Extreme Fitness is Extremely Satisfying in Twinfield

Marshfield Town Clerk Bobbi Brimblecombe is one of April Farnham’s most enthusiastic fans, and she has plenty of company. When more than two dozen people arrive by 5:00 a.m. three days a week year-round looking forward to being put through a variety of physically grueling exercises, the instructor must be doing a lot of things right. “April's Boot Camp” provides regular folks with a remarkably effective combination of exhaustion and inspiration. All they have to do is show up at Twinfield Union School on time and ready to exercise, then put their best effort into doing whatever April does – whether that’s calisthenics, flipping a huge state of Vermont’s Union School on time and ready to exercise, then put their best effort into doing whatever April does – whether that’s calisthenics, flipping a huge

“Anyone feels comfortable joining in – there’s no sizing each other up.” — Shelley Quinn

WHILE BOOT CAMPER DO LEG LIFTS, APRIL (FOREGROUND) DEMONSTRATES DOING CRUNCHES TO EXERCISE DESPITE HAVING SOME BACK PAIN.

The Common Benefits Clause

In a March 2012 decision, the Vermont Supreme Court held that the Common Benefits Clause of the Vermont Constitution provides a self-executing private right of action, and that damages can be awarded to individual plaintiffs for violating the clause. In re Town Highway No. 20, Town of Georgia (Petition of Rhodes), Rhodes v. Town of Georgia, 2012 VT 17.

This protracted dispute – which originally began in 1995 and has resulted in multiple civil actions and two appeals to the Vermont Supreme Court – involved two town highways in the Town of Georgia. In January 2010, the Franklin Superior Court found that the selectboard discriminated against Rhodes and that the selectboard’s decisions with respect to discontinuance, reclassification, and

(continued on page 15)

Do You Handle PACIF Claims for Your Office?

Look for the New Deductibles Bills in Your Email!

PACIF members: Please note that the Claims team recently updated how it sends bills for any deductible amount that is due for a PACIF claim. For each deductible, instead of enclosing three printed sheets in a paper envelope, we are now sending an email with an attached pdf file of a single informative statement. “We” means Trisha Clark, the ever-cheerful

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Administrative Assistant on the Claims team, who will email them to the member’s designated PACIF contact person as necessary.

The new statement, which is numbered and dated, includes all of the relevant pieces of information: claim number, claimant’s name, loss description, fund year, deductible amount, name of the adjuster, name of the approver (the PACIF contact person), claim amount paid by PACIF, deductible amount due, and date due. The statement is ready to print and send to VLCT with the check for the amount due, in a paper envelope, via U.S. mail. This part of the process still happens the old-fashioned way.

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On-site Workshops
Let the VLCT MAC Staff Travel to You!

Since 2005, VLCT Municipal Assistance Center staff have been conducting customized on-site workshops in municipal offices across the state.

Each workshop costs $800, though VLCT PACIF members are eligible for a reduced rate of $400 for many of the topics listed below (except for land use). PACIF members may also be eligible for a PACIF scholarship, which can cover the cost of the training. Please call PACIF Loss Control at 800-649-7915, or visit www.vlct.org/rms/pacif/pacif-scholarships/ for more information on the program. In addition, MAC can develop custom workshops upon request. To discuss or schedule a workshop, please contact Abigail Friedman or call 800-649-7915.

On-site Workshop Program Offerings:

- Improving the Relationship Between Independent Officers and the Selectboard
- Roles and Responsibilities of Town Officers
- Conducting Effective Selectboard Meetings
- Conducting Effective Tax Appeal Grievances and Hearings
- A Field Guide to the Open Meeting Law and Executive Session
- How to Write a Good Hearing Decision
- The Role of the Manager and the Role of the Selectboard
- An Orientation to Local Government for New Selectboard Members
- How to Respond to a Public Records Request
- Developing and Managing the Town Budget
- Financial Management, Internal Controls, Fraud Risk Assessment
- Inter-local Agreements
- Municipal Charter Adoption and Amendment
- Many specific topics for local land use boards

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Questions asked by VLCT members and answered by the League’s legal and research staff

Deliberative Sessions; Public Body Carpooling; Prohibiting Parking Without Ordinance

If a development review board or zoning board of adjustment enters a deliberative session on a quasi-judicial matter, does the board then have to reconvene the open meeting to vote and publicly announce its decision?

No, because the law expressly requires that the appropriate municipal panel (AMP) issue a written decision. “Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions.” 24 V.S.A. §4464(b)(1). Meeting minutes may be used so long as they contain “the factual bases and conclusions relating to the review standards.” Id. Vermont’s open meeting law provides that “[a] written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.” 1 V.S.A. § 312(f). Since all AMP decisions must be issued in writing and are public records, there is no need to adopt them at an open meeting.

The Municipal Assistance Center recommends that boards exercise their right to use private deliberative sessions regularly when deciding quasi-judicial matters since the practice leads to more thoughtful decision making. A deliberative session allows members of the board to thoroughly and freely review and discuss evidence – without political or public pressure. It provides an environment in which board members can express their opinions without feeling awkward or self-conscious. Occasionally, the act of drafting the written findings and legal conclusions actually leads to a change in the initial decision, as the facts are identified and better defined. If, at the close of a quasi-judicial hearing, your board is inclined to give the applicant an indication of the board’s direction, we recommend that it be made clear that such verbal notice is preliminary and subject to the actual written decision. By taking the time allowed by law to draft a well-thought-out decision, you may save the town the time and expense of litigating a hastily written one.

