**Open Meeting Law Resources for Municipal Officials**

Selectboards, planning commissions, development review boards and other “public bodies” must comply with Vermont’s Open Meeting Law, 1 V.S.A. §§ 310 et. seq. So, what does that mean exactly? And what are the rules regarding Executive Session? To help municipal officials understand practical application of the law, VLCT’s Municipal Assistance Center offers several resources and training opportunities, including:

- On-site training workshops for selectboards, land use boards and other public bodies;
- Day-long workshops, such as the Selectboard Institute;
- An Open Meeting Law poster and brochure;
- Articles posted in VLCT’s online Resource Library; and
- MAC staff available to respond to questions through our inquiry service.

To learn more about any of these services, contact the League at 1-800-649-7915 or info@vlct.org.

**Worksite Wellness in the Limelight**

On December 1, 2009, the Vermont Governor’s Council on Physical Fitness and Sports held its annual Worksite Wellness Conference at the Capitol Plaza Hotel in Montpelier. The conference included presentation of the 2009 Worksite Wellness Awards by Governor Douglas, a speech on promoting health despite this challenging economy, three workshops on encouraging worksite wellness, and exhibits by various health-oriented Vermont organizations.

What did any of this have to do with VLCT? Of the 78 Vermont employers that applied for 2009 Worksite Wellness Awards, 22 were VLCT Health Trust members, and six of them won awards and were honored at the conference. For the people who run wellness and fitness programs at your workplace, events like this are not just informative – they are **energizing**.

(continued on page 9)

**Resources for Municipal ADA Compliance**

State and federal laws place a wide range of obligations on municipalities to ensure that their practices and programs do not discriminate against persons with disabilities. The most well known of these laws is the Americans With Disabilities Act (the ADA). The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. The ADA defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one

(continued on page 11)
U.S. Health Care: Isn’t It Ironic?

Since the VLCT Health Trust was founded 27 years ago, both it and U.S. health care as a whole have changed significantly. We are now participants in a very complex, technologically advanced, and expensive system. One odd circumstance is that while many things have changed in our healthcare system in that time, much remains the same. Increasing costs continue to place strain on municipal budgets, and comprehensive healthcare reform, which has ostensibly been a national goal for decades, is still not a reality.

Rising Premiums. The VLCT Health Trust began offering self-insured health insurance plans to member municipalities on July 1, 1982. The challenges faced by the Trust as it looked toward its second year were in many ways the same ones we face today. Three excerpts from the minutes of 1982-1983 Board meetings make this clear.

- If claims continue as is, the group should be looking at a 39 percent increase. (Note: the actual increase for 1983 turned out to be 46.5 percent.)
- The Board discussed the issue of health cost-containment legislation.
- The Board strongly desires to work ... on an aggressive cost-containment program directed at employers, employees and providers.

In February 1987, the Board discussed a proposed 30 percent rate increase in response to medical trends that were “quite high.” One Board member said that if the increase were enacted, “town budgets would be strained to the limit.” In 1988, after the substantial rate increase, the top of the line family plan rate was an astronomical $262.31 per month. Today the monthly rate for a comparable plan is $1,878.66.

Cost-Saving Approaches

In 1993, the Health Trust adopted health system reform goals that included:

- integrated systems of care
- universal access
- malpractice liability reform
- simplification of administrative processes
- consumer education and personal responsibility for health
- improved use of information technology
- minimize cost shifting, and
- incentives to encourage competition on quality, cost and value

In 2005, the Health Trust Board endorsed the VLCT Health Care Financing Reform Proposal with reform goals that included:

- integrated systems of care
- universal access
- malpractice liability reform
- simplification of administrative processes
- consumer education and personal responsibility for health
- improved use of information technology
- minimize cost shifting, and
- incentives to encourage competition on quality, cost and value

Do you notice any difference?

The challenge of containing costs continues today at the state and national levels, and costs continue to increase at a rapid pace. Over the life of the Health Trust, annual premiums have risen from $2.6 million in 1982 to $30 million this year. We need to see positive change in the U.S. health care system. We sincerely hope that ten years from now we won’t be inclined to write another VLCT News article titled “U.S. Health Care: Isn’t It Ironic?”

David Sichel, Deputy Director,
Risk Management Services
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Questions asked by VLCT members and answered by the League’s legal and research staff

Ask The League

Constable Certification; Zoning Administrator Term Expiration; Reporting New Hires

Our town’s elected constable performs law enforcement in town. We understand that as of July 1, 2010 all constables that perform law enforcement must receive certification. What does this consist of?

An elected constable who doesn’t or is unable to complete training cannot be removed from office, however he or she would be prohibited from conducting law enforcement. For more information on certification, visit the Criminal Justice Training Council’s website, www.vcjtc.state.vt.us/PartTimeCert.htm, or call 802-438-6228.

Stephanie Smith, AICP, Senior Associate VLCT Municipal Assistance Center

Who serves as the Zoning Administrator when the current Zoning Administrator’s term expires and he or she is not reappointed?

