LOCAL GOVERNMENT DAY

Despite a blanket of heavy, wet snow on the ground plus flurries that fell throughout the day, 130 municipal officials from around Vermont descended onto Montpelier on February 24 to participate in VLCT’s Local Government Day in the Legislature. The event gives local officials the opportunity to meet with their legislators and learn first-hand about legislation that affects local government.

The day began with greetings from Montpelier Mayor Mary Hooper and Governor Jim Douglas. Roundtable discussions on the state budget, education funding, health care, and issues important to town clerks and treasurers preceded the group’s en masse exodus to the State House. There, local officials could either attend Government Operations, Transportation, or Ways and Means committee meetings, or join State House Curator David Schütz on a tour of the historic building. Adding to the normal interest in legislative hearings that day was the Vermont Senate’s vote on the future of the Vermont Yankee nuclear power plant, which drew scores of protestors and supporters to the State House. (The Senate vote on the future of the Vermont Yankee nuclear power plant, which drew scores of protestors and supporters to the State House. (The Senate)

SAVE THE DATE!

TOWN FAIR 2010 IS THURSDAY, OCTOBER 7

VLCT’s Annual Meeting, trade show, awards luncheon, and educational workshops which together make up our annual Town Fair will return this year to the Champlain Valley Expo in Essex Junction, Vermont.

The Fair will be held on October 7. While registration packets for the Fair will not be available until August, VLCT members will receive several Town Fair-related communications before then, including:

Legislative Policy Committee.

One of Town Fair’s most important functions is to debate and approve VLCT’s legislative platform, the Municipal Policy. Four volunteer committees draft the four different parts of the Policy. If you would like to serve on a committee, please take a moment to fill

MUNICIPAL DRIVERS TO CONVENE IN BARRE ON MAY 12

The 28th Annual Vermont Municipal Highway Association Equipment Show and Field Day is scheduled for Wednesday, May 12, 2010 at the Barre Civic Center. This all-day event will offer the usual treats and a couple of new twists for municipal road crews from across the state.

Regular attendees know the meat-and-potatoes of this annual event: dozens of product and service exhibitors, the Snow Plow Contest (or Rodeo) in which teams navigate a route with simulated curbs and snow, the Backhoe Competition in which operators try their skills in four tests of accuracy, and the

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Local Government Day
(continued from previous page)

voted 26 to 4 to block operation of the plant after 2012, citing, among other issues, misstatements in testimony by plant officials.)

Speaker of the House Shap Smith delivered the pre-luncheon address, which painted a sobering picture of Vermont’s economic forecast.

The first order of business following lunch was a new feature, the Lightning Round, in which five of the six declared candidates for governor participated in a speed Q&A competition to help introduce them to local officials. There were 38 questions, including Is it time for Vermont to enact its own a single payer health care system?; Do you support or oppose same-day voter registration?; Do you support or oppose shifting the cost of the teachers’ retirement system to the Education Fund?; and Who’s your favorite local government official?

Attendance at more House and Senate committee meetings continued throughout the afternoon as local officials gradually departed for the far corners of the state. Also attending Local Government Day was a contingent of Russian municipal officials who were on an exchange program with the Vermont Council on World Affairs. They reportedly found this illustration of local government in action exhilarating.

As did we all.

Save the Date
(continued from previous page)

out a nomination form and return it to VLCT. Policy Committees meet once or twice over the summer.

VLCT Awards Program.

In contrast to the generally serious business of approving the Municipal Policy, the Town Fair Awards Luncheon is a chance for all attendees to enjoy a lighthearted moment of recognition for their honored local government colleagues. Awards are given to the Municipal Person of the Year and Legislator of the Year. If you have a potential award winner in mind, please fill out the nomination form and return it to VLCT.

VLCT Board of Directors.

VLCT also holds elections for the 13-member Board of Directors at the annual meeting. Every year, the membership elects a President and Vice President to one-year terms as well as five members of the Board to two-year terms. The VLCT Nominating Committee will solicit nominations from members mid-summer in advance of preparing a nominating report to the membership at the annual meeting. The committee consistently tries to reflect the very complex composition of the policy leadership structure of Vermont’s cities and towns in its nominating reports. Those eligible to serve on the board include selectboard members, clerks, treasurers, mayors, and managers of cities or towns.
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In this installment of Legal and Regulatory Notes we take a short trip inside Dr. Emmett Brown’s Delorean to 2004 when the Vermont General Assembly passed Act 115, “An Act Relating to Consolidated Environmental appeals and Revisions of Land use Development Law.” That act, more commonly referred to as the Chapter 117 changes, initially raised more questions than it answered. In an attempt to assist municipal land use officials in that uncertain time, the Vermont Land Use Education & Training Collaborative, of which VLCT was a member, prepared a guidance document called “Chapter 117: Frequently Asked Questions (FAQs).” One question the Collaborative anticipated was, “If a lot was merged under the old existing small lot statute, does the new law “un-merge” those lots (i.e., is it retroactive)?” The consensus opinion provided at that time was, “No, the law is not retroactive. Lots that were merged under the previous law will need to undergo the subdivision review process to subdivide the parcels.”

Fast-forward to July 31, 2009 where, up until that time, Vermont courts had not had the occasion to resolutely settle this open question of law. That opportunity presented itself in the case of In re Chimney Ridge Road Merged Parcels, No. 208-9-08 Vtec. The facts of this case originate in 2003 when appellant landowner Gregory Frick purchased a 6.8 acre lot (Lot 8) with a home on it in October, another 6.07 acre undeveloped lot (Lot 10A) nearby in November, and a third 3.0 acre undeveloped lot (Ward Lot) located between the first two in February 2004. All lots were located within the Town of Weathersfield’s 10-acre minimum Conservation Zoning District, rendering them all undersized.

On June 24, 2008, the Town Zoning Administrator (ZA), responding to a request for an opinion from Mr. Frick into whether any of the three lots had merged, determined that the Ward Lot would have to merge with one of the other lots. Mr. Frick appealed the ZA’s decision to the Town’s Zoning Board of Adjustment (ZBA), which ruled, contrary to the ZA’s decision, that all three lots had in fact merged. Mr. Frick appealed the ZBA’s decision to the Vermont Environmental Court (Court).

