IS YOUR COMMUNITY FLOOD READY?

Municipal officials in Vermont can now get the most up-to-date information to improve their community’s flood resilience by visiting a new website, www.FloodReady.vermont.gov.

Flood Ready Vermont supports selectboard members and other municipal officials who are working to help their towns avoid damage from flooding and qualify for financial support. For example, it has information on the Emergency Relief and Assistance Fund (ERAF), and notes any action your municipality has taken to reduce flood damage and qualify for post-disaster funding.

The website has easy access to data on flood risks and a map portal that will help you prepare your municipal plan. On other pages you will find key contacts, funding opportunities, and other useful information to help your community be flood ready.

Already, cities and towns around the state are working to address known flood risks and to avoid increasing their exposure to damage from floods. Flood Ready Vermont features stories from communities working to make that happen. What is your town doing?

BRIDGE IN A BACKPACK

The Vermont Agency of Transportation (VTrans) is piloting an innovative method of bridge construction for Vermont this summer.

Working with AIT Bridges of Orono, Maine, the agency will be installing a Composite Arch Bridge System over Wanzer Brook on Town Highway 30 in the Town of Fairfield. The “Bridge in a Backpack” system does not involve actual backpacks, but does use a system of carbon fiber tubes filled with concrete on-site to create clear span arches ranging in size from 20 to 75 feet. These materials have been extensively tested for loads and weather; they require only minimal maintenance and have up to twice the useful life of a conventional structure.

In walking over the bridge, you’ll remember the words of the Vermont Agency of Transportation: “Vermont’s bridges are their communities’ gates. They’re the landmarks that are representative of the promise of Vermont.”

Flood Ready Vermont features stories from communities working to make that happen. What is your town doing?

OPEN MEETING LAW CHANGES EFFECTIVE JULY 1, 2014

The legislature significantly amended Vermont’s Open Meeting Law this year. Changes include new requirements for posting meetings, creating and altering agendas, posting minutes onto a municipal website, and for entering into executive session. The amendments also include specific steps that must be taken when there is an allegation that a public body has violated the law. The VLCT Municipal Assistance Center has prepared a list of frequently asked questions about the law that explains the recent changes to the law along with information about existing requirements. The VLCT 2014 Open Meeting Law FAQs is available at www.vlct.org/assets/MAC/VLCT_Open_Meeting_Law_FAQs_June_2014.pdf.

Remember: the Open Meeting Law applies to every municipal selectboard, council, board of trustees, municipal commission, committee and subcommittee! Please take the time to review our 2014 Open Meeting Law FAQs.

There are certain actions which should be taken by every Vermont municipality before July 1, 2014, to comply with the law, including:

1. Designating locations in your municipality where notices and agendas for meetings will be posted (see #10 and #13 in the 2014 Open Meeting Law FAQs); and


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Municipal Officials’ Actions and Words Must be Guided by Higher Standards

Earlier this year, several Vermont municipal officials were in the news headlines for reasons that put them, their towns, and our state in a bad light. In one town, a local official made a statement using a disparaging term of national origin; in another, allegations were made that official town actions discriminated against a couple based on their sexual orientation. In the first instance, an apology was issued, and in the second, the allegations, now the subject of a lawsuit, have yet to be proven but much damage has already been done.

Vermont has no monopoly on this kind of unfortunate experience, as a recent report from our neighbors in New Hampshire clearly shows. Public utterances and alleged actions that an average person could only perceive as biased or discriminatory against individuals or a group of people are wrong in so many ways and on so many levels when attributed to a person on the street. The impact and consequences rise to a much higher level when attributed to a public official and skyrocket when the bias perceived is conveyed against a group of people that has been identified as requiring extra protection under national and/or state law.

Whether intended or not, public officials’ actions or words are often perceived as being officially sanctioned by the government and the people that person serves. Thomas Jefferson said, “When a man assumes a public trust, he should consider himself as public property.” The same can be said for public officials’ words and deeds. This is particularly true when those actions are taken or words are spoken at a public building, event, or meeting. The media play an important role in our communities, but nothing sells newspapers like conflict and controversy, and these incidents fit that bill. Add today’s universally-linked
You’re committed to your community. So are we.

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

Ask the League

How to Increase the Number of Justices of the Peace; Hiring Seasonal Workers

Our town’s board of civil authority is faced with more than 50 property tax assessment appeals. We would like to increase the number of justices of the peace to help expedite the tax appeal hearing process. How is this done?

