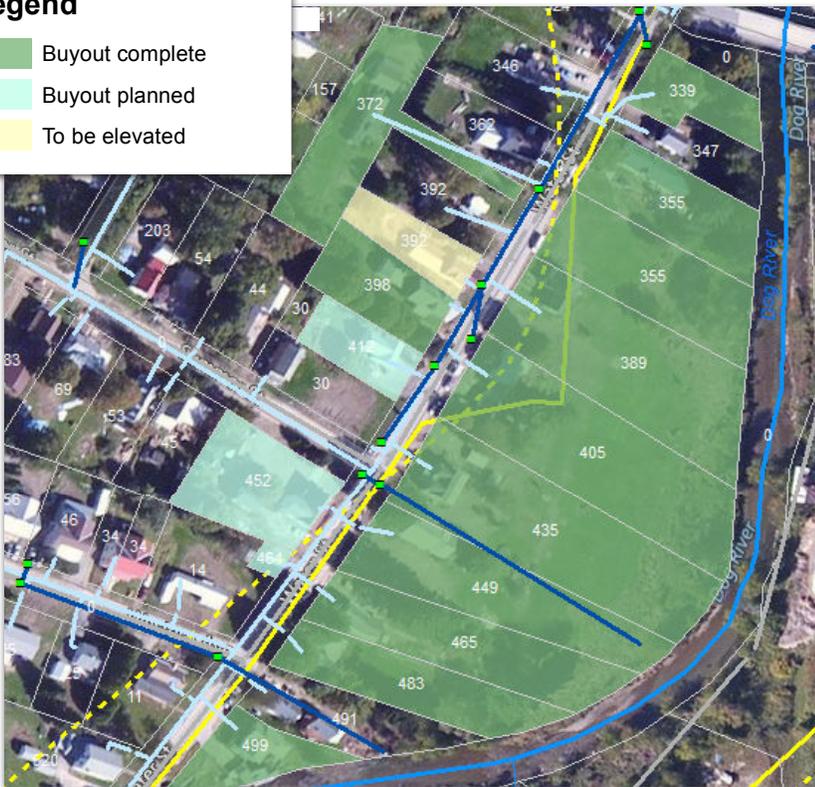


NORTHFIELD WATER STREET RIVER PARK

Introduction. On August 28, 2011 – nearly five years ago – Tropical Storm Irene barreled into Vermont with pelting rain and strong winds. Overnight, the landscape of the state
(continued on page 11)

Legend

- Buyout complete
- Buyout planned
- To be elevated



CONFLICTS OF INTEREST

Legislation was introduced in both the House and in the Senate during the 2015-16 legislative biennium that addressed conflicts of interest. As introduced, H.557 and S.184 would have established an ethics commission to investigate complaints “alleging unethical conduct committed by legislators outside the scope of their legislative duties and by elected and appointed officers in the executive branch.”

(continued on page 10)

EPA Releases Final Phosphorus TMDLs for Vermont Segments of Lake Champlain

The phosphorus Total Maximum Daily Loads for the Vermont segments of Lake Champlain can be accessed at

www.epa.gov/tmdl/lake-champlain-phosphorus-tmdl-commitment-clean-water

CHANGES TO OVERTIME RULES

The U.S. Department of Labor (DOL) recently announced long-anticipated changes to overtime rules under the Fair Labor Standards Act (FLSA). Most significantly, the minimum salary an employee must earn in order to qualify under the so-called “white collar” exemptions is essentially doubling from \$23,660 per year to \$47,476 per year. The result will be that many more individuals will become eligible for overtime pay, including an estimated 10,000 workers in Vermont, when the changes go into effect on December 1, 2016.

The FLSA, a federal law enacted in 1938, provides certain protections for most U.S. workers, including minimum wage, child labor, and overtime pay requirements. The law does not cover elected officials, volunteers, independent contractors, or workers who qualify under certain exemptions as defined by the DOL. The overtime regulations require employers to pay an employee at a rate of one and one-half times the

(continued on page 7)

INSIDE THIS ISSUE

- [I Love A Parade 2](#)
- [Ask the League 4](#)
- [Legal and Regulatory Notes 6](#)
- [Risk Management Services 8](#)
- [Trust Matters 9](#)
- [Trivia 10](#)
- [Classifieds 13](#)
- [Staff News 15](#)
- [Upcoming Events 16](#)



VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

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I LOVE A PARADE

In 1931, Harold Arlen and Ted Koehler wrote "I Love a Parade," a song whose sentiment is shared by scads of Vermonters, especially as the arrival of clement weather makes us forget all about Mud Season. As proof of this, look no further than the turnouts for a couple of recent public events: the 66th Annual Hardwick Spring Festival and Memorial Day Parade (above) and Adamant's 13th Annual Black Fly Festival (below). You'll find more photos on our website's new Parade page, www.vlct.org/events-news-blogs/vermont-parades/. If you want to share pictures of parades in your town, email them to dgunn@vlct.org. We'll add them to the page.





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ASK THE LEAGUE

FIREWORKS AND FIRE WARDENS

Can municipalities regulate fireworks?

"It [Independence Day] ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more."

—Letter from John Adams to Abigail Adams, July 3, 1776

Ahh, the 4th of July in Vermont! For most of us it means maple creamies dripping down our hands as we watch local high school bands, fire trucks, old cars, community groups, politicians running for reelection, and the Bread and Puppet Theater troupe make their annual promenade through our downtowns. For municipal officials it also

means fielding calls from angry taxpayers about fireworks disturbing their sleep.

