2011 Compensation and Benefits Reports – Now there are Two

This year, we are publishing individual reports of summarizing municipal compensation and benefits information. Each report also includes a disk with the data in electronic format. We hope you find these documents to be helpful and user-friendly. Thank you again for helping us collect the data electronically this year. The municipalities that completed the surveys receive a copy of the report free of charge. Copies of each report are available for $25 for members and $50 for non-members. To order online, go to www.vlct.org/marketplace/bookstore. Call 800-649-7915 or email info@vlct.org with any questions.

(continued on page 9)

PACIF 2012 Will Cover Volunteers

On November 4, PACIF’s Board of Directors approved adding supplemental accident insurance for people injured while volunteering for PACIF members in 2012. This was inspired partly by recent events that brought to light significant gaps in the benefits provided to firefighters by typical workers’ comp coverage, and partly by the important roles performed by municipal volunteers.

There are two main categories of covered people – firefighters and general volunteers – and coverage details are specific to each category. “Firefighters” means all types of volunteers in a firefighting organization, including ambulance and rescue personnel, junior firefighters, auxiliary members, and bystanders deputized to assist in a single event. “General volunteers” means a wide range of people, from selectboard members to people helping to clear debris from a flood-damaged municipal property. This new coverage is for when workers’ comp does not apply, and is supplemental in nature: it will pay reasonable expenses (to a limit) after all other insurances have paid.

Volunteer firefighters and ambulance, first aid, and rescue squads freely risk life and limb to save neighbors’ lives and property. Although Vermont’s workers’ comp laws

Attention Health Trust Members:
Please Pay Any CIGNA Balance ASAP

When you receive your final statement of account in early December, please:

1. verify its accuracy and report any changes or corrections to Kelley Avery at VLCT immediately, and
2. plan to mail payment of your entire balance in plenty of time for it to reach P.O. Box 39 in Montpelier so it can be reconciled by the last week in December.

All of the Trust’s 2011 CIGNA accounts will be closed on December 31, 2011.

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STAFF NEWS AND NOTES

Officially taking the reception baton from Brandy Pombar – who was lured back to the World of Retail Management – is Theresa Bachand, who unofficially picked it up while overseeing the VLCT telephones as a temp for five weeks. Before coming to VLCT, Theresa worked as a construction coordinator for more than 20 years. She’s also a hiker, gardener, and kayaker, has raised chickens, turkeys, goats, pigs, and hunting beagles, and dreams of living on her own farm – or of turning VLCT into one.

New Property and Casualty Section Claims Rep Susan Masters moved from Massachusetts to Vermont last year with her husband, two children, and Dharma the Dog. She’s a Certified Yoga and Reiki Master teacher, she likes to garden, hike, and snowshoe, but she’s never been to Louisiana. In 1987, Susan nearly became a household word when Cannon Films offered her the lead in the movie, “Susan Masters of the Universe.” However, subsequent script re-writings diminished her screen presence until her character was eliminated. Fittingly, the resulting “Masters of the Universe” tanked at the box office.

By the time you read this sentence, VLCT will be fully staffed again, thanks to the recent hiring of ... well, you’ll have to wait for the January issue of the VLCT News for that piece of news.

David Gunn, Co-Editor
VLCT News
At TD Bank, our Government Banking Team knows how demanding it is to run local, state and county municipalities. We have an experienced and dedicated team that specializes in municipal, educational, public utilities and county finance management. We offer:

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Abatement is a quasi-judicial process for relieving taxpayers from the burden of property taxes, penalty, and interest. A town board of abatement is comprised of selectboard members, justices of the peace, the clerk, listers, and the treasurer. The abatement process is described at 24 V.S.A. §§ 1533-1537. Appeals of the board’s decisions are taken under Rule 75 of the Vermont Rules of Civil procedure, which typically does not afford the parties an opportunity to present new evidence or make new arguments. In a Rule 75 appeal, the superior court will determine whether there is enough evidence to support the board’s decision and whether it followed the proper procedure. This places greater emphasis on following proper hearing procedures and producing a clear decision that is supported by the record. However, if the record of an abatement hearing is not complete, the court may engage in a de novo proceeding and take additional evidence to establish facts necessary for the court’s review. Garbitelli v. Town of Brookfield, 2011 VT 122.

