What is Town Fair?

Town Fair is a constructive and enjoyable gathering of Vermont local officials, employees, and volunteers, joined by VLCT staff and board members, vendors with a municipal connection, and guests.

Why should I attend?

To learn from a wide variety of workshops, network with your peers, attend local government organizations’ annual and special meetings, and help set VLCT’s legislative priorities for the upcoming year. In addition, there will be a trade show filled with the exhibits of dozens of vendors whose products and services help municipalities run more smoothly.

Introduction

This summer, the VLCT Municipal Assistance Center released a set of model environmental resource area protection standards for subdivisions. These standards were developed as a work product of our grant-funded water resources program and are offered as options for municipalities considering resource protection beyond what is required by state law. For this reason, they do not necessarily reflect VLCT’s municipal policy. Source materials for the model standards included state and federal requirements and guidance, as well as technical reports and land use regulations from the towns of Norwich, Bolton, Stowe, Marshfield, Fayston, Woodstock, Brantree, Williston, and Waitsfield. Although these model standards are not intended to satisfy all of the provisions required for subdivision regulations, they can supplement the subdivision standards and procedures authorized by statute under Title 24 Chapter 117.

The primary principle behind the model subdivision standards is that the best way to protect sensitive and ecologically important places long term is to identify and then set them aside prior to establishing building sites, roads, and lot boundaries. In addition to providing essential habitat and connectivity for animal movement and migration, protected environmental resource areas also provide essential benefits to humans such as stormwater management, improved resilience to flooding, water quality protection, and so forth.

(continued on page 16)
In May, the Town of Orange acquired a John Deere 690 DR Excavator from the State's Federal Surplus Property program. The road crew is very happy with the machine, which they use almost every day. They have added two rods to the foot pedals so that they can steer it by hand.

The Town of Orange learned that the excavator was available at the Vermont Municipal Highway Association (VMHA) Field Day and Equipment Expo in Barre last spring. They jumped at the opportunity, as they had a project pending that would require a fair amount of excavating. This investment becomes a win-win situation for the Town, and they are planning to use it well into the future.

Anyone can see what is available through the Federal Surplus Property program via the online GSAXcess system. The link to the website is http://gsaxcess.gov/. Click the Login button in the right hand column; the User ID is VTSASP and the password is 3394. This takes you to federal surplus property available in the United States. To narrow the search, click on the down arrow in “Basic Search Options” and then click on “All Items by State.”

If there is a specific item that your town needs, contact me (bill.beard@state.vt.us or 241-3384). I will need the Item Control Number to the left of the line item to place a request. We are in competition with 49 other states for items, but we do have a record of acquiring a majority of the items we request.

Although the Surplus Property program is a State agency, it is not a general fund program; consequently, we charge a handling fee to cover our program costs. The typically handling fee is $100 to $500 depending on federal acquisition costs. The buyer is responsible for all freight charges. Towns often choose to make the trip to pickup items in order to minimize costs.

We also handle heavy equipment that becomes available from overseas Department of Defense bases like the excavator that Orange received. This equipment is usually in much better shape than similar equipment in the U.S., but the freight charges are higher. The National Association of State Agencies for Surplus Property has screeners in most countries where the U.S. maintains a presence. As equipment is declared surplus, they file reports which are circulated to all the states.

Vermont Local Roads is helping Surplus Property inform towns as these items become available by posting on its listserve. If you do not currently subscribe to this email distribution list but want to be added, contact Eric Wells at ewells@smcvt.edu. If an item becomes available that your town would like to acquire, contact me. A system is in place for prioritizing requests from each state so we do not get every item we request, but we have been quite successful in acquiring some valuable items for towns.
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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Questions asked by VLCT members and answered by the League’s legal and research staff

ASK THE LEAGUE

HOW WILL THE 2012 LEGISLATIVE SESSION AFFECT MUNICIPAL OPERATIONS?

Following are some of the Vermont Legislature’s changes to Vermont laws that will impact how municipalities conduct their business. Most of the changes are effective as of July 1, 2012. For further analysis of these changes, please refer to VLCT’s 2012 Legislative Wrap Up, which is archived at www.vlct.org/advocacy/session-wrap-up/.

Municipal Ordinance Notification. The legislature modified what is required to be included in the contents of the public notice following adoption of a municipal ordinance by the selectboard. 24 V .S .A . § 1972(a)(1). The actual adoption process, however, remains unchanged. The selectboard will still adopt an ordinance by majority consent of the total membership of its body, at a regularly scheduled or special selectboard meeting, “and shall cause it to be entered into the minutes of the municipality and posted in at least five conspicuous places in the municipality.” The notice in the newspaper must still be provided within 14 days following the date the ordinance was adopted, and the selectboard’s act of adopting the ordinance remains subject to voter petition according to 24 V .S .A . § 1973.

The contents of the notice in the newspaper under the previous law consisted of the full text of the ordinance, or a concise summary, including a statement of purpose, principal provisions, a table of contents or list of section headings, and the location where the full text of the ordinance may be examined. It also required that the notice include a name, address, and telephone number of a person who could answer questions about the ordinance. This notice requirement has been amended.

The newspaper notice must still include the full text or a concise summary of the ordinance, but regardless of which format is used, both must include:

- the name of the municipality;
- the municipal website, if the municipality “actively updates its website on a regular basis”;
- the title or subject of the ordinance or rule;
- the name, telephone number, and mailing address of a municipal official to answer questions and receive comments; and
- the location in the municipality where the full text can be examined.

The voters’ rights to petition for a vote on the ordinance at a regular or special meeting of the town must still be included as part of this notice, as under previous law. If the selectboard does not receive a petition within 44 days following the date of adoption (24 V .S .A . § 1973), then the ordinance becomes effective 60 days later, or a date after the 60 days as set by the selectboard. 24 V .S .A . § 1972(a)(2).

Fines Increased. The maximum fine for municipal ordinance violations was increased to $800. 24 V .S .A . § 1974a. Penalties for violations of land use bylaws or land use permits were increased from $100 to $200 for each offense. 24 V .S .A . § 4451. If a land use bylaw is designated as a civil ordinance enforceable in the Judicial Bureau then the penalty may be raised to the $800 limit. 24 V .S .A . § 4450(a)(1).

ATTENTION: MUNICIPAL TICKETERS!