The State of Vermont gives local government specific authority to regulate fireworks, but after reading this article, local officials may not want to be overly strict in such regulation. That's because the state mostly takes a "if it ain't broke, don't fix it" approach to governing fireworks and it is difficult, at best, to adopt a common sense approach at the local level.

What are fireworks under the law? "The term 'fireworks' means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion,

explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers." 20 V.S.A. § 3131. In addition to sparklers, the law also excludes from its coverage novelty smoke devices (toys and other devices containing paper caps containing less than .25 grains of explosive materials).

The statement that perfectly captures the imperfect state of Vermont's fireworks laws comes from Vermont State Police Captain Paul White, who in a June 27, 2014, WCAX story on the issue by reporter Cat Viglienzoni, said, "[t]he consumer needs to be aware that although it's legal for the store to sell them to you, the moment you walk out the door into the parking lot with that bag of fireworks, you are breaking the law." The law that Captain White was referring to was 20 V.S.A. § 3132(a)(3) which states, "it shall be unlawful for any person ... to ... [t]ransport fireworks except in interstate commerce." So you can buy fireworks; you just can't leave the store with them.

The authority that the state has given to municipalities to regulate fireworks is also problematic. In addition to the prohibition against transporting fireworks, it is also against the law to "[u]se, possess, or explode any fireworks unless the person has been issued a permit to display fireworks..." 20 V.S.A. § 3132(a)(2). This means that a permit to display fireworks is required not only before a person lights any fireworks, but also before one even possesses them. Display permits (which are required to "use, possess, or

(continued on next page)

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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Contact Abby Friedman at afriedman@vlct.org or 800-649-7915, ext. 1926



ASK THE LEAGUE

(continued from previous page)

explode any fireworks...”) must be **submitted** in writing 15 days in advance to the municipal fire chief or to the selectboard in those municipalities without a fire chief. The permit must be **approved** by the municipal fire chief **and** the municipal fire chief, but again, in those municipalities without a fire chief, then only by the selectboard.

Any permitted display (e.g., use of fireworks) must be handled by a competent operator. Unfortunately, there is no legal definition of a “competent operator.” Who is a “competent operator?” Presumably, unless the permittee voluntarily admits to losing a finger setting off a roman candle, the basis for making this determination rests in the permittee’s description of the display. A permissible display, the law demands, “shall be of a character, and so located, discharged or fired as, in the opinion of the chief of the fire department, or in a municipality with no fire department, the selectboard, after proper inspection, shall not be hazardous to property or endanger any person or persons.” 20 V.S.A. § 3132(c). The law then apparently puts the focus of issuing a permit not solely upon the competence of the operator, but rather on the totality of the circumstances of the display itself, with the overall focus being on whether there is a likelihood that anyone will be hurt or property will be damaged. In doing so, however, it should be noted that the law *does* impose a duty of “proper inspection” upon the municipal authority that grants permits.

Violation of this law by any party constitutes a misdemeanor subject to a fine of not more than \$100.00 for each violation or imprisonment for not more than 30 days or both. 20 V.S.A. § 3135(1).

And that’s where the letter of the law and its intended purposes rub up against each other. Is your municipality going to fine someone for setting off a couple of bottle rockets and firecrackers at a family cookout without a permit? Probably not. But the public should be informed that larger public displays where there is an element of danger are the types of events for which a local permit is required. A permit in this instance will serve to put emergency services personnel on notice if a call comes in. To their credit, the state’s Fire Safety Division of the Vermont Department of Public Safety has put together a Public Fireworks Display Checklist and Sample Municipal Fireworks Display Permit for your use, both of which are available at <http://firesafety.vermont.gov/pubed/media/sparklers>.

Regardless of whether or not your municipality issues fireworks permits, you may want to adopt a local nuisance or noise ordinance regulating public disturbances. Otherwise, there is a self-executing “noise in the nighttime” law which states that “[a] person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns, or other unnecessary and offensive noise shall be fined not more than \$ 50.00.” 13 V.S.A. § 1022. Alternatively, and especially around the 4th of July, you may just want to recognize that a little sensible rebellion against overbearing laws is what Independence Day is all about.

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

How does H.857 affect Local Fire Wardens?

The Vermont Legislature recently passed H.857, “an act relating to timber harvesting.” The bill, among other things, modifies the appointed position of the local fire warden. The portions of the bill that affect the fire warden take effect on July 1, 2016.

The bill changes the statutory title of the office from “Fire Warden” to “Town Forest Fire Warden.” Town forest fire wardens must be appointed by the Commissioner of the

Department of Forests, Parks and Recreation upon approval by the selectboard and may be reappointed by the commissioner for successive five-year terms. When there are woodlands within the limits of a city – but no longer a village – the chief of the fire department acts as the city forest fire warden.

The bill also changes how a fire warden is compensated. Previously, towns paid the fire warden 15 cents for each fire permit issued. That provision has been struck, leaving the town to set the fire warden’s salary. In addition, the annual stipends paid to the fire warden by the commissioner are increased from \$20 to \$30 for record keeping and \$15 to \$30 for attending required training. A payment of \$10 for each fire report submitted was also added.

While the fire warden is still responsible for taking measures needed to bring forest fires under prompt control, he or she may no longer arrest without warrant any person who violates laws pertaining to forest fires. In the event of a forest fire, the fire warden may now choose to share or delegate command authority to a chief engineer of a responding fire department or, in the chief’s absence, the highest ranking assistant firefighter present during the fire.