Interestingly enough, the Vermont Constitution, not state statute, prescribes the number of justices of the peace for every town on the basis of population. The state constitution sets the maximum number of justices that may be elected, however a town may choose to elect fewer if it wishes. The following table shows the number of justices allocated to each town according to population:

<table>
<thead>
<tr>
<th>Population</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 1,000</td>
<td>5</td>
</tr>
<tr>
<td>1,000 to 1,999</td>
<td>7</td>
</tr>
<tr>
<td>2,000 to 2,999</td>
<td>10</td>
</tr>
<tr>
<td>3,000 to 4,999</td>
<td>12</td>
</tr>
</tbody>
</table>

Justices of the peace, however, are only elected “biennially on the first Tuesday next after the first Monday of November” during the general election. Vermont Constitution, Chapter II, § 43. Additionally, the Governor may only fill a justice of the peace vacancy if it occurs by resignation, death, insanity, or when an incumbent moves to another state. These are the only instances where a new justice of the peace can take office outside a general election.

Unfortunately, your board of civil authority will, for the time being, have to proceed with the current number of justices unless there is a valid vacancy that needs to be filled. If the town has too few justices, based on current population statistics from the most recent census, an article to increase the number of justices should be added to the next town meeting warning. If the article passes, the additional justices will be elected at the next general election.

For more in-depth information about justices of the peace, please refer to the Secretary of State’s “The Vermont Justice of the Peace Guide” (www.sec.state.vt.us/media/258659/JP_Guide.pdf).

H. Gwynn Zakov, Staff Attorney I
VLCT Municipal Center

What should our town know about hiring seasonal workers?

Many municipalities choose to hire workers to assist with warm-weather operations such as landscaping and running recreational programs. Although these individuals are bona fide municipal employees, they are not subject to the same state and local regulations as permanent employees.

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 next page)
ASK THE LEAGUE
(continued from previous page)

federal laws regarding wages and overtime. For instance, employees in municipal recreational programs operating for fewer than seven months of the calendar year are exempt from the overtime provisions of federal and state law. The applicable laws are Section 13(a)(3) of the federal Fair Labor Standards Act, and Title 21, Section 384(b)(2)(A) of Vermont Statutes Annotated.

The legal scheme in regard to minimum wage is slightly different. A seasonal recreational employee — which 21 V.S.A. § 2002 defines as one who works for an employer for 20 or fewer weeks in a calendar year and who works in a job scheduled to last 20 weeks or fewer — is exempt from federal minimum wage requirements but not from state minimum wage requirements. In other words, municipal employees performing recreational functions must be paid the state minimum wage, even though they are only employed seasonally. However, there is an exception to the law for students who work during all or any part of the school year or during regular vacation periods. Those student employees are exempt from state minimum wage requirements under Title 21, Section 383(2)(I) of Vermont Statutes Annotated.

The current edition of VLCT’s Handbook for Vermont Selectboards states that “employees in municipal recreational programs operating for fewer than seven months of the calendar year” must receive Vermont’s minimum wage. While this is still generally the case, it does not take into account the statutory exception for students, which is cited above. According to the Wage and Hour Division of the Vermont Department of Labor, a municipality may pay its student employees anywhere on the federal pay scale from a training wage of $4.25 per hour to the federal minimum wage of $7.25 per hour for a maximum of 90 days.


Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

OPEN MEETING LAW
(continued from page 1)

2. Preparing your municipality’s website, if there is one, so that you will be ready to post agendas before meetings (see #10 in the 2014 Open Meeting Law FAQs) and minutes five days after those meetings occur (see #14 in the 2014 Open Meeting Law FAQs). Otherwise, you should deactivate the website to avoid violating this requirement.

MAC is scheduling regional trainings on how to comply with the changes to the Open Meeting Law and updating our Open Meeting Law poster and Model Rules of Procedure. We will notify members about workshop dates and when the new documents are available. For more information, please contact Abby Friedman at afriedman@vlct.org or 800-649-7915 ext. 1926.

The Open Meeting Law is found in 1 V.S.A. §§ 310-314. The amended sections of the law are found in the text of Act 143 (as signed by the Governor), which is archived at www.leg.state.vt.us/DOCS/2014/ACTS/ACT143.PDF.

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 $825, though VLCT PACIF members are eligible for a reduced rate of $415 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

Pick from these topics or develop your own!
THE VERMONT SHORELAND PROTECTION ACT

Intent. This legislative session, the Vermont General Assembly passed shoreland protection legislation that applies to activities within 250 feet of the mean water level of all lakes greater than 10 acres in size. Effective July 1, 2014, the Shoreland Protection Act (Chapter 49A of Title 10 §§ 1441 et seq.) establishes a new state regulation for guiding shoreland development. The intent of the Act is to prevent degradation of water quality in lakes, preserve habitat and natural stability of shorelines, and maintain the economic benefits of lakes and their shorelands by defining standards for the creation of buildings, driveways, and cleared areas in shorelands. The Act seeks to balance good shoreland management and shoreland development.

