



Published on *Vermont League of Cities and Towns* (<https://www.vlct.org>)

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Executive Director's Message

Happy New Year! It is my sincere hope that you enjoyed the holidays, had the opportunity to spend time with family and friends, and are experiencing a peaceful start to 2019. January is the time when we look ahead strategically, plan for the year to come and pursue our course. After celebrating a successful PACIF renewal and the completion of several successful regional and online workshops hosted by the Municipal Assistance Center, preparing for the new legislative session, and reviewing important feedback from the spring Listening Sessions, VLCT's Board and staff are now poised to develop a roadmap for continued success in the pursuit of our mission to serve and strengthen Vermont municipalities.

Throughout the coming year, we will be discussing the details of what it means to be VLCT, what programs and services are or should be offered, and the role we play in the day-to-day work of our membership. When we observed VLCT's 50th anniversary in 2017, we promised to explore the best ways to move the organization forward in order to remain a vital and trusted resource to members. We continue that work in 2019, identifying what matters to you, where VLCT can best partner with you to enhance your success, offer resources and develop initiatives that will deliver the greatest member benefit over the next several years. This is an exciting undertaking, part of which will entail collecting data from you - our members - and working closely with VLCT Board members and staff to

steadfastly evolve as your organization and to transform the information you share into actionable projects that meet your needs. You should see evidence of this work by spring.

Another important focus is this publication. VLCT News underwent an amazing creative redesign last year, and it will continue to grow and develop in 2019. We plan to offer our readership a wider range of perspectives and news stories, while still providing the expert advice, guidance, and useful information for which VLCT News is well-known. And, of course, the monthly trivia question and classified listings will continue to be popular features. The VLCT News team will solicit work from outside authors and news sources to present the helpful and interesting information you expect. VLCT News is your publication, and in order to ensure that you get the most from each issue, please send us your feedback. Are there specific issues you want to see featured? What topics would help you best serve the needs of your community?

The holiday rush is behind us. As we settle into the remaining months of Vermont's long winter, I look forward to having the opportunity to speak with you, to see you at an upcoming event such as Town Meeting Tune-Up on February 7 or Local Government Day on February 14, or to connect with you via email (mcarroll@vlct.org) should there be any topic that you would like to bring to my attention.

Working together, we are sure to see a successful year ahead!

Warm regards,

Maura Carroll

Executive Director, VLCT

Voter-Backed Petitions Deadline

Patty Mark, Assistant Clerk from the Town of Westminster, recently asked VLCT's Municipal Assistance Center this question: If the town begins its annual meeting in 2019 on the Saturday before town meeting (March 2nd) and continues it to Town Meeting Day on the first Tuesday in March (March 5th), is the deadline for voter-backed petitions affected?

It is a great question and one that we had not received before. The law governing petitioned articles provides that "[t]he warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than 47 days before the day of the meeting." 17 V.S.A. § 2642(a)(3)(A). When we read this statute, our attention was instantly drawn to the words, "not less than 47 days before the *day of the meeting*." The "day of the meeting" refers to Town Meeting Day that, by law, falls every year on the first Tuesday in March. 17 V.S.A. § 2640(a). In 2019, that day is March 5th. Counting back 47 days from that date puts the deadline for petitions at January 17th. But, the Town of Westminster took advantage of a state law (17 V.S.A. § 2640(b)) that permits towns to start their annual meetings on any of the three days immediately preceding the first Tuesday in March and will hold its annual meeting on Saturday March 2, 2019. Counting back 47 days from that date puts the deadline for petitions in Westminster at January 14th.

It would seem that the town has two separate Town Meeting Days: one on January 14th and the other on January 17th. So, which deadline should they use? At this point in our legal analysis, it would seem that we are no closer to answering Patty's question than when we started.