(continued on page 7)



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LEGAL AND REGULATORY NOTES



CHANGES TO THE OPEN MEETING LAW

On May 24, 2016, amendments to the Open Meeting Law went into effect when the governor signed Act 129 of the 2015-2016 Legislative Biennium. The Open Meeting Law applies to all “public bodies” which includes all municipal boards, councils, commissions, committees, and subcommittees. The law has been amended in the following ways:

Electronic participation at meetings. When one or more members of a public body participate in a meeting electronically (e.g., by conference call or Skype), any vote taken by the public body that is not unanimous must be taken by roll call. 1 V.S.A. § 312(a)(2)(B). Previously, the law required that all votes be taken by roll call, regardless of whether they were unanimous.

If a quorum or more members of a public body participate in a meeting electronically, the agenda for that meeting must designate at least one physical location where a member of the public can attend and participate

in the meeting. 1 V.S.A. § 312(a)(2)(D). The law no longer requires a distinct public notice regarding the electronic participation, although the law still requires public notice and an agenda prior to all regular and special meetings.

Posting of minutes. Minutes must be available for inspection and posted to a website, if one exists, no later than five calendar days from the date of the meeting. 1 V.S.A. § 312(b)(2). Previously, the law did not specify whether the days were calendar days or business days.

Except for draft minutes that have been substituted with updated minutes, posted minutes may not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2). Previously, the law did not specify how long minutes must remain posted on a website.

Responding to a complaint of violation.

Upon receipt of written notice of an alleged violation of the Open Meeting Law, the public body must respond publicly within 10 calendar days. 1 V.S.A. § 314(b)(2). The public body may either (a) acknowledge an inadvertent violation of the law and state its intent to “cure” the violation within 14 calendar days; or (b) state that the public body has determined that no violation occurred and that no “cure” is necessary. The failure to respond to a complaint within 10 calendar days is treated as a denial of the allegation. Previously, the law required a response within seven calendar days, and the failure to respond within those seven days was treated as a denial.

“Curing” a violation of the law. A public body can “cure” a violation of the law by fixing the error that led to that violation. If the violation was due to (i) a meeting that was not noticed in accordance with the law, (ii) a meeting from which a person or the public was wrongfully excluded, or (iii) an executive session not authorized by the law, the public body must do this by either ratifying or declaring as void, any action taken at or resulting from that meeting. 1 V.S.A. § 312(b)(4). Regardless of the basis for the violation, the public body must also adopt specific measures that prevent future violations of the law. A public body will not be liable for the complainant’s attorney’s fees and litigation costs if it cures a violation. 1 V.S.A. § 314(b)(1).

More information about the Open Meeting Law, including the recently-updated Frequently Asked Questions about the law, is posted at <http://www.vlct.org/vermont-local-government/vermont-open-meeting-law/>. Act 129 is archived on the Vermont Legislature’s website.

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



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CHANGES TO OVERTIME

(continued from page 1)

employee's regular rate of pay for hours actually worked above 40 in a work week. Unlike the private sector, local governments are permitted in certain circumstances to provide paid time off (so-called "compensatory time") instead of cash overtime compensation.

In order for a position to be classified as exempt from the FLSA, and therefore not eligible for overtime pay, two requirements must be met:

1. The worker must be paid at least the designated minimum weekly salary no matter how many or how few hours the person works in a given work week; *and*
2. The type of work performed must meet a "job duties test" for at least one of the exemptions specified by the DOL.

The FLSA regulatory changes that are most relevant to municipalities are:

- an increase to the minimum salary for Administrative, Executive, and Professional exemptions from \$455 per week (\$23,660 per year) to \$913 per week (\$47,476 per year);
- an increase to the minimum salary for the "Highly Compensated Employee" exemption from \$100,000 to \$134,004; and
- new automatic salary threshold updates every three years based on wage trends. (The next update will be January 1, 2020, with an anticipated salary of approximately \$51,000.)

The new rules provide an excellent opportunity for employers to review *all* exempt

positions to ensure they meet both the duties test and minimum salary threshold. Requirements of the duties tests, which are not changing, are outlined on a DOL fact sheet, https://www.dol.gov/whd/overtime/fs17a_overview.pdf, which includes links to further details. Smaller towns that have only non-exempt employees, such as road crew members, will not be affected by these changes.

Although the changes are not effective until December, municipalities that currently have exempt employees are wise to assess their situation now in order to review their options and communicate any changes in advance to affected employees. If a municipality discovers that a position meets one of the job duties tests, but not the new \$913 salary threshold, it may want to consider a pay increase as a means to preserve the exempt status of that position. Alternatively, if an employee becomes non-exempt, the municipality may consider these strategies: hire additional part-time or temporary staff to reduce overtime hours, implement a policy that precludes overtime work without prior authorization, implement a compensatory time (comp time) policy to help manage the budget pressures of overtime pay, or provide for additional overtime pay in the budget.

While a collective bargaining agreement never pre-empts law, municipalities with unions should examine whether any union position will be affected and, if so, assess how the terms of the contract may affect their response to these regulatory changes.