The Shoreland Protection Act recognizes that many shoreland properties in Vermont are already developed or are small lots that cannot meet the new standards. Developed properties are “grandfathered” unless the owner proposes redevelopment. In the case of small lots, staff of the Agency of Natural Resources will work with homeowners so that standards are met to the extent possible. The table below summarizes the standards in the Act.

For a project occurring in the Protected Shoreland Area, with some exemptions, the Shoreland Protection Act requires all shoreland owners to either register or apply for a permit. Generally explained below are what activities will be exempt, can be registered, or will need a permit. Full information is available from the Shoreland Permit Program.

Permit Exemptions (These projects do not need to be registered or permitted through the Shoreland Permit Program.)

- Maintenance of existing buildings, gardens, and lawns, without enlarging them.
- Creation of a six foot wide footpath to access the lake through the Woodland Zone.
- Re construction of existing impervious areas without increasing or changing the current footprint, such as

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<tr>
<th>What the Act Regulates</th>
<th>Why</th>
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<tr>
<td>Naturally vegetated areas within 100 feet of the mean water level must be maintained according to the Vegetation Protection Standards in the act.</td>
<td>A wooded shoreland is essential for a healthy lake ecosystem. Most animal and plant life in a lake spend all or some of their life cycle in the shallow water, along a lake’s shore. A buffer of natural vegetation and duff absorbs and filters runoff from uphill land uses much more effectively than lawn. Tree roots, trunks, and branches hold the bank together, protection against erosion as well as shade shallow waters.</td>
</tr>
<tr>
<td>The Act establishes a maximum of 20% impervious surface coverage unless best management practices are used to mitigate impact.</td>
<td>Hard surfaces (roofs, driveways, decks, etc.) result in increased runoff during rain storms. Increased runoff can result in erosion, and lessen absorption and filtration functions of the natural vegetation.</td>
</tr>
<tr>
<td>The Act establishes a maximum of 40% cleared area coverage unless best management practices are used to mitigate impact.</td>
<td>Clearing the shoreland of its natural vegetation increases stormwater runoff and reduces the lake’s natural defense in protecting itself from pollution, eroding banks, and creating degraded habitat.</td>
</tr>
<tr>
<td>Building on slopes greater than 20% requires demonstrating the development will not compromise stability.</td>
<td>Steeper slopes are more prone to erosion and instability, and therefore a wider Woodland Zone, and/or other Best Management Practices may be required to help reduce these impacts.</td>
</tr>
</tbody>
</table>
rebuilding a house, deck or driveway in the exact same spot.
- Removal of 250 sq feet of vegetation under three feet in height, 25 feet from the mean water level, is allowed as long as the Vegetation Management Practices are met and the duff layer is not removed.
- Tree removal and pruning within 100 feet of the mean water level using to the Vegetation Management Practices.

Registrations (projects that require the landowner to submit a registration form).
The limits described below are the total allowed for the lifetime of the property, regardless of ownership.
- Creation of less than or equal to 100 sq feet impervious surface, such as a gazebo or shed, located 25 feet back from mean water level.
- Less than or equal to 500 sq feet of new clearing or impervious surface at least 100 feet from the mean water level.

Permits (Projects that require a landowner to fill out a permit application and obtain a permit before proceeding.)

Re development of existing developed shorelands. If a property does not already meet the new standards, re-development proposals will be reviewed to ensure:
- Any existing wooded areas within 100 feet of mean water level are maintained under the Vegetation Management Practices;
- New buildings, decks, or driveways are not closer to the mean water level than currently located;
- Total coverage of all buildings, decks, and/or driveways (impervious surface area) does not exceed 20% of property area or Best Management Practices (BMPs) are used to offset the impact of the new surfaces;
- Any proposed new clearing does not exceed 40% of the property area or BMPs are used to offset the impact of the new cleared areas;
- Development takes place on slopes of less than 20% unless it is demonstrated BMPs maintain slope stability and prevent erosion; and
- Standards are scaled down to fit a small lot that was already in existence as of July 1, 2014.

Development of undeveloped shorelands. Undeveloped properties, both existing small lots and lots that can meet all the standards, will be reviewed to ensure:
- The 100 foot wide Woodland Zone is maintained using the Vegetation Management Practices. For existing small lots, the width will be scaled to allow development on the property;
- New buildings, driveways, and other surfaces will be created above the 100 foot wide Woodland Zone. For small lots in existence by July 1, 2014 the width of the Woodland Zone will be scaled to allow for development; and
- Development avoids areas of the property with slopes over 20% whenever possible.