The current zoning administrator, unless someone else is appointed to the position. According to Vermont law, a zoning administrator is nominated by a municipality’s planning commission and appointed by its legislative body for a term of three years. 24 V.S.A. § 4448(a). At any time during this three-year term, a zoning administrator may be removed by the legislative body for cause after consultation with the planning commission. Absent removal, a zoning administrator’s tenure will expire by operation of law upon the passing of the three-year anniversary of his/her appointment. If a zoning administrator’s term expires and the legislative body has yet to reappoint or appoint a new zoning administrator, the person sitting as the zoning administrator could still continue to lawfully discharge the duties of this office.

(continued on next page)

VLCT Consulting Services

Experienced local officials and professional staff are available to assist cities and towns in a number of areas including:

- financial reporting and management
- land use planning and regulation
- law enforcement
- municipal law and governance
- municipal management and administration

For more information, please contact Abby Friedman at (800) 649-7915.
under the de facto officer doctrine. This legal doctrine, according to the United States Supreme Court, “confers validity upon acts performed by a person acting under color of official title even though it is later discovered that the legality of that person’s appointment ... to office is deficient.” Ryder v. United States, 515 U.S. 177, 180 (1995).

The Vermont State Supreme Court has stated the purpose of the de facto officer doctrine is “to protect the public’s reliance on an officer’s authority and to ensure the orderly administration of government by preventing technical challenges to an officer’s authority.” State v. Oren, 160 Vt. 245 (1993). Without it, people would not be able to rely on the decisions and actions of their public officials and “fear and chaos ... would result from multiple and repetitious suits challenging every action taken by every official whose claim to office could be open to question ....” Ryder v. United States, 515 U.S. at 180. The doctrine, however, doesn’t apply to just anyone who comes in off the street claiming the office of zoning administrator (or any other appointed office for that matter) for themselves. Rather, the doctrine finds its logic in the apparent authority of the person holding the office. For that reason, the Vermont Supreme Court has only applied the doctrine when one is “in the unobstructed possession of an office and discharging its duties in full view of the public, in such manner and under such circumstances as not to present the appearance of being an intruder or usurper.” State v. Oren, 160 Vt. 245, 247 (1993).

Of course such questions about any appointed officer’s authority to act could be avoided altogether by keeping a calendar of the anniversary of all appointed officers and either formally reappointing them when their terms expire or appointing someone new to take their place.

Garrett Baxter, Staff Attorney
VLCT Municipal Assistance Center

I understand that a town is required to report new hires to the Vermont Department of Labor. What is the process?

Vermont State law requires employers, which includes governmental entities, to report every new hire to the Vermont Department of Labor. A “new hire” is defined as “an employee for whom a W-4 filing is required and whose wages have not been reported by the filing employer to the Department of Labor during the last reporting quarter.” 33 V.S.A. § 4110. The purpose of reporting this information is to track parents who are responsible for the payment of child support.

The reporting must occur within 20 days of hiring a new employee and include the “newly hired employee’s name, address, and Social Security number, and the employer’s name, address, and federal identification number.” A town can use either a copy of a W-4 form or its own form that includes all the necessary information. 33 V.S.A. § 4110 (b). The form may be sent to the Department of Labor by fax, first class mail, by magnetic tape, electronically, or via the telephone. A fine of up to $500 may be assessed to the town if it conspires with the employee to withhold the individual’s employment status. 33 V.S.A. § 4110 (b) (4).

Resources that are on the Vermont Department of Labor’s website include:


Stephanie Smith (AICP), Senior Associate
VLCT Municipal Assistance Center

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**Upcoming Training Opportunities**

**Presented by VLCT’s Municipal Assistance Center**

Wednesday, March 10, Vermont Interactive Television

**Making the Most of Municipal Planning Data Resources** (Cosponsored by Vermont’s Regional Planning Commissions and the Vermont Association of Planning and Development Agencies)

A town uses a variety of data to help develop the town plan and other planning documents. How to apply or analyze this information effectively to guide decisions on economic and housing growth, natural resources, transportation, and facility planning can sometimes mystify the citizen planner. This instrumental workshop will examine how to find and apply readily available census and other planning resource data to help develop planning policy.

Tuesday, March 23, Hartford Town Offices
Thursday, March 25, Milton Town Offices

**Treasurers’ Workshop**

This half-day workshop, designed for newly-elected treasurers and those who want to improve their job skills, will include a review of the statutory duties and responsibilities of treasurers and an introduction to governmental accounting and financial reporting, banking services, payroll, and benefits.

Saturday, March 27, Lake Morey Inn, Fairlee

**Selectboard Institute**

The Selectboard Institute focuses on the fundamentals of municipal governance such as understanding the municipal organization, essentials of municipal law, running effective meetings, and managing the town budget.

**Save the Date**

Tuesday, April 27, Hartford Town Offices
Thursday, April 29, Milton Town Offices

**Conducting Effective Tax Appeals**

For registration and other information, please visit [www.vlct.org/eventscalendar/upcomingevents/](http://www.vlct.org/eventscalendar/upcomingevents/) or call 1-800-649-7915 or email info@vlct.org.
Examples of proactive, responsive, local risk management solutions

SPOTLIGHT ON SAFETY

Keeping an Eye on Ice and Snow Accumulations and Preventing Roof Collapse

All properly designed and constructed roofs are built to withstand a “design” ice and snow load. The design considers factors such as the type of structure, its construction, and the risk to human life and safety. The “snow load” design is based on the expected frequency and severity of snowstorms. This is critical in New England where design loads can range from 40 to 70 pounds per square foot. Snow load is only a portion of the total design load, which must also consider wind and the “dead load” or weight of the roof structure itself.