On appeal, the parties (Mr. Frick and the Town of Weathersfield) could not agree...
that Ward Lot and Lot 8 were contiguous. Though next to each other, these lots also shared a road, which Mr. Frick argued prevented their ordinary use as a single lot and thereby foreclosing the possibility of merger. Because this material fact was in dispute, the Court left the question of their merger and thus the larger related question of the merger of all three lots for trial. As for Ward Lot and Lot 10A, both parties agreed that they were undersized contiguous lots held in common ownership. The only question for the Court to decide then was which law controlled whether these lots merged or not, 24 V.S.A. § 4406(1) or the amended 24 V.S.A. § 4412(2)?

Mr. Frick argued that the Town’s current bylaw, which didn’t require merger, should control, principally because he would suffer $100,000 in economic loss if it didn’t, and that he either didn’t know of Vermont’s merger rule or was mistaken as to its application. Twenty-four V.S.A. § 4412(2) provides in part that a “bylaw may provide that if an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot.” [Emphasis added.] The Town of Weathersfield on the other hand argued that 24 V.S.A. § 4406(1) should control because it was the law in effect at the time Mr. Frick bought his undersized contiguous lots. Twenty-four V.S.A. § 4406(1) provided in part that if any existing small lot “subsequently come(s) under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter.” Understandably more sympathetic to Mr. Frick’s financial plight than his ignorance of the law, the Court admitted that the hands were tied.

In summary, regardless of how much the Court might sympathize with Landowner for the economic loss that occurred without actual notice to him and by operation of law when Landowner purchased the Ward Lot, it is the Court’s duty to apply the law as it stands. Here the plain language of 24 V.S.A. § 4406(1)(A) leaves no choice but to find that a merger occurred when Landowner purchased the Ward Lot.

Regardless of Mr. Frick’s appeal to the principles of fairness, the Court at the end of the day needed to find a legal basis for its decision. It found that basis in 1 V.S.A. § 214(b) which instructs that “The amendment or repeal of an act or statutory provision, except

Legal and Reg.
(continued from previous page)

as provided in subsection (c) of this section, shall not: Affect the operation of the act or provision prior to the effective date of the amendment or repeal thereof...” It is this statute that guided the Court’s decision, directing it to find in favor of the Town on the grounds that when a law is passed, it is forward-looking and not retroactive in its application. In very clear, simple, and unambiguous terms, this statute forced the Court to conclude that “since a merger was effectuated under the old law when Landowner purchased the Ward Lot on February 26, 2004, the new law cannot effectuate an ‘un-merger’ of his property thereafter.” In delivering this verdict, the Court essentially reaffirmed the advice that VLCT’s Municipal Assistance Center and other members of the Vermont Land Use &Training Collaborative have been offering for the past five years.

The law is not retroactive. Lots that were merged under the previous law will need to undergo the subdivision review process to subdivide the parcels. 24 V.S.A. § 4412(2).

This case doesn’t change the law, but it does provide another piece of the map to help navigate the zoning administration and enforcement landscape in Vermont. Now, when an applicant comes into the zoning office and asks whether their undersized contiguous lots that came into common ownership prior to July 1, 2004 have merged, ZAs can say with confidence that they have, and point to the case law supporting their decision.

Garrett Baxter, Staff Attorney
VLCT Municipal Assistance Center

Upcoming Training Opportunities

Presented by
VLCT’s Municipal Assistance Center

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

Conducting Effective Tax Appeals

With the property tax under increasing pressure – and the subject of more and more attention – it is essential that the appeals process be properly administered. This workshop will divulge what your town can do to conduct effective property tax grievances and appeals.

Tuesday, May 4, Hartford Town Offices
Thursday, May 5, Milton Town Offices

Basic Governmental Accounting
(rescheduled from November 17 and 19, 2009)

What really happens when you enter data into your accounting software? Do you know what to do if the results don’t look right? This workshop will unravel the mysteries of debits and credits and analyze various accounting transactions that are common in municipal government. We will set up a basic Excel spreadsheet to record the transactions and use that spreadsheet to prepare a balance sheet and an income statement. Learn what happens “behind the scenes” in your accounting software.

Wednesday, May 5, Capitol Plaza, Montpelier

Town Health and Service Officers’ Workshop

This workshop will focus on the legal requirements and fundamental roles of town health officers and will discuss state resources available to them as well as other timely topics. [Please note: Town service officer information will not be included in this workshop due to upcoming changes in their responsibilities.]

Save the Dates

May 13, Capitol Plaza, Montpelier

Municipal Personnel Law, Records and Benefits

June 3, Capitol Plaza, Montpelier

Municipal Attorneys Forum

For registration and other information, please visit www.vlct.org/eventscalendar/upcomingevents/ or call 1(800) 649-7915 or email info@vlct.org.

VLCT News • April 2010
We have two fire districts providing water service to different areas of the town. Each operates with its own elected prudential committee, treasurer, and other elected officers. They provide essentially the same services. Is there a way they could consolidate to become more efficient?

Yes. Twenty-four V.S.A. Chapter 49 authorizes cities, incorporated villages, and fire districts to merge. The process requires the development of a plan of merger that will eventually become the charter of the merged entity. Among other things, the plan must include provisions relating to structure, organization, functions, operation, finance, and property of the new entity as well as provisions relating to satisfaction of outstanding debts and obligations of the merging districts. The plan must allow for the provision of special services to any area or group of voters in the new entity, and these special services must be paid for by the taxpayers receiving the services by a tax on their grand list. 24 V.S.A. §1483.

Once a plan of merger is prepared, it must be approved by the prudential committee of each district and by a majority vote by Australian ballot of each district. Two public hearings must be held, at intervals of two weeks, the last of which must be at least five days before the meeting at which the vote will be held. 24 V.S.A. §§1484, 1485. After a positive public vote, the merger plan must be ratified by the Vermont Legislature. 24 V.S.A. §1485(c).