A helpful first step in managing a large number of abatement hearings is to develop an abatement request form to be completed by property owners. The form should include the property owner’s name, address, and contact information, location of the property, parcel number, and a statement of the basis for the abatement. Applicants should be required to submit a copy of their tax bill with the application. Once a number of abatement requests have been received, the clerk should call an organizational meeting of the board of abatement. The notice requirements for this organizational meeting are the same as those for a meeting of the board of civil authority – written notice must be given to each member of the board of abatement and notice of the meeting must be posted in two or more public places in the town at least five days prior to the meeting. 24 V.S.A. §§ 801, 1534.

At the organizational meeting, the board should adopt rules of procedure, elect a chair, and establish a schedule of abatement hearings. The chair should be experienced in conducting quasi-judicial proceedings and managing hearing testimony. Several hearings can be scheduled in a block to make the best use of the board’s time. Once the hearing schedule is established, each taxpayer must be given written notice of his or her hearing. The notice should include a copy of the hearing schedule, a copy of board’s rules of procedure, and a description of the abatement process. Taxpayers should also be informed where they can review the abatement statutes and where to get more information about the abatement process.

Written notice of the abatement hearings must also be given to each member of the board of abatement and posted in two or more public places in the town at least five.

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days prior to the hearings. 24 V.S.A. §§ 801, 1534. The hearing notice sent to members of the board of abatement should include a copy of the hearing schedule, the board’s rules of procedure and copies of each taxpayer’s abatement request forms. Board members should prepare for the abatement hearings by reviewing the board’s rules of procedure and the taxpayers’ abatement request forms. Board members may also wish to review “About Abatement,” a publication of the Vermont Secretary of State that outlines the laws and principals that apply to local tax abatement and which is available at www.sec.state.vt.us/municipal/pubs/ABOUT_ABATEMENT_rev_April_2007.pdf. Board members should be wary of any hearings involving a relative, friend, or business associate that could present a conflict of interest or the appearance of a conflict of interest. Board members should not participate in any hearing in which they have a personal or financial interest.

Each hearing should be conducted following the board’s rules of procedure. The chair will open the hearing and state the name of the taxpayer, property location, and parcel ID number. The taxpayer and any witnesses appearing on the taxpayer’s behalf will be sworn in. Board members should be asked to disclose any conflicts of interest or ex parte communication with the taxpayer and should recuse themselves from a hearing when a conflict of interest, or the appearance of a conflict of interest, is present. If the taxpayer is unfamiliar with the board’s rules of procedure, the chair should review the rules and the hearing process before the hearing begins.

The taxpayer should be asked to identify the statutory abatement category that the abatement request is being made under and to present verbal and documentary evidence supporting his abatement request to the board. Once the taxpayer has presented his evidence, board members should ask the taxpayer any questions they deem necessary for determining whether abatement is appropriate. The board may request from the taxpayer financial information, information about the condition of the property, insurance, photographs, etc. If necessary, the board can adjourn the hearing to a date and time certain to allow the taxpayer additional opportunity to produce this evidence. The board can then reconvene at that time to receive this evidence.

It will be critical for the board to manage the evidence it receives. Each abatement hearing must be recorded and each document submitted to the board should be marked with necessary identifying information. The chair should manage the testimony by requiring speakers to introduce themselves and preventing participants from talking over each other.

After evidence is received and the hearing is closed, the board may deliberate in private to reach its decision. 1 V.S.A. § 312(e). Each written decision should include basic information such as the name of the property owner and applicant, location of the property and the parcel identification number, date and time of the hearing, board members who participated in the hearing, and all persons who testified on behalf of the property owner. It should also reference documents submitted by the applicant at the hearing. In every case, the board is required to “state in detail in writing the reasons for its decision.” 24 V.S.A § 1535(c). Besides a conclusion regarding whether abatement will be awarded – and, if so, in what amount – every decision should contain findings of fact. These are facts gleaned from the evidence presented at the hearing.
Federal Court Finds Employers May Have to Assist in a Disabled Employee’s Commute

The U.S. Court of Appeals for the Second Circuit (Second Circuit), which has appellate jurisdiction over U.S. District Courts in Connecticut, New York, and Vermont, recently confirmed that employers may be obligated under the Americans with Disabilities Act (ADA) to assist disabled employees with their commute to work.

Title I of the ADA prohibits employers from discriminating against qualified individuals with disabilities who can perform the essential functions of their jobs with or without reasonable accommodation. The ADA covers all “public entities,” which includes local governments.