Vegetation Management Practices.
The Vegetation Management Practices outline maintenance of plants in the Woodland Zone using a point and grid system. For each 25’×25’ plot, the diameter of each tree is measured along with the number of saplings to calculate the number of points. Trees can be thinned as long as the minimum number of points is met for each 25’×25’ plot. The lower one-third of a tree’s branches can be pruned, and hazardous trees can be cut.

Guidance Materials Available (now or soon)
- Frequently Asked Questions
- List of Vermont Lakes Greater than 10 Acres
- Permit Application Instructions and Worksheets

Contact Information for Guidance Materials and Questions
Vermont Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
Lakes and Ponds Shoreland Permit Program
1 National Life Drive, Main 2
Montpelier, VT 05620
Webpage: www.watershedmanagement.vt.gov/lakes.htm
Email: ANR.WSMDShoreland@state.vt.us
Phone: 802 490 6196

MAC Municipal Consultants
MAC is pleased 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 Financial Consultant
- Doug Hoyt, Municipal Law Enforcement Consultant
- Brendan Keleher, Municipal Management and Finance Consultant
Accepting Bennington’s 2014 Governor’s Workplace Safety Award are (left to right) Terry Morse, Water Resources Superintendent; Keith Goodhue, Building Inspector, Fire Marshall, Code Enforcement Officer, and more; and Gail Tiffany, Wastewater Laboratory Technician. Delivering the award is (far right) Steve Monahan, Director of Workers’ Comp and Safety, Vermont Department of Labor.

**New Admin Tools from Delta Dental**

We are happy to announce that Northeast Delta Dental (Delta) has two helpful new administrative tools available to all VLCT dental groups. First, your group can sign up for eBilling, so you can receive your invoices electronically! Find more information on eBilling and register for this new feature either on Delta’s homepage or under Tools in the green section at the bottom of any page on www.nedelta.com.

Second, online enrollment is now available through Delta’s Group Admin Portal. Registering for access to this portal is a two-part process:

1. **On paper**, fill in and submit Delta’s Admin Portal Group Authorization Form. Find the form on VLCT’s Dental webpage: go to www.vlct.org, hover over “Risk Management Services” in the blue menu bar, select “Health Trust” from the drop-down menu, and click on “Dental Insurance” in the bullet list. Now click on “Online Administrative Portal Group Authorization Form” in the list of PDFs. Print and fill in the form and mail it to Account Services at the address that’s on the form.

2. **Online**, register as a Group Admin user. At www.nedelta.com, click on the Employers tab, and in the “Login To Group Admin” box (on the left side, half way down) click on “Register Here,” complete the online form, and click on the Submit button.

For information on how to use the Group Admin Portal, refer to Delta’s Group Online Portal Manual, which you will also find in the list of PDFs on VLCT’s Dental webpage. If you have any questions regarding the above information, feel free to contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

**Bennington Lauded at Workplace Safety Conference**

On May 16, representatives from the Town of Bennington attended the 12th Annual Vermont Workplace Safety Conference and received one of only five 2014 Governor’s Awards for Outstanding Workplace Safety. The day-long conference invites all employers to acknowledge the award winners and learn about research and resources that can help them improve their own safety programs. The conference was organized by Peter Crawford of the Vermont Small Business Development Center with sponsorship from seven organizations and exhibits from 16 vendors.

Governor’s Awards for Outstanding Workplace Safety are granted to employers that demonstrate exceptional commitment to workplace safety and have the results to prove it. Minimum requirements include having a low Workers’ Compensation Experience Modification Factor (or Ex-Mod), no workplace fatalities or catastrophic injuries in the previous three years, no outstanding DMV/motor carrier fleet violations, a written safety and health policy, safety and health programs that are clearly communicated to all employees, and an active safety and health committee that involves both management and employees and has representatives from all departments. All of these show that the employer actively fosters a culture of safety and health in the workplace.

Bennington has a history of being very safety-conscious, and in the past year the town has put several important programs in place that the Governor’s Safety Awards (continued on page 12)
MERGER OF TWO VLCT TRUSTS PROCEEDS

VLCT’s Risk Management Services (RMS) staff members are making progress in fulfilling the requests of the Directors of the VLCT Unemployment Insurance Trust and the VLCT Health Trust to develop the plan to merge these two trusts into a single new entity (as we reported in the May 2014 VLCT News).