This is an update to a September 2000 VLCT News article.

Stephanie Smith, AICP, Senior Associate
VLCT Municipal Assistance Center

Our five-member public body will be attending an out-of-town workshop. Can three of the members carpool together?

Yes, but only so long as they don’t discuss town business or take any action. The problem with having three members of a five-member public body in a car together – or for that matter anywhere together (e.g., in a store, at ball field, restaurant, or dinner party, etc.) is that they constitute a “quorum” of the public body and as such trigger Vermont’s Open Meeting Law whenever town business is discussed or any action is taken. Under this law, a public body is defined as “any board, council or commission of the state or one or more of its political subdivisions, any board, council or commission of any agency, authority or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils or commissions.” 1

Need a written legal opinion?
Looking for expertise drafting a new ordinance?
Need help updating that personnel policy?

VLCT’s attorneys can provide your municipality with legal assistance at highly competitive rates. Please call Abby Friedman for more information at 1-800-649-7915.

Sample Projects:
- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances
ASK THE LEAGUE  
(continued from previous page)

V.S.A. § 310(3). And a meeting is defined as “a gathering of a quorum of a public body for the purposes of discussing the business of the public body or for the purpose of taking action.” 1 V.S.A. § 310(2). Consequently, while a bare quorum of a public body can travel together, they should be mindful of not discussing town business or making any decisions concerning town business for fear of violating the Open Meeting Law.

One could argue that such a discussion could take place so long as the public body warns the excursion as a special meeting, however such a position is not in keeping with the spirit or letter of the law. The Vermont Supreme Court has opined that the Open Meeting Law “protects the interest of the public to hold its elected officers accountable by, among other ways, requiring meetings of a public body to be ‘open to the public at all times,’ except when in executive session, 1 V.S.A. § 312(a), and by requiring that the public be given a ‘reasonable opportunity to express its opinion’ on matters being considered. Id. § 312(h).” Town of Brattleboro v. Garfield, 180 Vt. 90 (2006). Public meetings therefore must be open and accessible to the public in addition to being properly noticed and accommodating the taking of minutes. Obviously, the public won’t have a reasonable opportunity to express its opinion at a meeting held in a motor vehicle (unless, perhaps, the municipality is the Town of Victory and the public body is traveling via school bus with all the inhabitants of town sitting in the seats three abreast). For everyone else, though, such a “meeting-on-wheels” is out of the question and the voters might not appreciate this opportunity to discuss town business behind closed car doors.

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center

Parking along a state highway at a popular local recreation area is creating traffic problems. Our town has no parking ordinance. Do we have any other authority to prevent parking in this area?

Yes. The state traffic committee has the authority to make, amend, or repeal rules for vehicular, pedestrian, and animal, traffic, and public safety on state highways. 23 V.S.A. § 1004(a). This committee may prohibit motorists from parking or leaving any vehicle within the main-traveled part of a state highway in “no-parking zones” and where designated by signs. 23 V.S.A. §§ 1005, 1101(a). Where parking is permitted on state highways, drivers must leave the highway unobstructed for the passage of other cars and also to ensure a clear view in both directions. 23 V.S.A. § 1101(h).

A law enforcement officer (which includes a town constable with law enforcement authority) may enforce parking restrictions set by the state traffic committee on state highways. He or she may issue tickets and is authorized to “move” by towing or “require the driver or other person in charge to move” vehicles in violation of 23 V.S.A. § 1101, or vehicles that are obstructing traffic or maintenance of the state highway. 23 V.S.A. § 1102. The summons and complaint form (i.e., traffic complaint) is specified in 4 V.S.A. § 1105. A ticket for these types of violations is considered a traffic violation according to 23 V.S.A. § 1004 (c), and would be heard in the Judicial Bureau as required by 23 V.S.A. § 2305.

Since violations of 23 V.S.A. §§ 1101 and 1102 are violations of state law, there is no need for a selectboard to adopt an ordinance that repeats the law. However, the selectboard may wish to adopt a resolution that describes where parking is not allowed on state highways within the town to help inform the public.

For more information about restrictions on state highways, contact the Traffic Operations Unit of the Vermont Agency of Transportation at 802-828-1055 or visit www.aot.state.vt.us/progdev/sections/Highway%20Info/RoadTrafficOps62011.htm.

This is an update of an April 2000 VLCT News article.

Stephanie Smith, AICP, Senior Associate
VLCT Municipal Assistance Center

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

SUCCESSFULLY NAVIGATING THE PROPERTY TAX ASSESSMENT APPEAL PROCESS
May 8, Middlebury Inn, Middlebury
May 10, Lake Morey Resort, Fairlee

This popular workshop is designed for selectboard members, listers, justices of the peace, town treasurers, and town clerks. All local officials are welcome and are encouraged to attend. With Vermont suffering widespread property damage from storms and floods in 2011, ever increasing pressure on the property tax, and declining property values, it is crucial that the appeals process be strategically administered. Come learn what your town needs to do to conduct effective property tax grievances and appeals

