Statewide Parcel Mapping

Can statewide parcel mapping support your community? For the past few years, VLCT has been a participant in discussions on how best to develop a statewide parcel mapping program. The program is intended to serve as a steward for consistent, up-to-date statewide parcel data that are available to the state, towns, and the public. Parcel data, when combined with other information, can identify areas suitable for locating a business, improve emergency response, and even find land that is not being taxed.

For example, the Town of Waterford found several properties last year that were not on the tax rolls! VLCT is working with the State Department of Housing and Community Development (http://vcgi.vermont.gov/) to create the statewide data set and then develop a process for ongoing maintenance, without creating an added financial burden to Vermont's cities and towns. More information is on the Statewide Digital Parcel Data Proposal summary (http://www.vlct.org/assets/News/Current/2016-statewide-digital-parcel-data.pdf) and the Statewide Parcel Mapping Program flyer (http://www.vlct.org/assets/News/Current/2016_statewide-parcel-mapping-program.pdf).

Colchester: Vermont’s First Digital Community

After many years of grappling with what to do with the onslaught of land records, the Town of Colchester has emerged into the digital age. Deeds, easements, mortgages, and similar documents dating back to 1987 are now available on the web as well as at computer terminals at the Town Hall, with all records dating back to 1922 to be available within the year. Half of all of the Town’s permits, subdivision, and other planning and zoning records are also available on the web, with all of the remaining records to be available by May 1st. Many years of work have gone into this unprecedented digitization of Town records with Karen Richard, the Colchester Town Clerk, taking the lead.

The year was 1998 and Colchester’s land records only existed in books and files. Deeds, permits, easements, and various subdivisions overflowed every nook and cranny of the Colchester... (continued on page 11)

Below left: a portion of the land record volumes added to the Town Clerk’s vault since 1998. Below right: one eighth of the Planning and Zoning files being prepared for scanning.

What to Include in an Employment Ad

The Municipal Assistance Center is often asked by members whether they are legally required to post job openings when hiring employees. The short answer is that there is no state or federal law that specifically requires a municipal job posting, but members must heed other relevant requirements such as a town hiring policy or union contract provision. They should also consider past hiring practices and public expectations. Sometimes there are good reasons to fill an opening without posting it, e.g., having to fill the position immediately, certain instances of promotion from within, or hiring a second choice when the first person hired does not work out. In most municipal hiring situations, however, online and print... (continued on page 15)

VLCT members may post their job openings on the VLCT website free of charge.

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More than 150 local officials met in Montpelier on February 10 to spend a day with legislators and follow issues in the State House as part of VLCT’s 2016 Local Government Day in the Legislature. This year, the event was co-sponsored by the Vermont Municipal Clerks’ and Treasurers’ Association, the Vermont Assessors and Listers Association, the Green Mountain Water, Environment Association.

After Montpelier Mayor John Hollar welcomed attendees, he introduced Governor Peter Shumlin who, as he has done many times before, discussed his roots in local government, emphasizing the close partnership that exists between local and state government in providing Vermonters the services they need. He took time to answer questions about legalization of marijuana, education funding, and the accomplishments of his administration during his tenure as governor. Later, representatives from the Vermont Center for Geographical Information displayed their digital parcel mapping project, which demonstrated potential statewide digital parcel mapping resources. Policy briefings on the State budget, implementation of the Vermont Water Quality Act, and the new elections system were conducted by the chief fiscal officer of the Vermont Legislative Joint Fiscal Office, the commissioner of the Department of Environmental Conservation, and the elections director of the Office of the Secretary of State, respectively. This all happened before attendees departed the Capitol Plaza for the State House to observe morning meetings or follow Curator David Schutz on a tour the State House. It was an active morning!

Indeed, the local-State governmental partnership that the governor mentioned seemed to be the theme of the day. Whether the issue was transportation networks discussed in the joint House and Senate Transportation Committees’ hearing, stormwater management in the House Fish, Wildlife and Water Resources Committee, or elections, shared services, Open Meeting Law requirements, or opiate addiction responses debated elsewhere, attendees made clear that only by working together will state and local governments be able to ensure safe, effective, and quality service to Vermonters.

(continued on page 14)
Who is digging in your town?

*Dig Safe members know.*

Demonstrate your commitment to the safety of your community by protecting your underground utilities from excavation accidents. Dig Safe is a streamlined communication process that notifies you of projects that could potentially damage sewer, water, drainage, fire alarm and traffic control facilities.

- Municipalities with under 100 miles of underground facilities (or street miles) pay only $1.00 per notification. Contact Dig Safe for an estimate.
- No expensive equipment needed - only an email address is required to receive Dig Safe tickets.
- Reduce notices with Dig Safe’s digital mapping system.
- 24/7 notification process.
- Electronic and voice-recorded data stored for your legal protection.
- Dig Safe meets or exceeds all of Common Ground Alliance’s Best Practice recommendations for the nation’s one-call centers.
- Dig Safe’s extensive advertising campaign raises awareness to call 811 before digging.
- Dig Safe’s detailed education program includes on-site safety seminars for excavators to learn damage prevention strategies and the requirements of the “Dig Safe” law.

Call 811 or visit digsafe.com to learn more about membership.
Frequently Asked Mud Season Questions

Can a town restrict the use of its roads during mud season?

Yes. The selectboard is authorized by 19 V.S.A. §§ 303 and 1110 to restrict the use of a town highway or even close that highway for a period of time when necessity demands. Selectboards frequently use this authority to prevent damage that might otherwise occur to a town highway during mud season. This authority is not seasonal, however; the selectboard may restrict or close a highway at any time when conditions are such that the traveling public, or the highway itself, might suffer harm caused by vehicles.