Local officials! Are you sick and tired of issuing tickets for municipal violations, preparing your case and appearing at the Judicial Bureau, and obtaining a verdict in your favor, only to have the defendant refuse to pay the fine imposed? You’ve tried filing a judgment lien, taking him to small claims court, even instituting criminal contempt proceedings, but that scofflaw still won’t pay? Well, despair no longer, because VLCT has the law for you: the new and improved Act 83 of 2012, legislation that amends 24 V .S .A . § 1981 governing enforcement of Judicial Bureau orders. Say good-bye to the days of the 20-day contempt of court notices and adiós to attorneys’ fees. Instead, behold the mighty power of the collection agency. As of July 1, the fine recovery method that has served the State of Vermont so well is now available to towns for the first time ever! Now when a municipal ticket goes unpaid, the Judicial Bureau will refer that ticket to a collection agency. But wait, that’s not all! Not only do you get the benefit of someone else collecting the fine for you while you retain the authority to file a judgment lien, but the Judicial Bureau may also initiate civil contempt proceedings on your behalf. This is a win-win solution for your town! Please call toll-free 800-649-7915 if you have any questions. MAC operators are standing by!

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center

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ASK THE LEAGUE
(continued from previous page)

V.S.A. § 1974a. In light of these increases, towns may want to amend their ordinances and zoning violation fee schedules and the accompanying waiver fees accordingly.

Confrontational Canine Canon Changed. Prior to this legislative session, selectboards frequently found themselves the unwitting participants in a game of “monkey in the middle” between irresponsible dog owners and the owners of domestic animals they attacked. Whenever a person suffered loss from a dog that worried, maimed, or killed a domestic animal, he or she could apprise a selectboard member of the damage done. The selectperson was then required to conduct an investigation, make an appraisal, make a payment, kill the dog, and then sue the dog owner to recover the damages paid. Whatever arcane reason for the selectboard’s involvement in what is in essence a civil dispute between two private parties has long since disappeared, and this statute was repealed in its entirety. Towns no longer have any statutorily mandated involvement in dog attacks on domestic animals. It is now exclusively a private civil matter between a dog owner and the owner of the animal that was attacked.

The specific sections repealed in Title 20 are:
• § 3741, Election of remedy;
• § 3742, Notice of damage; appraisal;
• § 3743, Examination of certificate;
• § 3744, Fees and travel expenses;
• § 3745, Identification and killing of dogs;
• § 3746, Action against town; and
• § 3747, Action by town against owner of dogs.

Abatement Clarification. Twenty four V.S.A. § 1535 (a) has been amended to clearly allow the board of abatement to abate in whole or in part taxes, interest, or collection fees ...” This provides greater flexibility for the property owner and the board of abatement when making or considering a request for statutory abatement reasons. The amendment also brings subsection (a) of that statute in line with existing subsection (c), where it provides that “[t]he board shall,

(continued on page 11)

The Vermont Local Transportation Facilities (LTF) Program is used to implement transportation projects that are locally based, such as town highway bridges, paving projects, bike and pedestrian projects, and park-and-rides. Agency of Transportation (VTrans) LTF technical staff are assigned to work with and support municipalities in developing projects. LTF projects have traditionally followed the design-bid-build process, a project delivery method in which VTrans contracts with separate entities for the design and construction of a project that includes a cooperative agreement between state and local parties. LTF projects are multiphase: Phase 1 is a presentation to the public on the project and the developing of conceptual plans; Phase 2 comprises the majority of project development (limits of construction, estimated project costs, permitting, and right-of-way access); Phase 3 is the actual bidding, contracting, and constructing of the project.

Sue Scribner, Program Manager for the LTF team, recently answered questions posed by VLT staff.

VLT: A number of local government staff and elected officials have expressed concerns with the LTF process. They often feel that their concerns are being overlooked or replaced with the priorities of LTF managers, that the LTF process is rigid (especially for small projects/towns), and that it can be applied inconsistently. How is the agency addressing these concerns? How can municipal officials resolve these issues?

Sue Scribner: I am not sure of what is meant by “concerns are being overlooked or replaced with the priorities of LTF managers.” Our goal is to work with municipalities to develop federal-aid projects that comply with all applicable federal and state regulations and design standards. It could be that our efforts to ensure compliance sometimes give the impression that we are overlooking specific concerns. As to the process being “rigid,” in many ways it is to ensure compliance with regulations and design standards. Unfortunately, the federal-aid process is the same for a small and uncomplicated project as it is for a large and complicated project. With regard to inconsistency and the project development process, we are doing what we can to avoid this. LTF staff members meet regularly to discuss the process and issues that have arisen with the primary purpose of promoting consistency amongst all our staff members. For all of these issues, I encourage municipalities to contact me if they feel there are problems. I expect I will be able to provide context and an explanation related to what, when and how. I would be

(continued on page 18)

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

(continued on page 18)

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(continued on page 18)
In a case with far reaching implications on municipal employment practices, the Vermont Supreme Court upheld a Washington County Superior Court ruling that an employee does not continue accruing paid leave during a period of unpaid maternity leave under the Vermont Parental and Family Leave Act (VPFLA). The case, Vermont Human Rights Commission and Ursula Stanley v. State of Vermont, Agency of Transportation, 2012 VT 45 is archived at http://info.libraries.vermont.gov/supct/current/op2011-081.html.

Employee leave for family and medical purposes is governed by both state (VPFLA) and federal (Family Medical Leave Act) law. The parental leave portion of the VPFLA applies to employees that employ 10 or more employees for an average of at least 30 hours per week during a year. An eligible employee is entitled to take up to 12 weeks of unpaid leave during the employee’s pregnancy and following the birth of the employee’s child, or within one year following the adoption of a child 16 years or younger. Parental leave entitlement applies equally to male and female employees.

Ursula Stanley went on unpaid parental leave while she was an employee of the State Agency of Transportation. When the State informed her that she would not accrue any paid vacation or sick time during this period, she filed a complaint with the Vermont Human Rights Commission (HRC). The HRC is a five-member state commission with jurisdiction to investigate and enforce complaints over allegations of unlawful discrimination in housing, state employment, and places of public accommodation. After determining there were reasonable grounds
The question before the Court was whether paid leave is a mandated benefit under the VPFLA. To answer this question, the Court had to figure out what the legislature meant by its use of the term “benefits.” When interpreting statutory language, the Court’s goal is to effectuate legislative intent by looking at its plain, ordinary meaning. Sometimes, however, the Court is faced with an undefined term. In those instances the Court will turn to the canons of construction for guidance. These are customary rules used in interpreting legal instruments to aid in its analysis. Here the Court turned to the canon of *noscitur a sua* (*it is known by its associates*). As the Court describes,

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WHY THE LEAGUE?  
(continued from page 1)

The simple answer is that you own this company. The League is your nonprofit professional organization; it is dedicated to serving and strengthening Vermont local governments, and its trusts have developed in response to members’ needs. Not only is every member a co-owner, but every League employee acts truly in the members’ interests. The bulk of your premium contribution dollars stay here in Vermont, and all “profits” accrue for the collective benefit of the membership or become contribution credits for eligible members or fund wellness, safety, and other risk management programs. Our staff members are all Vermont residents and taxpayers, and League activities benefit Vermont communities in various ways. In contrast, if you buy commercial insurance, generally only a portion of your premium (the agent’s commission) stays in Vermont. The rest of the money leaves to line the coffers of out-of-state corporations and their shareholders.