It is important to communicate in advance to employees who will be affected by the changes in the law and any commensurate changes that will be implemented by the municipality. For instance, there may be a change to timekeeping methods for an employee who becomes newly non-exempt to ensure that all hours worked are reported. Or members may need to address whether non-exempt employees will be permitted to check email or perform other work from home. Any policy changes, such as requiring pre-authorization for overtime work or implementing a new comp time policy, must be carefully communicated to employees as well.

For further assistance with assessing your municipality's situation and available options, please contact the Municipal Assistance Center at 800-649-7915 or MAC-HR@vlct.org.

Jill Muhr

VLCT Human Resources Consultant

ASK THE LEAGUE

(continued from page 5)

H.857 prohibits the burning of any wood, brush, weeds, or grass if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. The bill also changes the requirements for open burning permits. The fire warden is still in charge of issuing those permits, but now a permit is required to burn natural wood, brush, weeds, or grass unless (1) snow surrounds the open burning site; (2) the fire is in an outdoor fireplace or fire ring not located within woodland, timberland, or a field containing dry plant material contiguous to a woodland; (3) the fire is 200 feet or more from any woodland or field containing dry plant material; or (4) it is in a city with a fire department. A city may impose permit requirements only by adopting a local ordinance.

The entire bill as enacted into law is posted at <http://legislature.vermont.gov/assets/Documents/2016/Docs/BILLS/H-0857/H-0857%20As%20Passed%20by%20Both%20House%20and%20Senate%20Official.pdf>.

Carl Andeer, Staff Attorney I
VLCT Municipal Assistance Center



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2016 RMS CALENDAR

OSHA 511 Occupational Safety and Health Standards for General Industry.

8:00 a.m. to 4:30 p.m. Monday, July 11, through Thursday, July 14, Windjammer Hotel and Conference Center, 1076 Williston Road, South Burlington. Presented by the OSHA Training Institute Education Center (OTIEC), Keene, NH. This 30-hour training is an excellent general industry standards survey course for up-to-date information on OSHA policies, procedures and standards. 2.6 CEUs for completion. Fee of \$865 per person can be reduced by \$150 for Vermont Safety & Health Council (VSHC) members who email Bruce Gray at landrock@verizon.net for the discount voucher and by an additional \$500 for PACIF members who obtain a PACIF scholarship (current guidelines and application at www.vlct.org/rms/pacif/pacif-scholarships/). For more information and to register, go to www.oshaedne.com, use the left-hand "Safety & Health Trainings" tab to access Courses by State, and under Vermont find 511 OSHA.

2016 Local Officials Golf Outing. Wednesday, August 24, Green Mountain National Golf Course, Killington. **Reduced price this year for municipal officials and employees: \$50 per player** for a four-person scramble through 18 holes shared cart, morning snack, lunch, awards, and prizes. Registration opens at 8:30 a.m.; shotgun start at 9:00 a.m. sharp. Sponsorships available immediately; players register by Thursday, August 4. For information or to register, contact Pam Fecteau at 800-649-7915 or pfecteau@vlct.org.

Deadline to File and Pay 2015 PCORI Fees. Sunday, July 31, 2016. Employers that had a Health Reimbursement Arrangement (HRA) in 2015 must use IRS Form 720 and pay \$2.17 for each employee who participated in your HRA in 2015. See details in related story on the next page [9].

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TRUST MATTERS

Noteworthy and timely information from VLCT's non-profit risk-sharing trusts.

LIFE AND DISABILITY GROUP RATES STAY LOW INTO 2019

The VERB Trust is pleased to announce that our source for group life and disability insurance, Lincoln Financial Group, will again extend our low group rates, this time through June of 2019. Not only will VERB Trust members already in the Trust's life and disability program be able to enjoy their current competitive rates for three more years, but all new groups will sign on at the same low rates. Lincoln's claims processing uses real-time online systems so employers can easily access forms, view certificates, pay bills, and track the status of claims. Claims can be submitted through this online portal and also by phone, fax, email, or regular mail.

We look forward to our continued partnership with Lincoln Financial Group, and we thank you for your participation in our programs. If your group is not currently taking advantage of VERB's Life and Disability program – which includes employee Optional Life – please call Larry Smith or Kelley Avery at VLCT, 800-649-7915, for a quote today.

HEALTH INSURERS FILE PROPOSED RATES FOR 2017

On May 11, both Blue Cross Blue Shield of Vermont (BCBSVT) and MVP Health Care (MVP) filed their proposed 2017 rates for health insurance plans available through the Vermont Exchange (also known as Vermont Health Connect or VHC), our state's health insurance marketplace. Note that these "filed" rates are being requested by the insurers. They have not yet been reviewed and either approved or modified by the Green Mountain Care Board (GMCB). The GMCB anticipates finalizing its review and publishing its decisions by August 9.

BCBSVT is requesting premium increases that range by plan from 5.2 percent to 10.9 percent, an average of 8.2 percent overall. MVP is requesting premium increases that range from 3.5 percent to 13.5 percent, an average of 8.8 percent overall. Both carriers have also proposed various plan design changes that include increasing deductibles and co-pays.

The requested rates are posted the state's GMCB website, http://ratereview.vermont.gov/view_filings. Click on the "Pending Reviews" link for your carrier. Customers may also call their carrier directly to ask about other changes proposed for specific plans. For BCBSVT, call 800-255-4550; for MVP, call 800-825-5687.