To restrict or temporarily close a town highway, a selectboard must pass a resolution at a duly warned open meeting. An example of such a resolution is as follows:

RESOLUTION FOR TEMPORARY CLOSURE of [insert name of town highway] in [insert name of town], VERMONT

WHEREAS the present conditions on [insert name of highway] are such that the traveling public, or the highway itself, might suffer harm caused by vehicular use of that highway due to [insert reason such as “excessive mud,” “erosion from recent storm,” etc.], and

WHEREAS, the [insert name of town] Selectboard is authorized under 19 V.S.A. §§ 1110, 1112 and 24 V.S.A. § 2291(4), to regulate the use of motor vehicles on town highways and to adopt rules to restrict the use of town highways, NOW THEREFORE, the [insert name of town] Selectboard does RESOLVE that motor vehicle travel on [insert name of town highway] shall be [insert “prohibited” if the highway is to be closed; otherwise, insert restriction such as “prohibited except for travel by residents”] from [insert dates/times of closure].

DATED [insert date]
Signed [insert signatures].

Notice of the restriction or closure must be posted in at least two public places in town and signs provided by the Agency of Transportation must be “conspicuously placed” at each end of the portion of the highway that is restricted. 19 V.S.A. § 1110. The Municipal Assistance Center recommends as a best practice that the town maintain documentation of the time and date that a highway or bridge is posted for a seasonal restriction or closure and keep this documentation on file with the Vermont Department of Motor Vehicles (DMV), even though such documentation is not explicitly required in statute. The selectboard may also have physical barriers placed in the highway to prevent travel as long as those barriers are clearly visible and are accompanied by clear signage. 23 V.S.A. § 1112.

The penalty for violating a road closure is set by statute and therefore a town may not alter that penalty. Nineteen V.S.A. § 1110 states that “A person who violates these rules shall be guilty of a traffic offense under 23 V.S.A. chapter 23, for which he or she shall be fined not more than $100.00, and shall be liable to the State or town in which the damage is done for all damages to the highway to be recovered in a civil action.” This means that the person who is found to be in violation may be issued a traffic ticket by a law enforcement officer. In addition to that ticketing process,

(continued on next page)
the town may sue the person in small claims court or superior court for the cost of repairing the damage caused to the road. A town may also recover the cost of aiding a stranded operator or moving a disabled vehicle that has been operated on a closed highway. 23 V.S.A. § 1112(c).

Can the selectboard lower the allowable weight limits during mud season?

Yes. The selectboard may lower the allowable weight limit on a town highway or bridge at any time, provided that it follows statutory process. Maximum allowable weight limits on highways and bridges are set by 23 V.S.A. § 1392. However, a selectboard may set lower limits on any of its class 2, 3, and 4 town highways or bridges based on its judgment of the best interest of the town. 23 V.S.A. § 1396. It is sometimes in the best interest of a town to lower weight limits on certain highways during mud season (or at other times) when operation by heavy vehicles might otherwise cause significant ruts or structural problems to the highway.

Local weight limits are set when the selectboard passes a resolution on the subject at a duly warned open meeting. In addition, the town must follow the procedures in 23 V.S.A. §§ 1397, 1400b. Specifically, signs giving notice of the limits must be posted at each end of each restricted highway or on the approaches to each restricted bridge. 23 V.S.A. § 1397. The town must also maintain documentation of the time and date a highway or bridge is posted, and keep all current restrictions on file with the DMV. Weight limits must be filed with the DMV within three working days of the date of posting in order to be enforceable. In addition, the town must annually file a “complete copy of the limitations” with the DMV not later than February 10 of each year. 23 V.S.A. § 1400b. Once conditions improve and the selectboard decides it is appropriate to raise the weight limits, it must go through the entire process of passing a resolution to change the local limit, posting the road, and notifying the DMV.

What kind of vehicles are exempt from road restrictions?

Our interpretation of the law is that no vehicles are exempt from highway closures, seasonal or otherwise, and therefore all vehicles must abide by those closures. The same is true for restrictions such as those that limit travel over a highway to “residents only.”

On the other hand, certain vehicles are exempt from locally imposed weight restrictions, even when those weight limits are imposed to protect roads during mud season. The vehicles that are exempt include state and municipal fire-fighting and construction machinery as well as “agricultural service vehicles” that weigh less than 60,000 pounds. 23 V.S.A. §§ 4(71), 1399, 1400d. An “agricultural service vehicle” is defined as “a motor truck that is registered with the DMV and is used for the purpose of transporting to or from a farm either: (A) agricultural inputs, including lime, fertilizer, commercial feed, or forages; or (B) agricultural outputs, including milk, vegetables, fruit, horticultural crops, forages, or livestock.” 23 V.S.A. § 4(71). Vehicles that fit such definition do not have to abide by local weight limits, even if they are set specifically to protect a highway during mud season.

Outside of the above exemptions, the operation of a vehicle in excess of the posted weight limit of a town highway without a

(continued on page 14)
Solar Project Permit is Denied by Public Service Board

Recently, the Public Service Board (PSB) did something it has only done a handful of times in recent history: it denied a petition – a certificate of public good (CPG) – to a company for construction of a solar installation.

In Vermont under 30 V.S.A. Section 248, developers that want to construct a solar or wind power generation facility must petition for, and be granted, a CPG from the PSB. The process to obtain a CPG – managed by a hearing officer assigned to each petition by the PSB – generally consists of a site visit to the proposed construction area, a technical hearing, the hearing officer’s written proposal for decision, and finally a PSB determination of whether the project complied with all Section 248 criteria – i.e., whether to grant the CPG. The process and requirements for obtaining a CPG vary depending on the type of project and its size; smaller projects generally undergo a less rigorous review.