However, a closer examination of the law governing when towns must hold their annual meetings provides us with some much needed guidance. First, the law says that when a town so votes, it may "start" its annual meeting on any of the three days preceding Town Meeting Day. Second, a "meeting so started shall be *adjourned* until the first Tuesday in March." (Emphasis added.) 17 V.S.A. § 2640(b). The dictionary defines the word "adjourn" to mean "suspend until a later stated time." The meeting on March 2nd is, therefore, just the beginning of Town Meeting Day in Westminster. This meeting is "adjourned" or continued to March 5th, when it ends. In the eyes of the law, these are not two separate days after all, but rather one long continuous day. The date of Westminster's annual town meeting therefore will be Saturday March 2nd. Having determined "the day of the meeting" we can now count back 47 days to find the petition deadline - which brings us to Monday, January 14, 2019.

We thank Patty for her question. If you have one that you think would make a good "Ask MAC" article for our news magazine, please contact us at 800-649-7915 or info@vlct.org [1].

Garrett Baxter, Senior Staff Attorney

Australian Ballot and Informational Hearings

How do towns give notice of the public informational hearing that is required when using the Australian ballot system of voting?

The selectboard must hold a public informational hearing when a town uses the Australian ballot system of voting on any public question or its budget. 17 V.S.A. § 2680(g). The informational hearing, which is administered by the selectboard, must be held within the 10 days immediately preceding the town meeting at which the Australian ballot system of voting is to be used. The purpose of the informational hearing leading up to the Australian ballot vote is to afford the electorate an opportunity to discuss the article(s) on which they will be voting.

The informational hearing must be warned at least 10 days in advance by posting notice of the hearing in at least two public places in town and in the town clerk's office.

Note that if the town has voted to change the date of its annual town meeting to one of the three days preceding the first Tuesday in March, then the public informational hearing may be held in conjunction with that town meeting, in which case the moderator presides. 17 V.S.A. § 2680(g)(2)(B).

Carl Andeer

Staff Attorney II, VLCT MAC

Is a Town Subject to Gasoline and Diesel Taxes?

Vermont law exempts governmental agencies from taxes assessed on diesel fuel purchases only. 23 V.S.A. §§ 3003(d)(1)(c) and (d)(2). There is no municipal exemption for the gasoline tax (or taxes assessed on heating oil purchases).

Even if the town deals with a fuel dealer located in a state that exempts municipal purchases of both

gasoline and diesel fuel from state taxes (such as New Hampshire and Maine), the Vermont gasoline tax must still be paid to the Vermont Department of Motor Vehicles. Municipalities do not lose the money, however, since it comes back to them through the state transportation fund in the form of state aid for highway maintenance. 23 V.S.A. § 3106(c).

If you have a specific fuel tax question, contact the Miscellaneous Taxes Section of the Vermont Department of Taxes at 802-828-2551, extension 4.

Susan Senning, Staff Attorney I

VLCT Municipal Assistance Center

CWSRF Loans Expanded to Include Private Entities

Vermont's Clean Water State Revolving Fund (CWSRF) is a federal-state program that provides communities with a permanent and independent source of low-cost financing for a wide range of water quality infrastructure projects. This is the first in a series of VLCT News articles outlining the evolution of the CWSRF a result of Act 185, which became law last May.

While Act 185 caused eligibility in Vermont's CWSRF to become more flexible, you could also say it became more adaptable, more accommodating, and - in keeping with its clean water moniker - more fluid.

In addition to funding municipal clean water projects, the CWSRF is now open to private entities including for-profit applicants, non-profit organizations, and private landowners. This is timely, because the fund can provide private entities with access to capital to invest in upcoming and potentially costly stormwater retrofits required under the draft (as of this writing) updated Stormwater Management Rule. Additionally, the CWSRF can now help mobile home parks and homeowners associations that need wastewater infrastructure financing.

Several changes in the new law protect municipal interests. Municipal projects are prioritized under the CWSRF, and in order for a private entity to utilize the fund, all municipal projects must first be bypassed. Additionally, private entities may not access more than 20 percent of the available fund balance in a given year and will need a letter of support from the relevant municipality in which the entity resides.

If you have any questions, please contact VLCT Water Resources Coordinator Milly Archer at marcher@vlct.org [2] or 800-649-7915 and she will provide an answer or direct you to someone who can.