2015 HRA GROUPS TO PAY PCORI FEES BY JULY 31

In 2012, the federal government finalized details regarding the Patient Centered Outcomes Research Institute (PCORI) fees included in the Affordable Care Act (ACA). IRS Form 720, "Quarterly Federal Excise Tax Return," must be used to report on and pay PCORI fees. **If your group had a Health Reimbursement Arrangement (HRA) in 2015, you will need to complete this form and pay this fee by July 31, 2016.** This is a quarterly form for other purposes, however when used for this purpose, it must be submitted only once in the year, after the second quarter.

The PCORI fee applies to all self-insured groups and to all groups that sponsor an HRA. The PCORI fee for 2015 is \$2.17 per employee – for each employee who participated in your HRA in 2015. The fees are due by July 31, 2016, for plan years ending on or after October 1, 2015, which includes all 2015 calendar year plans.

You will need to file the IRS Form 720, available at <https://www.irs.gov/pub/irs-pdf/f720.pdf>, and submit it with your full payment payable to the "United States Treasury" before July 31, 2016. Instructions for using this multi-purpose form are posted at <https://www.irs.gov/pub/irs-pdf/i720.pdf>.

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CONFLICTS OF INTEREST

(continued from page 1)

Neither bill passed the full legislature, but it is likely that bills will be introduced in the 2017 legislative session to again address this subject. What does that mean for local government? It could mean that the legislature might change what is currently working well at the local level and place additional mandates requiring municipal governments to do more, even to the point of ignoring the potential ethics concerns at the state level. So, what *should* happen?

First, as you know, real and perceived conflicts can result in damage to reputations, a growth in the lack of trust in government operations, and a lack of respect for those who are attempting to do the public's business. Managing potential conflicts and dealing appropriately with ethics issues is a key area of responsibility for government officials. Whether it be direct or indirect financial interest in an issue or direct or indirect personal interest in an issue, transparency is critical, as is the importance of assuring constituents that their elected and appointed officials take these issues seriously.

Legislators may be unaware that much of what *should* happen with regard to conflicts of interest is *already* happening at the local level. Cities and towns in Vermont currently have broad authority from the legislature to adopt conflict of interest policies or ethics ordinances. Many have adopted stand-alone policies while others have included conflict of interest provisions in their purchasing policies or personnel policies to address these concerns. In fact, municipalities in Vermont have been the leaders in the focus and adoption of conflict of interest policies for elected officials, boards, and employees.

Vermont law currently mandates that local zoning boards and commissions conducting quasi-judicial proceedings must have conflict of interest policies in place. (24 V.S.A. § 4461.) Further, the statute allows a selectboard to adopt a policy that affects all of the elected and appointed officials in the municipality. (24 V.S.A. § 2291(20)). Residents of a community may also adopt a policy that applies to elected and appointed officials by voting locally to do so. (24 V.S.A. § 1984). Finally, some communities have addressed ethics and conflicts of interest in their municipal charters. So there are many options at the local level in Vermont to address conflicts of interest and to ensure that officials and employees are aware of and focused on potential conflict issues. Every year more cities and towns are taking the necessary steps not only to adopt the policies, but to expend money

on educating town officials and employees about the best ways to manage ethics and conflicts of interest.

VLCT, through its Board and members, has taken the position that it is *not* necessary to *mandate* that all municipalities adopt policies or regulations. Instead the Board is committed to providing municipalities with the resources and education needed to address conflicts in a meaningful and sustainable manner. It is clear that the forced and hurried adoption of such policies without adequate time, training, and legal support will not create systems that address conflicts effectively and thoroughly. VLCT continues to provide training opportunities for these issues, and we offer a model conflict of interest policy to members to help develop policies that work for them. Several municipalities have used the model as a starting point and have sought further guidance about adding provisions that are unique to that municipality. We all know that "one size fits all" solutions don't usually work very well. The current statute allows municipalities to take into account special or unusual circumstances that pertain to them. That works.

VLCT stands ready to assist the legislature in understanding how these policies are working locally and how they might work at the state level. Conflict of interest policies should not be seen as attempts to expose officials who are doing something wrong. Rather, such policies promote transparency and accountability and allow the public to ask appropriate questions and understand better the interests of public officials and the good work they are doing. Such policies can help to eliminate suspicion, create open communication, and enhance respect for local government and local officials.

If the legislature decides to mandate that all cities, towns, and incorporated villages adopt conflict of interest regulations in some form, it is *as* important, if *not more* important that such mandates are imposed on the legislative and executive branches of state government.

Local officials are leaders in many areas, including their efforts to address potential conflicts of interest and ethics issues. It is time for the legislature to recognize those leadership efforts and to follow the lead that has been set locally. Local officials should be commended for the work they are doing by paying attention to serious concerns in public life. They should not be used as a screen or as a reason for state officials to avoid addressing their own conflicts of interest. We are sure that town and city officials are very willing to share their experiences with state officials and to reassure them that it is simpler and easier to do the right thing than they

might anticipate. The first step is always the hardest. Local officials have taken that first step. State officials can, too.

If you have not yet adopted a conflict of interest or ethics policy, please review VLCT's Model Policy, <http://www.vlct.org/assets/Resource/Models/Model-Conflict-of-Interest-Policy-October-2015.pdf>, and contact VLCT's Municipal Assistance Center with questions.

*Maura Carroll
Executive Director, VLCT*

From the Executive Director

TRIVIA

Herb Durfee and Louise Luring of Fair Haven and Saxtons River*, respectively, knew that there were 2,860 school districts in Vermont during the 1859-1860 school year, but that our always vigilant General Assembly pared the number to fewer than 300 in 1892. Well deduced!