Towns where projects are proposed often oppose the issuance of a CPG, contending that a project is inconsistent with the town plan. Despite this opposition, the PSB typically grants all CPG petitions. This is in spite of the statutory language guiding the CPG process which states that the PSB should give “due consideration” to a town’s recommendation regarding any given project. 30 V.S.A. § 248(b)(1). The PSB has historically viewed this statutory requirement as being more of a soft guideline. Therefore, many towns find that their efforts to oppose these projects are fruitless. The PSB’s recent denial of the petition by Chelsea Solar, LLC , is surprising not only because it is atypical, but also because the PSB based its denial on the fact that the project would be inconsistent with the town plan and would violate a clear, written community standard.


The background for this project is that Chelsea Solar, LLC, petitioned the PSB for... (continued on next page)
a CPG in June 2014 to develop a solar project in Bennington. During the petition process, Libby Harris, a Bennington landowner who opposed the project, was granted intervenor status limited to the issues of “orderly development, aesthetics, wind, and noise[].” Because of various delays the technical hearing on the project was not held until July 2015. Shortly thereafter, Chelsea filed a proposed order that was agreed to by the Department of Public Service (DPS) and the Agency of Natural Resources (ANR). Harris also filed a post-hearing brief opposing the project. Finally, the hearing officer wrote the proposal for decision (PFD) for the PSB’s consideration.

The PFD is the document that the PSB adopts as supporting evidence that it is appropriate to issue a CPG for a particular project. The PFD recites the technical aspects of a project, the effects on the environment, and, specifically relevant in this case, whether a project would have an undue adverse impact on the aesthetics and the scenic and natural beauty of an area. To determine the latter criteria the hearing officer and then the Board used the “Quechee Test.”

The Quechee Test was adopted by the Vermont Supreme Court in context of an Act 250 case involving the Quechee Lakes Corporation. In re Quechee Lakes Corporation, 154 Vt. 543 (1990). The test is a two-part process for determining whether a project would have an undue adverse impact on the aesthetics and the scenic and natural beauty of an area.

First, it must be determined if there is an adverse impact on the aesthetics and the scenic and natural beauty of an area. In order to make such a finding, the project must be evaluated to determine if it is out of character with its surroundings, taking into account the nature of the project’s surroundings, the suitability of the project’s colors and materials with the immediate environment, the visibility of the project, and the impact of the project on the open space. Second, if an adverse impact is found, the PSB must determine whether the adverse effect is “undue.” An adverse effect is undue if there is a finding of any one of the following factors:

• the project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area;
• the application fails to take generally available mitigation steps which a reasonable person would take to improve the harmony of the project with its surroundings; or
• the project offends the sensibilities of the average person (is offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area).

The first part of the Quechee Test was established in regard to the Chelsea Project because all of the parties agreed that the project would have an adverse aesthetic impact. This was because of its large scale, its location close to the welcome center, and that it would require clear-cutting a substantial portion of trees from a parcel that shields nearby residences from a highway interchange. However, the parties disagreed on whether the adverse impact was “undue.” The hearing officer concluded that the adverse impact was not undue because it did not violate a clear, written community standard. The hearing officer also concluded that Chelsea’s petition for a CPG complied with all applicable Section 248 criteria and, therefore, the hearing officer recommended that the PSB approve the project.

The PSB, rather than merely accepting the hearing officer’s conclusions, provided the parties the “opportunity to comment on the issue of whether there is language in the Bennington [t]own [p]lan that constitutes a clear, written community standard for the area in which the Project is proposed[.]” The PSB found that the standards and limitations on development that were articulated in the part of the town plan that addressed the Rural Conservation District (the proposed location for the project) did constitute “clear, written community standards.” The PSB stated that the language in the plan is “specific in nature, is specifically applicable to the Project site, and
Editor’s Note: This article, the second in a series written for the VLCT News, summarizes a portion of The Final Report of the President’s Task Force on 21st Century Policing, which was published in May 2015 and is available at www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. The first article in this series was printed in the February 2016 VLCT News. VLCT PACIF is using various means to encourage its member police departments to embrace and implement the principles discussed in the Final Report, which this series is intended to help non-police readers to understand. Most of the text below is taken directly or paraphrased from the part of the Final Report that explains Pillar 1.

Building trust and nurturing legitimacy on both sides of the police-citizen divide are necessary for maintaining a healthy democratic society. People are more likely to obey the law when they believe that those who are enforcing it have legitimate authority and are acting in procedurally just ways. Research demonstrates that adhering to the principles of procedurally just behavior leads to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels more inclined to comply with the law and the dictates of legal authorities — and is more willing to cooperate with and engage those authorities because it believes that they all share a common set of interests and values.

The principles of procedurally just behavior also apply within law enforcement organizations to agency practices and to relationships among officers and with leaders. Research shows that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily, and it follows that they are more likely to bring this respect into their interactions with the people they serve.

It is important to understand that a key component of external procedural justice — the practice of fair and impartial policing — is built on understanding and acknowledging human biases, both explicit and implicit. Bias has harmful effects, even if the biased person (officer or not) is unaware of his or her biases. To achieve legitimacy, mitigating implicit bias should be a part of training at all levels of a law enforcement organization. Rather than focusing on lines of authority that seem to separate police from the people they serve, officers need to recognize their implicit biases. This will help them more effectively listen to and respect the community’s needs and wishes.