MUNICIPAL LABOR AND EMPLOYMENT LAW TRAINING
May 31, Capitol Plaza, Montpelier

Both municipal managers and their staff will find this workshop indispensable as it covers the fundamentals of employment law and personnel administration in a municipal setting. It will focus on the major state and federal employment laws and cases affecting municipalities as employers, including emerging employment issues. (This workshop is co-sponsored by VLCT PACIF)

SAVE THE DATES

June 7, Capitol Plaza, Montpelier
Municipal Attorneys Forum

June 19, Capitol Plaza, Montpelier
Finance Symposium

June 27, Capitol Plaza, Montpelier
Managing Municipal Assets Held in Trust

For registration and other information, please visit www.vlct.org/events-calendar/upcomingevents, call 800-649-7915, or email info@vlct.org.
The Vermont Municipal Employee Retirement System Board of Trustees comprises five members: the state treasurer; two employee representatives elected by the membership from among the contributing members of the system; one employer representative elected by the employers; and one employer representative appointed by the governor.

The term of office for the employer representative appointed by the governor expires on June 30, 2012. That position must be filled by a person “who shall at all times during [his or her] term of office be a member of a governing body, the chief executive officer, or a supervisor as defined in 21 V.S.A. § 1502(13), of an employer participating in the system, appointed by the governor from a list of not less than three nominations jointly submitted by the Vermont League of Cities and Towns and the Vermont School Boards Association.” The definition of a supervisor referred to above is as follows:

“Supervisor means an individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.”

VMERS employers are now ably represented in this position by Thomas Golonka, a city council member from the City of Montpelier. He has served in that position since September 2010 and has expressed interest in being reappointed. VLCT and the Vermont School Boards Association are required to submit three names to the governor for his consideration. If you meet the qualifications listed above and wish to be considered for nomination to the governor, please contact Steve Jeffrey (sjeffrey@vlct.org or VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602) or Steve Dale (sdale@vtvsba.org or VSBA, 2 Prospect Street, Montpelier, VT 05602) by Friday, May 25, 2012.

MAC Municipal Consultants

MAC is pleased to offer the services of our expert municipal consultants. To learn more or discuss a possible project, contact Abby Friedman at 800-649-7915, extension 1926, or afriedman@vlct.org.

MAC’s consulting team consists of:

- **Bill Hall**
  Senior Municipal Finance Consultant

- **Doug Hoyt**
  Municipal Law Enforcement Consultant

- **Brendan Keleher**
  Municipal Management and Finance Consultant
CALLING ALL CYCLISTS!

Are you eager to go places under your own pedal power? Are you ready to settle into the velocipedic saddle? Do you want another incentive to fill your water bottle and don your helmet this summer? The Vermont Bike Challenge is a new statewide event that runs—or rolls, really—from May 1 to August 31 in association with the Get Up & Ride National Bike Challenge and offers positive feedback for your cycling efforts.

Anyone who lives or works in Vermont can sign up solo or as part of a team, and it's free! Once you’ve signed up, every time you ride your bike—whether commuting to work, doing errands, or riding for fun on roads or trails—you log your ride online (if you’re smart-phone savvy, there’s an app for it) to earn points and to be entered in monthly prize drawings. Every point you earn counts not only for you as an individual, but also for your workplace, your community, and any team you join. You can also see how much challenge participants have saved in gas consumption and carbon dioxide emissions.

The Vermont Bike Challenge is an easy way for employers to promote employee fitness. When your employees sign up and list your organization as their employer, their miles and points automatically count toward your organization’s standing on the workplaces leaderboard on the Challenge website. Important: To make the match-up between employer and employee records work smoothly, employers should fill out the employer registration form at www.endomondo.com/registration/organizations before publicizing the Challenge to employees. Then, when an employee enters his or her employer name in the registration form, the system will auto-fill the field with the exact name of the employer and link the records properly.

Anyone can start or join a team, and teams are a great way to promote friendly competition among an employer’s departments. The Challenge encourages participation in a team of up to ten people. Teams and workplaces are completely separate functions within the Challenge system (i.e., a person does not have to be on a work-based team in order to have his or her miles and points count for his or her employer), but one of the most effective ways to get your employees involved in the challenge is to recruit a cycling enthusiast in each department as a team captain and charge the captain with pulling in co-workers to form a departmental team. Each team is capped at ten people to maintain a level playing field, and there is a leaderboard for teams as well as for workplaces.

Best of all, every mile ridden by any Vermont resident contributes to Vermont’s standing in the National Bike Challenge. Each state’s standing is weighted based on its population, so Vermont has a shot at doing really well nationally. So get out there and ride, and show the country what a small state can do!

For more information and a registration link, go to www.VTbikechallenge.org (hosted by Local Motion). There you’ll also find PDF files of flyers to email or print and post. Although the system is live before May 1 so people can sign up and even log early rides, everyone will reset to zero on May 1 to ensure an even playing field for the four months of the challenge. If you have any questions, email Jason Van Driesche at jason@localmotion.org.

The Vermont Bike Challenge is co-presented by Local Motion, Vermont Bicycle & Pedestrian Coalition, and the Green Mountain Bicycle Club, and sponsored by Earl’s Cyclery & Fitness and Sojourn Bicycling & Active Vacations.
HAZMAT INCIDENT COST RECOVERY

Hazardous Materials (Hazmat) Response can eat up large amounts of time, equipment, and personnel resources. In fact, the response to a large Hazmat incident could cost a fire department its entire year’s budget. So what is the fire chief to do?