Meanwhile, once upon a time, the manager of the Rutland Opera House canceled the performance of a man billed variously as a stage handcuff king, a clairvoyant, and a hypnotist because, he said, "everyone was broke." By chance, a young mother had reported to the police that her child was lost, and the town was in an uproar. Search parties scoured the countryside, but to no avail. Seizing the opportunity, the clairvoyant's press agent declared that "_____ will find her child!" The police were naturally skeptical, but the mother's desperation was such that they finally allowed him to try. As soon as _____ got off the train, he went into a dramatic trance. Then he was blindfolded and put in a car, and off he went, followed by a procession of buckboards, surveys, wagons, and buggies. _____ directed them to a spot three miles out of town where there was a cabin, wherein the child was found asleep. "For ten days" the press agent said later, "we packed the Rutland Opera House as a tribute to _____'s clairvoyance. To this day he is spoken of there as a miracle man." Who was the miracle man?

If you know the answer, email it to dgunn@vlct.org. I predict that the solution will appear in the abundantly abstract August/September issue.

* An anagram of Fair Haven and Saxtons River is, of course, "a savannah's torrid nerve fix."



NORTHFIELD WATER STREET

(continued from page 1)

was changed, in some places permanently, as floodwaters rose and rivers carved new courses. In Northfield, the storm dropped more than six inches of rain in 12 hours, flooding homes along Water Street and the surrounding area. Today, the town continues to work diligently with landowners and the Federal Emergency Management Agency (FEMA) to secure “flood-buyouts” for over a dozen houses. If all 18 applications for buyouts – including multi-family dwellings – go forward, 25 households in Northfield’s Water Street neighborhood will no longer be in danger from flooding. Besides helping landowners move out of harm’s way, the buyouts have allowed the town to acquire a five-acre contiguous area of floodplain along the Dog River – just upstream from downtown – that can store water during future floods and help decrease flood damage to the remaining homes in the neighborhood.

Water Street River Park. Northfield’s plans to restore the ravaged area along Water Street involve creating a place where the river can be enjoyed for recreation, relaxation, and community engagement, while also serving as a critical safety valve floodplain when waters rise. FEMA’s deed restrictions for buyout properties require that the land be used strictly for open space purposes in perpetuity and stay in either public ownership or be conveyed to a land trust or other non-profit organization that has a land conservation mission. Ultimately, the community, with approval from the Northfield Selectboard, will determine what uses the site will support within the constraints of the FEMA deed restrictions and the physical floodplain restoration.

Where there once were homes, there are now grassy vacant lots that will become the Water Street River Park. Town residents, Water Street neighbors, and Norwich University students and faculty have all been involved in discussing the park’s future use. The consensus from recent meetings is to keep the site as natural as possible, focus on supporting quiet activities like dog walking and the appreciation of nature, provide walking paths that can be used by people with limited mobility, and designate an access point to the river for wading and fishing. Norwich University Professor Tara Kulkarni and her students have investigated the idea of incorporating educational stations throughout the park that illustrate relevant

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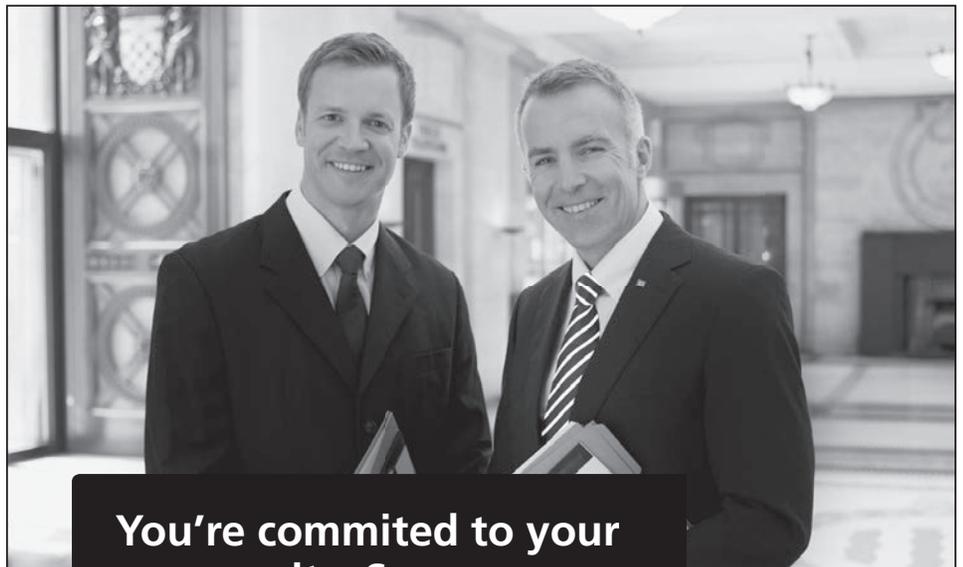
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NORTHFIELD WATER STREET

(continued from previous page)

topics such as flood resilience and green stormwater infrastructure.