Jim Barlow, Senior Staff Attorney
VLCT Municipal Assistance Center

Can towns borrow money in anticipation of grants without voter approval?

There are very few instances in government where the selectboard can borrow money without voter approval. However, the legislature recognized the need for flexibility when revenues are anticipated. Therefore, when a municipality expects revenue specifically in the form of grants-in-aid, it may, through its legislative body, issue revenue anticipation notes to borrow the money without going to the voters. (This is similar to tax anticipation notes, governed by 24 V.S.A. § 1786.) The income may only be spent on the purpose for which the grants-in-aid are anticipated and the notes must be repaid within a year. 24 V.S.A. § 1773 (c).

Stephanie Smith, AICP, Senior Associate
VLCT Municipal Assistance Center

Borrowing Money in Anticipation of Grants; Two Fire Districts Servicing One Town

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For more information, please contact Abby Friedman at (800) 649-7915.
Questions asked by VLCT members and summarily dismissed by the League’s pettifoggers

Axe The League

Reclassifying all Highways to Class 4; Paying Taxes with Hay; Lightbulb Control

The road crew does a great job maintaining the roads but we are concerned that if the roads get much better, people will actually drive on them. Could we reclassify all our town highways to class 4 – and thereby remove our statutory obligation to maintain them – if we decide that the public good, necessity, and convenience requires us to curb greenhouse gas emissions?

An excellent question! We’ll take it under advisement and get back to you. Don’t wait up.

A citizen came into the town office today wondering if she could pay her property taxes in bales of hay. She believes that it is more energy efficient to directly exchange goods and services than to use currency as a trade medium. She also seems to have a lot of hay but little cash. Can we accept her payment in hay?

Yes, absolutely. Or no, depending. If anyone in your office suffers from hay fever, she or he could invoke the Americans for Disputability Act – or worse, cite her or his employer for violating the Hays Code.

I am the town clerk and I work full time in the town office. There is one light bulb over my desk. The selectboard says that when I get up from my desk to go to help someone in the vault, I should turn the light bulb off to save energy. I am afraid that if I turn the light off, I won’t be able to find my way back to my desk. Who controls the light in the town office, me or the selectboard?

You’re the person who asked the question about reclassifying your town roads, aren’t you? Admit it, you are! We’re sorry, but we can only competently answer one question per town per issue of this newsletter.

This month’s installment of Axe The League is brought to you by the Vermont Chapter of the Departmentalized Organization of April Fool Associations.

Follow us on Twitter: @VLCTAdvocacy
SPOTLIGHT ON SAFETY

How to Comply with the Bloodborne Pathogens Standard

Bloodborne pathogens (BBPs) are generally defined as those disease-causing organisms that can be transmitted through significant contact with blood or other potentially infectious materials (OPIM). A wide range of diseases can be transmitted this way, including hepatitis B (HBV), hepatitis C (HCV), human immunodeficiency virus (HIV), malaria, syphilis, and brucellosis.

Ever since the promulgation of OSHA’s Bloodborne Pathogens Standard in 1991, employers have been required to determine whether they have employees with exposure to bloodborne pathogens. For employees with exposure as defined in the standard, municipalities are required to comply with numerous elements, including providing appropriate personal protective equipment (PPE), offering hepatitis B vaccine at no charge, providing access to medical treatment when an exposure incident occurs, and training.

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Employee training in bloodborne pathogens must include information on the diseases and risks involved as well as on precisely how the employer satisfies the BBP standard.

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In many cases, the application of the standard is straightforward because exposure is obvious (for example, to healthcare personnel, EMS, police, and firefighters). In other job classes, the application is less clear. Do janitorial, wastewater treatment, or trash collection personnel have “reasonably anticipated” exposure to these materials? Possibly. Other regulatory issues such as what constitutes an “exposure incident,” which employees are required to be offered vaccine, and how and when to conduct post-exposure follow-up can cause uncertainty as to what the proper compliance approach is. With these ambiguities in mind, we will attempt to clarify and address these issues so that municipalities can properly protect employees and achieve regulatory compliance.

The Basics

The standard applies to a given employer if it is reasonably anticipated that an employee would have skin contact, exposure of the eyes or mucous membrane, or parenteral (e.g., a needlestick or other skin piercing) exposure to blood or OPIM. Determining which, if any, employees are reasonably anticipated to have such exposure is the first step that employers should take when determining whether the standard applies to them. To make an accurate “exposure determination,” it is important to clearly understand two definitions:

- **Blood:** Human blood, human blood components, and products made from human blood.
- **OPIM:** Saliva in dental procedures; semen; vaginal secretions; cerebrospinal, synovial, pleural, pericardial, peritoneal, and amniotic fluids; body fluids visibly contaminated with blood; all body fluids in situations where it is difficult or impossible to differentiate between them; unfixed human tissues or organs (other than intact skin); HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture media or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Several body fluids and substances are not in the above list. For example, saliva in general, vomit, human excrement, and raw sewage are not included unless obvious blood is present. This is important because it is the reasonable exposure to blood and/or OPIM that determines whether or not the BBP standard applies.

Let’s consider a few examples to see if particular employees would be covered by the standard.

**Q:** Is a parks and recreation employee who occasionally finds used syringes or hypodermic needles (“sharps”) in the park or in trash bags subject to the standard?

**A:** The answer depends on whether that individual would be required to remove the used sharp or not. If a single individual in a department were designated to remove the syringe, then that individual would be covered by the BBP standard. If all parks and recreation employees were required to remove contaminated sharps, then all employees would be covered by the standard and all elements of the standard would apply. In this type of situation, exposures should be controlled by using a long pair of forceps, pliers, or other tool to pick up and handle the used syringe. A “sharps container” should be available in a nearby vehicle or other accessible location, and the used syringe should be...
placed into it. These are reasonable exposure control methods in this scenario.

**Q:** Some employees at a wastewater treatment plant occasionally need to clean various pumps and they can encounter a variety of debris including condoms, tampons and, rarely, syringes. Are these employees subject to the standard?