Municipal police chiefs, officials, and administrators who are interested in this topic are encouraged to attend PACIF’s full-day 21st Century Policing Workshop on Friday, June 10, in Montpelier. Jim Baker, Director of Law Enforcement Operations and Support at The International Association of Chiefs of Police (IACP), will lead a variety of knowledgeable speakers.

The 2016 Roads Scholar Workshop Series. Many topics of value to municipal governments held at various locations statewide, presented by Vermont Local Roads. Details and registration information at www.localroads@vermont.gov/workshops. Questions? Call 802-828-3537 or -3768.

Deadline to Apply for PACIF Equipment Grant in Round 1 of 2016. Wednesday, April 30. PACIF members can apply for 50/50 matching funds toward certain safety-oriented equipment. Please go to www.vlct.org/rms/pacif/pacif-equipment-grants/ for this year’s guidelines and application.

One-Day EMS Fit Responder Train-the-Trainer Course. 9:00 a.m. to 5:00 p.m., dates and locations listed below. Presented by PACIF with Bryan Fass of Fit Responder. $25 non-refundable fee. Lunch will be provided. For more information, see page 12.

Wednesday, May 4, Barre City Public Safety Building, 15 Fourth Street, Barre.
Thursday, May 5, Shelburne Rescue, 154 Turtle Lane, Shelburne.
Deadline for Unemployment Insurance Program members to submit their 2015 wage reports. Friday, May 6, by email to kavery@vlct.org. Start with the correct Excel file, posted at www.vlct.org/rms/unemployment-insurance-trust/. Questions? Call Kelley Avery ASAP at 800-649-7915.

One-Day Risk Management Workshops for Highway Supervisors and Road Foremen. 8:30 a.m. to 3:30 p.m., three dates and locations listed below. Preregistration is required. Open and free of charge to all VLCT PACIF members. Lunch will be provided. For details and to preregister, please email Losscontrol@vlct.org or call VLCT PACIF Loss Control at 1-800-649-7915.

• Tuesday, May 24, Londonderry Town Office, 100 Old School Street, South Londonderry.
• Wednesday, May 25, Public Safety Building, 316 Main Street, Lyndonville.
• Thursday, May 26, Holley Hall, 1 South Street (Route 116) Bristol.

One-Day 21st Century Policing Workshop. Friday, June 10, Capitol Plaza Hotel and Conference Center, Montpelier. Presented by VLCT PACIF, the Vermont Criminal Justice Training Center, and the Vermont Association of Chiefs of Police. Jim Baker, currently of the International Association of Chiefs of Police (IACP), will lead a multi-format workshop with important and useful information for Vermont’s municipal police chiefs, selectboard members, and municipal managers. Look for more information via postcard and email. Registration will begin in April at www.vlct.org/events-news-blogs/event-calendar/. See related article on this page.
“Fit Responder” Training
Responders, paramedics, and emergency medical technicians (EMTs) run a particularly high risk of incurring severe – and at times debilitating – muscle strain from lifting and transporting victims. On May 4th and 5th, two new train-the-trainer classes will introduce PACIF members to a scientifically valid and evidence-based system for reducing the severity and number of strain-related injuries among fire and EMS personnel. Presented by Bryan Fass of Fit Responder (a public safety fitness and injury prevention organization based in North Carolina), this Injury-Free System training is designed for trainers, supervisors, commanders, and fitness-minded staff of emergency response organizations. Each participant will receive all the materials required to present this training to his or her department. The May 4 training will take place at the Barre City fire station, and the May 5 training will be at Shelburne Rescue. Details including cost and registration information have been emailed to all appropriate PACIF members.

Dental 1: Group Open Enrollment for FY Coverage
The municipalities that obtain group dental benefits from Northeast Delta Dental through the VERB Trust on a fiscal year (FY) basis (most of you) can expect to receive your renewal mailing with rate information and Open Enrollment instructions in early May. Kelley Avery will send all the important details by both regular mail and email. If you have any questions or require additional information regarding the VERB Trust’s Group Dental Program, please contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

Dental 2: New Individual Direct Program
In an effort to expand dental coverage to even more people, the VERB Trust now offers Northeast Delta Dental’s Individual Direct plans. These are plans that individuals sign up and pay for directly with Delta. The municipality doesn’t handle any payroll deductions or extra paperwork. These Individual Direct plans include:

- Up to 100% coverage for diagnostic and preventive services like exams, cleanings, and x-rays
- Coverage for basic restorative services like fillings, extractions, and periodontal maintenance
- Coverage for major restorative services like root canals, crowns, dentures, and implants (on select plans)

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For DPW Supervisors: Regional One-Day Workshops in Risk Management
Last May, after VLCT PACIF’s Loss Control team acknowledged the sheer volume of topics and materials that they were delivering in various ways and at different times to the managers and supervisors of municipal public works and highway departments, they wrapped a wide range of DPW-related risk management information into one two-day workshop. While it was originally scheduled for Montpelier, so many people signed up that the location was moved to the basement of the Barre Auditorium. OSHA/VO-SHA-compliant safety programs, substance testing requirements for CDL drivers, staff hiring and management issues, traffic control practices, and preventing common and serious workers’ comp claims were all addressed in sessions that were led in turn by each of the five Loss Control team members. In addition, plenty of time was allowed for attendees to ask questions and share their experiences with each other.