For readers who are new to municipal government, here is a summary of the League’s three insurance trusts:

The Property and Casualty Intermunicipal Fund (PACIF) provides workers’ compensation, property, auto, liability, public officials liability and employment practices liability (POL/EPL), and crime and bonding coverages, all of which are enhanced by comprehensive risk management programs.

The Health Trust (HT) offers a range of employee benefits including medical and dental insurance, vision coverage, and group life and disability coverages with many valued-added services including wellness, program advice and consultation, Health Advocate, and administration of cafeteria plans and COBRA/VIPER compliance.

The Unemployment Insurance (UI) Trust provides predictable billing (through a conscientiously managed fund that is separate from the Vermont State Unemployment Fund), proactive claim management and administration, education in UI issues, advocacy, and appeal support.

All three trusts are member owned and governed, meaning you are not just an insured member but a member-owner. This is a big difference, and it distinguishes the League’s programs from those of commercial insurance carriers. Each trust is governed by a board of directors comprised of your peers – elected and appointed local officials. You have a say in what coverages are offered, how you are covered, how you are treated, and how your premium contributions are spent. Further, as member-owners, your municipalities are eligible to receive annual distributions as decided by each board of directors. Last year alone, PACIF returned $1.5 million to its members, and it has returned close to $15 million since its inception – something you are not likely to receive from a commercial insurance carrier.

The VLCT trusts are mature and reliable. The UI Trust is in its 34th year, the HT is in its 30th year, and PACIF is now celebrating its 25th year in operation. The formation and longevity of municipal insurance associations is a great example of successful intermunicipal cooperation. Because the purpose is not so much to buy insurance as it is to partner together to manage and finance common risk, the League’s trust programs offer the

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The Perfect Excavation:

- Pre-mark the location of intended excavation using white stakes, paint or flags.
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- In Vermont, notify Dig Safe® at least 48 business hours in advance.
- Notify non-member facility owners.
- Maintain the marks placed by underground facility owners.
- Use caution and dig by hand when working within 18” of a marked facility.
- If a line is damaged, do not backfill. Notify the affected utility company immediately if the facility, its protective coating, or a tracer wire is damaged.
- Call 911 if the damaged facility poses a risk to public safety.
- Know your state’s excavation requirements. Go to digsafe.com for educational material and current laws.

Call 811 before you dig.

digsafe.com

Call Dig Safe®. It’s Smart, It’s Free, and It’s the Law.
VLCT HEALTH TRUST
30 years
Comprehensive Employee Benefits for Vermont Municipalities

We thank our current members for their commitment to this meaningful resource, and we invite all VLCT members that haven’t explored the options of the Health Trust lately to do so.

Why the League?
(continued from previous page)

best value proposition for Vermont municipalities. League employees are experts in municipal issues and are not distracted by other categories of customer. No other organization can do all the things we do for you, as well as we do, for the price that we do. We may not be the lowest-price option in any given year, but we provide the best overall long-term value. Please keep in mind that insurance coverage and risk management programs are not commodity purchases, and the commercial carriers cannot match all that is available from the League. The cost you ultimately pay them is often higher than the price you see on their quote exhibit because commercial plans sold to municipalities can have gaps in coverage and service or involve higher deductibles and additional charges, making for unpleasant and costly surprises after you sign. In other words, their “price” is not your ultimate cost. When you participate in the VLCT trusts, you receive many valuable additional services that are free of extra charges.

The key to each trust’s success is building and maintaining specialized, custom coverages and services that public entities require to stay safe and fulfill their obligations to their employees and communities. Looking forward, the League and your boards of directors will continue to not only offer the high quality of programs, coverages, and unmatched personal service you are accustomed to, but also anticipate new trends and exposures before they arise and foster sustained financial strength and stability. As you consider your options during the upcoming renewal season, please keep in mind that being a VLCT trust member means much more than just buying insurance. It means investing in your municipality, employees, and taxpayers; owning the process as well as the benefits; and, with your peers, tapping into a broad base of knowledge and resources. There is nothing more local than having your tax dollars utilized for the greatest benefit of your municipality.

The League offers its members the best long-term value by providing coverage certainty, rate stability, and financial security. If your municipality currently participates in one or more of these trusts, we thank you and appreciate your continued support. If you have not yet availed your municipality of the benefits offered by VLCT’s trusts, we strongly encourage you to contact a member of our Member Relations team and request a coverage consultation today.

Ken Canning, Director
Risk Management Services

As mentioned in last June’s issue of the VLCT News, 2012 marks three decades since the VLCT Health Trust was established. This is no small accomplishment, especially considering the vicissitudes of the health insurance market in that time! The gradual addition of other employee benefits — dental and vision coverage, life and disability insurance, wellness incentives, the Employee Assistance Program, and Health Advocate, among others — has helped keep the Health Trust useful and valuable for its members. This Trust continues to adapt to the changing needs of Vermont municipalities as it enters its next decade, and our dedicated Member Relations team will provide excellent service every step of the way.

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, RDGs, 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.
UI: Late Responses Waste Money

Editor’s Note: This cost-saving tip is from TALX, the Unemployment Insurance Trust’s partner for claim administration and cost management. Vermont, Hawaii, Maryland, and Michigan impose a monetary penalty on employers that fail to provide employment separation information when the state requests it. Aside from avoiding having to pay a penalty, Vermont employers can contain benefit payment costs by responding quickly and completely to requests from the state for employment separation information.

The only way to win unemployment claims up front is by responding in a timely manner and providing detailed separation information and necessary documentation when an initial protest is filed. If you win a protest at the initial level, the state will not assess any charges against your company unless and until the former employee files an appeal and is able to get the favorable decision reversed.

Reasons to Respond on Time

- The Department of Labor and state agencies view employers as a contributing factor to benefit overpayments and reduced reserves in state trust funds. Therefore, they’re becoming more aware of which employers habitually fail to provide complete and timely separation information. State agencies are more likely to give your company the benefit of the doubt on a particular case if history reflects compliance.

- Some states already charge employers for not responding to claim forms or for waiting until the hearing level to provide complete separation information. More states may follow this practice if employers continue to provide insufficient separation information.

- Responding efficiently and providing all the facts at the claim level is the best way to obtain a disqualification and avoid an unemployment hearing.