In Nixon-Tinkelman v. N.Y. City Dept. of Health & Mental Hygiene, No. 10-3317-cv (2nd Cir. Aug. 10, 2011), Barbara Nixon-Tinkelman, the plaintiff in this case, is hearing-impaired and suffers from cancer, heart problems, and asthma. Tinkelman claimed that her employer, the New York City Department of Health and Mental Hygiene (DOHMH), discriminated against her on the basis of her disabilities by failing to help her with her commute after it reassigned her to work from a different location further from home. The District Court for the Southern District of New York (District Court) dismissed her complaint, finding that “commuting falls outside the scope of [p]laintiff’s job, and is thereby not within the province of an employer’s obligations under the ADA.”

On appeal, the Second Circuit disagreed ruling “there is nothing inherently unreasonable ... in requiring an employer to furnish an otherwise qualified disabled employee with assistance related to her ability to get to work.” On the contrary, the Second Circuit stated, in some instances, “an employer may have an obligation to assist in an employee’s commute.”

Whether or not that is the case, the Second Circuit continued, varies with the individual circumstances of the request and necessitates a fact-specific inquiry; one that the District Court failed to undertake. Given Tinkelman’s years of service, the District Court should have considered whether it

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would have been reasonable for DOHMH to accommodate her needs by (1) transferring her to another, closer location, (2) allowing her to work from home, or (3) providing her with a car or parking permit.

On remand, the Second Circuit directed the District Court to determine whether assisting Tinkelman with getting to work would have been reasonable. Specifically, it instructed the District Court to consider the following factors to aid in its analysis:

- the number of employees employed by DOHMH;
- the number and location of its offices;
- whether the Plaintiff was qualified for other available positions;
- whether the Plaintiff could have been moved to a more convenient office without unduly burdening DOHMH’s operations; and
- whether it would have been reasonable to allow the Plaintiff to work without on-site supervision.

This case should serve as a reminder to Vermont’s municipalities that they need to carefully assess all requests for reasonable accommodations from disabled employees and work with them to determine what, if any, reasonable accommodation can be made to overcome the limitations resulting from their disability.

More information regarding providing reasonable accommodations under the ADA is at [www.eeoc.gov/policy/docs/accommodation.html](http://www.eeoc.gov/policy/docs/accommodation.html#5).

The U.S. Equal Employment Opportunity Commission provides technical assistance on the ADA provisions governing employment and can be reached at 1-800-669-4000.


Garrett Baxter, Staff Attorney
Municipal Assistance Center
THE FINAL STAGES OF 2012 HEALTH INSURANCE ENROLLMENT

By now, all Health Trust members with fewer than 50 employees should have chosen a new carrier and filled out and submitted their enrollment packet for 2012 health insurance coverage. In this particularly busy time, these approximately 200 members who used CIGNA in 2011 had to consider their new options and decide on a plan from either Blue Cross/Blue Shield or MVP.

If your municipality’s paperwork has not yet been submitted, please go to www.vlct.org/rms/health-trust/health-insurance/ to download the materials, fill them in, and submit them as soon as possible. In order for employees to be covered as of January 1, 2012, several sets of wheels — at VLCT, BC/BS or MVP, and likely also CHOICE Strategies — need to get rolling. And the sooner you start, the more time there will be to navigate any bumps along the way.

VLCT’s Member Relations representatives are working hard to understand your needs and answer your questions, so if you have any remaining concerns, contact Tanya, Pam, or Larry forthwith!

Harassment
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Wrongful Termination

Employment-related lawsuits occur even in Vermont!

PACIF members now have FREE access to the newest release of HR Made Simple®, a powerful set of online Human Resource Management tools with over 9,000 resources updated daily.

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If you already know your HRSentry user credentials, go to www.myhrmadesimple.com to log in now.

To request your username and password, please call Shawna O’Neill at 800-649-7915.

IT’S FIREFIGHTER ROSTER TIME AGAIN, MADE EASIER!

PACIF members with fire departments: please keep an eye out in the first week of December for an email from Susan Benoit with attachments to help you report the names, roles, and amounts paid to your fire personnel in 2011. Whereas last year we needed you to fill in a paper form from scratch, this year we are sending each of you a customized Excel file pre-populated with last year’s roster information. All you need to do is update it for 2011 and return it with supporting documentation to Susan by the appropriate deadline.