Last year’s two-day workshop was well attended by people who travelled to Barre from all directions. The photos below give a taste of how it worked. Feedback at the close of PACIF’s first Risk Management Workshop for Highway Supervisors coalesced on three points: future workshops should take place in different regions of the state so people don’t have to travel as far, the most important topics could be fit into a one-day format, and a complete Reasonable Suspicion training (a federal requirement for supervisors of CDL drivers) would be appreciated. PACIF handled the last one first by presenting a full Reasonable Suspicion training and certification at Town Fair in Killington last October, and more of them will be offered elsewhere this year. The other two suggestions will be honored at three different locations late this May, when Loss Control team members host three one-day DPW Risk Management workshops in Londonderry on Tuesday, May 24, in Lyndonville on Wednesday, May 25, and in Bristol on Thursday, May 26. Please see the RMS Calendar on page 8 or more information.
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THE PSB determined that the project would violate three of these four clear, written standards of the town plan because it was not residential development, would remain visible on a hillside above the welcome center, and would necessitate clear-cutting substantial acreage of a dense and “mature” forest. Therefore, because the project violated a clear, written community standard, the adverse impact was “undue” under the Quechee Test analysis. 

Chelsea had a different take on the Bennington town plan language. Citing a previous PSB decision involving a solar project in the Town of Rutland (“Cold River”), Chelsea argued that the Rural Conservation District’s specific development limitations within the town plan were tantamount to de facto zoning bylaws and should not be relied on, because to do so would be “contrary to the intent of the Legislature in providing an exemption from zoning by-laws for Projects reviewed under Section 248 [criteria].” Petition of Rutland Renewable Energy, LLC, re Reconsideration of the Cold River Project, Docket 8188, Order of 5/6/15. In other words, Chelsea argued that the Rural Conservation District standards were really zoning bylaws dressed in a town plan costume because of how narrow and specific they were, and therefore should be disregarded.

The PSB rejected Chelsea’s argument and distinguished the Cold River decision. In Cold River, the town plan applicable to the project contained standards that were town-wide and failed to identify the project’s parcel as a specific scenic resource “worthy of protection.” Unlike Cold River, the PSB stated that Bennington town plan standards in the Rural Conservation District “were established to conserve the rural character of a particular area of Bennington, not to create town-wide [regulations].”

Chelsea also argued that the standards within the Rural Conservation District were more advisory than mandatory. Citing language within the town plan’s Rural Conservation District section, the PSB found the converse to be true: that the standards were mandatory (e.g., “[s]pecific standards shall apply to new development...”) (Emphasis added.). After addressing all other issues, the PSB concluded that, because the project failed the second prong of the Quechee Test, it did not meet all the criteria under Section 248. Therefore, Chelsea’s CPG was denied.

It is also important to note that the PSB found that the project would unduly interfere with the orderly development of the region. The PSB, citing once more the language of the Rural Conservation District stated, “the [t]own [p]lan articulates specific land conservation measures applicable to the Project site that would be violated if the Project were to be constructed.”

VLCT will follow the case to see if Chelsea appeals the PSB decision to the Vermont Supreme Court. If there is an appeal and the PSB decision is upheld, this case – and, notably, the language of Bennington’s town plan – may be useful as model language for other Vermont towns wishing to use their town plans to properly site or restrict altogether solar and wind development.


Carl Andear, Staff Attorney I
VLCT Municipal Assistance Center
Town Offices. These documents, considered essential to the sale and purchase of properties, were without back-up in the case of fire, a spilled cup of coffee, or other disaster. Trying to search the documents was also arcane and relied upon card indexes and a simple permit database consisting of a permit number and address that was often prone to errors. Newly minted Town Clerk Karen Richard knew this system needed improvement and set out on an ambitious path to bring the Town’s land records into the new millennium.

The volume of files overwhelmed the traditional services used by towns to backup records such as the Vermont State Archives in Middlesex. With the volume of land records increasing and over 10,000 new documents being recorded in the vault alone each year, Colchester entered into a pilot project for digitizing records in 2003. Efforts began “in house” to scan records, with land records being converted to microfilm by Inception Technologies. While these files were being scanned and preserved, the Town still lacked the method to search the paper and now digital records. With the use of records preservation funds, $2 of each $10 paid by those recording documents with the Town, the Clerk’s Office moved forward with implementing a fully digital system. ACS, a Xerox company, was selected to scan and index the Town’s vault land records; simultaneously, the Planning and Zoning Department began to scan its records into the new millennium.

During the past year, the Colchester Planning and Zoning Department has transitioned from an in-house digitization process that scanned permits as time allowed, to a rapid implementation program with Inception Technologies and EdgeSoft Inc. Over the past 13 months, all of the department’s records were shipped in 356 banker boxes to Inception for scanning and indexing. Sarah Hadd, Director of the Planning and Zoning Department, estimates that over 1,300 staff hours have been dedicated to the process as each file was reviewed and labeled prior to shipping. With the help of volunteers, including Pam Loranger, Ed Richard, and Nancy French Breiner, duplicates were removed from files, which reduced the cost of the project as well as file storage by as much as 30 percent. Costs of the project have also been covered by records preservation funds paid by applicants ($4 on each building permit as well as other permits). The department is now in the process of linking all of these scanned files into eLMS, an online permitting system provided by Edgsoft. By May 1st, all of the department’s records will be available online with full online permitting services also anticipated by year’s end.

In moving to more online services, the Town Clerk has also worked with ACS to make historic land records available for viewing and printing online.

Town Assessor Bob Vickery of the Assessor’s Department have also implemented an online interactive map with Cartographic Associates, Inc. This map service allows for the search of a property by the owner’s name, address, or parcel ID as well as abutter searches. Information available includes assessor cards containing a description of the property, estimated acreage, assessed value, and the book and page of the last known deed on the property. Zoning, wetlands, streams, floodplains, and E911 numbers are available in the map that also includes street view and orthophotography. The interactive map often serves as a first stop to provide basic information on a property. Once an address or owner is determined, users then often continue on to search the records of the Clerk’s Office or the Planning and Zoning Department.