The merger plan is being developed, with all due deliberation and considerable care, by RMS staff in close coordination with the trusts’ corporate counsel. A significant part of the work is to prepare four key documents: Articles of Incorporation, Bylaws, Articles of Merger, and Plan of Merger. The Plan of Merger is the most involved, containing (among other things) the manner of the merger, operational details on the merged entity, and how each previous trust’s assets and liabilities will be accommodated after the merger. The final versions of the four documents will be presented to the two boards in late July of this year. By that time, a name for the new trust will be revealed. The current leading contender is the VLCT Employment Resource & Benefits Trust (VERB).

A merger such as this must be approved by the board and members of both trusts. If both boards approve it in July, the proposed merger will be voted on by members at the trusts’ Annual Meetings on October 9, 2014 (during VLCT Town Fair). If the members of both the Unemployment Insurance Trust and the Health Trust approve the proposal, the merger will take effect on January 1, 2015.

Members should look for detailed information enclosed with their Annual Meeting notices in late August or early September. Members with any concerns or questions about the proposed merger can contact any director of either the Health Trust or the Unemployment Insurance Trust, listed on VLCT’s Boards page at www.vlct.org/aboutvlct/boards/, or call 800-649-7915 and speak with David Sichel or Ken Canning.

2014 RMS CALENDAR

**NCOS 511 OSHA Standards for General Industry.** Tuesday to Friday, July 8 to 11, Windjammer Conference Center, South Burlington. Presented by the Region 1 OSHA Training Institute Education Center (based at Keene State College); conducted by Lee Marchessault. Each student receives a current Code of Federal Regulations 1910, materials related to the curriculum, and a certificate verifying course completion. $150 discount for members of the Vermont Safety and Health Council. For further information, refer to the Events Calendar at http://vshc.org/. Go to www.oshaedcenter.com/files/RevisedOSHAregform-8.pdf for a registration form.

**VLCT’s Local Officials Golf Outing.** Wednesday, August 13, 2014, 8:00 a.m. to 3:00 p.m., Green Mountain National Golf Course, Barrows-Towne Road, Killington. Shotgun start at 8:30 a.m. The low per golfer fee includes morning snacks and barbecue lunch. VLCT members will receive an email with details and a registration form, which we ask to be distributed throughout your organization. Learn about Green Mountain National, Vermont’s only municipally owned golf course, at http://www.gmngc.com/.


**2014 Vermont Safety and Health Council Expo.** Friday, October 3, at the Killington Grand Hotel and Conference Center, Killington. Save the date! Information will be posted in the Events Calendar at www.vshc.org.

**OSHA 3015 Excavation Trenching and Soil Mechanics.** Monday to Thursday, October 20 to 23, AGC/VT Training Center, Montpelier. Presented by the Region 1 OSHA Training Institute Education Center (OTIEC). For course description and registration, please visit www.OSHAedcenter.com or call OTIEC at 800-449-6742.
instantaneously-beamed-around-the-world Internet to that age-old broadcast media and you have the recipe for offending people and raising the ire of whole nations or sectors of society from your seat at the table in town hall literally before your meeting adjourns.

The notoriety of such actions and deeds can only have a negative effect on our communities and our state. “Tourism Boycott Threats Follow Racist Comments by Wolfeboro Commissioner” trumpets the headline following New Hampshire’s episode. Not only tourists, but potential investors, business owners, and employees can develop the bitterest perception of a community in which such incidents are created by people viewed as leaders.

Discrimination based on age, mental or physical disability, ancestry or national origin, race, color, gender, pregnancy, sexual orientation, or gender identity is illegal in Vermont. Statements made or allegations of actions taken against members of these groups are not only unacceptable on a societal basis, especially when ascribed to municipal officials, but they can also be used as grounds to bring or bolster an enforcement action by the attorney general or a state’s attorney if a person was denied employment, accommodation, or town services as the result of illegal discrimination. If the fact that such actions are just plain wrong and that they could cost your community’s economy isn’t enough to convince local officials to avoid this, the time, energy, good will, and financial costs of defending a lawsuit should be enough.

As these recent incidents prove, it is hard to stuff this genie back in the bottle once it is released. We serve a rapidly diversifying population and live in a world that is interconnected 24/7. Being sensitive to and appreciating our differences lead us to a greater understanding of the impact of our words and deeds on people who may be different from us in some ways, despite our many similarities. The VLCT Property And Casualty Intermunicipal Fund (PACIF) offers many training programs to help develop a greater understanding of diversity and discrimination:

FirstNet Learning (online training) – offered free to all PACIF members.
- Preventing Discrimination
- Workplace Diversity
- Workplace Harassment
- Workplace Harassment for Supervisors
- Ethical Decision Making

In-person training through Invest Employee Assistance Program (EAP):

(continued on next page)
Higher Standards (continued from previous page)

- Sexual Harassment and Respect in the Workplace

Law Enforcement – We offer several resources (e.g., policies, trainings, legal updates) for law enforcement professionals at no charge in the following areas:
  - Fair and Impartial Policing
  - Civil Liberties/Privacy
  - Discrimination and Unlawful Harassment
  - Ethics
  - Limited English Proficiency
  - Persons with Diminished Capacity
  - Persons with Disabilities

PACIF also has a scholarship program that will pay up to $500 for two individuals to attend training and $2,500 for a municipality-wide training. Diversity awareness and non-discrimination would certainly be eligible topics.