If the condition of a roof requires that snow and ice be removed frequently, conduct a thorough engineering study and take long-term remedial action.

Municipally-owned properties have the same risk of collapse as all structures. Poor materials or construction and lack of post-construction maintenance can result in a weakened structure. Lack of proper design or design to standards lower than today’s is not uncommon. Newer building codes provide better guidance for estimating snow loads. Many older community structures were built by volunteers whose enthusiasm far outweighed their engineering and construction abilities. Older roofs can suffer from corrosion of metal members and connectors which can reduce their ability to resist high snow loads. After construction, proper maintenance is important, and any damage or leakage should be immediately repaired.

The weight of snow and ice on a roof experts vertical loads that can cause the roof to sag or bow downward. This loading also transfers horizontal forces that can cause walls to deflect outward at the top or bottom of the wall. Minor sagging or deflection that occurs in a properly constructed roof usually goes unnoticed, is temporary, and disappears after the load is removed. When sagging and deflection become permanent, the structure is deficient and, in extreme cases, the roof may collapse.

The weight of accumulated snow and ice, not the depth, is key to assessing a roof’s vulnerability. The weight of snow is determined by its water content. An inch of water depth weighs 5.2 pounds per square foot. Three to five inches of “old” snow is equal to one inch of water, and anything more than two feet of “old” snow could be dangerous. This is especially true if the roof has previously been compromised or damaged by heavy loading.

Before removing snow from a roof, you must determine what is at risk and what the level of risk is. What additional damage might be done to the roof? Is it possible and practical with the available equipment to remove the snow and ice safely? What about the safety of the person who is working on the roof? The liability of having someone else remove the snow must be considered before taking action. Removal of snow and ice should be an infrequent, situational activity to address a singular circumstance. If a roof is in such condition that frequent removal of snow and/or ice is required, then an engineering study should be conducted and long-term remedial action taken.

Buildings at Greater Risk

- Buildings with lightweight roofs, such as metal buildings or built-up roofs, on bar joists
- Roof overhangs that project several feet beyond the horizontal support, if there is substantial ice buildup
- Multilevel roofs where a lower roof is subject to an accumulation of sliding or drifting snow
- Valleys that allow an accumulation of drifting, sliding, or melting snow
- Buildings constructed with no consideration to design load
- Buildings with multiple additions, modification made by non-professionals

(continued on page 10)
The Department of Economic, Housing and Community Development (DEHCD) is offering the Municipal Education Grant (MEG) program again this year, and we encourage municipal officials to take advantage of this no cost educational opportunity! Municipalities can submit grant applications until May 15, 2010 to bring MAC staff to their offices for a free on-site training. Links to descriptions of VLCT’s Land use Workshops and the MEG application are available on VLCT’s website at www.vlct.org/municipalassistancecenter/customworkshops/.

To schedule a land use training, please contact Abby Friedman, MAC Director, at 800-649-7915 or Afriedman@vlct.org. For more information about the MEG program, visit the DEHCD website (www.dhca.state.vt.us/Planning/MEG.htm), or contact Brenda Greika at the DEHCD, 802-828-3243 or Brenda.greika@state.vt.us.

There are 15 VLCT Land Use Training Workshops to choose from, including two new topics noted below:

**Core Topics**
- Capital Planning and Budgeting
- Conducting Effective Meetings and Hearings
- The Effective Land Use Board (new)
- Effective Zoning Enforcement
- Field Guide to Adopting and Amending the Town Plan and Bylaws
- How to Interpret Development Plans
- How to Make and Write an Effective Land Use Decision
- Managing Conflicts of Interest in Local Land Use Decisions (new)
- Major Types of Development Review

**Specific Topics**
- Adopting Local Act 250 Review
- Is a Development Review Board Right for Our Town?
- Planning for Ancient Roads – What Every Municipality Should Know
- Should Our Town Adopt On the Record Review?
- Should Our Town Adopt Zoning?
- Understanding Homeowners’ Associations

Remember to apply early as funding may run out before the May 15, 2010 deadline.

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**Welcome To Choice COBRA!**

As VLCT Health Trust members should already know, Choice COBRA is our new service provider for COBRA administration. Members currently participating in our COBRA administration program have been converted automatically from the old vendor (PayFlex) to this new one. All current COBRA subscribers (individuals under participating members) should have received welcome letters and new coupon payment booklets from Choice COBRA. Participating members (groups) received an email directly from Choice COBRA with instructions for completing the Qualifying Event Notice (QEN). In the near future, participating members will also receive instructions for completing QENs and administering your account activity online through Choice COBRAs web portal. Additional information on Choice COBRA can be found on the VLCT website’s COBRA page, www.vlct.org/insuranceriskservices/programs/cobra/.