The result of Colchester’s efforts is unprecedented access to all of its records. The Planning and Zoning Department’s permit process will be fully transparent with the public able to view permits, the status of applications, violations, and subdivisions. Last minute real estate closings will not have to wait for the Town Offices to open to check and see the title history or permit status. If a septic system fails on a weekend, property owners can find their tanks to have them pumped. The once overflowing paper that consumed the Town Offices in 1998 is being replaced with the hum of small electronic servers. To access any of these new services or receive a tutorial on them, please visit our website, www.colchestervt.gov.  

Sarah Hadd
Director of Planning and Zoning
Town of Colchester, Vt.

TRIVIA

Steve Hier, Carol Hammond, Michael McCarthy, Pam Bolster, Jim Pease, Ann Myers, Bevan Quinn, Trevor Lashua, and Scott Murphy of Weathersfield, Vernon, Georgia, the Northwest Vt. Solid Waste Management District, Morristown, Essex, Guilford, Hinesburg, and Wilmington, respectively, knew that Rudyard Kipling built Naulakha in Dummerston, which featured Vermont’s first full tennis court. (Want to channel your inner Gunga Din? You can rent Naulakha for $390 a night.) Saxtons River’s Louise Luring, meanwhile, correctly answered the first three queries.

Seventeen hundred and twelve years ago, a Roman soldier was killed for sheltering a Christian priest. (Thank goodness those days are long past!) A Vermont town was named for the soldier. Which town?

Email your answer to dgunn@vlct.org. The answer will appear in the attractively atmospheric May issue.

A Vermont town was named for the soldier. Which town?
Nathan Melendy is the new Claims Representative in VLCT’s Property and Casualty Section. Born and raised in Barre, Nathan later studied History and Russian and Eastern European Studies at Fairfield University. Still later, he journeyed to Fredericksburg, Va., and Fort Collins, Colo., where he performed professionally in musical theater (remember Olin Brit in “The Music Man” or Reuben in “Joseph and the Amazing Technicolor Dreamcoat” – that was Nathan!), worked in the restaurant industry, and painted commercial and residential interiors and exteriors – though not all at the same time. Eventually, he returned to Vermont to work in Vermont Mutual’s Claims Department. What comes around, goes around – or is it the other way around? – and Nathan again lives in Barre, though now with a wife, twin sons, and a dog. In his spare time – which, not counting driving, totals one hour a week – he plays in the Vermont Floor Hockey Association. And, unless I dreamt it, he hopes one day to build a hang glider out of 37,000 Post-It Notes and fly it to the Bahamas and back.

In mid March, one week shy of her 19th employment anniversary here, erstwhile Information Systems Administrator Jill George assumed the brand new position of Business Analyst. In her new role, Jill will help RMS staff develop strategic initiatives and business processes, such as cleaning up RMS’s claims data hand in hand with various staff members and outside vendors. Jill started her VLCT tenure in Administration before moving to I.T. in 2000. The transition to Risk Management Services would thus seem to be a natural evolution for her.

To ketchup on recently missed milestones, 2015 was the 10th employment anniversary for Senior Communications Associate Allyson Barrieau, Workers’ Compensation Claims Representative Tanya Chambers, and Senior Production Specialist Roxanne Pike, and the 20th anniversary for Human Resources and Administration Director Jessica Hill.

Witamy, Nathan, i gratulacje, Jill, Allyson, Tanya, Roxanne, i Jessi.

Reminder: 2015 UI Wage Reports are Due

Any groups participating in the VERB Trust UI Program that have not yet completed and submitted their 2015 UI Annual Wage Report will please do so by Friday, May 6th. Remember to start with this year’s Excel file, posted on our Unemployment Insurance webpage.

If you have any questions, email Kelley Avery right away at kavery@vlct.org.
Audit Services. The Northwest Vermont Solid Waste Management District in Georgia, Vermont, is requesting proposals from qualified certified public accounting firms to audit its financial statements for the fiscal year ending June 30, 2016, with an option for auditing services for an additional two years. For a copy of the RFP or if you have any questions, please contact Pam Bolster, Finance/Business Manager, at manager@nwswd.org, 802-524-5986 ext 13 or NWSWD, 156 Morse Drive, Georgia, VT 05454. The deadline to submit proposals is Friday, April 29, 2016. (03-02)

Real Estate Appraiser II. The City of Lebanon, N.H. Assessing Department is seeking qualified and interested candidates for the full-time, LPASE-represented position of Real Estate Appraiser II. Responsibilities include inspecting properties, processing abatement requests, conducting property valuations, responding to taxpayer inquiries, preparing the taxable property inventory list, and assisting in assessment defense. Specific duties are posted at http://www.vlct.org/marketplace/classifiedads/real-estate-appraiser-ii/. Requirements: Associate’s degree in mathematics, business, reading maps and plans or schooling in real estate appraisal; three to five years of prior experience in real estate appraisal or property assessment; or any equivalent combination of experience which demonstrates possession of the required knowledge, skills, and abilities; Licensed Real Estate Appraiser and approved by the New Hampshire DRA as a Certified Property Assessor Assistant or ability to obtain a license and approval within one year of appointment; valid driver’s license. Salary range, $24.42 to $30.53 an hour. A complete job description is available at http://www.hl.lebnh.net. To apply, email a completed City of Lebanon Employment Application (available at http://lebcity.net/Jobs/Employment-Form.pdf) to human.resources@lebcity.com, or mail to City of Lebanon, Human Resources, 51 North Park Street, Lebanon, NH 03766. EOE. (03-04)