Vermont law allows for the fire department to recover costs directly associated with the response to a Hazmat incident. Specifically, 20 V.S.A., Chapter 1, Section 39 states:

“(e) The state or any political subdivision, including any municipality, fire district, emergency medical service, or incorporated village, is authorized to recover any and all reasonable direct expenses incurred as a result of the response to and recovery of a hazardous chemical or substance incident from the person or persons responsible for the incident.”

There are some important steps to take before you have an incident. Your department should decide that it will bill the “responsible party” (RP) when you have a Hazmat incident. The department should also decide what costs it will be recovering. The simple part is the replacement of supplies used; for these you simply pass on the restocking cost to the RP.

The statute allows for municipalities to recover costs as well. This could apply to those towns that contract to another fire department for services.

Some fire departments have a fee schedule for personnel costs as well as hourly apparatus rates. These rates should be determined ahead of time and should have a rationale as to how they were derived. For instance, personnel costs should reflect actual costs.

Additionally, I would encourage departments that respond together often to develop a standard billing rate for apparatus in their mutual aid area. It is in the best interest for all departments in one area to be consistent.

One last and important note. You should be reporting all Hazmat spills to the Hazmat hotline, 1-800-641-5005. This is critical if your department responds to a Hazmat incident where either the RP is unknown or is unwilling to reimburse. The Agency of Natural Resources can greatly assist your department in the cost recovery effort, but only if the call was reported immediately to the Hazmat Hotline.

Chris Herrick, Chief
Vermont State Hazmat Response Team

VLCT NEWS ONLINE

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 VLCT News, go to www.vlct.org/events-news-blogs/current-news/.

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AND START EXPERIENCING WHAT 100% FEELS LIKE.
MISSING UI TRUST ANNUAL WAGE REPORTS NEEDED ASAP

We sincerely thank the many Unemployment Insurance (UI) Trust members who completed and returned their 2011 Wage Report to Kelley Avery before the May 1 deadline. We hope that the remaining reports will be submitted before May gets any older! You can still download the convenient Excel form from www.vlct.org/rms/unemployment-insurance-trust/. The instructions are right in this file, and if you have any questions or difficulties, please call Kelley immediately at 800-649-7915, ext. 1965, or email her at kavery@vlct.org. She’s always happy to help.

DENTAL WILL BE “OPEN WIDE” DURING JUNE

Northeast Delta Dental’s Open Enrollment period is now through June for coverage beginning on July 1, 2012. VLCT members that don’t currently offer dental insurance as an employee benefit can start doing so! Moreover, members that already offer Northeast Delta Dental coverage to their employees can (a) change the plan they offer, (b) specifically opt in to offering coverage to dependents up to age 26, and (c) let employees add or drop coverage without a qualifying event. Good dental care is an important part of overall health, and Northeast Delta Dental is a tried and true source of coverage. Please contact your Member Relations Representative or visit VLCT’s Dental Insurance webpage at www.vlct.org/rms/health-trust/dental-insurance/ for more information. We will post the rates for the 2012-2013 coverage year on the webpage as soon as they become available to us.

WELLNESS FOR EYES? YOU BET!

The VLCT Health Trust’s partner for vision coverage, EyeMed, has a new website, www.eyesightonwellness.com/index.html, for everyone interested in learning about the connections between ocular health and overall health. Focusing (pun intended) on “how proper vision care helps the whole body stay well,” the website features an introductory video and offers a library of topics including Vision and Sports: See Better, Play Better; Computer-Related Vision Problems Are on the Rise; Glaucoma: No Symptoms Doesn’t Mean You’re Not at Risk; Diabetic Eye Care; New and Innovative Contact Lens Technology; and The Role of Eye Care in Pregnancy. You don’t need to have EyeMed coverage to visit this website, so feel free to check it out.

STEVENS EXTREME DRIVING TRAINING RETURNS TO VERMONT

We are pleased to announce the return of Stevens Driver Training to the 2012 PACIF calendar. The Mount Mansfield parking lot at Stowe Mountain Resort took an unplanned break in 2011 from hosting PACIF’s popular high-speed driver training for municipal officials and staff. The return of Stevens means that non-CDL municipal drivers and officials are again welcome to attend any of the one-day classes we are offering in May and June this year.

Each day combines informative classroom discussion and training with in-car practice in high-speed steering, breaking, and skidding. Every student gets a turn taking one of the sedans through a particular set of maneuvers with the instructor and two other students in the car. If you like roller coasters, you’ll love riding in the back seat!

This year’s classes take place May 14-18 and June 18-22. We encourage attendance, although we reserve the right to limit repeat attendance and multiple attendees from a single member. Lunch is included, and the classes take place rain or shine. (Please dress accordingly.) There is no cost to attend, but it is valuable training, so anyone who cancels less than 48 hours before a class or who does not show up at all will incur a $300 fee to the municipality. Call Jim Carrien at 800-649-7915, ext. 1946, to reserve a place.
Application Deadline for May 2012 PACIF Equipment Grants. April 30. All PACIF members who haven’t received a safety equipment grant in the last calendar year can apply for 50/50 matching funds toward certain safety-oriented equipment. Please go to www.vlct.org/rms/pacif/pacif-equipment-grants/ for guidelines and application. Completed applications must be received by Jim Carrien at VLCT Risk Management Services by April 30, 2012.