Staff News

After Dave Sichel (remember him?) announced his recent retirement, VLCT discussed plans for the future for Risk Management Services. After much thought, RMS decided not to fill his position and to instead give deserving staff the opportunity to take on more responsibility.

Fred Satink has been promoted to Deputy Director, Underwriting and Loss Control. In his new role, he will continue to perform many of the same duties and now help with overall administration of the Trust. Fred will continue to supervise the Underwriting staff and will have Jim Carrien's assistance with overseeing Loss Control.

Jim Carrien, who has demonstrated an outstanding work ethic and an ability to work closely with his members to facilitate change, has been promoted to Loss Control Supervisor. Jim will maintain servicing responsibility for at least half of his current members and will assume day-to-day supervision of the loss control consultants and administration.

Vicky Abare, who has been a dedicated member of the Underwriting division for several years and has consistently produced highly quality work, has been promoted to Senior Underwriter. In her new role, she will join Pam Fecteau in helping to balance workloads, cross-train staff, and work on new member and renewal proposal development and presentations.

Kelley Avery has been our unemployment insurance expert and has continued to work hard helping members with their Health and benefit needs. Because of Kelley's continued hard work and dedication to the VERB Trust and the organization as a whole, she has been promoted to Senior VERB Program Administrator. In her new role, she will continue to perform all of the same duties and assist with the overall administration of the Trust. Importantly, her new title features a *lot* fewer characters than her previous one (Unemployment Insurance Underwriter & Health Benefit Programs Administrator), meaning that it'll fit way better on her business card.

Lastly, to reflect the depth of human resource experience that **Jill Muhr** brings to our member municipalities, her title has been revised to Senior Human Resources Consultant.

Congratulations to everybody!

Municipality Triviality, January 2019

Can it be?! *No one* knew the answer to last month's trivia question! You remember it, right? Q: What was the first Act 250 permit? A: The Rutland District Commission: timber harvest above 2,500 feet elevation on state lands in Mt. Holly. An overflowing cauldron of congrats to Brendon Whittaker for stumping our trivialogists! First time, in, oh, in ages!

According to a reliable source, a Vermont mountain was named by a party of hunters who went out one winter's day in search of deer on that same natural elevation of the earth's surface rising abruptly from the surrounding level. Regrettably, their GPS receiver was on the fritz and the men got lost in the woods. They had to stay out all night with nothing to eat save one partridge, "and that without salt or sauce." (Oh, the tribulation!) When, on the following day, they finally found their way home, they were half starved and wholly tuckered out, telling anyone who would listen that they had been on _____.

The name stuck. What was – and still is (I just checked) – the name of the mountain? If you know the answer, email it without delay to dgunn@vlct.org [3]. My answer will appear in the flabbergastingly frosty February fishue.

Trust Matters, January 2019

VERB's Vision Benefits Have Online Resources

While the holiday shopping season is finally over, many consumers make purchases year-round. That's why we urge all EyeMed member groups to remind subscribers about the in-network options for buying contact lenses and eyeglasses online. The two sites that provide EyeMed in-network benefits are **Glasses.com** and **ContactsDirect.com** and they offer:

1. free shipping
2. shipping within 24 hours of purchase (once prescription is verified)
3. a wide variety and selection of top-selling name brand products
4. easy, user-friendly tools and interface
5. virtual 3D "try-on" technology at Glasses.com to show purchasers how various styles of frame would look on their face before they decide to buy

You will find how-to guides for both of these sites on our website's Vision Insurance Partner Resources page, www.vlct.org/resource/vision-insurance-partner-resources [4]. Contact VLCT's Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) for more information.

Join VERB's Life and Disability Program at Any Time

Since the VERB Trust first partnered with Lincoln Financial Group in 2014, our members have benefited from substantial cost savings. Lincoln recently announced it will guarantee its existing rates with VERB until July 1, 2020!

In addition to excellent rates, members also enjoy access to these Lincoln perks:

- extensive online resources
- the Travel Connect and Life Keys programs for those with Group Life
- new, employee paid voluntary plans such as Optional Life and Accidental Death & Disability (AD&D)

With more than 100 years of expertise in life and disability insurance, Lincoln Financial Group is a proven

leader in the group benefits field. Through Lincoln's real-time online claims system, employers can access forms, view certificates, pay bills, and track the status of claims. Claims can be submitted online or by phone, fax, email, or regular mail.