Assistant Chief Operator. The City of Newport is seeking a full-time Assistant Chief Operator for its Wastewater and Water Treatment Facilities. Requirements: Vermont Grade 3 Wastewater and Water Certifications or the ability to obtain them within one year; be highly motivated, have a working knowledge of all scopes of wastewater and water facility maintenance, process controls, laboratory procedures, and be experienced with PLC, CPU, and VFD controls. The wastewater facility is a 1.3 MGD secondary activated sludge facility with chemical precipitation for phosphorus reduction. The city has 11 sewer lift stations ranging from dry/wet well, air induction, above-ground, and submersible. The water system consists of two drilled wells with an average 0.7 MGD of water production, an arsenic treatment facility, reservoir, water tower, booster pump station, and pressure reducing valves. The operating platform is a wireless web-based Mission Control System. The city offers an excellent benefits package including vacation, retirement, and health insurance. For more information, call 334-2124. Apply by Thursday, March 31, 2016, to Thomas L. Bernier, Director of Public Works, City of Newport, 222 Main Street, Newport, VT 05855. EOE. (03-09)

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**Classifieds**

Please visit the VLCT website www.vlct.org/marketplace/classifiedads to view more classified ads.

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**VLCT NEWS**

Advertising Information

The VLCT News is published eleven times per year – the August and September issues are combined – and reaches readers no later than the first week of the month.

Two kinds of advertising are available in the VLCT News:

CLASSIFIEDS

(Posted online and also placed in the printed VLCT News)

The VLCT News publishes classifieds 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.

While there is no deadline for posting classifieds online, the print advertisement deadline (below) applies to classifieds that run in the printed VLCT News.

Classifieds are generally limited to 200 words due to limited space in the newsletter, but they may be longer when posted online. The online version can also include hyperlinks to images or other websites.

For more information on placing classifieds, contact classifieds@vlct.org.

DISPLAY ADS

(Placed in the printed VLCT News)

The deadline for submitting display advertisements is the first Friday of the month prior to the issue date.

Download a calendar of print deadlines and find information on print ad requirements, sizes, and prices at www.vlct.org/advertising-information.

For answers to specific questions about print advertising, email vlctnews@vlct.org.

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**Help Wanted**

Audit Services. The Northwest Vermont Solid Waste Management District in Georgia, Vermont, is requesting proposals from qualified certified public accounting firms to audit its financial statements for the fiscal year ending June 30, 2016, with an option for auditing services for an additional two years. For a copy of the RFP or if you have any questions, please contact Pam Bolster, Finance/Business Manager, at manager@nwswd.org, 802-524-5986 ext 13 or NWSWD, 156 Morse Drive, Georgia, VT 05454. The deadline to submit proposals is Friday, April 29, 2016. (03-02)

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**Need Non-group Dental?**

Anyone can use this link: www.deltadentalcoversme.com/?agency=1782087519 to buy excellent single, couple, or family coverage at low rates directly from Delta. For more information on VLCT’s new Individual Direct Dental program, see page 9.
Local Government Day
(continued from page 2)

VLCT Executive Director Maura Carroll also highlighted opportunities for partnership in her remarks to the attendees. She asked members to “boldly request that legislators acknowledge what we already know – local government is and needs to be a partner with State government and can be a model to State government of getting things done, finding solutions, accepting compromise, adopting budgets, and meeting the needs of citizens.”

At lunch, local officials were joined by their legislators. Retiring Speaker of the House Shap Smith reflected on his parent’s tenure as constable and town clerk in Elmore. He spoke to the value of both that small town where he grew up and the caring community of Morrisville where he and his family now live, likewise emphasizing the partnership between local and state governments – although we don’t always see eye to eye.

After lunch, local officials returned to the State House to visit committees, participate in a joint hearing of the House and Senate Government Operations Committees and watch action on the floor of the House and Senate. They also had the opportunity to attend a Department of Taxes presentation about its new website and reorganization of resources for local officials.

It was a long day in the capital city packed with valuable networking opportunities. Thanks to all of you who attended. Your presence and participation are what make Local Government Day a success.

Karen Horn, Director
Public Policy and Advocacy

Ask the League
(continued from page 5)

permit is a statutory traffic violation for which the operator may be issued a state traffic ticket from a law enforcement officer. The penalties for violation of weight limits are established in 23 V.S.A. § 1391a and may not be changed by the municipality. In addition to that ticketing process, the town may sue the offender in small claims court or superior court for the cost of any damage caused to the road.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Center

How does – and how should – a town officer resign?


Public service, in all its myriad forms, is as rewarding as it is exacting. And while nobody assumes office with the intent of resigning, sometimes politics, health, family, career or other factors make it unworkable for a person to hold office. Unfortunately, Vermont statutes and courts have so far been silent as to the proper way to resign. The leading treatise on municipal law states that “[w]here the holding of an office is not compulsory, in the absence of legal provision, resignation upon delivery to the proper authorities takes effect without acceptance; and in such case a successor may be appointed or elected without the formal acceptance of the resignation.” McQuillen, Municipal Corporations, § 12.125. There being no “legal provision” in Vermont to the contrary, it seems appropriate to focus on receipt rather than acceptance of a resignation. This makes sense given that resignation is an act of one’s own volition and the alternative would be to force someone to keep serving against their will. Still, that answers only one of the many questions surrounding resignation. There are still the questions of how should it be given and to whom; whether it can take effect at some later date; and if it can be rescinded. If the town officer is an employee or elected or appointed officer covered by the town’s personnel policy, that document may answer some or all of those questions. Otherwise, we look to logic, practical considerations, and best practices for guidance.