- Attending hearings is expensive and time consuming.

- If your company fails to give complete and timely information at the initial claim level, some states will not allow participation in a hearing, resulting in preventable benefit charges.

- A growing number of states will not credit your company’s experience-rating account for benefits paid prior to winning at an unemployment hearing.

- A lack of details often results in a “wrong” claim determination and the improper payment of benefits. Even if the decision is corrected through the hearing process, overpaid benefits are often not recovered. Overpayments deplete unemployment trust funds and increase tax rates for all employers. Detailed information fosters good claim decisions, which in turn can help keep trust funds solvent and deter tax increases.

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this lab works by your side for your success

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- groundwater & landfills
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- soil & storm water

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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.
HEALTH TRUST: FIRM DEADLINE TO CHANGE ASSOCIATIONS

Small groups that have Blue Cross/Blue Shield (BCBSVT) health insurance take note: If you want to either enter an association (AIVIS, VACE, or BRS) or switch to coverage through a different association for 2013, you must give BCBSVT – and your current association if you are in one – clear written notice no later than August 31, 2012. This will not change your coverage for 2012. August 31st is the last day that will satisfy the 120-day requirement for giving the carrier advance notice of your commitment to a change.

Because 2013 health insurance rates will not be published before October 2012, price is not a logical reason to change from one association to another. We expect that most groups won't want to change because reasons for choosing one association over another usually involve out-of-state provider access or over-age-65 coverage, and they have not changed. If you have any questions, please contact your Member Relations representative or call Larry Smith at 800-649-7915, ext. 1943.

FREE COBRA ADMINISTRATION FOR HEALTH TRUST MEMBERS

Because COBRA is a federal law, it has many details and requirements that can be more complex and time-consuming to accomplish than most municipalities have the staffing for. That is why the VLCT Health Trust offers free COBRA administration services from Choice COBRA. When an employee has a qualifying event (which doesn't have to be a layoff; it could be a change from full-time to part-time, a voluntary quit, or a divorce from a covered spouse), you simply contact Choice COBRA and let them take care of all of the employee notifications that are required by law. Member Relations representatives are ready to help you enroll your group so the preliminary paperwork will be in place ahead of time. But you don't have to wait for a visit from your MR rep. The COBRA Administration New Group Submission form is posted on VLCT’s COBRA web page, www.vlct.org/rms/health-trust/cobra-administration/.

GROUP RATES FOR LIFE AND DISABILITY INSURANCES

In our current economic environment, many employees are stretched to the limit of their paychecks and are especially vulnerable to the vagaries of the unexpected expenses that accompany injury or illness.

Disability insurance replaces a portion of income when an employee is unable to work – whether the absence is planned, such as for maternity leave or surgery to correct a known condition, or unplanned, such as for an illness or accident. Short-term disability policies typically cover periods from 13 to 52 weeks; long-term disability policies generally pick up from there and may last until the employee is able to return to work. And life insurance, of course, helps the survivors after the loss of a beloved breadwinner.

The VLCT Health Trust’s Group Life and Disability Program makes it easy for members to enhance their employee benefits with low group rates for life, short-term disability, and long-term disability insurance plans. Employees benefit by obtaining life insurance without having to complete a medical questionnaire and by securing disability coverage that applies regardless of whether their disability is due to their work. VLCT partners with Unum, a leading benefits provider, to provide these plans. To read examples of Unum customer experiences, visit http://unum.newshq.businesswire.com/testimonials.

For more information on this program or to obtain a quote, please contact your Member Relations representative – Tanya Chambers, Pam Van-Deursen, or Larry Smith – at 800-649-7915. You may also fill out our online Quote Request Form at www.vlct.org/rms/customer-service-forms/request-a-quote/.

VDOL SEEKING INFORMATION FROM ALL EMPLOYER GROUPS

This is to notify all VLCT members that the Vermont Department of Labor (VDOL) is reaching out to all Vermont employer groups to acquire and verify current contact information. Employers will be contacted by IFC International, the organization that is under contract to VDOL for this project, in order to streamline communication processes and reduce mailing costs. The information requested includes:

• the employer name as it is on file with the VDOL;
• the last four digits of the group’s Vermont Unemployment Insurance Number (also known as the Vermont Employer ID #);
• the last four digits of the group’s Federal Employer Identification Number (a.k.a. the Federal Tax ID #); and
• the primary contact person’s name, phone number, and email address.

Members of the VLCT Unemployment Insurance (UI) Trust should know that this will not affect or interfere with the communication process for requests for separation or wage information. It will also not change the quarterly wage reporting process.

Questions? Please contact Kelley Avery at kavery@vlct.org or 800-649-7915, ext. 1965.
Welcome to the VLCT Health Trust

**Health Insurance**
- Town of St. Johnsbury
- Village of Wells River
- Town of Brownington

**Dental Coverage**
- Town of Bethel
- Town of Calais
- Town of North Hero
- Town of Ripton
- Town of Sunderland
- Windham Solid Waste Management District

**Life, Short-Term Disability, and/or Long-Term Disability Insurance**
- Town of Orange
- Town of Lyndon
- Chittenden County Solid Waste District
- Greater Upper Valley Solid Waste District
- Town of Barre
- Town of East Montpelier
- Town of Glover
- Town of Grand Isle
- Town of Lyndon
- Town of North Hero
- Town of St. Johnsbury
- Town of Wallingford

* This is a free service to members that buy health insurance through the Health Trust. By signing up now, you’ll be ready to activate COBRA services as soon as you need them. See related story on page 12 to the left.

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**2012 RMS Calendar**

**Local Officials Golf Outing.** Wednesday, August 8, 2012, 8:30 a.m. to 3:00 p.m. St. Johnsbury Country Club, 4357 Memorial Drive, St. Johnsbury, Vermont. Join your peers and VLCT partners for a day of informal relationship-building at VLCT’s annual day on the links. This will be a four-person scramble through 18 holes, followed by a barbeque lunch with awards and raffle prizes. If you haven’t registered yet, call Larry Smith or Pam Fecteau at 800-649-7915 immediately to inquire about remaining openings. If there is room, bring your $65 entry fee and arrive by 8:30 a.m. to register in time for the shotgun start at 9:00 a.m. sharp. For information about the course, visit [www.golfstjcc.com](http://www.golfstjcc.com).