**A:** If used sharps are present, it may be feasible to designate a single employee to handle and remove these items, in which case that person would be covered by the standard. With regard to the other items, current OSHA interpretations suggest that unless used sharps or blood are visible, most wastewater treatment/sewage exposures do not constitute bloodborne pathogen exposures. Naturally, using appropriate tools and PPE would still be appropriate to minimize the potential for an exposure incident with regard to the bloodborne pathogen elements (as well as exposure to enteric and other pathogens commonly found in wastewater).

In both of these examples, employers have the option to limit exposure to certain individuals, thus reducing the number of employees to which the standard applies. In the end, the standard places the burden on the employer to accurately determine who is covered by the standard and to manage the exposures of those employees via work practices, PPE, and training.

### Exposure Incidents and Post-Exposure Treatment

Once it is determined that the standard applies to one or more employees, the next important concept is the **exposure incident**. This term is used when an employee is exposed to blood or OPIM in a way that has an **increased risk for actual transmission**. An exposure incident is “a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.”

Being able to clearly delineate between an **exposure** and an **exposure incident** is critical. An exposure incident triggers the need to offer a confidential medical evaluation and follow-up. This section of the standard outlines a long list of required elements and specifics on what information should be shared with the healthcare provider and what information the provider should share in return.

Here are a couple of examples to help understand the differences between an exposure and an exposure incident.

**Q:** A police officer gets some blood droplets on his wrist during a scuffle with a combative suspect. Is this an exposure incident?

**A:** If the officer’s skin in the area of blood contact is intact (i.e. not abraded and without open or oozing wounds), this is **not** an exposure incident. The officer should simply wash the area thoroughly with soap and water immediately after the event and then proceed with his duties. If soap and water are not immediately available, hand sanitizer gels or similar products may be used as a temporary measure until adequate washing facilities become available.

**Q:** A member of a town’s rescue department is appropriately wearing gloves at an accident scene while caring for a bleeding motorist inside the vehicle. After administering first aid and controlling the injured motorist’s blood loss, the medical responder notices that her blood-covered gloves are torn and that she has a small cut near the tear. Is this an exposure incident?

**A:** Because the gloves were blood covered and the employee received an open wound which probably made contact with a patient’s blood, this is an exposure incident.

(continued on page 13)
Municipal Drivers (continued from page 1)

awards ceremony, which includes naming the Municipal Highway Person of the Year. Contest winners are awarded cash as well as their names on trophies and broad bragging rights. Said Roxbury Road Foreman Loren Bent, a first-place winner last year, “The competition is fun because you get to see a lot of the guys from other towns. This is the only time for all of us in the state to get together.”

This year’s Field Day will include two special features provided by VLCT PACIF. All day, the Driving Simulator trailer will be parked outside the BOR for municipal drivers to check out the training system and, as time permits, take it for a virtual spin. Several municipalities have already conducted trainings with this state-of-the-art equipment, but most of them were for fire and police driving. At the VMHA Field Day, the trailer will be set up with a municipal truck seat and console, and it will have the snow plow program running. The full value of this advanced technology has barely been tapped in Vermont, and we hope a lot of people will use this opportunity to become acquainted with it.

Rusty (“The Logger”) DeWees will also be on hand to add some humor to the activities. We know that in the morning he’ll demonstrate getting safely in and out of a truck and backhoe cabs; we don’t know what other hijinks he might get into. And around lunchtime, Rusty will perform a stage show sponsored by Invest EAP, which provides a broad range of counseling and wellness services to employees of PACIF and Health Trust member municipalities.

If you go to the VMHA Field Day, remember that if the sun is out at all, fair winter skin will need some protection from the sun. Last year, this correspondent had no sooner written an article on how to prevent sunburn, than she attended this event and totally forgot to slather up first. By awards time I was feeling the burn!

Ione L. Minot
Contributing Writer

(continued from page 1)

2010 RMS Calendar

Game of Logging (GOL) Chain Saw Safety Training. Various April dates at the locations listed below. Levels 1 & 2 is a two-day class covering chain saw safety principles and the primary GOL technique. Level 3 is a one-day class for anyone who has completed 1&2. It offers more practice and shows how to handle difficult felling situations. To learn if any openings remain, contact Shawna O’Neill at soneill@vlct.org or 800-649-7915.

GOL Levels 1&2
Thursday and Friday, April 8 & 9
8:00 a.m. to 4:00 p.m. both days
Newfane

GOL Level 3
Monday, April 12
8:00 a.m. to 4:00 p.m.
Bennington

Thursday and Friday, April 15 & 16
8:00 a.m. to 4:00 p.m. both days
Berlin

Wednesday, April 12
8:00 a.m. to noon
Manchester Town Office

Wednesday, May 19
8:00 a.m. to noon
Williston Fire Station

Wednesday, April 21
8:00 a.m. to noon
Manchester Town Office

Wednesday, June 16
8:00 a.m. to noon
Windsor Town Office

National Safety Council Defensive Driving Course. Three mornings at the locations listed below. Participants will learn practical strategies for reducing collision related injuries, fatalities, and costly repairs. This course stresses the importance of attitude in crash prevention and demonstrates the consequences of poor driving choices. Learn more and register online at www.vlct.org/eventscalendar/. Presented free of charge to VLCT PACIF members; there is a $25 fee for anyone who registers but doesn’t attend.

Wednesday, April 21
8:00 a.m. to noon
Manchester Town Office

Wednesday, May 19
8:00 a.m. to noon
Williston Fire Station

Wednesday, June 16
8:00 a.m. to noon
Windsor Town Office

VLCT Unemployment Trust 2009 Annual Wage Reports Deadline. Friday, April 30. UI Trust members, please send completed forms to Kelley Avery via email (kavery@vlct.org), fax (802-229-2211), or surface mail (89 Main Street, Suite 4, Montpelier, VT 05602-2948).