For a quote on group life or disability insurance (short-term or long-term), or if your municipality already has a Lincoln group life plan and is curious about adding optional life and AD&D, please contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT.

West® HealthAdvocate for Use by ALL in VERB

We urge **all** VERB Trust members to encourage your employees to make full use of the Health Advocacy services offered by West® HealthAdvocate throughout 2019. This toll-free telephonic service is available to your employees – as well as (or on behalf of) their spouses, dependents, parents, and parents-in-law – 24 hours a day and seven days a week. If your employees are having any issues with benefits, claims, or coverage, please encourage them to **call Health Advocate at 866-695-8622** immediately for assistance! For more information, visit vlct.org/rms/verb/health-advocate [5].

We can help you spread the word by providing you with specific Health Advocate marketing materials to post or give out to your employees. Contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) to request them.

2019 PACIF Scholarships and Grants

PACIF is **of course** continuing two of its most popular and widely used loss control programs in 2019: Scholarships and Grants. Both reimburse members for certain pre-approved costs associated with reducing the municipality's risk of claims. Scholarship applications are accepted and awarded on a rolling basis until all of the allocated funds are used. Although grants are available in two application periods, most of the allocated funds are used in the first period. All relevant information about both programs is available through [our Grants and Scholarships webpage](#) [6].

Below are a few of the important points relating to grant eligibility. Most have been developed in the interest of distributing the available funds as broadly and fairly among members as possible. The eligibility requirements may sound complex, but applying is actually a lot easier than for other grants, and we are happy to work with members who contact us for guidance about how to make their application both complete and successful.

We consider applications in the context of many factors, including how well the PACIF-covered departments or operating units in the municipality have followed up on formal loss control recommendations we have made in the previous two years. One department not addressing its recommendation can actually limit the eligibility of the rest of the municipality. If an application is at risk of partial or complete ineligibility for this reason, we will reach out to the PACIF contact and give the member a chance to address the recommendation and restore eligibility. In fact, part of any application can be for systems, equipment, repairs, or services that address these outstanding recommendations.

Starting in 2019, reimbursements for roadwork items such as sign packages, barricades, and traffic

cones will be determined by the pricing available through the State of Vermont contract. For this pricing information, visit [bgs.vermont.gov/purchasing-contracting/contract-info/current#Highway Materials and Equipment](https://bgs.vermont.gov/purchasing-contracting/contract-info/current#Highway_Materials_and_Equipment) [7]/.

Each member will now be allowed to purchase certain emergency services protective gear – including turnout gear, SCBA equipment, and EMS clothing – **only once** with a PACIF grant. This means that if turnout jackets and pants are purchased one year, different gear such as helmets, boots, or gloves are eligible for reimbursement in future years, but turnout jackets and pants will not be eligible again. Also new this year is a \$2,000 maximum reimbursement for firefighting turnout gear and personal protective equipment.

As in previous years, all applications must be signed by a senior municipal official (i.e., mayor, municipal manager/administrator, or selectboard member). This helps assure that someone with overall budget responsibility can oversee the applications for grant funds within each municipality. Please contact Adam Davis (adavis@vlct.org) [8] or 800-649-7915 ext. 1921) with any questions about PACIF Scholarships and Grants.

Winter Property Safety

Although winter-like snow and low temperatures greeted Vermonters early this year, it isn't too late to remind readers of some special risks that our winters impose on man-made structures *and* to suggest a few ways to head off damage before it happens. Think of risk prevention as enlightened self-interest. When all PACIF members work to reduce their potential for claims, fewer claims occur, which directly influences future property coverage rates.

Snow and Ice on Roofs. Excessively deep or heavy snow on a roof can weaken the underlying structure or develop into an ice dam – or both. It's a good idea to monitor the depth of snow on roofs throughout the winter and to notice the weather conditions that contribute to the snow load, because they can affect how dense and heavy the snow becomes. For example, rain on top of snow can add to the snow's weight significantly.