**Creating an Employee Handbook.** Tuesday, August 14, 2012, 2:00-3:00 p.m., online training at [www.hrsentry.com](http://www.hrsentry.com). Presented by HRSentry. A well-crafted employee handbook helps communicate expectations to employees and helps provide the clarity and consistency that can lower employers’ legal risk. Instructor Jill Muhr will go over some important policies to include and discuss the traditional and emerging areas that employers need to think about as they create, update, and communicate their policies and procedures. Free to PACIF members with an HRSentry HR Made Simple account. Account holders will receive an email with details and a link to register for this online training. PACIF members may sign up for HR Made Simple by emailing Jim Carrien at jcarrien@vlct.org a few days before the webinar date. If you have any questions about the trainings, please email Jill Muhr at jill@hrsentry.com or call her at 802-857-0609.

**Deadline for Small Groups with Blue Cross Blue Shield of Vermont to Enter or Change an Association.** August 31, 2012. Please see details on page 12.


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**IF YOU OBTAIN DENTAL COVERAGE THROUGH THE HEALTH TRUST:**

In July, you should have received from Northeast Delta Dental (NEDD) a renewal packet containing a new contract and a contract application. NEDD is asking that you sign and then return them directly to NEDD. Your coverage, rates, and provider access will not be affected if you do not.
When is Town Fair?
Thursday, October 4, 2012.

What time does Town Fair begin?
Join us at 8:00 a.m. for registration and a delicious continental breakfast at the Conversation Café, which is generously sponsored by People’s United Bank. Also be sure to give yourself time to visit trade show exhibits before the workshops begin at 9:30 a.m.

When is the VLCT Annual Meeting and who can attend?
The meeting begins at 2:30 p.m. in the Expo North Building, Room A. Anyone may attend, but you must be the Voting Delegate (one is permitted from each member city or town) to vote.

What are some of this year’s special events?
The Trade Show will be entirely housed in the Robert E. Miller Expo Center, which gives attendees access to classes, networking, lunch, and vendors all in one convenient space.

An extensive list of training and educational workshops offered by VLCT staff and outside experts.

Ride and Drive: A special time will be allocated for attendees to ride in and drive demo vehicles provided by Clark’s Truck Center. The Ride and Drive will be offered in conjunction with PACIF-sponsored safety training and a special box lunch option at a reduced registration rate.

Free flu inoculations for Health Trust subscribers. (See details under “Wellness Events.”)

Governatorial Candidates Forum, where you can query the contenders on how they plan to work with local government.

What is this year’s theme?
Vermont 2012: after Irene – The Road to Recovery

How do I register?
Visit our website at www.vlct.org/events-news-blogs/town-fair/ to view and download the kit. You may also register online at www.vlct.org/eventscalendar/. Be sure and register for the Wednesday evening Local Government Dinner and Thursday Town Fair separately.
2012 Town Fair Exhibitors: The “Fair” Part of Town Fair

As of press time (July 13), the following vendors are signed up to exhibit their products and services at Town Fair.

ALDRICH + ELLIOTT, PC
Water resource engineers

BADGER METER, INC.
Water meters

CLARKS TRUCK CENTER
International trucks, parts and service

DIG SAFE
Free safety service to prevent utility damage

DOME CORP. OF NORTH AMERICA
Salt storage buildings

DUBOIS & KING, INC.
Full-service consulting engineering

DUFRESNE GROUP
Consulting engineers

E. J. PRESCOTT, INC.
Water, sewer, drain supplies

EFFICIENCY VERMONT
State energy efficiency utility

FERGUSON WATERWORKS
Water and sewer supplies

FUELMASTER/SYNTech SYSTEMs
Fuel management systems

GREAT WEST RETIREMENT SERVICES
Deferred compensation

MCINTIRE BUSINESS PRODUCTS
Largest inventory of binding, laminating, and presentation products in New England

MERCHANTS BANK
Banking

MILES SUPPLY CO., Inc.
Industrial safety

NORTHEAST DELTA DENTAL
Administers dental benefits to over 740,000 people in Maine, New Hampshire and Vermont. Plans are available for individuals and groups of all sizes and types.

PEOPLE’S UNITED BANK
Financial services

RBG, INC.
Sales and service of truck mounted hydraulic equipment

STATEWIDE AQUASTORE, INC.
Water storage tanks

STONE ENVIRONMENTAL, INC.
Water resources management, GIS services

TD BANK
Financial services

VERMONT ECONOMIC DEVELOPMENT AUTHORITY (VEDA)
Vermont’s economic development lender, providing financing assistance to eligible entrepreneurs, manufacturers, agricultural enterprises and corporations.

VERMONT LOCAL ROADS PROGRAM
Vermont’s local transportation assistance program

VERMONT MUNICIPAL BOND BANK
Provides municipalities with access to capital markets at the lowest possible cost

VERMONT MUNICIPAL EMPLOYEES RETIREMENT SYSTEM and VERMONT STATE TREASURER’S OFFICE – UNCLAIMED PROPERTY DIVISION
Retirement/unclaimed property

WESTON & SAMPSON
Civil and environmental engineering

Does Your Community Need an Upgrade?

- Wastewater Collection and Treatment System Design
- Decentralized Community Wastewater Solutions
- Water Supply Treatment and Distribution Design
- Stormwater Management
- Mechanical Engineering
- Road and Street Upgrading
- Flood Proofing

Phelps Engineering, Inc.
79 Court Street P.O. Box 367 Middlebury, VT 05753
(802) 388-7829 info@phelpseng.com www.phelpseng.com
and air purification – so-called “ecosystem services.” VLCT’s model subdivision standards minimize impacts to environmental resources through two primary approaches: (1) by excluding a specific list of environmental resources from designated building sites, and (2) by providing low impact development (LID) design strategies as the primary means of pre- and post-development stormwater management. As with any land use decision, the community’s goals to balance protection with economic development must be considered through the planning process under Vermont law.

Environmental Resource Area Inventory

Under the model subdivision standards, the applicant would provide an environmental resource area inventory of the proposed subdivision site in addition to the other preliminary subdivision review materials required by state law. The environmental resource inventory would provide baseline information on the elements of the natural landscape, including steep slopes, tree canopy, floodplains, rivers, lakes and ponds, wetlands, significant wildlife habitat, greenway corridors, fields, soil types and natural drainage ways, ridgelines, and cultural features such as designated historic sites, known archaeological sites, and scenic views. The model subdivision standards allow for subdivision building envelopes be located to exclude environmental resource areas meeting certain definitions, including mapped floodplains, mapped river corridors, stream buffers, wetlands, lake shoreland, steep slopes, significant wildlife habitat, natural drainage ways, and historical and archaeological sites.

The environmental resource inventory is the basis for the five-step design process which the applicant would complete in the following order when creating the preliminary plat:

Step 1. Identify the environmental resource areas.

Step 2. Identify potential development areas excluding designated environmental resource areas.

Step 3. Identify building sites and envelopes within potential development areas.

Step 4. Lay out roads, driveways and utilities.