Stevens Advanced Driver Training. May 3-7 and June 21-25, 8:15 a.m. to 4:30 p.m., Stowe Mountain Resort. In each one-day training, participants will receive instruction and hands-on training to become more cautious and aware of their vehicle’s limitations, reducing the potential of an accident. Presented free of charge to VLCT PACIF member employees who drive non-CDL vehicles as part of their job, administrators, and selectboard members. Space is limited. Register soon by calling Shawna O’Neill at 800-649-7915, ext. 1935.

28th Annual Vermont Municipal Highway Association Expo. Wednesday, May 12, 7:30 a.m. to 3:00 p.m., Barre Civic Center. For road/highway crews. Exhibitors and the VLCT-sponsored driving simulator all day; snow plow rodeo with guest judge Rusty DeWees in the morning; backhoe competition and awards ceremony in the afternoon. $15 admission includes barbeque lunch and stage performance by Rusty DeWees. See related article on page 1. For more information, email debbie@agcvt.org.
Ah, Vermont spring -- a time of transition! Daffodils are showing their sunny faces, bringing welcome hints of impending long days and summertime. City and town employees are thawing out, wearing lighter jackets, planting peas, pulling boats and bikes out of storage, and — lo and behold! — the Employee Assistance Program (EAP) is blossoming with new initiatives.

Invest EAP is always “changing it up,” aiming to make life easier as the world gets more complicated. While municipal employees work to keep our cities and towns running smoothly, EAP can help keep them firing on all cylinders. EAP is a valuable support to employees who are experiencing personal challenges either at or outside of work. Employees of any PACIF or VLCT Health Trust member municipality are automatically eligible to use EAP’s services free of charge. In fact, because EAP understands the close relationship between personal and professional lives, every household member of these employees is also encouraged to make use of EAP’s resources. EAP is completely confidential and accessible 24 hours a day, seven days a week.

Have you ever wished you had a personal assistant to research helpful life or wellness resources for you or your staff? Call EAP! Their work/life resource specialists can research almost any work/life topic of concern. Many people call for assistance in finding resources for elderly parents who need a higher level of care. How to find a good child care provider in Vermont is another reason to call, but financial, legal, parenting, cheaper fuel sources, stress, or nutritionist needs are also tended to by EAP’s work/life specialists.

Spring is a great time to make healthy lifestyle changes such as quitting smoking, eating healthfully, or exercising regularly. Call EAP to explore ways to put good intentions into action. Their motivational counselors will help identify your past obstacles to}

(continued on page 15)
Beware the Threats That Summer Brings!

People who work outdoors need to adjust their wariness with the changing seasons: winter's slipping hazards give way to spring's mud morasses and summer's stings and burns. Please remind outdoor work crews to be on the lookout for the dangers that come with longer days and greening landscapes. Here is a short list of threats that present obvious dangers.

Wild (or “Yellow”) Parsnip: A plant that looks much like Queen Anne's Lace but with yellow flowers. It grows well in disturbed areas, often on roadsides, so it is easy to encounter when mowing or clearing brush. Simply touching it is not a problem, but breaking it can be a big mistake. Any juice that gets on your skin, hair, or clothing and is exposed to sunlight (even through an overcast) becomes a serious burn agent, leaving painful welts that blister in a matter of days and can leave dark scars for months or years.

Try to avoid wild parsnip completely, or at least protect yourself by wearing gloves, long pants and a long-sleeved shirt. Some people carefully pull up wild parsnip plants in the evening, when exposure to sunlight is minimal. (Like Queen Anne's Lace and dandelions, they have strong taproots.) If you get the plant juice on your skin, thoroughly wash the area as soon as possible to minimize how seriously it affects you.

Stinging Insects: Hornets, wasps, bees, and mosquitoes can all be more than just a nuisance. Be on the lookout for nests. If you get stung, remove the stinger by scraping it, not by trying to pull it out (which could release more venom into your body). Clean the wound with soap and water, and apply an ice pack if the stung area is sore. Call 911 if swelling, rash, or difficulty breathing indicates an allergic reaction.

Tick bites can convey Lyme disease or Rocky Mountain spotted fever, which can cause paralysis and death. Prevention and early detection are crucial, so before walking in grasses that are open to deer, tuck your trouser legs into your socks. When you are back indoors, remove your clothes and look carefully for small specs or dots. If you find a tick, remove it by squeezing the head close to the skin and pulling steadily up. Jerking or tugging can break the tick, leaving its mouth in your skin and inviting infection. Clean the site thoroughly. Check yourself every few hours. If a red circle forms around the bite or if you feel achy in the head or body, see a doctor.

Sunburn: Limit sun exposure when the sun is strongest, between 11 a.m. and 3 p.m., even on hazy days. Wear a hat and use a sunscreen that is at least 15 SPF, applying it about 20 minutes before you go in the sun (to let the chemicals take effect). Buy new sunscreen every spring, because the chemical protectants have a short shelf life. Wear sunglasses that provide UV protection, because darkness alone doesn't shield your retinas. In Vermont, Green Up Day (the first Saturday in May) is about the right time to buy a fresh bottle of sunscreen and tuck it in your car so you're ready when it's actually sunny outside.

Heat stroke: Extended exposure to heat, even without sun, can produce heatstroke (headache, nausea, and chills/fever), so don't lose track of time in very hot conditions. Get yourself into some shade or a cool building for periodic breaks. And this is when it is fine to drink on the job – moderate amounts of water throughout the day, that is!
which requires the employer to follow the established post-exposure follow-up procedures.

**Hepatitis B Vaccinations**

The BBP standard requires that the employer offer the hepatitis B vaccination free of charge to all employees who are covered by the standard. Employees may opt out of the vaccination, but they are required to sign a declination statement. They may at any time in the future change their minds and accept the vaccine.

(VLCT offers a low-cost vaccine program for our members that includes both Hepatitis B and Hepatitis A (not a bloodborne pathogen) vaccines. These vaccines are available at reduced cost in multi-dose packs. Contact Shawna O’Neill at VLCT for more information.)

One other issue that often comes up with regard to vaccinations is whether it is necessary to test vaccinated employees to determine if the vaccine has provided them with immunity. This testing involves the Hepatitis B surface antigen (anti-HB) and is commonly referred to as “drawing anti-HB titers.”