We strongly encourage Health Trust members who are not currently signed up for our COBRA administration services to take advantage of this value-added program. It is completely free and ensures your compliance with all COBRA-related federal and state regulations. (Not complying with them can get expensive!) You can enroll in Choice COBRA in one of three ways: sign up through the VLCT website’s COBRA page, go directly to the Choice COBRA website at www.choicecarecard.com/cobra/ and click on Employer Sign-Up, or contact Tamara Parr, our Choice COBRA representative, directly using the following information:

Tamara Parr  
Choice COBRA  
PO Box 866  
North Kingstown, RI 02852  
tel, 888-278-2555 ext. 1910  
or 401-295-4707  
fax, 401-294-3784  
email, tparr@cobra-admin.com  

For additional information, feel free to contact your Member Relations Representative or Kelley Avery at 800-649-7915.

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**2010 Municipal Education Grants Available**

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- General Municipal Law

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802.660.4735
**Welcome New Members!**

**Health Trust:** Town of Weston  
**Unemployment Insurance Trust:** Town of Pomfret

### Change to Quarterly Wage Reporting for UI Trust Members

Unemployment Insurance Trust members please note: effective with the first quarter 2010 Employer’s Quarterly Wage and Contribution Report (C-101 Form), due April 30, 2010, the state has increased the health care contribution fee from $91.25 per FTE (full-time equivalent) to $102.20. This change will be reflected on the revised Health Care Contribution Worksheet which you will receive with your form. Please keep this change in mind when calculating any HC contributions owed on these reports moving forward. Groups that file online will have the new amount calculated automatically. This change does not affect the fourth quarter report for 2009. The employer exemption of four FTEs is still in place for all employers.

The state no longer sends detailed instructions on how to complete the C-101 form, but you can find the instructions at the Vermont Department of Labor website at www.labor.vermont.gov/Default.aspx?tabid=171. You may also contact Kelley Avery at VLCT, 800-649-7915 or kavery@vlct.org, for a copy of these instructions.

### Online Unemployment Claims Management System for UI Trust Members

By the end of the first quarter 2010, the VLCT Unemployment Insurance Trust will roll out a new online Unemployment Claims Management system. Known as INSIGHT, it will be available for all UI Trust members.

(continued on page 14)

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**February 2010 RMS Calendar**

The Last Two of VLCT’s 2010 Health Trust Wellness Coordinator Workshops.  
**Wednesday, February 3, 9:00 a.m. to noon, Lyndon Industrial Park, and Thursday, February 4, 9:00 a.m. to noon, Hampton Inn, Colchester.** Health Trust contacts, municipal managers, and wellness coordinators are invited to learn about VLCT’s 2010 health promotion activities and receive materials for the Leader Program and the Vancouver Olympics Pedometer Adventure. Free to all VLCT Health Trust members. Contact Shawna O’Neill at soneill@vlct.org or 802-229-9111 to inquire about late registration.

**Accident Investigation and OSHA Jobs Hazards Analysis.** Wednesday, February 3, 1:00-4:30 p.m., Green Mountain Coffee Roasters, 81 Demeritt Place, Waterbury. Free. Sponsored by the Vermont Partnership In Safety. For more information or to preregister, email Peter Crawford, Vermont Small Business Development Center, pcrawford@vtc.edu.

**Machine Guarding Webinar.** Thursday, February 11, 9:00-10:30 a.m., www.greenmountainsafety.com/. $45.00. Presented by Green Mountain Safety Consulting, LLC. For information or to register, contact Holly Johnson at holly@greenmountainsafety.com or (802) 862-1399.

**Backs 101.** February 16, 9:00-11:30 a.m., Hickok & Boardman Place, 346 Shelburne Road, Burlington, Ground Floor Conference Room. This class is for supervisors, managers, or anyone who wants more information on how to avoid back injuries in the workplace. Please bring photos in electronic format of examples (of risk factors at your organization) for discussion. $85.00. Presented by Green Mountain Safety Consulting, LLC. For information or to register, contact Holly Johnson at holly@greenmountainsafety.com or (802) 862-1399.

**Standard First Aid and CPR.** March 16, 9:00 a.m. to 2:30 p.m., Hickok & Boardman Place, 346 Shelburne Road, Burlington, Ground Floor Conference Room. This course meets the most recent Guidelines for Basic First Aid and CPR. $85.00. Presented by Green Mountain Safety Consulting, LLC. For information or to register, contact Holly Johnson at holly@greenmountainsafety.com or (802) 862-1399.

**Workplace Violence Webinar.** March 18, 9:00-10:30 a.m., www.greenmountainsafety.com/. This webinar will teach employees how to prevent or respond to threats, abuse, and violent behavior that they may face from coworkers, customers, vendors, or strangers in their workplace. It will cover how to communicate your organization’s commitment to employee health and safety, as well as give employees practical skills for preventing, responding to, and reporting incidents of workplace violence. $45.00. Presented by Green Mountain Safety Consulting, LLC. For information or to register, contact Holly Johnson at holly@greenmountainsafety.com or (802) 862-1399.

**Forklift Operator and Train the Trainer Safety Seminar.** Friday, April 23, 8:30 a.m. to 3:30 p.m., Stafford Technical Center, 8 Stratton Road, Rutland. VOSHA requires all forklift and powered pallet jack operators to receive classroom training and driving evaluations by a “qualified person.” This course is designed as both a train the trainer seminar and in-depth forklift operator safety training. $150 includes valuable handouts and lunch. Register online at vtsbdc.centerdynamics.com/workshop.aspx?ekey=50300001.