Electrical Safety and Lock Out/Tag Out Training. Thursday, May 3, 8:00 a.m. to 12:00 noon, Mallets Bay Fire Station, 844 Church Road, Colchester. Co-sponsored by VLCT PACIF and VOSHA. Instructors: Dan Whipple, Compliance Assistance Specialist, VOSHA; and Chris LaBerge, Senior Loss Control Consultant, VLCT. Free to supervisors and employees of water, wastewater, and highway departments at PACIF member municipalities. Call Jim Carrien at 800-649-7915, ext. 1946 to see if any openings remain.

10th Annual Vermont Workplace Safety Conference and Governor’s Awards. Friday, May 4, 9:00 a.m. to 3:45 p.m., Doubletree Hotel and Conference Center, 1117 Williston Road, South Burlington. Sponsored by The Vermont Safety & Health Council, the Vermont Small Business Development Center; Project WorkSAFE, and many others. An excellent professional development opportunity for employees with safety responsibilities. Topics include Prevention, Treatment and Management of Back Injuries; Hazard Communication – Your Right to Know What GHS Is; Protecting your Company from Distracted Drivers; How to Evaluate Your Contractor’s Safety Compliance; Safety Committees – What Works; and the Governor’s Safety Awards. For more information and to register ($85 for the day), visit www.vtsbdc.org, select the Training tab, and use the left-hand link for the conference. To register for only the Governor’s Safety Awards (no cost), email pcrawford@vtsbdc.org.

30th Annual Vermont Municipal Highway Association Expo. Wednesday, May 9, 7:30 a.m. to 3:00 p.m., Barre Civic Center. The one chance all year for road and highway crews from around the state to gather, see what new equipment and free goodies the exhibitors have on hand, swap stories, and compete in the snow plow rodeo and backhoe competition. For more information, email Debbie@agcvt.org.

Stevens Advanced Driver Training. May 14, 15, 16, 17, and 18, Stowe Mountain Ski Resort. In each one-day training, participants receive instruction and hands-on practice in pushing the abilities of a typical sedan in order to become far more aware of its steering and braking limitations. This eye-opening experience is available free of charge to VLCT PACIF member employees who drive non-CDL vehicles as part of their job and also to PACIF member selectboard members. Look for a flier in the mail and register with Jim Carrien at 800-649-7915, ext. 1946.

Roadway Work Zones Safety Roundtable Breakfast. Tuesday, May 22, 7:30 a.m., Northeast Regional Safety Academy, Montpelier. Presented by the Safety Committee of the Associated General Contractors of Vermont (AGC/VT). Free to AGC/VT members, and guest fee is waived for municipal employees. RSVP before May 18 by visiting www.agcvt.org, clicking on the date of the event on the calendar, and selecting “Register for this Event”, or by emailing safety@agcvt.org.

Emergency Preparedness Workshop. Wednesday, May 30, 2012, 8:30 a.m. to 2:30 p.m., Stafford Technical Center, Rutland. Presented by the Southern Vermont and Rutland Area chapters of the Vermont Safety & Health Council (a non-profit membership organization dedicated to promoting workplace safety). For more information and to register, visit www.vshc.org and select the Events Calendar.

Stevens Advanced Driver Training. June 18, 19, 20, 21, and 22, 8:15 a.m. to 4:15 p.m. See May 14-18 listing above for details.
It Keeps on Giving

As April predicted when she came up with the idea for her boot camp, the children of boot campers are catching on. In fact, when asked what family and friends think of their attending April’s Boot Camp, the three people interviewed for this story revealed another impressive range of benefits.

Bobbie B.
• My family thinks I’m crazy to get up so early, and my husband can’t understand why I would want to exercise in front of all of those people. But he sees how much happier I am since I started doing this.
• My daughters are learning how important it is for us to take care of ourselves, so I feel like I am setting a good example for them.

Shelley Q.
• My seven- and four-year-old kids love asking what I did, and they make me teach them April’s exercises.
• Last fall, my 16-year-old niece started attending with me. She arranged receiving a PE credit for it from her high school but has no plans to stop now that she’s met the criteria for the credit. She is hooked and continues to come three days a week, go to lacrosse practice daily, and maintain very good grades. I am so proud of her and closer to her from the shared experience.

Patrick H.
• My youngest, who is a now a senior in high school, came with me the first summer. Now he comes every day to get in shape for the Marines boot camp this August. We at April’s Boot Camp are all excited to see how he stacks up when he get to the military.
• My oldest, who is a senior in college and is very athletic, loves to join in when he’s home. He is so infatuated with the fact that someone who is old enough to be his mother can and will kick his butt in exercises!
• My wife attends the boot camp that April holds for employees and others at the Plainfield Health Center on Monday and Thursday evenings.
• Some of my friends have joined in and I now have many new friends that I get to sweat with at 5:00 a.m.

Extreme Fitness

(continued from page 1)

tire side-over-side across a field, or wearing a harness and rope and running forward while another camper pulls to hold them back. They get an intense, structured, but low-tech workout featuring an upbeat spirit that keeps everyone active and making progress.

“For me, being part of a group is the key,” explains Bobbi. “I tried running and exercising on my own for years but I hated it and I could never stick to it. This boot camp in particular suits me because of the people who do this crazy thing. Everyone is supportive and encouraging, even when someone new comes and they can’t keep up with the more fit people in the group.”