The best winter safety tip for roofs is to pay attention to the snow load and, when the snow becomes excessively deep or heavy, to hire a properly insured contractor to remove it.

Certain building types or characteristics pose a higher-than-average risk of roof collapse, including:

- any building more than 50 years old
- buildings with wood “bowstring” trusses
- unoccupied buildings (because they are not routinely monitored)
- buildings with a flat or low-pitch roof
- “L” or “T” shaped buildings

Ice dams develop when snow builds up on a roof, melts partially (usually because of heat loss from inside the building), and refreezes. After an ice dam has formed, water easily backs up into roofing materials above the dam and seeps into the structure, causing water damage that can lead to mold and rot. If you have a building that has a history of developing ice dams, regularly remove snow four to eight feet back from the drip line to prevent ice buildup in the first place. Roof overhangs are particularly vulnerable to ice build-ups. While snow

removal does control the issue, the best long-term solution is to identify and solve the building's heat loss issue(s). "Dealing with and preventing ice dams," from the [University of Minnesota Extension](#) [9], is especially informative.

Freezing Pipes and Staying Warm. During cold spells, heating systems often struggle to heat all areas of a building adequately. Particularly in Vermont's older buildings, there are minimally heated crawl spaces as well as nooks and crannies that may contain potable water and sprinkler lines. These pipes are particularly vulnerable to freezing on very cold nights.

To help prevent heating problems:

- Make sure the heating system is inspected and cleaned every 12 months by a qualified technician. If this is overdue, please get this addressed ASAP!
- Never store combustible materials within six feet of a heating appliance. Ideally, remove all combustible materials and liquids from the area.
- Make sure all furnace room fire doors are kept closed.

To help keep pipes from freezing during extremely cold weather, especially overnight:

- Increase the building temperature.
- Open doors to cabinets, closets, crawl spaces, and other places where water pipes or sprinkler lines are located so the general building heat can get to them. If necessary, use small fans to push heated air into the coldest of these locations.
- Let hot and cold water faucets trickle overnight.

It may be tempting to do so, but never use an open flame device to thaw a frozen pipe. Instead, turn the faucet on, increase the temperature in the area, and use a blow dryer on the affected line. Or hire a contractor – properly insured for both workers' compensation and general liability, of course – to do the job.

As always, if you have any questions, please contact your loss control consultant at losscontrol@vlct.org [10] or 800-649-7915.

PACIF property damage claims that resulted from winter snow and cold include:

- Situations where sprinkler lines froze and then burst, creating significant water damage at multiple levels within the buildings. One such incident resulted in a claim to repair more than \$300,000 in damage.
- Roof collapses from the weight of snow, though these are typically limited to smaller shed buildings.
- Vehicle damage caused by snow and ice falling from buildings during freeze/thaw cycles. You can avoid these incidents by posting signs that clearly warn drivers of the falling ice/snow hazard. Some high hazard locations might warrant placing barricades to restrict access.
- Using heavy equipment to remove ice and snow buildup from a roof. One PACIF claim of roof and structural damage caused by heavy equipment involved more than \$80,000 of repairs. Here again, given the fall hazard, the best solution would have been to transfer the risks by contracting with a properly insured vendor to perform these services. Never allow an employee to remove snow while working from a raised bucket, unless they are working from a personnel basket designed for the purpose and are using appropriate fall restraints.

Links

[1] <mailto:info@vlct.org>

[2] <mailto:marcher@vlct.org>

[3] <mailto:dgunn@vlct.org>

[4] <https://www.vlct.org/resource/vision-insurance-partner-resources>

[5] <https://www.vlct.org/rms/verb/health-advocate>

[6] <https://www.vlct.org/loss-control-programs/pacif-grants-and-scholarships>

[7] <http://bgs.vermont.gov/purchasing-contracting/contract-info/current%23Highway%20Materials%20and%20Equipment>

[8] <mailto:adavis@vlct.org>

[9] <https://extension.umn.edu/protecting-home-rain-and-ice/dealing-and-preventing-ice-dams>

[10] <mailto:losscontrol@vlct.org>