of Fiscal Assistant II to calculate, verify, and post and balance a variety of transactions for the Town and School District. Tasks include grants management, bank reconciliations, daily deposit, and accounts receivable. The Fiscal

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CLASSIFIEDS

(continued from previous page)

Assistant II will be cross-trained in payroll and accounts payable duties, and will assist in major annual tasks like the preparation of the audit and budget. Municipal experience a plus, but not necessary. This is an AFSCME Union position. A full job description and employment application are posted at <http://miltonvt.org/>

resources/employment.html. To apply, submit a cover letter, resume, and a Town of Milton employment application to Erik Wells, Director-Administration and Community Services. You may send the materials via email (ewells@town.milton.vt.us) or postal mail (43 Bombardier Road, Milton, VT 05468), or submit them in person at the Town Manager's Office. EOE. (1-27)

POLICE LEADERSHIP

(continued from page 12)

rely only on solitary leaders. Instead, these organizations must foster a culture in which all officers can and do take leadership roles at their various levels of responsibility. Doing so will yield positive changes and set the stage for organizational success."

VLCT PACIF strongly agrees with all the points made by Morrison, Hebert, and Sheets. That is why we encourage member police departments to make use of these accessible, affordable, and forward-thinking LPO trainings by enrolling at least one employee every time the course is offered. The next opportunity requires registering by the end of June for LPO #12, which begins in August. (Please refer to "Trainings for Municipal Police" on page 8 for dates, and visit <http://vcjtc.vermont.gov/training/courses/leadership> for details.) Municipalities that are too far from Pittsford to commute should email losscontrol@vlct.org to ask if they are eligible for a PACIF Scholarship to defray lodging costs.

*Ione L. Minot, Marketing Specialist
Risk Management Services*

TRIVIA

A handful-and-a-half of trivialogists all guessed that Chimney Point in Addison County is the oldest site of human habitation in Vermont. Twenty years ago, that answer would've been correct. But in 1999, the University of Vermont's Consulting Archaeology Program unearthed an 11,000-year-old paleo-indian site while conducting an archeological survey for a proposed Jackson-Gore ski area expansion in Ludlow.

Here's a question of the less distant past: In the late 1800s, an author of some repute living in Vermont built a house that echoed his former adventurous life in India. **Where is it** (the house, not India), **what is its name** (Hint: It means "worth 9,000 rupees" in Urdu), **what is the name of the author**, and **what "first in Vermont" did the estate feature?**

I'm confident that *somebody* will know the answer, and when you do, email it to dgunn@vlct.org. My answer (and yours too, probably) will appear no later than in the acutely action-packed April issue.

STAFF NEWS

The Vermont Human Resources Association (VHRA) informed Human Resources and Administration Director **Jessica Hill** that she is this year's recipient of the free registration to the national Society of Human Resource Management (SHRM) conference in June. Jessi will be entrenched in all things HR while representing both VLCT and the VHRA at the four-day event in Washington, D.C. (Last year's event attracted 15,000 attendees from all over the world and showcased more than 700 vendors.)

Senior Loss Control Consultant **Jeffery Theis**, who has a long Human Resources background and whose name is an anagram of "fishy jet reef," recently obtained his SHRM SCP, a new Senior Certified Professional designation. And Risk Management Services Director **Ken Canning** has been appointed to the Board of Directors of the National League of Cities Risk Information Sharing Consortium, an association of municipal league intergovernmental risk-sharing pools in 34 states and British Columbia and Alberta, Canada.

Anniversarially, January marked twenty years of employment excellence for Senior Loss Control Wellness Consultant **Heidi Joyce**.

Hearty congrats (*magnaeque gratulationes*) to all of these exemplary person-units!