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**Welcome New Members!**

Health Trust: Town of Weston  
Unemployment Insurance Trust: Town of Pomfret
Worksite Wellness
(continued from page 1)

Before presenting the awards, Governor Douglas explained that the Governor’s Council on Physical Fitness and Sports is composed completely of volunteers who work closely with each other and with the Vermont Department of Health. He pointed out that worksite health is a crucial part of statewide health and said that the national debate on financing healthcare is moot if it doesn’t focus on staying healthy in the first place.

“The national debate on financing healthcare is moot if it doesn’t focus on staying healthy in the first place.”
—Governor Jim Douglas

Wellness coordinators and other employees from several VLCT Health Trust members attended the conference. The organizations that applied for awards were divided into categories by the total number of employees, and a bronze, silver, and gold award was given in each category. Award-winning VLCT Health Trust members included Waitsfield (Bronze), Greensboro and Killington (Silver), and Mendon, Ludlow, and the Chittenden Solid Waste District (Gold).

The conference’s keynote speaker, William Boyd Baun, is a self-described worksite wellness practitioner who directs wellness programs for the 17,000 employees of the University of Texas M.D. Anderson Cancer Center. Baun said that wellness programs need to be frequently updated and adjusted to meet the changing needs of employees and their household members, because what filled people’s needs last year might not do so this year. He has found that positively affecting people’s lives requires multi-level approaches and repeated, varied outreach. Among other things, Baun has designed what he calls ASAP programs to have an immediate and useful effect on employees. For example, acknowledging that in a busy hospital it is difficult to get harried medical staff to meet at a particular place and time, he sets up short presentations such as exercise demonstrations in hallways. In the minute that medical staff are willing to pause between departments, he can teach them proper crunch or pushup techniques so they will be able to exercise safely and effectively at home.

Each conference attendee was also able to sit in on one of three special-topic seminars. Of particular value to wellness coordinators was “State of the Art of Health Coaching,” which explained the difference between just making wellness programs available to employees and finding ways to get people truly involved in such programs. A roundtable discussion, “Making Wellness Work,” allowed attendees to learn what repeated award winners have done to foster wellness in their workplaces. The third seminar, “Resiliency in Worksite Settings,” focused on strategies for helping injured employees to get back into shape and to work quickly.

Overall, municipal governments made a strong showing at this conference, with wellness programs that compared favorably to the efforts of some of the state’s most successful companies. All but one of the VLCT Health Trust members that applied for the Governor’s Awards participated in the 2009 Leader program and coordinated VLCT’s Keep It Off and Pedometer challenges for their employees. Some, including our six award winners, added their own programs or incentives tailored to the specific interests of their employees. This is the kind of responsiveness and creativity that helps an employer’s wellness programs to be a true asset to their employees’ health. If you need a nudge to make a healthy change in your life, try talking about it with your municipality’s wellness coordinator. You could be starting a win-win opportunity.

Heidi Joyce,
Senior Health Promotion Consultant

2009 Healthy Lifestyle Rewards
Grand Prize Trip Winner

Nathan “Putt” Cowens (center), of the Montpelier Department of Public Works, won the 2009 Healthy Lifestyle Rewards Grand Prize Trip for Two. He was told of his good luck by Heidi Joyce (left) and Joe Damiata (right) on December 14, 2009. Entries for the prize drawing were earned by VLCT Health Trust subscribers who took CIGNA’s online Health Assessment and participated in one of VLCT’s wellness challenges. We’ll let you know in a future issue of VLCT News exactly where Putt and his wife decide to travel.
How to Perform a Visual Inspection

- Look for sagging or bowing of roof rafters or purlins. Start by sighting along the ridge line and eave line. Note “dishing” of the roof.

- Look for deflection at the top and bottom of walls. Note any outward bowing.

- Look for bowing of roof truss, bottom cords or web members.

- Look for separation of ceiling joists and/or trusses from wall plates.

- Look for bowing of headers or columns.

- Look for evidence that flashing has moved around chimneys, door trims, ceiling moldings, staircases, etc.

- Investigate attic and overhead areas for decay, rotting, insect infestation, etc.

If you find any of these conditions, try to have the structure analyzed soon by a qualified individual such as a professional structural engineer. Keep in mind that wood structures will usually show stress before they fail, whereas metal structures usually will not. Creaking or moaning in a building, observed movement, and severe deflection or bowing are indicators of pending collapse. If there is any doubt about the integrity of the roof, evacuate the area until the situation can be analyzed.


ICE AND SNOW
(continued from page 6)

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TELE-SEMINARS SAVE TIME AND TRAVEL

Last year, Risk Management Services tested a new way to share expert information: telephone-based seminars. Health Trust members with collective bargaining agreements were invited to a one-hour special-topic seminar. In addition to the presenters, 22 people attended from 15 member locations.

The tele-seminar format has several benefits over an in-person meeting. A survey of attendees confirmed our expectation that they appreciated not having to drive to and from a meeting: it saved time and reduced their “carbon footprint.” Attendees received a synopsis of the seminar in advance, and they all said that was helpful. One even managed to clean his office while listening on speaker phone. But all attendees who responded to the survey said they learned a lot about the topic, had their questions addressed, and found it easy to participate in the call.