Floodplain Restoration. In order to restore the floodplain so that it can effectively store water during future floods, some changes to the site are necessary. The buyouts and removal of the damaged houses was and continues to be the first step. As part of the park design, the site underwent an engineering hydraulic study to explore alternatives to reduce flood and erosion risks. The Friends of the Winooski River secured funding to hire Milone & MacBroom, an engineering consulting firm, to develop a concept plan (see Dog River Flood Study Map) that evaluated several options to create the best floodplain storage systems to reduce risks to

surrounding private property and public infrastructure. After an evaluation of the alternatives, the engineering study recommended three tasks:

- removal of a berm that contains flows in the Dog River Channel during floods;
- removal of fill around the wall of the Wall Street Bridge which will alleviate some sediment and debris jamming that has occurred during past floods; and
- lowering the floodplain to allow river access during floods at the buyout area and at the confluence of the Dog River and Union Brook.

The floodplain restoration will reduce flooding during small to medium floods, like the ones that plague Northfield every 10 years or so, but will just drop flood levels a little during larger floods. It is important to understand that flooding will still occur when areas

get hit with huge storms like Irene.

The Friends of the Winooski River secured additional funding to complete the engineering design for the recommended practices. Milone & MacBroom set a schedule to have the plans finalized by mid-summer. Execution of the three tasks and site restoration is scheduled for 2017, with a riparian buffer planting scheduled for the spring of 2018. The Northfield Selectboard has directed that prior to holding a town-wide public hearing on a final Water Street River Park design, they would like to have a landscape architect provide a rendering that incorporates the floodplain restoration along with neighborhood feedback.

Celebrating the River. This summer, through a grant from the Lake Champlain Basin Program, the Friends of the Winooski River will coordinate a comprehensive community outreach program focusing on flood risk and resilience in Northfield. This effort will complement the physical transformation of the Water Street River Park site and help the community move from disaster recovery to a new relationship and respect for the river that runs through its core. Activities include river flume demonstrations; working with Norwich University to integrate student designs and educational stations; green stormwater infrastructure practices that could be installed in the park; outdoor education for Northfield school children; publishing a series of articles and interviews on various river-related topics in the *Northfield News*; and, coinciding with the Northfield Labor Day celebration, a Water Street River Park booth and walking tour of the site.

Conclusion. August is the five year anniversary of Tropical Storm Irene. Since then, just the name “Irene” brings to mind the larger issues of disaster recovery, floodplain management, climate change, and personal loss. Says Northfield Hazard Mitigation Planner Michele Braun, “At a very difficult time for the Water Street neighborhood, the prospect of using the floodplain for a town park and doing river restoration work brought in interest from the local university and others that will benefit the town. We’ve also had time to think through a more comprehensive solution considering how to include parcels upstream and downstream from the future park.” The Northfield Water Street Park is a model for other village centers around the state that shows it is possible to restore river corridors in a downtown area in a way that reduces flood risk and enhances the downtown while at the same time increasing community resilience.

For more information, please contact Milly Archer, VLCT Water Resources Coordinator, at marcher@vlct.org.

Nothing gets done without hard work, money, and good advice!

Organizations associated with the Northfield Water Street River Park project include:

- Davis Educational Foundation
- Edward Miller, Esq.
- Federal Emergency Management Agency
- Friends of the Winooski River
- Lake Champlain Basin Program
- Mad/Dog Chapter of Trout Unlimited
- Milone & MacBroom, Inc.
- Northfield Electric Department
- Northfield High School Class of 1957
- Northfield/Roxbury Long-Term Recovery Committee
- Norwich University Interdisciplinary Team
- Norwich University School of Architecture + Art
- Town of Northfield Conservation Commission
- Town of Northfield Selectboard and Hazard Mitigation Planner
- Two Rivers-Ottawaquechee Regional Commission
- U.S. Fish and Wildlife Service
- U.S. Housing and Urban Development
- U.S. Senator Patrick Leahy
- Vermont Agency of Commerce and Community Development Downtown Program and Community Development Block Grant Program
- Vermont Department of Emergency Management and Homeland Security
- Vermont Department of Environmental Conservation
- Vermont Downtown Action Team
- Vermont Housing and Conservation Board
- Vermont Legal Aid
- Winooski Natural Resources Conservation District



CLASSIFIEDS

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

VLCT NEWS Advertising Information

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

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

CLASSIFIEDS

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

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

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

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

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

DISPLAY ADS

(Placed in the printed *VLCT News*)

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

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

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

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

HELP WANTED

Land Use Administrator. The Town of Weathersfield, Vermont, is seeking

qualified applicants for the position of Land Use Administrator to perform planning, administrative, professional, regulatory, and technical work related to the Town's development review process. This is a permanent, part-time, hourly position, working a total of 24 hours per week, with retirement and other benefits. Hourly salary range, \$17.00-\$19.20, depending on qualifications and experience. An employment application and a complete job description are posted on the Town's website, <http://www.weathersfieldvt.org/>. To apply, email a letter of interest, resume, and employment application to weathersfield@weathersfield.org. Position open until filled. (05-31)

Bookkeeper. The Town of Bethel has an immediate opening in the Town Manager's Office for a full-time, permanent Bookkeeper. The position is under direct supervision of Assistant Town Manager. Minimum qualifications: Associate's degree in Accounting; excellent public relations skills; must be a team player and be able to establish and maintain working relationships with employees, elected officials, and the public; must be organized and able to work under pressure and meet deadlines; experience in municipal accounting procedures and with NEMRC accounting software preferred

but not required. Compensation is in the mid-30s, based upon qualifications and relevant experience. Competitive benefits package. A full job description is posted at www.townofbethelvt.com/JobsRFPs. For more information, call 802-234-9340 or email bethelassistmgr@comcast.net. To apply, email a cover letter, resume, and three references to bethelassistmgr@comcast.net, or mail to Office of the Town Manager, 134 South Main Street, Bethel, VT 05032. Applications accepted until position is filled. The Town of Bethel is an Equal Opportunity Employer and provider. (06-01)