“It is an amazing way to start the day when you’re with a group of people who are all there for the same purpose and motivating each other,” says Shelley Quinn, a one-year regular at April’s Boot Camp and a member of the Government Banking team at Merchants Bank. “While we may not all

always walk into the gym bright eyed, it seems that April does, and her enthusiasm is contagious.”

In addition to being a certified boot camp instructor, April is a personal trainer and a running coach who has taught more traditional exercise classes. She first decided to use the boot camp format as a way to get a lot of people exercising on a small budget when she was president of Twinfield’s Youth Sports Committee. “I knew that if I wanted to target kids, I had to target parents first, because if you can teach parents to appreciate health and exercise, their kids will follow the example,” she said. The committee gave her $400, which paid for 15 jump ropes and eight medicine balls. But she needed more equipment, so she got some skidder tires from her family’s former logging business, and she picked up more used tires from the recycling center. After taking a trip to the river for stones weighing 10 to 50 pounds each, she had what she needed for her first boot camp. As the boot camp caught on, April purchased more gear, including ropes, harnesses, and kettlebells.

(continued on next page)
Even with simple equipment, April’s program makes boot campers rave (that’s really not too strong a word). The exercises are challenging but not frustratingly complex, so people of all ages, weights, and fitness levels and from varied walks of life are comfortable attending. Far from getting bored, even long-time campers are often surprised by the routines that April comes up with. And the group dynamic is consistently positive and non-judgmental. “Anyone feels comfortable joining in – there’s no sizing each other up, only support and even empathy,” Shelley says. “When someone – anyone, but especially someone new to the group – is taking longer to finish a set of exercises, it’s very common for others to go join that person so he or she is not struggling alone.”

Part of April’s special touch is sending a follow-up email after every Twinfield workout, acknowledging everyone who worked out that day, reviewing what the group accomplished, and naming the boot campers who didn’t show up. Shelley calls this practice “a great source of accountability,” while Patrick Healy, Director of the Green Mount Cemetery in Montpelier, and one of April’s original boot campers, says “It is better to suffer the pain at boot camp than to suffer the wrath of April’s boot camp day emails.”

What Patrick suffers a lot less of now is knee pain. “Both of my knees used to hurt constantly, but a year and a half of boot camp

Why Work Out at 5 a.m.?

What the campers say:
“I can’t procrastinate at 5:00 a.m. because I don’t feel like I should be doing something else at that time. And it helps to have a set time and place, like an appointment that I need to keep.” – Bobbi Brimblecombe

“Working out at the beginning of the day suits me best. Anything later just wouldn’t fit in with everything else I have going on.” – Patrick Healy

“While 5:00 a.m. seems crazy to many, I think it’s perfect because it fits with my work schedule without having to give up time with my family.” – Shelley Quinn

What April says:
Studies show that people who exercise in the morning are 80 percent more likely to stick to a fitness regimen. This is because everyone has something to do in the afternoon: family, work, friends, so exercise can easily be crowded out of your schedule. On the other hand, five in the morning is your time.

Exercising early in the morning jumpstarts your metabolism and keeps it elevated for hours. You burn more calories all day just because you exercised in the morning.

Many people find that morning exercise regulates their appetite for the day: they are less hungry and they make better choices about what they eat.

Research has demonstrated that exercise increases mental acuity for an average of four to ten hours after exercise. What’s the sense of wasting that while you’re sleeping?

If finding time to exercise is difficult, make it a priority to get up 30 to 60 minutes earlier to exercise. If necessary, go to sleep a little earlier. But you might find you don’t need to, because research shows that people who exercise on a regular basis have a higher quality of sleep and thus require less sleep.

Think of all the benefits of habitual exercise: more muscle means more calories burned, diabetes can be controlled, joint pain can go away, depression can be controlled, self esteem increases ... I can go on and on!

The appointed morning exercise time can become a self-healthy indulgence you look forward to.
made them really strong and completely pain free.” Two and three-quarter years in, Patrick experiences less stress at work, has lost 30 pounds, feels 100 percent more flexible, celebrated turning 50 by finishing two half marathons, and plans to complete a full marathon. Bobbi Brimblecombe ran those half marathons with Patrick and credits her commitment to boot camp with a range of benefits. “I used to take an antidepressant that I no longer need,” she says. “Before I started, I couldn’t do a full sit-up or a military pushup. I had debilitating back spasms several times a month. I still have to be careful about my back, but I only have issues once or twice a year now. I am so much stronger than I’ve ever been and that strength gives me confidence.”

Here’s the real kicker: April teaches this Twinfield boot camp for free. She shows up three days a week year-round, provides varied workouts that are loaded with charisma and enthusiasm, follows them with tough-loving motivational emails, and for all that she doesn’t charge anyone any money ever. Why? She sees this as her own workout time, so she is off the official clock. As she puts it, “This group is special. They work extremely hard, there are no excuses, and no matter where you look, you’re inspired! This boot camp is like a family. Because we all work out together, we feel each other’s pain, literally. Who wouldn’t want 26 to 40 workout partners three days a week?”