While face-to-face meetings and trainings offer an excellent learning experience, the tele-seminar format holds great promise for being convenient and useful to our members. A scheduled one-hour meeting actually takes about an hour. A tele-seminar is accessible from any telephone; a person quarantined at home would not be barred from attending. Participants can email questions prior to the seminar so the presenter can be prepared to address them.

We look forward to adding the tele-seminar format to the range of ways that we inform and educate our members. We’ll apprise you of them through email and other announcements.

Ken Canning, Managing Deputy Director,
Risk Management Services
ADA Compliance
(continued from page 1)

or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Vermont towns and cities provide a variety of essential programs and services. Applying for a zoning permit, attending town meeting, or calling 9-1-1 are all municipal programs, activities, or services covered by the ADA. It is essential that Vermonters with disabilities have an opportunity to participate in the programs and services that Vermont municipalities offer.

The United States Department of Justice publishes several excellent ADA resources for municipal government. “The ADA and City Governments: Common Problems” contains a sampling of common problems shared by municipal governments of all sizes that have been identified through the Department of Justice’s ADA enforcement activities. The “ADA Guide for Small Towns” focuses on the challenges faced by smaller municipalities in meeting the requirements for town facilities, new construction and alteration, and policies and procedures governing town programs, services, and activities. Another excellent resource is “The ADA Best Practices Tool Kit for State and Local Governments.” It explains how to survey facilities and identify common architectural barriers for people with disabilities; how to identify red flags indicating that municipal programs, services, activities, and facilities may have common ADA compliance problems; and how to remove the barriers and fix common ADA compliance problems that have been identified. All of the documents are available through the Department of Justice website, www.ada.gov/.

One of the most commonly overlooked ADA requirements is the obligation to provide notice to the public about your municipality’s ADA obligations and about accessible facilities and services in the town. According to the “ADA Guide for Small Towns,” the notice must inform the public about the ADA’s nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media. A model notice is available in chapter two of “The ADA Best Practices Tool Kit for State and Local Government,” available at www.ada.gov/pcatoolkit/chap2toolkit.htm.

Jim Barlow, Senior Staff Attorney
VLCT Municipal Assistance Center

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When Multitasking is Risky: Distracted Driving is a Driving Force in Accident Claims

How many of you have driven behind a vehicle on the interstate that is going 20 miles over or under the speed limit? How many of you have had a car suddenly pull out in front of you at an intersection? If you answered yes to either question, what percentage of the time did you notice that the driver had a phone between their ear and shoulder? That’s called distracted driving.

A study by the University of Utah found that only 2 percent of all drivers can drive safely while multitasking. The other 98 percent present some degree of threat to themselves and others – directly to their passengers, occupants of other vehicles, and pedestrians, and indirectly to everyone who relies on a possible victim.

The problem of distracted driving is widespread in the U.S. As long ago as 1997, the National Highway Traffic Administration (NHTSA) analyzed data from accidents reported to police and estimated that distracted driving accounted for 25 to 50 percent of them. The AAA Foundation for Traffic Safety, a nonprofit educational and research organization, reported in July 2009 that two-thirds of drivers admitted that within the previous 30 days they had talked on their cell phones while driving, and 21 percent had sent or read a text or an email. The Virginia Tech Transportation Institute (VTTI), analyzing extensive recorded data on the behavior of a variety of everyday drivers on real roads, recently found that 78 percent of crashes are caused by driver distractions. Three main conclusions emerge from the results:

- The single most important determinant of safety is the driver keeping his or her eyes on the road. Anything that requires the driver to look away from the road for more than a moment presents the danger of not seeing an imminent threat.
- Holding or reaching for something while driving increases the risk of an accident significantly. Not only does having a hand off the wheel reduce the time and accuracy available for steering safely, but the act of reaching often pulls the steering wheel off course.
- Distracted driving is statistically riskier in a truck than in a passenger vehicle.

Trucks require faster response times and are generally less forgiving than cars. Car drivers should keep this in mind because trucks are less able to maneuver away from an accident than are cars.

Many things can distract a driver from the primary task of getting to a destination safely. Cell phones certainly account for much of the problem, but they are not the only culprit. Other factors include eating or drinking, dropping something, driving while operating a radio, laptop, or GPS, and talking with passengers. We all do some of these things, but what we seldom think about is this: drivers who take risks while behind the wheel are socially and legally responsible for their actions. The increased risks created by multitasking are similar to those of activities well known to be dangerous or illegal, such as running stop signs or red lights, exceeding safe speed limits, weaving recklessly, driving under the influence of alcohol or drugs, driving while sleepy or drowsy, failing to yield, and exhibiting road rage.

The issue of distracted driving has received attention from the U.S. government. In 2009, President Obama banned the use of cell phones for texting while driving a federal vehicle and while driving private vehicles on government business. Moreover, U.S. Department of Transportation Secretary Ray LaHood has announced that CDL drivers who are convicted of texting while driving will be disqualified from regaining their CDLs.

Are hands-free devices the cure to the problem of distraction? The NHTSA says no: “Hands-free or hand-held, we have found that the cognitive distraction is significant enough to degrade a driver’s performance.”

(continued on page 14)
VLCT NEWS
ADVERTISING POLICY

The VLCT News welcomes classified advertisements 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. Classified ads are generally limited to 150 words and run for one issue. These ads are also placed on the VLCT website for up to one month.