The current recommendations from the Public Health Service (PHS) indicate that titers should be drawn from healthcare workers who have either regular blood or patient contact and also have exposure to sharp instruments or needlesticks. For maximum accuracy, the titer should be drawn one to two months after the vaccination series is completed.

Given this PHS recommendation, healthcare and emergency medical services personnel, paramedics, and firefighters who serve in a healthcare capacity should have their blood drawn and the titers tested. Police and other job classes that fall within your BBP program most likely would not need their titers drawn unless they experienced an exposure incident.

**Information and Training**

All employees who have been identified through an exposure determination as having occupational exposure must receive annual training and information on pertinent BBP subjects. The employer must explain the epidemiology and symptoms of diseases, the modes of disease transmission, and their exposure control plan. In addition, the training must inform employees about personal protective equipment usage, storage, and decontamination; post-exposure follow-up procedures; specific work practices (and why they were selected); and hepatitis B vaccination procedures.

Given the required content, it is important that the trainer be familiar with not only the medical information but also the employer’s specific policies and procedures in order to explain them adequately during the training. Because of the various exposure scenarios that municipalities may have, a one-size-fits-all training may not suffice.

In summary, there are two primary issues regarding bloodborne pathogens: regulatory compliance and employee safety. Focusing on employee safety and providing employees with the tools and information they need to perform their jobs will go a long way to complying with the regulatory side of the equation. It is important that employees be provided thorough training that applies to the specific tasks and exposures that they

(continued on next page)
have. Accurate, clearly explained training and information allows employees to understand their exposure and disease risks and to make reasonable decisions as to whether to receive vaccination or post-exposure treatment (medical follow-up). Providing generic bloodborne pathogen training may be fine to cover the disease-related portion of the training, but it must be supplemented with specifics that describe precisely how your municipality satisfies the BBP standard.

Finally, it may make sense to limit exposures by designating certain individuals to perform tasks where exposure exists. This can limit vaccine and training expenses and enhance productivity by reducing the number of employees that need training. Municipalities can determine this on their own, based on what is most efficient for them.

If you need assistance in reviewing your Bloodborne Pathogen Exposure Control Program or planning a thorough training, or if you have any other questions, your VLCT loss control consultant is available to assist you.

Fred Satink, Loss Control Specialist
Risk Management Services

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Welcome New and Returning Local Officials!

VLCT congratulates all new and returning local officials who were elected to office on Town Meeting Day 2010. Whether you are new to the office or returning for another year or two – or three, four or more – we applaud and appreciate your willingness to serve your community.

As your municipal organization, VLCT offers many resources that can quickly bring new local officials up to speed. Watch for the print and/or electronic versions of this newsletter and, for the remainder of the legislative session, the Weekly Legislative Report, our weekly bulletin that highlights timely legislation of importance to municipal officials. Why not consider attending a workshop sponsored by VLCT’s Municipal Assistance Center? For more information about its upcoming schedule, please visit our website’s Events Calendar at www.vlct.org. All newly elected officials will soon receive a packet of information describing more of VLCT’s services.

Our members include all 246 cities and towns in Vermont, plus many fire and solid waste districts and other municipal entities. Rest assured that if you call, we will either help you or refer you to a resource that can. Our toll-free telephone number is 800-649-7915, and our general email address is info@vlct.org. Individual staff members can be reached at firstinitiallastname@vlct.org.

Again, welcome! May your local government service be lengthy and productive!
success and work on a personally attainable plan that includes the supports you need to achieve your goals.

Also this spring, EAP will launch a new state-of-the-art website filled with useful information, including the latest videos on anxiety, depression, fitness, nutrition, and a host of other topics. Users can participate in confidential self-assessments on issues like substance abuse, depression, and anxiety. The EAP website is also a great place to turn for resources on useful work/home topics. Just go to www.investeap.org (password: vlct).

How can you get word out about EAP’s services to more of your employees? Invite an EAP counselor to your workplace to conduct an employee orientation or a supervisor training. Just call EAP to set up a time that works for you. Refresher orientations take about 15 minutes and are especially useful when there are new people in a worksite. Supervisor trainings take about 30-45 minutes and teach supervisors how to help employees access the EAP in times of difficulty. Municipalities can take it to the next level by hiring EAP to conduct a special-topic workshop such as “Rethinking Change,” “Navigating Chaos,” or “Stress Undone!” A list of 2010 on-site wellness workshops is posted at www.vlct.org – navigate from Insurance & Risk Services/Programs to Wellness Initiatives/Coordinator Resources – or by calling 888-392-0050.

Remember, EAP is for all employees and household members whose employer is a member of VLCT Health Trust or PACIF. Access EAP’s free and confidential short-term counseling, information, and resources by calling 1-800-287-2173 or going to www.investeap.org and entering the password vlct.

Living With COPD?

If you have COPD, you know what it’s like to struggle with its symptoms, and we need your help.

Timber Lane Allergy & Asthma Research, LLC is looking for those who suffer from moderate to severe COPD to join our clinical research trial.

Participants must be at least 40 years of age and have a current or past smoking history of at least 1 pack per day for 10 years.

Compensation for time and travel is provided. All study related medical procedures are at no cost to participants.

For more information please call Sarah at:

(802) 864-0294 ext. 28 or email sarah@tlaaa.com

To view our other studies, please visit our clinical research page at tlaaa.com
This month, Ken Canning will don a larger hat when Dick Park retires and Ken’s job changes from Managing Deputy Director to Director of the Risk Management Services Department of VLCT. (Because Ken will continue to manage operations, this change removes a level of management from the VLCT structure.) “Ken is an excellent choice for this job,” said VLCT Executive Director Steven Jeffrey, “because he embodies an effective combination of strong interpersonal skills, thoughtful decision making, and a deep knowledge of the insurance world.”