Getting in the habit of exercising regularly is a challenge for many people, but it has tremendous physical and emotional benefits for everyone. Of course, some people truly prefer to work out alone (or with just a TV). But if you derive your motivation and energy from other people and like the idea of a no-frills workout, there are various boot camps available, so search online or ask around your community to learn about options near you. If you live close enough to Twinfield to get to the high school by 5 o’clock on Monday, Wednesday, and Friday mornings, you could give April’s Boot Camp a try. Email oneaprilmorning@aol.com for more information.

If April’s way isn’t for you, please open your mind to the wide variety of opportunities for physical activity. You might have to try several different approaches until you find what really clicks for you, but don’t give up. Bobbi makes a very good point: “Through boot camp I lowered my weight and changed enough bulky fat to trim muscle that now my clothes are too big. That’s great, but it isn’t why I go. I work next to a senior center and see too many people who can’t walk on their own anymore because they didn’t stay active enough when they had the chance. That won’t be me.”

Ione L. Minot, Contributing Writer

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.

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Common Benefits  
(continued from page 1)

maintenance of the highways were all guid-
ed by a singular motive to favor the prop-
erty rights of Rhodes's neighbors and were
part of a consistent pattern of discrimina-
tory conduct. The superior court ruled that
the town had violated Rhodes's constitutional-
arights under the Common Benefits Clause
and awarded him $830,000 in damages plus
$5,000 in attorneys' fees. The court denied
Rhodes's request for punitive damages but
ordered the town to approve his most re-
cent application to improve one of the town
highways within 30 days.

The town appealed the decision and
Rhodes cross-appealed on the issue of the de-
nial of punitive damages. On Rhodes's cross-
appeal for punitive damages, the court noted
that punitive damages are not meant to re-
ward an injured party, but to punish and de-
ter the wrongdoer. In order to prevail on a
claim of punitive damages, a plaintiff must
show that the defendant's wrongdoing was
intentional and deliberate and has the char-
acter of outrage frequently associated with
crime. Even if a town's actions met this stan-
dard, however, absent a clear legislative di-
rective to the contrary, municipalities are im-
mune from punitive damage awards. Since
the underlying purposes of punitive damag-
es – punishment of wrongdoers and deter-
rance of future conduct – cannot be met if
punitive damages are awarded against a mu-
nicipality for the acts of its officers – who
would not pay the damages themselves – pu-
nitive damages could not be assessed against
the town. According to the court, the prop-
er vehicle for deterring municipal officials
is a public election, not a punitive damage
award.

With respect to the town's appeal, the
court held that the Common Benefits
Clause provides a self-executing private right
of action and that damages can be award-
ed to individual defendants for the violation
of the clause. The Common Benefits Clause
provides:

"That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubi-
table, unalienable, and indefeasible right, to reform or alter government, in such
manner as shall be, by that communi-
ty, judged most conducive to the pub-
lic weal." (Chapter I, Article 7, Vermont
Constitution)

According to the court, to prevail on
claim for violation of the Common Benefits
Clause, a plaintiff must show disparate and
arbitrary treatment when compared to oth-
ers similarly situated and that the treatment
directly favors another individual or group.
The plaintiff must demonstrate not only that
that the action was wholly irrational and ar-
binary but also that it was actuated by per-
sonal motives unrelated to the defendant's
official duties. The basis of the violation was
the Georgia selectboard's repeated failure to
provide fair and impartial decision-making
which arose from a bias against Rhodes and
favoritism toward his neighbors. The effect
of this was to deny Rhodes reasonable access
to his property for many years. According
to the court, there was "no question that the
[Georgia] selectboard invidiously discrimina-
ted against Rhodes in violation of due process
and [the Common Benefits Clause]." The
court also found that injunctive relief on the
constitutional claim could not compensate
Rhodes for any emotional or economic injury
caused by the selectboard's actions. It was the
corruption of the highway classification pro-
cess over the span of more than a dozen years
that caused Rhodes's harm, and an award of
compensatory damages was required to vin-
dicate this harm. The proper measure of
Rhodes's damages was "the anguish and in-
convenience resulting from years of efforts to
gain reasonable access to the property frus-
trated by a biased selectboard, together with
any additional costs for road improvements
caused by the delay."

The decision is archived at http://info.li-
braries.vermont.gov/supct/current/op2010-
100.html.

Jim Barlow, Senior Staff Attorney
VLCT Municipal Assistance Center

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Legal and Regulatory Notes

Brief updates on Vermont's changing
legal and regulatory environments

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**Assistant to Town Clerk**. The Town of Morristown seeks an Assistant to the Town Clerk who is comfortable working in a fast-paced environment while in direct contact with the public and town employees. Candidates must have advanced knowledge of computers and Microsoft Office, have excellent communication and customer service skills, and be attentive to detail. The ability to organize, prioritize, and multi-task is essential. Responsibilities include recording land records; maintaining the voter checklist; preparing and receiving property taxes; issuing relevant licenses, registrations, and certified copies; cashiering; front desk reception; multi-line telephone service; and processing of incoming/outgoing mail. Knowledge of local government is a plus. Please visit www.morristownvt.org for information about the Town. This is a year round, 40-hour per week position with employee benefits. The Town’s compensation plan determines the pay range depending on qualifications and experience. To apply, submit (1) a cover letter describing reasons this position is important to career goals and how it “fits” both the candidate and the Town of Morristown, (2) a resume with at least three current letters of reference, and (3) salary requirements via email with “Assistant Clerk” as the subject to mawilson@morristownvt.org, or via U.S. mail to Mary Ann Wilson, Town Clerk, Assistant Clerk Position, PO Box 748, Morristonville, VT 05661. The position will be filled by June 1, 2012. EOE. (4-4)