The VLCT News is published eleven times per year (the August and September issues are combined) and reaches readers during the first week of the month. The copy deadline for advertisements is the first Friday of the month prior to the issue date. Space is sometimes available for late additions; please feel free to check with the editor for availability.

For more information on placing classified ads in the VLCT News, contact classifieds@vlct.org. For details on display or municipal marketplace advertising, please visit the VLCT website under advertising information.

HELP WANTED

Coordinator. The Town of Milton, Vt. seeks qualified candidates for the part-time (20 hrs per week) position of Recreation Coordinator. This is an advanced administrative and managerial position that plans and directs activities in the Recreation Department and is responsible for developing and leading the Town’s leisure-time program opportunities, including supervising staff and volunteers, managing certain recreation facilities, acting as liaison with the citizen Recreation Commission, and providing extensive outreach to the community at large. Starting salary, $14.56 per hour, DOQ/E. If interested, complete a Town of Milton Employment Application (available in the Town Manager’s Office and on the Town’s website, www.milton.govoffice2.com), and submit it along with a resume to Human Resources Coordinator, Town Manager’s Office, 43 Bombardier Road, Milton, VT 05468-3205. Position open until filled. Equal Opportunity Employer. (1-13)

Financial Assistant. The Town of Stowe has a temporary opening from March to June 2010 in the Finance Department. This detail-oriented, multi-task position (up to 32 hours per week) requires interaction with employees, department heads, and the public. Duties include accounts payable, completing a variety of spreadsheets, account reconciliations, and other general office duties. The ideal candidate will have strong written and oral communication skills and be proficient with various computer programs including Microsoft Excel, Word, and Outlook. The ability to organize and prioritize and to maintain multiple tasks and deadlines is a must. Pay dependent upon qualifications and experience. To apply, send letter of interest, application (obtainable from our website www.townofstowevt.org under Town Departments), and resume to Suzanne Gann, HR Coordinator, Town of Stowe, PO Box 730, Stowe, VT 05672, or email recruit@townofstowevermont.org. Applications accepted until position is filled, but interviews will begin no later than February 4, 2010. EOE. (1-5)

Public Works Director. The Town of Stowe seeks a Public Works Director to plan, direct, and oversee the Highway, Water and Wastewater Departments (with a combined annual operating budget of $5 million and a staff of 19 full-time employees). This full-time position takes a lead role in planning and implementing capital infrastructure and buildings projects. The Town is currently constructing a $7.2 million Public Safety facility, and plans are underway for other building projects and major sidewalk extensions. Stowe is a premier four-season resort community, with an engaged citizenry and professional team of employees. The Town operates under the council/manager form of government. Requirements: Bachelor’s degree in Civil Engineering or similar degree is preferred and five years of applicable experience with progressive responsibilities is required, but additional experience may be substituted for educational requirements. Applicants should possess excellent interpersonal and technical skills as well as budgetary, supervisory, permitting and project management

(continued on next page)
Road Foreman. The Town of Underhill seeks a full-time Road Foreman. Duties include: personnel management; maintenance, repair and construction of town highways, bridges, facilities and equipment; snow and ice removal; purchasing supplies; developing and managing budgets; job safety; interacting with the public; and project planning. The Road Foreman supervises a three-member road crew and subcontractors as necessary. Requirements: CDL, high school diploma or GED, five years experience in highway maintenance or equivalent construction experience, and extensive knowledge of highway construction procedures and methods. A detailed job description is available at www.underhillvt.gov under “Open Positions.” Salary commensurate with experience and an excellent benefits package. To apply, send a confidential letter of interest detailing experience and qualifications plus three references to Underhill Road Foreman Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602. You may also email to charrington@vlct.org with Underhill Road Foreman in the subject line. Position open until filled. (12-22)

Assessor. The Town of Colchester is seeking a qualified full-time Town Assessor. The Assessor must have extensive knowledge of and experience in real estate valuation, as well as strong computer, analytical, organizational and communication skills. For more information, visit www.colchestervt.gov or call 264-5504.

Zoning Administrator. The Town of Castleton is seeking a qualified Zoning Administrator to administer and enforce the Zoning Ordinance and Subdivision Regulations. Specific duties include issuing permits, maintaining application forms, investigating complaints of alleged zoning violations and taking enforcement action when required, assisting the Development Review Board, and conducting site visits. Applicants must have good writing, organizational, computer, and communications skills, and be able to attend evening meetings and maintain regular office hours. Experience and knowledge of zoning and applicable Vermont Statutes are also desired. This is a part-time position (12-15 hours per week) with no benefits. Send letter of application and resume by February 1, 2010 to Charles Jacien, Castleton Town Manager, PO Box 727, Castleton, VT 05735. E.O.E. (12-15)

TRIVIA

Ace lister Carol Hammond of Vernon was the first minutiae monger to report that Jamaica is the Vermont town named for a Wampanoag Indian word meaning “beaver.” She saw through my ruse of substituting Wampanoag for Natick, the more common Indian dialect associated with the Jamaica name. Good job!

This month’s question is just in time for National Fluids Day: Where in Vermont is there a “great expanse of water?”

Email your answer to dgunn@vlct.org. Then watch this space in March’s comparatively compelling issue for the answer.