The due date for this Assigned Risk information depends on how your fire personnel are paid:

• December 28, 2011 for departments whose people are all volunteers, i.e., if they are paid on a per-call, per-training, or stipend basis.

• January 6, 2012 for departments that have any personnel who receive regular pay.

Please take special note: failure to meet these deadlines will result in your municipality’s 2012 Assigned Risk contribution being calculated on a default ten percent increase over your 2011 payroll.

Please direct any related questions to Susan Benoit at sbenoit@vlct.org or 800-649-7915.

(continued on page 10)
ensure coverage for injuries received “in the line of duty,” starting in 2012 this additional accidental insurance will cover:

- traveling to or from a fire or emergency;
- performing building maintenance duties assigned by the chief or his/her designee; and
- participating in or attending as a volunteer any other regularly approved, sponsored activity of the firefighting or rescue organization.

Benefits that can be paid to the firefighter category include accident-related medical expenses, compensation for death or dismemberment, a portion of lost earnings for partial or total disability, the costs of rehabilitative employment, reimbursement for family expenses, and medical costs of accident-initiated conditions such as infectious diseases and disfiguring burns.

As for general volunteers, if you are thinking “Doesn’t PACIF already cover them?” you are right, but current coverage for bodily injury is relatively limited. Starting in 2012, the new policy will fill gaps left by all other applicable insurances. For instance, for people who have major medical through their employer and are injured while volunteering, this coverage can pay the volunteers’ out-of-pocket expenses such as deductibles, co-pays, and co-insurance. It also has a much higher overall maximum than the current coverage does.

The general volunteers category applies to injuries received “while volunteering,” which means while under the PACIF member’s supervision and either participating in a covered activity on the member’s property or traveling with a group to or from a covered activity. It does not apply to injuries received in certain circumstances, including intentionally harming oneself, being hit by an airplane, being fitted for contact lenses, and playing any form of tackle football. Even so, PACIF’s new Supplemental Volunteer Accident Insurance is another benefit which will help PACIF members get the most for their valuable taxpayer dollars.

Joe Damiata, Manager
Underwriting and Safety and Health Promotion

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**2011 RMS Calendar**

**EyeMed Open Enrollment** closes December 16th for coverage effective January 1, 2012. VLCT members that do not currently offer EyeMed Vision Care coverage can sign up to begin offering this benefit, groups that already have it can change the plan they offer, and employees of enrolled groups can sign themselves up or add dependents. Refer to related information on page 10 and visit VLCT’s Vision Coverage webpage (www.vlct.org/rms/health-trust/vision-coverage/) for helpful information on plans, premiums, and administration.

**Final Payments for 2011 Health Trust CIGNA Accounts** must be mailed before Thursday, December 29, 2011. Health Trust members currently covered by CIGNA will receive their final Statement of Account around December 5, showing the ending balance for 2011. Payment of this balance must be received at PO Box 39, Montpelier, VT 05601-0039 no later than Friday, December 30.

**DriveSim Training in Barre.** Monday to Friday, December 12 to 16, Barre Town Garage, 129 Websterville Road, Barre. Tucked inside a windowless white trailer is the high-tech, low-risk way to practice maneuvering and making good decisions quickly despite challenging driving situations. An instructor will train preregistered PACIF member employees. To inquire about openings, contact Shawna O’Neill at 800-649-7915, ext. 1935, or soneill@vlct.org.

**Free Access to HR Made Simple** ends December 31, 2011. PACIF members have one more month of FREE access to HR Made Simple, a powerful set of online Human Resource management tools. Sample policies, employee handbooks, webinars, required federal and state employment posters, and much more are available 24/7/365. If you already know your HRSentry user credentials, log on at www.myhrmadesimple.com. To request your user name and password, call Shawna O’Neill at 800-649-7915 or email soneill@vlct.org.

**DriveSim Training in Bennington.** Monday to Friday, January 9 to 13, Bennington Fire Department, 130 River Street, Bennington. See description above.

**VLCT Health Trust’s 2012 Wellness Initiatives Workshops.** Five days in January at the locations listed below. Wellness coordinators, safety and wellness committee members, Health Trust contacts, selectboard members, and municipal managers are all encouraged to learn how their municipality can foster healthy behaviors among employees and covered family members. Pick up pre-ordered pedometers and other materials and learn about the range of health and wellness resources available through the VLCT Health Trust. Free to Health Trust member organizations. Look for registration information in an email from Heidi Joyce, or contact Heidi via hjoyce@vlct.org or 800-649-7915.