VLCT staff also has access to HR Sentry, an online human resources site that is loaded with all kinds of resources (model policies, trainings, etc.) on diversity, discrimination, and harassment. For more information on these and other programs, contact Fred Satink (fsatink@vlct.org).

Another resource is the Vermont Partnership for Fairness and Diversity (www.vermontpartnership.org/), which offers help in inclusion, diversity, and equity issues in the public sphere.

Steven E. Jeffrey, Executive Director
VLCT

Flood Ready (continued from page 1)

Flood Ready Vermont is a place where municipal officials, residents, non-governmental organizations, and state agencies can collaborate toward flood resilience. Check the news posts and use the listserv to share ideas and questions with your colleagues around the state.

The site design was led by Tamarack Media Cooperative and WebSkillet Cooperative with help from an advisory group comprising municipal, regional, non-governmental, and state agency participants as well as the Vermont League of Cities and Towns.

The site is there for you 24/7. And please answer the survey when you’re there.

Staff News

Jill Muhr is working as a Municipal Assistance Center consultant on a human resources project until mid-October. Jill, you may recall, previously worked at VLCT in a number of capacities. From 1999 to 2009, she held every conceivable Human Resources title known to man, including HR Director. More recently, she was a temporary Member Relations Representative. Even more recently, Jill served as Director of Operations at HR Sentry and Director of Human Resources at Goddard College, though not at the same time. (Note: An anagram of HR Sentry and Goddard College is “a drenched doggy stroller,” just sayin’.)

Jonathan Williams, our Legislative Associate who helped to represent VLCT Advocacy at the State House for the past three years, has departed to commence thrilling new adventures in distant lands, beginning with Thailand and later North Africa. We wish him well. No really, we do! Who will replace him? Now there’s a question worthy of the Trivia column.

David Gunn
Editor, VLCT News

Steven E. Jeffrey, Executive Director
VLCT

Flood Ready Vermont is a place where municipal officials, residents, non-governmental organizations, and state agencies can collaborate toward flood resilience. Check the news posts and use the listserv to share ideas and questions with your colleagues around the state.

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WORKPLACE SAFETY
(continued from page 8)

Committee recognized as making a significant improvement. The Safety and Health Committee that was set up in the late 1990s was later re-energized and made more comprehensive as the town-wide Safety and Wellness Committee, which builds on input from each department’s monthly safety and health meetings. In July of 2009, the Vermont Occupational and Health Administration conducted a surprise safety inspection of its entire operation (described in the January 2010 VLCT News) that revealed certain violations and helped the town see that it had room for improvement. After correcting those violations, Bennington set up its own Roving Inspection Team to conduct surprise inspections and identify hazards in towns facilities on an ongoing basis. From 2009 through 2011, Bennington participated wholeheartedly in PACIF’s Workers’ Compensation (WC) Rewards program, which provided a financial incentive (a percent reduction in WC contribution costs) if the municipality could establish and clearly document specific policies and procedures related to worker safety. Each year, the town acts on recommendations from PACIF Loss Control staff and steadily improves its safety compliance and workers’ compensation management. Although the WC Rewards program has run its course, Bennington still requires each department to review and document its safety programs on a regular basis. Overall, Bennington has been especially cognizant of the fundamental connectedness of occupational health, workplace safety, and wellness at both work and home.

In the first of two morning informational sessions, Heidi Joyce, VLCT’s Senior Health Promotion Consultant, and Scott Meyer, Program Manager of Project WorkSAFE for the Vermont Department of Labor, discussed Total Worker Health™ (TWH). The National Institute for Occupational Safety and Health (NIOSH) developed this new initiative, which it defines as “integrating occupational safety and health with worksite health promotion,” in order to prevent worker injury and illness and to advance health and well-being. Heidi shared statistics that unhealthy workers cost employers more than healthy workers in WC expenses because they file more claims and their claims are more expensive due to both higher medical costs and more lost work time. On the other hand, money spent fostering employee health is effective at reducing healthcare costs, reducing short-term sick leave, and raising productivity. Heidi concluded that a successful TWH program must address the safety and health of employees both at work and at home. Scott Meyer spoke about a recent NIOSH conference where TWH was being rolled out. An alarming statistic he explained involves the TWH conference where TWH was being rolled out. An alarming statistic he explained involves the NIOSH guidelines for lifting weight safely. The recommended maximum was 90 pounds. Several years ago, this was reduced to 50 pounds because the typical worker’s girth had increased, moving the weight to about ten inches away from the spine. Now, many employees are so big around that, as Scott put it, “it’s hard to get a reading for 10 pounds.” Scott also explained that every workers’ comp should involve an occupational health doctor because most primary care doctors are not specifically trained to take into account all of the patient’s workplace factors.