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ASK THE LEAGUE

(continued from page 5)

conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. 24 V.S.A. § 832. The purpose of the bonding requirement is to protect the municipality financially from the possible wrongdoing, misappropriation, or honest mistake committed by its officers or employees. Bond amounts are set by the selectboard and paid for by the town. 24 V.S.A. § 835. Such bonding is customarily done through the town's insurance carrier or a specialty surety company. (VLCT PACIF provides coverage to its member municipalities that meets the statutory requirement for bonding but is technically not a bond. Certain acts committed by elected and appointed officials and employees are covered by the PACIF program as stated in the coverage document. PACIF will facilitate the procurement of additional coverage.) The clerk must record all bonds filed in a separate book kept for that purpose. 24 V.S.A. § 833.

Organizational Meetings. After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a selectboard clerk. 24 V.S.A. § 871. Certificates of election for these positions must be recorded with the town clerk. The first organizational meeting of the selectboard is a good time to establish the board's regular meeting schedule and adopt rules of procedure. (You can download VLCT's Model Selectboard Rules of Procedure from http://www.vlct.org/assets/Resource/Models/p_SB_Rules_Proc.pdf.) The selectboard may also want to use this meeting to designate physical locations in the town for posting meeting notices, choose the town's newspaper of record for public notices, and authorize a designated selectboard member to sign orders on behalf of the town.

The selectboard must also appoint a legally-qualified voter to serve as the tree warden and may, though it is no longer required to, appoint three fence viewers, a poundkeeper (residency not required), and one or more inspectors of lumber, shingles and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. 24 V.S.A. § 871.

*Sarah Jarvis, Staff Attorney II
VLCT Municipal Center*

FLSA CHANGES

(continued from page 2)

quantity of time an exempt employee may spend on non-exempt duties and still retain exempt status. If changes to the job duties requirements become a part of the final regulations, members will need to reassess the FLSA-status of *all* employees currently classified as exempt.

Most significantly, the DOL proposal more than doubles the salary threshold that must be met in order for an employee to qualify under the white collar exemptions. It would raise the current \$455 per week to \$970 per week (\$50,440 per year). Any employee falling below the weekly salary threshold would be non-exempt and therefore eligible for overtime pay protections.

The final salary threshold may end up lower than the proposed figure. Still, municipalities that have exempt employees should take stock of the items below to help assess their current situation in light of anticipated changes:

- which exempt employees earn below, or not far above, \$970 per week;
- the differential between each weekly salary and the proposed \$970 threshold;
- how many hours per week such employees work, particularly if more than 40;
- the cost of paying overtime compensation for their work hours above 40 per week;
- whether there are situations where employees doing the same job might be classified differently based on their salaries; and
- whether the change would affect any exempt employee covered by a collective bargaining agreement.

It should be noted that the DOL proposal also includes a new provision for automatic updates to the part of the FLSA that sets the minimum salary so that it is regularly adjusted based on the Consumer Price Index. This would remedy the difficulty the DOL has had in updating the law to reflect contemporary wages; indeed, the salary threshold has been updated just once since 1975.

As stated above, these changes to the FLSA are proposals at this time. The Municipal Assistance Center will provide further information as it becomes available.

*Jill Muhr
VLCT Human Resources Consultant*



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UPCOMING EVENTS

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

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

21ST CENTURY POLICING
Friday, June 10

Capitol Plaza Hotel and Conference Center,
Montpelier

SPRING AUDITORS WORKSHOP
Tuesday, March 29

Capitol Plaza Hotel and Conference Center,
Montpelier

GOVERNMENTAL ACCOUNTING AND AUDITING
Wednesday, June 8

Capitol Plaza Hotel and Conference Center,
Montpelier

SPRING PLANNING AND ZONING FORUM
Wednesday, June 15

Lake Morey Resort, Fairlee

DELINQUENT TAX COLLECTORS WORKSHOP
Wednesday, April 6

Lake Morey Resort, Fairlee

TAX APPEALS WORKSHOP
Tuesday, May 3

Lake Morey Resort, Fairlee

Tuesday, May 10

Holiday Inn, Rutland

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!