**Town Manager**. The Town of Randolph (pop. 4,800) is seeking to hire a Town Manager. Working under the general direction of a five-member selectboard, the Manager is responsible for carrying out policies of the board and for the administration and management of the town. Randolph is a full-service community with water, sewer, police, fire, and recreation departments. Qualifications: Bachelor’s degree (Master’s preferred) in business, public administration, or a related field plus at least three years of relevant experience. Familiarity with Vermont municipal government is desirable. Must have a positive attitude, be able to work collaboratively with others, and be capable of promoting and stimulating community relations. Compensation and benefits package are competitive and based on experience. To apply, please email, in confidence, a cover letter, resume, compensation requirements and the names of three references to michael@municipaloffice.randolph.vt.us, or send via U.S. mail to Randolph Town Manager Search, PO Drawer B, Randolph, VT 05060. Application deadline: May 11, 2012. (3-12)

### **REQUEST FOR PROPOSALS**

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Have a prescription drug question?

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Health Advocate, a benefit paid for your employer or plan sponsor, is the nation’s leading independent healthcare advocacy and assistance company. Our Personal Health Advocates (PHAs), typically registered nurses supported by medical directors and benefits and claims specialists, can help resolve a range of healthcare and insurance-related issues, including pharmacy concerns. Our PHAs:

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GN-M-1003097
For Sale

Dump Truck. The Town of Shelburne has for sale a 2005 International 7400 single axle dump truck. The vehicle has a side dump, one-way snowplow, 10-foot wing, sander, warning lights, 310-hp engine, and an automatic transmission. 44,900 miles. The truck has been well maintained and is in very good condition. Sold as is/where is. Minimum bid, $34,000. Vehicle can be inspected at the Shelburne Highway Department, 114 Turtle Lane, in Shelburne. For more information, call 802-985-5123. Submit sealed bid by Friday, May 4, 2012, to Truck Bid, Shelburne Town Offices, PO Box 88, 5420 Shelburne Road, Shelburne, VT 05482. The Town of Shelburne reserves the right to reject any and all bids. (3-27)

Trivia

Thirteen perceptive persons knew that Vermont elected Consuelo Northrop Bailey as the first woman lieutenant governor in the nation, however only Judy Butson, Jackie Higgins, and Patricia Rogers – from the Northeastern Vermont Development Association, Williamstown, and Guildhall, respectively – also knew that she was elected in 1954 – on November 2, one day before “Godzilla” premiered in Tokyo. She began serving in office in 1955. And yes, Consuelo’s name does anagrammatize into “a loony bouncer’s heliport.”

To be sure, Vermont politics has often been slightly out of step with – that is, ahead of – the rest of the country. In 1857, for instance, the Georgia Senate passed an act that stated, in part, “Resolved, that his Excellency President Pierce be requested to employ a sufficient number of able-bodied Irishmen to proceed to the State of Vermont and dig a ditch around the same and float the thing into the Atlantic,” and further equating Vermont with “the maniac ravings of hell-born fanaticism.”

Heavens to Betsy! What precipitated such a kerfuffle from the sullen southern senators?

Think you know the answer? Quick! Email it to dgunn@vlct.org. You’ll know if you’re right by this time next month when the genuinely germane June issue appears.

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.

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So why wait for the clock to run out to go lead-free?

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to attend. With Vermont suffering widespread property damage from storms and floods in 2011, ever increasing pressure on the property tax, and declining property values, it is crucial that the appeals process be strategically administered. Come learn what your town needs to do to conduct effective property tax grievances and appeals.

VERMONT’S DIGITAL FUTURE CONFERENCE May 8, Champlain College, Burlington (Sponsored by e-Vermont Community Broadband Project and the Snelling Center for Local Government)

Vermonters have a stake in ensuring their communities embrace broadband as it expands across the state. This conference will help you set the path for internet technology use in Vermont. Keynote speaker Nicco Mele is a leading expert in the integration of social media and Web 2.0 with politics, business and communications. More information is on the Snelling Center website, www.snellingcenter.org, or contact Joanna Cummings, conference coordinator, at joanna@snellingcenter.org, or 802-859-3090. Register at http://evermontconference.org. Cost: $40 before May 7, $50 at the door on May 8. Students: $15.

MUNICIPAL LABOR AND EMPLOYMENT LAW TRAINING May 31, Capitol Plaza, Montpelier (Co-sponsored by VLCT MAC and VLCT PACIF)

Both municipal managers and their staff will find this workshop indispensable as it covers the fundamentals of employment law and personnel administration in a municipal setting. It will focus on the major state and federal employment laws and cases affecting municipalities as employers, including emerging employment issues.

MUNICIPAL ATTORNEYS FORUM June 7, Capitol Plaza, Montpelier (Sponsored by the VLCT Municipal Assistance Center)

Vermont municipalities are created by laws, they function according to laws, and they can even enact and enforce laws. This workshop is designed for attorneys and paralegals who help Vermont municipalities navigate this complex legal universe. Topics may include best practices for municipal ordinance drafting and enforcement, delinquent property tax collection, and managing conflicts of interest in local government. Continuing legal education credit will be offered.

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