The conference’s second morning session was a panel presentation on Early Return to Work (RTW) programs, also known as Stay at Work Programs (SWPs), which help employees with work-related illnesses or injuries to recover without undue delay and return to their jobs if possible. After the three panelists explained their main points, they took questions from the audience.

Charles Alexander, Licensed Occupational Therapist with Injury & Health Management Solutions, Inc. (IHMS), explained that when an employee is injured and out of work, he or she is at risk of becoming entirely disengaged from the workplace; workplace morale can suffer while other employees are picking up the slack; and employers pay an average of $50,000 per worker’s compensation claim for the combination of medical costs, lost work time, and hiring a short-term replacement worker. In the worst cases, good workers are lost completely. Conversely, getting an injured employee back into the workplace and gradually regaining as many of his or her former capabilities as possible decreases lost work time (which saves money right away) and helps reduce claim costs (which can keep insurance costs from rising in future years).

(continued on page 15)
HELP WANTED

Plant Superintendent. The Village of Morrisville Water and Light is searching for a Plant Superintendent. Morrisville is a multi-function (electric, water, and wastewater) utility serving 4,000 electric customers in northcentral Vermont. The Plant Superintendent will manage all day-to-day operations and will, ideally, want to be considered to fill the General Manager position when it becomes vacant. Needed skills and experience include managerial experience in a municipal environment; the ability to interact with public; experience reporting to a board; a degree in Engineering or an equivalent level of practical experience; background in water, wastewater, electric and purchasing; knowledge of purchased power; experience working with unions; and proficiency in standard Microsoft Office suite. General IT knowledge preferred but not required. For more information, call 802-888-3348. To apply, please send a resume by Friday, July 4, 2014, to Craig Myotte, General Manager, Village of Morrisville, Water and Light Department, 857 Elmore Street, Morrisville, VT 05661. (6-3)

Road Foreman. The Town of Winhall is seeking a Road Foreman to serve as the working manager of the Town of Winhall Highway Department, both managing and carrying out a variety of highway and town maintenance tasks. The Foreman is responsible for the day-to-day operations of the Highway Department. This position requires experience in personnel management, highway and bridge construction and maintenance, mechanical ability, record keeping, computer experience, and communication skills. A complete job description is posted at www.vlct.org/assets/Marketplace/winhall_road_foreman.pdf. For more information, call 802-297-2119. To apply, email a cover letter, resume, and three references by Monday, June 30, to Lissa Stark, Winhall Town Administrator, at townadmin@winhall.org, or mail to Lissa Stark, Winhall Town Administrator, PO Box 420, Bondville, VT 05340. (6-4)

Police Dispatchers. The Town of Manchester, Vt. (pop. 4,391), seeks full- and part-time dispatchers with the Town of Manchester Police Department to receive and process routine and emergency calls and alarms; dispatch police and other public safety entities; enter, retrieve, and use data from various automated law enforcement information systems; coordinate with other emergency service providers; and perform other related duties as required. Candidates must be able to learn applicable policies, procedures, and work methods associated with assigned duties. Requirements: strong verbal and written communications skills; high school degree or equivalent; data entry experience, and communication skills. A complete job description is posted at www.vlct.org/assets/Marketplace/winhall_road_foreman.pdf. For more information, call 802-297-2119. To apply, email a cover letter, resume, and three references by Monday, June 30, to Lissa Stark, Winhall Town Administrator, at townadmin@winhall.org, or mail to Lissa Stark, Winhall Town Administrator, PO Box 420, Bondville, VT 05340. (6-4)

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.
CLASSIFIEDS

(typing) skills and proficient computer ability; candidate must be able to make good decisions under stressful conditions and must be U.S. citizen or permanent resident alien, eligible to work in the U.S., and be at least 18 years old by the time of appointment. The Manchester Dispatch Center is a 24-hour, seven days a week operation. Candidate must be willing to work evenings, nights, weekends and holidays. Final candidates must be able to successfully pass an intensive background check and polygraph test. Starting salary, $16.00 per hour, commensurate with experience and education. For more information, contact Michael L. Hall, Chief of Police, at 802-362-2022. To apply, submit a Town of Manchester employment application, which you can download from http://manchester-vt.gov/employment/. Resumes are not accepted in lieu of the application. Applications accepted until the positions are filled. EOE. (6-5)

FOR SALE

Water Operator. The Norwich Fire District is seeking a full-time (40 hours per week) Water Operator to help run its municipal water system, which has more than over 300 connections. Weekend sampling and an on-call emergency pager are required. The successful candidate must have a Class 3 Operator Certification or be willing to obtain it within one year. Hourly pay commensurate with experience; benefits are available. For more information, call the District Office at 802-649-5424.