- Thursday, January 12, 9a.m. to noon, VLCT Office, Montpelier
- Wednesday, January 18, 9a.m. to noon, Holiday Inn Express, Brattleboro
- Thursday, January 19, 9a.m. to noon, Holiday Inn, Rutland
- Wednesday, January 25, 9a.m. to noon, Hampton Inn, Colchester
- Friday, January 27, 9a.m. to noon, St. Johnsbury-Lyndon Industrial Park, Lyndon
**Risk Management News**  
*continued from page 8*

**EyeMed News and Not-So-News**

VLCT members now have an EyeMed Client Support Specialist specifically assigned to them. Dustin Posgay can be emailed at dposgay@eyemedvisioncare.com, called toll-free at 877-241-6989, or faxed at 513-492-4363. Feel free to contact him with any questions or concerns you may have concerning your coverage, billing, or employee changes.

Speaking of changes, Open Enrollment for 2012 EyeMed Vision Coverage began in November and will continue until December 16, 2011. This means that:

- All VLCT members — even those that will not obtain 2012 health coverage through the Health Trust — have the opportunity to enroll their group in a 2012 VLCT EyeMed VisionCare plan;
- Groups already participating may change the EyeMed plan they offer; and
- Employees of participating groups may enroll in their employer’s plan.

To add vision coverage, submit new group enrollments to Kelley Avery at kavery@vlct.org or faxed to 802-229-2211 attn: Kelley Avery. Please help our aforementioned new Client Support Specialist feel welcome and needed by submitting all other additions and changes to Dustin Posgay at dposgay@eyemedvisioncare.com or by fax to 513-492-4366 attn: Dustin. Remember that all group or employee additions and changes must be submitted by December 16th for a January 1, 2012 effective date. VLCT members may offer one of three vision plans from the Health Trust:

- **The Packaged Plan** (Option 5) is designed to be bundled with whatever health insurance the employer offers. Offering this requires that either the employer pays 100 percent of the premium or all employees who subscribe to the employer’s health insurance also receive this vision coverage.
- **The Voluntary Standard Plan** (Option 6) allows each employee to choose whether to subscribe and offers a standard level of benefits for a modest premium.
- **The Voluntary Enhanced Plan** (Option 7) allows each employee to choose whether to subscribe and offers a more generous level of benefits for a slightly higher premium.

Details on each of these plans and many other useful documents are posted on the Vision Coverage page at www.vlct.org. (Under Risk Management Services, click on Health Trust and then click on Vision Coverage). You’re also welcome to contact Dustin Posgay at EyeMed (details above), Kelley Avery, or your VLCT Member Relations representative with any questions.

**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.

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/events-news-blogs/current-news/.

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**Trivia**

Abnaki geography scholars were in short supply last month as no one knew that Mahsunquammaskee – or “big river outlet” – is the estuary where the Waits River flows into the Connecticut River. Triviaphiles seem to have better luck with historical queries, so have at this one:

**What is the only town in Vermont to have been settled before there was any grant, charter, or patent to cover the land?**

Don’t wait; answer today! And email it to dgunn@vlct.org. Then hold your proverbial horses till the customarily commendable January issue appears in print for the answer.

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that the board deems credible and relevant and which it will use to develop and support the reasons for its decision. There is no statutory deadline for issuance of abatement decisions. The board should take a reasonable amount of time necessary to prepare a complete and accurate decision.

The board’s abatement of an amount of tax will automatically abate any uncollected interest and fees relating to that amount. 24 V.S.A. § 1535(b). The board may order that any abatement as to an amount already paid be in the form of a refund or a credit against the tax for the next ensuing tax year, and for succeeding tax years if required to use up the amount of the credit. If the town has voted to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in the same amount must be paid by the municipality to any person for whom an abatement has been ordered. Interest on taxes paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of 24 V.S.A. § 1535 (property lost or destroyed during the tax year) need not include the payment of interest unless the board deems it proper.