CLAIMS MANAGEMENT

(continued from page 8)

members. This new system is made available through our third party administrator for unemployment claims management, TALX Corporation, and will be open to all UI Trust members that have internet access and email. The secure system will allow members to pull their claims charge detail on a monthly, quarterly, or annual basis. It will also allow them to enter employee separation data online as separations occur. The system will include various educational resources for employers.

Stay tuned for future communications directly from Kelley Avery at VLCT for details regarding this new system and information on member sign-ups.

MULTITASKING

(continued from page 12)

The solution is simply to pull over to talk or wait until you have reached your destination before taking your concentration off the road.

VLCT PACIF has seen an increase in vehicle accident claims from across our membership and from all municipal departments. Despite this, very few PACIF members have established measures to prevent distracted driving. According to a survey conducted by VLCT loss control staff in 2009, only three of the 66 members that responded said they currently had a policy limiting cell phone use while driving.

The bottom line is that activities such as using a cell phone are dangerous when driving. The Vermont Legislature is developing a bill that would limit cell phone use by drivers, but we can all choose to act sensibly without state laws. We recommend that all of our PACIF members identify and implement policies prohibiting cell phone use while driving. If your municipality already has a cell phone use policy, consider adding language that addresses driving while on municipal business. A sample policy can be found at www.hrsonline.com/. Log in, click on HR Related Policy Statements, then click on Safety. Or call either VLCT’s Municipal Assistance Center or your PACIF Loss Control Consultant at 800-649-7915 for more information.

Joe Damiata, Manager, Safety and Health Promotion
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Staff News and Notes

Jessica Viens is our new Receptionist/Administrative Assistant. She comes to us from the Recreation Department at the Town of Stowe. Jess was one of a pool of more than 90 candidates for the position and so far has met all of her challenges swimmingly. She answers the telephone – and does, oh, so much more! – on Mondays, Wednesdays, and Fridays. When not piloting the Reception Area Control Panel, Jess coaches varsity field hockey at Montpelier High School, plays pick-up ice and/or field hockey, kayaks, river-tubes, jumps off cliffs (relax, it’s a sport), and loves to bake and cook.

New Advocacy and Information Associate Cory Gustafson is a graduate of Harvard University, a school of some renown south-southeast of VLCT. He played ice hockey for Harvard and then pursued a professional hockey career until his lobbying instincts kicked in (which is sometimes the best way to get across a point to the object of one’s lobbying effort). Competition for the position was keen – seventy-two other candidates applied for it. In the end, it all came down to whose name anagrammatized into “Snug Soy Factor,” which is, of course, Cory to a “T” (as well as those other twelve letters).

In other local employmental news, Katie Walsh has traded a “Chief” for her previous “Deputy” component of her Finance Officer position. But she’s still the same, endearing Katie, and requests that we bow or curtsey only once when petitioning her with a pecuniary query. Meanwhile, erstwhile CFO Bill Hall has moved over to the Municipal Assistance Center full time as Senior Financial Consultant where he’ll, no surprise, provide financial management consulting services.

As mentioned last time, our underwriting manager position now sports a No Vacancy sign. However, the specter of the VLCT Jinx prevents me from revealing any more information than our new manager has a penchant for climbing on glaciers. Details to follow next month.

In a nutshell, good show all around!
uled for Thursday, December 10, this event has been postponed until Thursday, February 4, 2010. Vermont Interactive Television (VIT). Sponsored by the VLCT Municipal Assistance Center and Vermont’s Regional Planning Commissions. This workshop is designed for all local officials involved in land use planning and regulation. All are welcome, though it is particularly relevant for planning commission-ers, planners, zoning administrators, development review board members, selectboard members, town managers and administrators, conservation commissioners, and other interested parties.

Wellness Coordinator Workshops. Wednesday, January 27, Holiday Inn Express, Brattleboro; Thursday, January 28, Holiday Inn, Rutland; Wednesday, February 3, NVDA Offices, Lyndonville; or Thursday, February 4, Hampton Inn, Colchester. Sponsored by VLCT Risk Management Services. This regional workshop kicks off VLCT’s 2010 health promotion programs. Included is a briefing on the wellness incentive programs. We’ll also introduce two new pedometer programs. This half-day workshop is free to wellness coordinators and includes lunch. Existing and new coordinators are welcome!

Rescheduled! Variations on a Theme: Guiding Development Through Planned Unit Development Bylaws. Originally sched-

For more information about the following workshops or events, please contact Jessica Hill, Manager, VLCT Administrative Services, tel. (800) 649-7915; email jhill@vlct.org. Or visit www.vlct.org’s Events Calendar and select a workshop for more information or to register online. For non-VLCT events listed below, please contact the individuals directly. (The online registration option is available for VLCT workshops and events only.)

Making the Most of Municipal Planning Data Resources. Wednesday, March 10, VIT. Co-sponsored by the VLCT Municipal Assistance Center, Vermont’s Regional Planning Commissions, and the Vermont Association of Planning and Development Agencies. A town uses various data to help develop the town plan and other planning documents. How to apply or analyze this information effectively to guide decisions on economic and housing growth, natural resources, transportation, and facility planning can sometimes mystify the citizen planner. This evening workshop will examine how to find and apply readily available census and other planning resource data to help develop planning policy.

Visit our website www.vlct.org/eventscalendar/upcomingevents/ for the most up to date list of events.