Ken’s knowledge of insurance started in a taxi cab. Which he was driving in Boston. Having just earned a BA in Economics, Ken got talking with a passenger who urged Ken to apply for a position at his company (Liberty Mutual). A few weeks later, Ken was in a training program in the underwriting department. He has advanced steadily in the insurance industry ever since, earning a more challenging position an average of every two years. Ken started at VLCT as Underwriting Manager and quickly moved into the Managing Deputy Director role. With Dick Park guiding the department’s vision, Ken oversaw and implemented change at the operations level through staff and programs. Ken’s inherent understanding of human nature and penchant for teasing solutions out of challenging situations have proven to be essential elements in his success as a manager. So has his belief that respect and diplomacy are important in all interactions.

The obvious difference between Ken’s old and new jobs is the addition of strategic planning – that is, Ken will take a larger role in the “think tank” function, working with Deputy Director David Sichel and the Board of Directors in determining RMS’s long-term course. He will also work with the League’s other department heads in implementing League-wide initiatives. The underlying mission of Ken’s work here continues to be ensuring strength with balance: strength of member municipalities and strength of the three funds that constitute Risk Management Services, in conjunction with a sustained balance between the interests of the members and the stability of the funds. As Ken sees it, the way to strengthen members is to help them reduce the severity and frequency of their claims, which will keep their insurance costs low and help keep their budgets in check. How to reduce the severity and frequency of claims? Create safer workplaces, which are better for everyone, and help employees get healthier so they’ll be happier, more productive, and less likely to miss work due to illness or injury. The results will also have a palpable effect on the municipality in how well it serves the public.

Ken’s personal mission dovetails well with his work: his 20 years in Vermont have involved community service and physical activity in various forms. He is a long-time member of the Freemasons and the Shriners. During his four years as a member of the North Country High School Board of Directors, he negotiated differing parties into an agreement that cleared the way for the school’s first health and nutrition policy. He has also coached basketball and Little League baseball, and he ran a teen basketball program every Saturday night for several years. And he stays active in the Vermont chapter of the Chartered Property Casualty Underwriters Society.

So what does Ken drive these days? A simple sedan most of the time, but a little fire truck some weekends, as part of the Shriners’ Northeast Kingdom Fire Brigade. He wears a completely different hat for that job, though.

Ione L. Minot
Contributing Writer

Leadership of the League’s Risk Management Services Department recently passed from Dick Park (left) to Ken Canning.
Planning Coordinator. The Town of Georgia seeks a planning coordinator to administer the Town’s subdivision and site plan regulations, assist the public with permit applications, and assist the planning commission with development review and regulatory updates. Requirements: strong organizational and communication skills, attendance at semi-monthly evening meetings, a valid driver’s license, and reliable transportation. Knowledge of local government and land use planning a plus. This position is part-time (24 hours/week) with benefits. To apply, submit cover letter, resume, and references by April 2, 2010 to Town of Georgia Planning Dept., 47 Town Common Road North, St. Albans, VT 05478. You may also email your application to georgia_planner@comcast.net. For more information and a job description, visit the Town website townofgeorgia.com or call Amy Spector at 524-3524. (3-11)

Fire Chief. The Town of Belmont, N.H. (pop., 7,800) seeks a qualified individual to fill the full-time position of Fire Chief. The Department has a Deputy Chief, Administrative Assistant, nine full-time and 25 call firefighters. It provides fire, rescue and ambulance service within a 30+ square mile land and lake community, and is a member of a regional mutual aid compact. The Chief serves as the Emergency Management Coordinator, directs all rescue, EMS, firefighting, fire prevention, life safety, and fire service-related activities, manages a $1M annual budget, develops and implements long-term goals for a growing community, and participates in emergency fire, ambulance and rescue activities as necessary. Requirements: demonstrated experience with ambulance service, fire prevention, recruitment and retention of a call force; positive labor relations background; administrative and public relations skills; budgeting, purchasing, strategic planning and personnel management, leadership, communication and visioning skills; BA or BS degree in Fire Science, Public Administration, or closely related field; 10 years of fire/EMS experience with at least 5 years of supervisory experience in a unionized environment, or any equivalent combination of education and experience; NH State Fire Academy Certified or certifiable within six months; and must have served as Chief or Deputy Chief of a comparable department. Exempt position. Salary DOQ/E plus benefits package. This position operates under the “Official Ballot (SB2) Town Meeting-Selectboard-Town Administrator” form of government. To apply, submit cover letter, resume and salary history by April 2, 2010 to Professional Recruitment Service-BEL, PO Box 617, Concord, NH 03302-0617. E.O.E. (3-11)

Human Resources Director. The City of Nashua, N.H. seeks an individual to direct the operations of the HR Department, including employment, labor relations, EEO, etc. Duties include ensuring compliance with federal and state employment laws and HR programs, policies, and procedures. The Director is also responsible for benefit plans and programs for city and school employees and retirees. This position reports to the Mayor. Requirements: at least 8 years of HR-related experience, including 5 years of progressively responsible management experience; knowledge and experience of working with self-insured benefits plans; experience working in a union environment; a Bachelor’s degree in Human Relations, Public Administration, or related field required (Master’s in Human Resources preferred). Salary range, $77,255 to $84,349 (starting salary not to exceed $81,914). For more details, please visit www.gonashua.com. (3-3)

Road Foreman. The Town of Moretown 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 and supervision. The Road Foreman supervises a two-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. Additional information regarding qualifications and terms of employment are

Please 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.

**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, email vlctnews@vlct.org. Instructions for ad requirements may also be downloaded at www.vlct.org/aboutvcl/vlctnewsletter/advertisinginformation/.