Duck Truck. The Town of Shelburne has for sale a 2007 International 7500 single-axle dump truck. Vehicle includes Tencoside dump, snowplow, 10-foot wing, sander, warning lights, 350 hp engine with Allison automatic transmission. 39,300 miles. Well maintained, very good condition. Vehicle will be sold “as is.” Minimum bid: $42,000. You can inspect the vehicle at the Shelburne Vermont Highway Department, 114 Turtle Lane in Shelburne. For more information, call 802-985-5123. Submit sealed bid by 5 p.m. on Tuesday, July 1, 2014, 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. (6-5)

BRIDGE IN A BACKPACK

(continued from page 1)

system is based on technology developed over an 11-year period by the University of Maine’s Advanced Structures and Composites Center.

Municipal officials are invited to visit the job site in Fairfield, and VTrans will be organizing an open house in late July. The exact date will be determined by the construction schedule but the plan is for it to coincide with the installation of the main elements. Visit www.aitbridges.com for more information about Bridge in a Backpack.

If you are interested in participating in the tour, please contact Eileen Blake-Sayers at Eileen.Blake-Sayers@state.vt.us.

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Workplace Safety

Fred Satink, VLCT’s Loss Control Supervisor, outlined the principles of a successful Return to Work program, which is **initiated by the employer and conducted in coordination with the insurer** (such as VLCT PACIF) and the medical provider (ideally an Occupational Health specialist). He also explained how Rutland City tackled a common disincentive to using an RTW program – the fact that a department’s payroll budget is seldom sufficient to cover the combined costs of an injured worker’s modified duty wages and any overtime or additional worker’s wages that must be paid during the recovery period – by budgeting a separate city-wide line item specifically for the wages of injured employees working on modified duty.

Mike Flora, Safety and Health Director of Burlington Electric Department (BED), described how he worked with Charles at IHMS to create BED’s Stay at Work Program. Mike pointed out the importance of **using a formal process** in which each injured employee who is eligible for the program learns exactly what to expect at every stage, and the manager in charge of that employee’s SWP actively monitors the employee’s progress while letting the doctor and insurer handle the medical details at every stage. In general, it is best to use a graduated approach that assigns increasing functional demands as the employee recovers. A key element of a successful RTW program is the employer having **clearly defined functional job descriptions**. Knowing the employee’s job duties and required functions helps the medical provider to identify appropriate transitional duties. Employers with labor contracts can expect the union to make sure that any recovering union member’s long-term full-time job description and pay rate are not changed. Research shows that employees who participate in RTW programs tend to recover more quickly and more completely than those who stay at home the entire time.

Safety and health enthusiasts can plan to attend two other intriguing day-long events coming soon: the Safety and Health Council of Northern New England’s Vermont Summer Safety Retreat on Wednesday, August 20th at Camp Ohana in Post Mills, and the 2014 Vermont Safety and Health Council Expo on Friday, October 3rd in Killington. You are also welcome to call 800-649-7915 and speak with Fred Satink about Return To Work programs or with Heidi Joyce about wellness and Total Worker Health.

Ione L. Minot
Contributing Writer

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Upcoming Events

Questions? Visit www.vlct.org/eventscalendar to register and for the most updated information and events.

Vermont League of Cities & Towns
TOWNFAIR2014

Save the Date for Town Fair!
Thursday, October 9, 2014

Town Fair 2014 will be held on October 9 at the Champlain Valley Expo Centre in Essex, Vermont. General Exhibitor registration began Monday, May 12. Attendee registration information will be mailed to VLCT members and posted on our website in July.

We look forward to seeing you!

VLCT’s 2014 Local Officials Golf Outing

- Date: Wednesday, August 13
- Time: 8:00 a.m. check-in; 8:30 a.m. shotgun start
- Location: Green Mountain National Golf Course, Killington, Vt.
- Fee: $65 per person includes shared cart, snack, and lunch
- Registration and payment: due by July 25. If you didn’t get our email, please visit www.vlct.org