Step 5. Identify proposed lot boundaries.

This five-step process is based on the concept of “conservation subdivision design” in which the most significant natural and cultural resources on a given tract of land are identified and protected, thereby establishing the most suitable building envelopes from (continued on page 20)
At Merchants Bank, we keep 100% of our loan decisions here in Vermont. As a municipality you can rest assured that your loan will be reviewed by people who understand what it means to live and work in Vermont. We believe it’s a better way to do business. To learn how our proven, dedicated and experienced Government Banking Team can help you, contact us today.

AND START EXPERIENCING WHAT 100% FEELS LIKE.
in any case in which it abates taxes, interest, or collection fees accruing to the town, or denies an application for abatement, state in detail in writing the reasons for its decision.” [Emphasis added.] This amendment codifies the Municipal Assistance Center’s opinion concerning interpretation of the abatement statute.

New Internal Financial Controls Requirements. In an effort to eliminate opportunities for embezzlement in municipal government, the legislature has directed the state auditor to work with various organizations, including VLCT, to develop a one-page document to help all of Vermont’s municipalities determine the “internal financial controls in place to assure proper use of all public funds.” 32 V.S.A. § 163 (11). This document must be completed by the town treasurer and filed with the selectboard by June 30. 24 V.S.A. § 1571(d). The selectboard must review and acknowledge receipt of the document by the following July 31.

24 V.S.A. § 872(b). The selectboard may also require other officers and employees who are authorized to receive or disburse funds to complete the document and return to the selectboard within 30 days of the selectboard’s request. Again, the selectboard must acknowledge receipt and review the document within 30 days of receiving it.

Another financial control now mandated by the law is that all officers or employees of the town that have the authority to receive or disburse town funds must be bonded. This expands bonding requirements to cover individuals who work at a municipal transfer station or accept payment for things such as permit fees on behalf of the municipality.

The treasurer is also now responsible for quarterly reporting to the legislative body regarding town accounts of money, bonds, notes, and evidences of debt paid or delivered, moneys paid out by for the town and town school district, and money received and invested by the treasurer with the approval of the legislative body. 24 V.S.A. § 1571(c).

Finally, the state auditor must institute an educational program to assist officials with their fiduciary responsibilities. 32 V.S.A. § 163 (12). VLCT and the State Auditor’s Office have co-sponsored the annual Governmental Accounting and Auditing Symposium for several years.

Later this fall, the Municipal Assistance Center and PACIF will release an internal controls checklist and a guidance document to help towns improve financial management.

Universal Recycling. There are substantial changes to the way Vermont will dispose of and collect its solid waste in the years to come in order to reduce the volume of waste sent to landfills and divert as much of it as possible to reuse, recycle, and compost. The legislature set deadlines for when certified solid waste collection facilities will begin collecting items diverted from the waste stream and limitations on their ability to charge fees for this collection. Specifically affecting municipalities is a requirement that all “public buildings,” which include municipal and school buildings and schools, and “public lands,” which include all land owned or controlled by a municipality, must...
The Transportation Bill eliminates a perfunctory requirement that town clerks deliver a copy of their annual town report to the State Highway Board. They are still required to mail copies of the report to the State Library, Secretary of State, commissioners of the departments of Taxes, Children and Families, and Vermont Health Access, the state boards of Health and Education, and the Auditor of Accounts. (24 V.S.A. § 1173).

To correct an action by the legislature in 2008 and bring full effect to the definition of “rural town” in 24 V.S.A. § 4303 (25), a town whose population is more than 2,500 but less than 5,000 may vote to be considered a “rural town” for purposes of requiring bylaws, bylaw amendments, or bylaw repeals be adopted by a vote of the town in accordance with 24 V.S.A. § 4442(c) (2). This is a welcome correction for many municipalities.

Acceptable recordable survey plat reproduction processes and materials are now provided for in the law, where they hadn’t been before. These now include fixed-line photographic process on stable base polyester film, pigment ink on stable base polyester film, or linen tracing cloth. These requirements will be in effect until July 1, 2013, unless the legislature takes further action. 27 V.S.A. § 1403 (b) (8).

Glebe lands were originally granted to municipalities under the authority of the British government for use by the Church of England. These lands still exist in many municipalities, and selectboards manage the lease of these lands and place the rents into the municipal treasury. The legislature caught up to well established case law and repealed statutes addressing glebe lands that were declared unconstitutional by the Vermont Supreme Court in Mikell v. Town of Williston, 129 Vt. 586 (1971). The effect of the repeal of 24 V.S.A. §§ 2404 and 2405 is that municipalities will no longer be confused by the unconstitutional requirement to pay rents to religious organizations. Another repealed statute that will have less of an effect on the operation of municipal government is 24 V.S.A. § 1769, which includes an outdated statute addressing poor relief.

Public Roads, Private Roads, Rural Towns, and Plats. Several legislative changes will affect the work of land use officials, clerks, and enforcement officers:

- A definition of “public road” was added to Chapter 117 of Title 24, which includes class 1, 2, or 3 town highways as defined in 19 V.S.A. § 302(a). The law also provides that a town can include, at its discretion, class 4 town highways in the definition of public road for planning purposes. 24 V.S.A. § 4303 (33).

- Due to recent residential mortgage requirement changes, the Federal National Mortgage Association (Fannie Mae) will purchase residential mortgages on the secondary market when a property is on a private road only if there is some agreement amongst property owners (including municipalities that have property on a private road) that border the road about how the road will be maintained. In the absence of an express agreement or requirement governing the maintenance of a private road (when more than one person enjoys a common benefit from a private road), each person or entity will contribute “ratably” (a term not defined in statute) to the cost of maintaining the private road, and have the right to bring a civil action to enforce the ratable contribution. Towns are not required to make any changes to their land use regulations to address this change in the law. The continued maintenance of a private road should in most cases be ensured by a private agreement or under the new law by property owners along the road. 19 V.S.A. §§ 2701, 2702.

- The Transportation Bill eliminates a perfunctory requirement that town clerks deliver a copy of their annual town report to the State Highway Board. They are still required to mail copies of the report to the State Library, Secretary of State, commissioners of the departments of Taxes, Children and Families, and Vermont Health Access, the state boards of Health and Education, and the Auditor of Accounts. (24 V.S.A. § 1173).

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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
SUBDIVISION REGULATIONS
(continued from page 16)

a preservation viewpoint. This approach is credited to Randal Arendt, a noted conservation planner.

Stormwater Management

The model subdivision standards define a “major subdivision” as a subdivision of land resulting in the creation of four or more lots or creating over an acre of disturbed land. Communities should use their own unique setting to determine what would constitute a major versus minor subdivision. As part of the final plat approval, major subdivisions would include an erosion prevention and sediment control plan as well as a post-construction stormwater management plan. The model requires that the plans be prepared by a licensed Vermont engineer and include provisions for the inspection and long-term maintenance of the stormwater management and erosion control infrastructure.