As a best practice, a resignation should be given in writing and include an effective date and time that the resignation will take effect. This will avoid any uncertainty as to when the office will become vacant and when exactly a replacement can be selected. Using a written document will also help deal with the fact that people sometimes say things in the heat of the moment that they later regret. Confirming a verbal resignation in writing is the cleanest course of action, even if the verbal resignation was recorded in the minutes of a meeting. The words and actions of an officer taken together indicate that an officer intends to resign. A letter of resignation certainly helps solidify that intention.

A resignation letter should be addressed and presented to the public body or officer who appointed the officer or who has authority to appoint a successor. If the officer is elected, the resignation should go to the selectboard as it has a statutory duty to post notice of the vacancy and to fill it “forthwith by appointment in writing ... until an election is had[.]” Additionally, the town clerk, depending on the office, may have to notify the State. 24 V.S.A. §§ 961, 963.

Finally, since a resignation is completely voluntary and does not have to be accepted, a court would likely hold that when an officer has given a specified date for resignation, that officer is free to rescind his or her resignation at any time before the stated effective date. With respect to elected officers, adopting this practice takes into account that the resigning officer was elected by the people to serve a defined term of office and the voters’ will should be honored whenever possible. It also recognizes that sometimes a public officer may pull a “Constanza” and later want to change his or her mind before the effective date of the resignation.

Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

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of unqualified applicants. Likewise, listing the pay level or hiring range discourages applications from individuals whose compensation requirements are too high.

The job advertisement also provides the first opportunity for the candidate to evaluate the employer. This is because the evaluation and interview process goes both ways and potential candidates will judge the municipality even as they are being evaluated. Therefore, it is important to list not only what the municipality is seeking in candidates. To garner a stronger candidate pool and place the municipality in a positive light, ads should highlight why a qualified person would want to work for the municipality. Some examples of attractive work characteristics are job growth potential, training opportunities, a pleasant work environment, a vibrant downtown, collaborative colleagues, flexible hours, commuting conveniences such as proximity to a bus route, excellent benefits, and employee wellness programs.

Another feature of an effective employment ad is an appearance that draws the eye. This may include the municipal logo or other appropriate graphic image that provides a “flavor” of the town or city. A box-style ad needs a fair amount of white space to appear professional and readable so it pays to ensure it is large enough. If the ad needs to remain small for

**Employment Ad**

(continued from page 1)

employment ads serve as important tools to attract the best and broadest pool of candidates.

To write an effective job advertisement, it is essential to understand the type of candidate you seek. While that may seem painfully obvious, employers sometimes discover only later in their search process the candidate qualifications they don’t want. To avoid wasted time and needless angst, it pays to do a little homework to identify the traits of desirable candidates before you advertise.

The process starts with a well-written, up-to-date job description that clearly describes the job’s essential functions, requirements and success factors. Additionally, consider the following questions:

- Who has performed this job well and what traits have contributed to that success?
- What type of direct experience or training is needed and what skills and abilities gained in other arenas would transfer well to this role?
- Could a less experienced but talented person learn the job quickly enough, or is a more seasoned individual called for?

Armed with the job description and answers to these questions, it is much easier to write an ad that includes the essential information your target audience needs in order to make the decision to apply. These include:

- major job responsibilities;
- required qualifications such as education, experience, and skill level;
- additional qualifications that may be preferred;
- information about what makes the municipality an attractive place to work;
- title of the supervisor to whom the position reports;
- starting pay or hiring range;
- how to apply (such as via email, regular mail, or online application);
- what to include in the application materials (such as the municipality’s application form or a cover letter, resume, and contact information for three references);
- the application deadline or date on which review will begin; and
- the phrase “Equal Opportunity Employer” or its abbreviation, “EOE.”

It helps to be as specific as possible and include requirements such as certifications, licenses, expected work hours, or unusual work conditions. Such clarity will reduce the number of applicants. Likewise, listing the pay level or hiring range discourages applications from individuals whose compensation requirements are too high.

The job advertisement also provides the first opportunity for the candidate to evaluate the employer. This is because the evaluation and interview process goes both ways and potential candidates will judge the municipality even as they are being evaluated. Therefore, it is important to list not only what the municipality is seeking in candidates. To garner a stronger candidate pool and place the municipality in a positive light, ads should highlight why a qualified person would want to work for the municipality. Some examples of attractive work characteristics are job growth potential, training opportunities, a pleasant work environment, a vibrant downtown, collaborative colleagues, flexible hours, commuting conveniences such as proximity to a bus route, excellent benefits, and employee wellness programs.

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UPCOMING EVENTS

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

DELINQUENT TAX COLLECTORS WORKSHOP
   Wednesday, April 6
   Lake Morey Resort, Fairlee

TAX APPEALS WORKSHOP
   Tuesday, May 3
   Lake Morey Resort, Fairlee
   Tuesday, May 10
   Holiday Inn, Rutland

HR/EMPLOYMENT LAW WORKSHOP
   Thursday, June 2
   Capitol Plaza Hotel and Conference Center, Montpelier

GOVERNMENTAL ACCOUNTING AND AUDITING
   Wednesday, June 8
   Capitol Plaza Hotel and Conference Center, Montpelier

21ST CENTURY POLICING
   Friday, June 10
   Capitol Plaza Hotel and Conference Center, Montpelier

SPRING PLANNING AND ZONING FORUM
   Wednesday, June 15
   Lake Morey Resort, Fairlee

Vermont League of Cities & Towns
TOWNFAIR 2016
October 6, Champlain Valley Expo

Check out all of the upcoming MAC workshops online at www.vlct.org/eventscalendar!