**What taxes can be abated by the board?**

The board of abatement has the authority to abate town taxes and statewide education property taxes. Presently, if a board abates statewide educational property taxes, the town is still obligated to the state for the full amount of statewide educational taxes due. However, on October 25, 2011, the House Ways and Means Committee approved a bill that would allow the commissioner of the Department of Taxes to abate state education property taxes for properties substantially damaged or destroyed and which have been made uninhabitable due to flooding caused by any of the federally declared disasters Vermont has suffered this year. Under the bill, a town will apply to the commissioner for a reimbursement by the Department of Education for payments it owes to its own school district or to the state Education Fund. The bill requires that a town abate municipal taxes in proportion to the amount of state school taxes abated. Please note that the bill has not yet been approved by the House and Senate or signed by the Governor. For more information on the bill, please visit [www.vlct.org/events-news-blogs/current-news/ways-and-means-approves-bill-to-abate-state-school-taxes/](http://www.vlct.org/events-news-blogs/current-news/ways-and-means-approves-bill-to-abate-state-school-taxes/).

Keep in mind that the board only has the authority to grant abatement if it finds that the taxpayer falls within the statutory criteria of 24 V.S.A. § 1535(a). Section 1535(a) provides that the board may abate in whole or part taxes, interest, and collection fees accruing to the town in the following cases:

- when a taxpayer has died insolvent;
- when a taxpayer has moved out of the state;
- when a taxpayer is unable to pay his or her taxes, interest, and collection fees;
- when there has been manifest error or a mistake of the listers;
- when the real or personal property that is the subject of the tax has been lost or destroyed during the tax year;
- when the taxpayer has failed to claim a veteran’s exemption under section. 32 V.S.A. § 3802(11) in time, and;
- when the taxes are upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof, or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.

Finally, boards should also keep in mind that in order to receive state reimbursement for abatement of the State Education property tax under the proposed bill, a board of abatement will have to make four finding:

- Is the property damage due to the 2011 federally declared disasters?
- Did the board of abatement proportionally abate municipal and education taxes on the property?
- Did the primary structure on the property suffer at least 50 percent loss in value?
- Did the property owner lose use of the primary structure for at least 90 days?

Findings with respect to each of these criteria should be included in every abatement decision.

**Do abatements have to be granted?**

No. As the Vermont Supreme Court recently stated, “The language in the [abatement] statute is entirely permissive and allows the Board to abate taxes, but does not require it to do so even if the taxpayer falls within one of the categories allowing for abatement.” Garbitelli v. Town of Brookfield, 2011 VT 122 ¶ 14. Abatements reduce the income to the town and require the town to either reduce spending or increase the taxes to make up the lost revenue. Tax abatement is an equitable remedy and exists to permit the board to help taxpayers who face extraordinary circumstances that make it difficult for them to meet their tax obligations. That being said, while not every abatement request has to be granted, the board should be consistent in the manner in which it makes its abatement decisions.
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 deadline for submitting 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 advertising, email vlctnews@vlct.org. Information on ad requirements may also be downloaded at www.vlct.org/events-news-blogs/newsletter-archive/advertising-information/

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**Help Wanted**

**Town Manager.** The Town of St. Albans, Vermont seeks an engaging, collaborative, and dynamic manager to serve as its chief administrative officer. St. Albans (pop. 5,999) is located in northwest Vermont on the shores of Lake Champlain in Franklin County. It’s one of the fastest growing areas of the state and has a strong tradition of civic engagement. The manager reports to a five-member selectboard and is responsible for day-to-day operations of the Town. The manager supervises 8 to 10 full-time employees, administers a $3.1 million operating budget, and oversees all personnel, financial, public works, and community-relations matters. A detailed job description is available at www.stalbanstown.com under Employment Opportunities. Hiring range is $50,000 to $75,000, with an excellent benefits package. A Bachelor’s degree is required; Master’s degree in public administration or related field preferred. Previous experience in municipal government with emphasis on grant writing and project planning is preferred. To apply, please send a cover letter, resume and three references to St. Albans Town Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602-2948. You may also email your application to ehar rington@vlct.org with St. Albans in the subject line. Resume review begins December 27, 2011. (11-10)

**Police Officers.** The Town of Vernon is currently accepting applications for one full-time police officer and several part-time police officers. Full-time is 40 per week with some overtime available. Part-time is as needed, and possibly one or two regular shifts per week. Preference is given to already certified officers. Vernon (pop. 2,000) is a small bedroom community in the southeastern most corner of Vermont. We are also the home of the Vermont Yankee Nuclear Power Plant. To apply, send a resume to Vernon Police Dept., PO Box 63, Vernon, VT 05354. You can also pick up an application at our office at 567 Governor Hunt Road in Vernon. (11-10)

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**Vermont State Infrastructure Bank Loan Funds Are Available Through VEDA**

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for financing to construct or reconstruct roads and bridges, make safety improvements such as highway signing and pavement marking, make operational improvements such as traffic control and signal systems, and construct rail freight and intermodal facilities.