Applications for minor subdivisions of land resulting in the creation of three or fewer lots and disturbing less than one acre of land would include a plan that indicates the proposed limits of construction disturbance in relation to the features identified on the environmental resource area inventory. All applicants would be subject to the sediment and erosion control standards outlined in the model subdivision standards and would be required to use LID design strategies as a primary means of stormwater management.

Environmental Resource Areas and Open Space

In addition to environmental resource area protection, the model subdivision standards include language that protects open space areas as well. Traditionally, open space areas are used for neighborhood recreation, stormwater management facilities, or conservation purposes and are the result of alternative site planning techniques that concentrate dwelling units in a compact area to reserve undeveloped space elsewhere on the site. However, because the term “open space” can describe many types of open areas, the model subdivision standards make a distinction between open space areas and environmental resource areas.

The model subdivision standards suggest a minimum acreage of 40% of the gross acreage of land in the subdivision to be set aside for long-term protection. This percentage is based on the Environmental Protection Agency’s recommendation to set aside from 35% to 60% of the site for purposes of open space development. Once again, this is not a “one size fits all” concept and communities should use their own unique surroundings to determine what is appropriate. The open space acreage described in the model first comprises the environmental resource areas protected by the building envelope restrictions discussed above. If, for example, the protected environmental resource area is less than 40% of the gross acreage of land in the proposed subdivision, then additional land would be set aside to make up the difference and be protected as open space. Open space areas are less environmentally sensitive and ecologically important than environmental resource areas, but can play an important role for wide ranging species movement and provide a buffer for the more sensitive environmental resource areas. The model subdivision standards suggest permitted and prohibited uses of open space, which may be fine-tuned to your own municipality’s priorities. Along with the final subdivision plat the applicant would include a list of the permitted and restricted uses of the environmental resource areas and open space areas and documentation ensuring that these areas will not be subdivided in the future.

To learn more about these model subdivision standards and how they may meet your town’s needs, contact Milly Archer, Water Resources Coordinator, at marcher@vlct.org or 800-649-7915. The model standards are posted on VLCT’s website at www.vlct.org.

Milly Archer
Water Resources Coordinator
VLCT Municipal Assistance Center

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/.
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/.

HELP WANTED

Assistant City Manager. The City of Montpelier, Vermont’s capital city, seeks an Assistant City Manager. Primary responsibilities include public communications, project management, operations of some departments, and general management support in all areas and departments of city government. The Assistant City Manager will also be actively involved in community and/or economic development efforts, facilities oversight including ADA compliance, and other duties as assigned. The Assistant City Manager reports to the City Manager and serves as Acting City Manager when the Manager is absent. Montpelier provides a full range of municipal services with 110 FTEs. Requirements: excellent verbal and writing skills, demonstrated effectiveness in communicating complicated information to the public using a variety of media, a working understanding of municipal government functions, ability to work in a fast-paced environment and handle multiple tasks and responsibilities, experience in working with boards, committees and groups, attendance at evening meetings, and the applicant must understand the dynamics of working in a small but busy city. This position can be suited to an experienced municipal manager or a person early in his or her career. Active review of applications will begin on August 1, 2012. Annual salary is negotiable based on experience, skills and qualifications; comprehensive benefits package. To apply, please submit letter, resume, and list of references to William J. Fraser, City Manager, City Hall, 39 Main Street, Montpelier, VT 05602-2950. You may also submit the information electronically to wfraser@montpelier-vt.org. Position open until filled. Equal opportunity employer. (6-16)

DRB Administrator/Zoning Enforcement Officer. The Town of Shelburne is seeking a full-time DRB Administrator/Zoning Enforcement Officer to serve as primary staff person for the Town's Development Review Board; issue zoning permits; and enforce zoning by-laws. Specific duties include interpreting plans, creating staff reports, assisting applicants, investigating complaints of alleged violations, and taking enforcement action if necessary. This position reports to the Director of Planning and Zoning and is supported by a part-time administrative assistant. The successful candidate must have a bachelor’s degree in land use planning, public administration, or related field and a minimum of one year of related experience. This is a terrific opportunity for a person who thrives in a busy and challenging setting, is detail-oriented and quality driven, and excels in a team-oriented, customer driven environment. The successful candidate must have excellent written and verbal communication skills and be fluent with pertinent computer software. Competitive salary and benefits. Complete job description available at http://goo.gl/SI5LT or www.shelburnevt.org. Send letter of interest and resume to Judy Lance, Human Resource Coordinator, PO Box 88, Shelburne, VT 05482. You may also fax to 985-9550 or email jlance@shelburnevt.org. (7-2)

Town Planner. The Town of Essex, Vermont (www.essex.org), is seeking a planner to perform a variety of duties related to community development. Duties include conducting all aspects of development review, staffing and providing technical assistance to the Planning Commission and the Conservation Committee, assisting the Community Development Director with special projects, responding to public inquiries, and serving as 2nd Assistant Zoning Administrator. The candidate must be able to communicate and write effectively, be a demonstrated team player, and be able to execute programs in a professional, service-oriented manner. Starting salary, $47,465-$53,664 DOE, plus excellent benefits. To apply, email cover letter, resume, and three references to amyv@essex.org, or mail to Patrick Scheidel, Town Manager, 81 Main Street, Essex Junction, VT 05452. Position open until filled. Resume review begins July 31, 2012. EEO. (7-3)

Associate Assessor. The City of Burlington is seeking an Associate Assessor. Duties include the daily administrative operations of the Assessors Department, such as conducting inspections of real estate and helping in the preparation of setting fair appraised values for the Grand List, and the administrative and clerical support duties for the City Assessor and Deputy Assessor. Requirements: a high school diploma or equivalent (college degree preferred), and at least two years of real estate appraisal valuation or six years in a related real estate field with

(continued on page 23)
“we ‘seek the meaning from the context, and by the light of what precedes or follows.’” Essentially, the Court sought to derive meaning and understanding of the word “benefits” from the words around it and the overall context in which it is used. For purposes of resolving this case, the Court focused on this passage of Vermont law:

The employer shall continue employment benefits for the duration of the leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. The employer may require that the employee contribute to the cost of the benefits during the leave at the existing rate of employee contribution. (21 V.S.A. § 472(c)) [Emphasis added.]