Road Crew Position. The Town of Westford is seeking qualified applicants for a full-time Road Crew position with benefits package. This position involves skilled and unskilled labor tasks and the operation of equipment for the maintenance and repair of town roads. Requirements: valid Vermont CDL license; good driving record; knowledge of highway equipment; willingness to work long hours, especially during winter months; possession of physical strength, agility, endurance, and mental ability to concentrate; ability to maintain logs; possession of mechanical abilities; good

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VERMONT STATE INFRASTRUCTURE BANK (SIB) LOAN FUND

Jointly operated by VEDA and VTTrans, 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



CLASSIFIEDS

(continued from previous page)

communication skills; and the ability to pass a physical exam and drug/alcohol test. A full job description and employment application are posted at <https://westfordvt.us/>. For more information, contact Town Administrator Nanette Rogers (878-4587 or townclerk@westfordvt.us) or Road Foreman Brent Meacham (879-4306). For consideration, please submit resume, references, and completed employment application to Town of Westford, Attn: Nanette Rogers, 1713 Vt. Route 128, Westford, VT 05494. Position open until filled. Westford is an Equal Opportunity Employer. (06-07)

Water System Technician. The Village of Essex Junction is seeking a full-time (40 hours a week plus overtime) Water System Technician for its Public Works Department. A Commercial Driver's License is required. A job application and job description are posted at www.essexjunction.org/departments/employment or you can pick them up at the Village office at 2 Lincoln Street. For more information, call 802-878-6944. Email your application to admin@essexjunction.org, or mail it to Village of Essex Junction, 2 Lincoln Street, Essex Junction, VT 05452. Position open until filled. EOE. (06-08)

Director of Administration. The Town of St. Albans seeks an engaging, collaborative, and dynamic person to serve as the Director of Administration. The Director is responsible for supporting the Planning Commission, strategic planning, and forecasting, as well as assisting with the creation, review, and clarifying of policies and procedures on a variety of organizational issues. A key component of this position is the performance of technical, administrative, and regulatory work related to the Town's planning process. A detailed job description is available at www.stalbanstown.com. To apply, email send a cover letter, resume and three references by Friday, July 1, 2016, to adminast@comcast.net, or send to Town of St.

Albans Town Manager, PO Box 37, St. Albans Bay, VT. 05481. (06-13)

RFPs

Feasibility Study. The Town of Pownal is seeking architects or consultants to perform a feasibility analysis for the Town municipal building project. The project consists of reviewing an existing structure that would be converted into Town office space for possible renovation requirements to meet the Town municipal office facility's needs. Individuals hired would need to provide information and guidance on learning about agencies in which the Town could seek supporting funds for the renovation/construction of the structure into a municipal building. Development of the project outline must show a timeline with necessary steps that allow for design, its approval, and Town hearings for a possible bond vote. The Town has elected to seek the assistance required to perform these task from one or more qualified architects/consultants. The period of service for this contract is July 21, 2016, to January 19, 2017. The Town reserves the right to extend the period of service subject to the mutual consent of the parties. Proposals must be received **by 5 p.m. on Wednesday, July 6, 2016.** Please email your proposals to both pownallcs@comcast.net and vtnelson@comcast.net and also send an original proposal plus five copies via U.S. mail to Town of Pownal, PO Box 411, Pownal VT, 05261. For additional information, visit the Town office at 467 Center Street in Pownal, or contact Linda Scarappa, Administrative Assistant to the Pownal Selectboard, at pownallcs@comcast.net or 802-823-0132. (06-09)

Carpet and Vinyl Flooring Installation. The Selectboard for the Town of Grand Isle is seeking proposals from qualified carpet and vinyl flooring installers to replace of carpet and install vinyl flooring in the Grand Isle Town Office located at 9 Hyde Road in Grand Isle. The surface area to be covered is approximately 1,680 square feet. RFPs will only be accepted from installers who have visited the Town Office, consulted with Town Clerk Melissa Boutin, and have made a determination as to the amount of flooring product required for the project. Please visit <http://www.grandislevt.org/> to download full RFP. **The deadline for bids is Monday, July 11, at 3:30 p.m.** (06-13)



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www.vmbb.org



STAFF NEWS

At its annual Spring Meeting in Killington, the Green Mountain Water Environment Association honored VLCT Conference Coordinator **Lisa Goodell** with its President's Award. GMWEA President Chris Robinson cited her "outstanding organization and customer service skills along with her willingness to go over and above" as some of the reasons she was selected. (Of course, we already knew that about her.) Good job, Lisa!

VLCT NEWS ONLINE

We encourage all subscribers to consider switching from paper copies to online viewing of the *VLCT News*. The benefits are many: a smaller carbon footprint, lower printing and postage costs, less paper used, full-color rendering of color photographs, and immediate access to web links.

If you are ready to access the *VLCT News* completely online, please email us so we can remove you from our postal mailing list and make sure that your correct email address is on our *News* email list.

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UPCOMING EVENTS

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TOWNFAIR2016
October 5-6, Champlain Valley Expo

TOWN HEALTH OFFICERS WORKSHOP

Saturday, September 10
Lake Morey Resort, Fairlee

Tuesday, September 13
Hilton, Burlington



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