**LEARN MORE AT WWW.VEDA.ORG OR BY CALLING 802-828-5627.**
We are expecting that a large number of abatement requests will fall under 24 V.S.A. § 1535(a)(5) for “taxes upon real or personal property lost or destroyed during the tax year?” How should we handle these requests?

There is no statutory formula for calculating abatement of “taxes upon real or personal property lost or destroyed during the tax year.” Factors that a board might consider in abating taxes on real property under 24 V.S.A. § 1535(a)(5) include:

- Whether the loss was to land or structures on the land;
- Whether the property is residential, commercial, or industrial;
- Whether the property is the owner’s primary residence;
- Whether the property is income generating property for the owner;
- The loss of value for the property;
- The length of time, if any, the property could not be used or occupied because of the loss;
- Whether the owner has been, or will be, reimbursed for the loss by other parties.

Boards have authority to adopt minimum thresholds for granting abatement under 24 V.S.A. § 1535(a)(5). For example, a board may decide to grant abatements only in the case where a town will be eligible for state reimbursement for abatement of the State Education property tax. In such a case, the board would have to find that the property was damaged due to the 2011 federally declared disasters, the primary structure on the property suffered at least 50 percent loss in value, and the owner lost use of the structure for at least 90 days.

Regardless of which factors are considered by a board or whether it imposes any thresholds, every board should strive to be consistent and treat similarly situated properties and taxpayers in the same way. Remember that the board does not have to be perfect in its reasoning, but its decision must be rationally based and supported by the evidence received at the hearing.

Model abatement request forms, hearing schedules, rules of procedure, and decision forms are now available at www.vlct.org.

Jim Barlow, Senior Staff Attorney
VLCT Municipal Assistance Center

2012 VLCT HOLIDAYS

The VLCT office will be closed on the following holidays in 2012. Otherwise, we are open from 8 a.m. till 4:30 p.m., Monday through Friday.

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Celebrated on</th>
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<tbody>
<tr>
<td>New Year’s Day</td>
<td>Monday, January 2, 2012</td>
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<tr>
<td>Martin Luther King Day</td>
<td>Monday, January 16</td>
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<tr>
<td>Presidents’ Day</td>
<td>Monday, February 20</td>
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<tr>
<td>Memorial Day</td>
<td>Monday, May 28</td>
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<tr>
<td>Independence Day</td>
<td>Wednesday, July 4</td>
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<tr>
<td>Bennington Battle Day</td>
<td>Thursday, August 16</td>
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<tr>
<td>Labor Day</td>
<td>Monday, September 3</td>
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<tr>
<td>Veterans Day</td>
<td>Monday, November 12</td>
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<tr>
<td>Thanksgiving Day</td>
<td>Thursday, November 22</td>
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<tr>
<td>Day after Thanksgiving</td>
<td>Friday, November 23</td>
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<tr>
<td>Christmas Eve</td>
<td>Monday, December 24</td>
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<tr>
<td>Christmas Day</td>
<td>Tuesday, December 25</td>
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Oral health is important to everyone.

Oral health is a critical component of overall health. Dental insurance encourages preventive habits and procedures that benefit everyone, at every age. Through your membership in the Vermont League of Cities and Towns, Northeast Delta Dental offers dental plans designed for your employees.

For more information, call
Delta Dental Plan of Vermont • 135 College Street, Burlington, VT 05401-8384
800-329-2011 • www.nedelta.com
and committees; serves on various committees and provides expertise on planning, environmental and development related issues; explores grant opportunities, reviews environmental impacts facing the Town, reviews local ordinances and regulations, makes recommendations for revisions, updates maps, and makes projections of growth and impacts. The successful applicant will have a thorough knowledge of current principles and practices of municipal land use planning, the ability to interpret codes, ordinances, and statutes, make public presentations, and effectively communicate in writing. A bachelor’s degree in Planning, Urban Affairs, Natural Resource Planning, Landscape Architecture, Public Administration or a related field is preferred. AICP Certification is desirable but not required. Three years experience may be substituted for education requirements. Salary, $18.60 to $24.00 per hour, based on qualifications and experience. To apply, complete a Town of Milton Employment Application, available either at www.milton.govoffice2.com under Employment Opportunities or in the Town Manager’s Office (43 Bombardier Road, Milton), and submit it along with a resume to the Human Resources Coordinator either at bcomstock@town.milton.vt.us or in care of the Town Manager’s Office. Position open until filled. Equal Opportunity Employer. (11-7)