The Court found that the legislature’s use of the word “coverage” in the first sentence and how it related to the work word “benefits” was revealing because that term is typically used in relation to inclusion in an insurance policy, not to paid leave. In examining the second sentence, he Court found that “benefits” in that context clearly referred to those requiring some sort of employee cost-sharing formula, such as a health plan, because employees do not “contribute” a “cost” to their paid leave. Finally, the Court expanded the scope of its analysis to other sections of 21 V.S.A. § 472 to further support its conclusion that the VPFLA does not require the accrual of paid time off to employees on unpaid parental leave. In particular, it looked to Section 472(a), which entitles employees to “take unpaid leave,” and Section 472(b), which allows employees to “use accrued sick leave or vacation leave or any other accrued paid leave” during parental leave. Employers are required to provide unpaid parental leave only. If, as the plaintiffs argue, employees were entitled to the accrual of paid leave during this time, then the leave could no longer be classified as “unpaid.” This reasoning, the Court determined, would lead to a result not just inconsistent with, but contrary to, the employer’s VPFLA obligation to provide unpaid parental leave only. “If the legislature had intended otherwise, it would have entitled employees to paid leave.

Lest anyone get confused and start reading too much into this opinion by applying the Court’s underlying analysis to his or her own personnel policy, which may provide more in the way of benefits than the minimal safeguards provided by Vermont law, allow me to clarify. All this case is saying is that employees do not accumulate paid vacation and sick time while on unpaid parental leave under the VPFLA. That’s it. Remember, both federal and state laws set the floor, not the ceiling, for eligible employees’ benefits. When there is a conflict between the two, the law that provides the most benefits to the employee will prevail. A town’s personnel policy may always be more generous than either.

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center
Classifieds

(continued from page 21)

successfully completed courses directly related to the fundamentals of real estate appraisal methods to value. To apply, send City of Burlington application, resume, and cover letter by August 6, 2012, to HR, 179 South Winooski Avenue, Burlington, VT 05401. To obtain an application or to learn more about this position, please visit www.burlingtonvt.gov/HR. Women, minorities, and persons with disabilities are encouraged to apply. EOE. (7-9)

Assessor’s Assistant. The Town of Middlebury, Vermont, seeks applicants for the part-time position (approx. 8 hrs/wk with flexible hours) of Assessor’s Assistant. Applicants should have excellent communication skills and a basic understanding of Vermont property and real estate tax law. The ability to operate the Microsolve CAMA system and the NEMRC municipal grand list software is required. Responsibilities also include scheduling and maintaining records and sales books. Very competitive wages. A complete job description and application may be obtained at the Municipal Building, by calling 802-388-8100, ext 201, or online at www.middlebury.govoffice.com. Interested candidates should email an application and cover letter to kramsay@townofmiddlebury.org, or send to Kathleen Ramsay, Assistant Town Manager, Middlebury Town Offices, 94 Main Street, Middlebury, VT 05753. Position open until filled. EOE. (7-11)

Request for Proposals

Cleaning Services. The Central Vermont Solid Waste Management District seeks a qualified individual or company to clean its Montpelier office (137 Barre Street) and Barre City facility (35 Williams Lane). Interested parties should review the RFP at www.cvswmd.org/uploads/6126179/cleaning_rfp.pdf and respond according to the instructions included in the RFP. Submit proposal by July 31, 2012, to Leesa Stewart, General Manager, Central Vermont Solid Waste Management District, 137 Barre Street, Montpelier, VT 05602. (7-11)

Ask the League

(continued from page 19)

Note that it is always good practice to check for any new legislation on the issue you are researching from the close of the legislature’s session (usually late May) to the publishing of the next annual legislative supplement (usually January). This is especially true when accessing the online version of the statutes at the Vermont Legislative Bill Tracking System, www.leg.state.vt.us/database/status/status.cfm.

Garrett Baxter, Staff Attorney II, and Stephanie Smith, AICP, Senior Associate VLCT Municipal Assistance Center, and Jonathan Williams, Associate, Advocacy and Information, Public Policy and Advocacy

Trivia

Last time, I asked readers to deduce the publication date of a Vermont diary from clues in a quoted passage that included “Called at Mr. Kings. Mr. Dorothy had finished haying, and paid Wm Morse $1.37 for half week’s work.” No one delivered the correct date of 1835. In fact, only one trivialist even hazarded a guess! Okay, perhaps that question was a mite obscure. But is this?

An old story begins “Once upon a time, in the village of Batesville, Vermont, there lived a young hotelier named Norman who ...” Wait a minute. Batesville, Vermont? Was there really such a place? Yep, and though it is no longer a distinct community, it was once (upon a time). But where was it?

If you know the answer, email it to dgunn@vlct.org. The answer will appear like magic in the next BGH-free, all-natural October issue.

VLCT Advocacy is on Facebook

Just type “VLCT Advocacy” in the Facebook search box, then click on the like button to begin receiving our status updates.

For more information contact:

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

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Ludlow Town Hall

Ludlow Town Hall
LTF Program
(continued from page 11)

level. With regard to how that match is further broken into state and local match requirements, much of this is in state statute depending on the type of project – enhancement, paving, town highway bridge, etc.

VLCT: You said that the LTF team is moving towards alternative contracting procedures in order to expedite completion of LTF projects. What are those, and how do they help?

SS: Yes, in response to alternatives for the typical design-bid-build process, we are looking for alternatives for appropriate types of projects. Specifically we are looking at a modified design build process called “Construction Manager General Contractor” for a pretty complicated project that may soon be under local management. This could have benefits in terms of the length of the project development process and perhaps the overall cost, but the process itself is considered experimental by FHWA. After some good candidate projects are identified and the process is completed, we will have a better idea of what types of projects it is best suited for.

VLCT: Are the LTF goals of encouraging public participation and acceptance of such projects working? How might these and other project goals be improved?

SS: Public participation is very important to VTrans. It is our experience in LTF that locally managed projects are generally accepted by the municipality [that] is primarily responsible for determining the scope of the project. Some public participation is required by our process but additional participation at the local level is always encouraged.

VLCT: Both local municipalities and the State have to deal with federal regulations that affect the LTF process. Which of these federal requirements concern you and why? Are there creative ways to meet those requirements?

SS: Regardless of my personal concerns about federal requirements, I have to keep in mind that VTrans is responsible for ensuring that federal requirements are complied with. I’m not sure I would categorize there being creative ways to meet the requirements; rather, we have tried to lay out the process to meet them but not add any additional requirements.

VLCT: Do you have any other ideas or information for municipal officials regarding the LTF process and its future? Where do you see the process five or ten years from now?

SS: While I’m not sure the process will be any different, we continue to work towards improving our written guidance to communities, providing training on important risk areas and ensuring that we provide the appropriate amount of oversight to allow communities to complete their projects while complying with all federal requirements.

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