**Help Wanted**

Planning Coordinator. The Town of Georgia seeks a planning coordinator to administer the Town’s subdivision and site plan regulations, assist the public with permit applications, and assist the planning commission with development review and regulatory updates. Requirements: strong organizational and communication skills, attendance at semi-monthly evening meetings, a valid driver’s license, and reliable transportation. Knowledge of local government and land use planning a plus. This position is part-time (24 hours/week) with benefits. To apply, submit cover letter, resume, and references by April 2, 2010 to Town of Georgia Planning Dept., 47 Town Common Road North, St. Albans, VT 05478. You may also email your application to georgia_planner@comcast.net. For more information and a job description, visit the Town website townofgeorgia.com or call Amy Spector at 524-3524. (3-11)
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or call 1-877-564-4979.
available by contacting Cheryl Brown at 802-496-3645 extension 3, or by emailing the selectboard at msselectboard@yahoo.com. Salary commensurate with experience; excellent benefits package. To apply, please request an application at msselectboard@yahoo.com or call 496-3645 extension 3. Applications are due to the selectboard by April 1, 2010. (2-24)

FOR SALE

Dodge Pickup Truck. The Town of Vernon is taking bids on a 2002 Dodge Dakota, black, four-wheel-drive, 4-door Crew Cab pick-up truck. This vehicle was used as a police cruiser and has the following equipment: V8 4.7 liter engine, fiberglass cap, remote starter, power windows, Am-Fm stereo with CD and cassette. 135,329 miles. Sold in as-in condition with no warranties. If interested, send sealed bid must by March 31, 2010 to Town of Vernon, Truck Bid, 567 Governor Hunt Road, Vernon, VT 05354. The Town of Vernon Selectboard reserves the right to accept or reject any or all offers. (2-17)

TRIVIA

A mere twenty-four minutes after I emailed the link to last month’s VLCT News, correct answers to the Trivia question began to pour in. Ludlow Board of Listers Chair Margot Martell began the onslaught, followed by St. Johnsbury’s Ida Rainville, Norwich ZA Phil Dechert, and ... oh, and that’s all. Hmm. Maybe it wasn’t such an onslaught after all.

In the end, seven Vermonters – some aided by that know-it-all, Wikipedia – reported that in 1848, Phineas Gage, the foreman of a railroad work gang, survived an iron rod being driven through his head, which did a number on his brain’s frontal lobes. As such, he remains “a legend in the annals of neurology.”

So for April, I offer what I hope is a less legendary topic.

Three post offices in Vermont still sport Indian names. They mean “keeper of the ceremonial fire” (Abnaki), “over clear sandy bottom” (Abnaki), and “swift mountain stream” (Natick). What are their names?

Email your answer to dgunn@vlct.org. Then watch this space in May’s mostly mainstream issue for the answer.

ARE YOUR TOWN RECORDS TRANSPARENT?

Across the country, more and more governments are trying to make their finances transparent to citizens and taxpayers. In Vermont, the Vermont Transparency Project – a joint effort of the Ethan Allen Institute and the Public Assets Institute – has created www.vttransparency.org, a website primarily oriented toward state government finances, but with links to some 130 municipal web pages.

The Project is looking for examples of municipalities that have posted their spending records for the benefit of their citizens. Colchester, for instance, posts the spending warrants issued by the selectboard. Some towns have posted their checkbook registers. By next year, the Project hopes to be able to present a public Transparency Award to one or more outstanding examples of local government online transparency practices.

How is your town doing? If you have made your spending records available online, email the Project at eai@ethanallen.org saying what you’ve done and where it can be viewed.

VLCT NEWS ONLINE

We still encourage all subscribers, especially single-use readers, 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.

Of course, we understand that some people simply prefer the portability, look and feel of a paper copy, and we won’t take that away from you. In fact, we love it when a paper copy is passed around and many readers can benefit from it. So if you want to keep getting the VLCT News on paper, we hope you will make it available for others to read.

If you are ready to switch to accessing 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.

To view the current VLCT News or the archives, please go to www.vlct.org/aboutvlct/vlctnews/.

Meeting the capital needs of Vermont’s municipalities since 1970

Recovery Zone Economic Development Bonds

A less expensive alternative to tax-exempt municipal bonds

Available only in 2010

The VMBB has been authorized to issue Recovery Zone Economic Development Bonds. RZEDB are between 15% and 20% cheaper than tax-exempt municipal bonds. Projects that can be financed with RZEDB’s are the same as those with tax-exempt bonds. Davis Bacon wage rules apply to RZEDBs.

To request an estimated debt amortization schedule or for more information contact Bob Giroux, Executive Director at:

Vermont Municipal Bond Bank
Champlain Mill
20 Winooski Falls Way, Suite 305
Winooski, VT 05404
(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vtbondagency.org

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To view the current VLCT News or the archives, please go to www.vlct.org/aboutvlct/vlctnews/.
Vermont Planners Association Spring Meeting. Friday, April 23, Vermont Law School, South Royalton. For more information, visit www.vermontplanners.org.

Conducting Effective Tax Appeals. Tuesday, April 27, Hartford Town Offices, or Thursday, April 29, Milton Town Offices. Sponsored by the VLCT Municipal Assistance Center. With the property tax under increasing pressure – and the subject of more and more attention – it is essential that the appeals process be properly administered. This workshop will divulge what your town can do to conduct effective property tax grievances and appeals.

Basic Governmental Accounting (rescheduled from November 17 and 19, 2009). Tuesday, May 4, Hartford Town Offices or Thursday, May 5, Milton Town Offices. Sponsored by the VLCT Municipal Assistance Center. What really happens when you enter data into your accounting software? Do you know what to do if the results don’t look right? This workshop will unravel the mysteries of debits and credits and analyze various accounting transactions that are common in municipal government. We will set up a basic Excel spreadsheet to record the transactions and use that spreadsheet to prepare a balance sheet and an income statement. Learn what happens “behind the scenes” in your accounting software.

Town Health and Service Officers’ Workshop. Wednesday, May 5, Capitol Plaza, Montpelier. Sponsored by the VLCT Municipal Assistance Center. This workshop will focus on the legal requirements and fundamental roles of town health officers and will discuss state resources available to them as well as other timely topics. [Please note: Town service officer information will not be included in this workshop due to upcoming changes in their responsibilities.]

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.)

Vermont Community Development Association Spring Meeting. Thursday, April 8, Vermont Technical College, Randolph. Learn how you can take action in your community to create a sustainable economy for future generations! For more information, visit www.vtcdal.org.

Association of Vermont Conservation Commissions Annual Meeting (rescheduled from December 5, 2009). Saturday, April 17, Vermont Technical College, Randolph.