Town Manager. The Town of Wilmington, Vermont seeks an experienced leader for the position of town manager. Wilmington (pop. 2,000) is a rural community facing new challenges as it recovers from significant flooding caused by Tropical Storm Irene. The town is located in Southern Vermont’s Green Mountains near the Mount Snow ski area. With more than 1,600 vacation homes, Wilmington has seasonal and weekend increases in population. The manager reports to a five-member selectboard and supervises all town departments. The town has employed a town manager since 1967. The current operating budget is $3.82 million with 24 full-time employees and four part-time employees. The manager is the town’s chief administrative officer and is responsible for the day-to-day operations of the town. Responsibilities include financial management and budgeting, community and intergovernmental relations, and personnel administration. A full job description is available at www.wilmingtonvermont.us. A working knowledge of municipal practices, budgeting, finance, personnel administration, and public relations is essential. A bachelor’s degree and five years of management experience are required; a master’s degree in an appropriate discipline is preferred. Hiring range is $65,000 to $73,000 with an excellent benefit package. To apply, please send a confidential cover letter, resume, and three references to Wilmington Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602. You may also email to eharrington@vlct.org with Wilmington in the subject line. Resume review will begin on December 5, 2011. The Town of Wilmington is an Equal Opportunity Employer. (11-4)

Please Support Our Advertisers

If your municipality is planning a future purchase of products or services offered by our advertisers, please consider contacting them, and don’t forget to let them know you saw their advertisement in the VLCT News. Thank you.

By upgrading parking lot and street lighting to LEDs, Vermont towns can achieve:

- Energy and cost savings
- Increased visibility, safety, and security

Efficiency Vermont’s Municipal Street Lighting program can help by providing:

- A step-by-step guide to implementing an outdoor LED project
- Enhanced technical assistance and financial rebates from Efficiency Vermont

To learn more about our Municipal Street Lighting program, call Efficiency Vermont toll-free at 888-921-5990 or visit www.efficiencyvermont.com to download a copy of our step-by-step guide.

www.efficiencyvermont.com | 888-921-5990
For more information about the following workshops or events, please call Jessica Hill, Manager, VLCT Administrative Services, at 800-649-7915, or email jhill@vlct.org. You may also visit www.vlct.org/events-news-blogs/event-calendar/ and select a workshop for more information or to register online. Please check back frequently for program updates. Final agendas and online registration are available six weeks prior to the event date. For non-VLCT events listed below, please contact the individuals directly. (The online registration option is available for VLCT workshops and events only.)

December 7, Capitol Plaza, Montpelier Municipal Technology Workshop (Sponsored by the VLCT Municipal Assistance Center)
Information technology affects virtually every aspect of the day-to-day workings of municipal government, from telecommunications to computers and data processing. This workshop is designed for selectboard members, town managers and administrators, treasurers, and employees who deal with these issues. Learn how to keep your town ahead of the ever evolving technological curve. We will also explore electronic communication, best practices and requirements for electronic records and security, and discuss the Open Meeting Law and the ramifications of social media.

February 15, Capitol Plaza, Montpelier Local Government Day in the Legislature (Sponsored by VLCT and the Vermont Municipal Clerks’ and Treasurers’ Association)
A special, event-packed day at the Vermont State House for local officials to learn about the status of pending legislation from VLCT and VMCTA representatives, attend legislative hearings, and speak one-on-one with their representatives and senators.

February 22, Capitol Plaza, Montpelier Town Meeting Tune-Up (Sponsored by the VLCT Municipal Assistance Center)
A parliamentarian’s paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It focuses on the statutory requirements for town meeting, “Robert’s Rules of Order,” and best practices for making it through Town Meeting unscathed. The issue of prayer at Town Meeting will also be discussed.

Visit our website www.vlct.org/events-news-blogs/event-calendar/ for the most up to date list of events.

Happy Holidays From VLCT