
"THIS IS THE FIRST ISSUE OF A PUBLICATION WHICH IS PLANNED TO BE DISTRIBUTED MONTHLY. AFTER A SHORT PERIOD OF TRIAL AND ERROR IT IS HOPEFUL TO ISSUE IT [SIC] AS A PRINTED MAGAZINE. INFORMATION AND ARTICLES ARE PLANNED. IT CAN BE USED AS A FORUM FOR DISCUSSING OR REPORTING MUTUAL PROBLEMS OF VERMONT LOCAL GOVERNMENT AS WELL AS A MEDIUM TELLING OF EXPERIMENTS AND ACTIVITIES ELSEWHERE. IT WILL SERVE AS THE MEANS OF INFORMING MEMBER CITIES AND TOWNS OF LEAGUE ACTIVITIES AND PROPOSALS. SUGGESTIONS, COMMENTS, CRITICISMS AND REQUESTS FOR HELP WILL ALL BE THANKFULLY RECEIVED."

THE INTENT OF THE NEWSLETTER REMAINS REMARKABLY SIMILAR TODAY!

(Continued on page 16)
On May 25, 1961, President John F. Kennedy addressed a special joint session of Congress. In his speech, he declared the “urgent national need” to send an American safely to the moon by the end of the decade.

Eight years later, on July 21, 1969, this goal was met when astronaut Neil Armstrong climbed down the ladder of the lunar module Eagle and became the first human to walk on the moon. When he stepped on to the lunar surface, Armstrong famously said “That’s one small step for a man, one giant leap for mankind.”

While we all know of this historic event, far fewer know about a similar chain of events – a giant leap for Vermont cities and towns – that was occurring around the same time in the Green Mountain State. In 1958, the National League of Cities recommended the creation of a “Vermont League.”

Things didn’t move quite as fast as the moon launch. In 1964, six years after the NLC recommendation, discussion began anew and an organizing board was formed. Discussions continued for a year, and on September 22, 1965, a meeting was held in Montpelier to organize a state municipal league. Commitments to join and pay dues to the league plus attendance at the meeting were not enough to start the organization, but temporary officers and board members were elected to continue the process of moving towards organizing a Vermont League. An exerted effort to formally organize would again be considered once enough commitments were received.

After much work, an organizational meeting of VLCT was held at Montpelier City Hall at 10:00 a.m. on Tuesday, June 27, 1967. The meeting notice was sent out by Andrew Nuquist, VLCT’s Acting Executive Director and a professor at the University of Vermont. Nuquist was instrumental in getting VLCT off the ground in the early years and you will learn more about him in next month’s VLCT News.

At 10:20 a.m., the meeting was called to order by Corwin Elwell, Brattleboro Town Manager, and a member of the temporary Executive Committee. Bylaws were adopted, a nominating committee was appointed and, after a recess for lunch, the committee presented a slate of nominees for the Executive Committee that would oversee the operation of VLCT. James Lowe, Colchester Town Manager, was elected as VLCT’s first president along with 11 board members.

When the organizational meeting of VLCT adjourned at 2:00 p.m., VLCT was officially off and running – one giant leap for Vermont cities and towns.

David Sichel
Deputy Director, Risk Management Services
Effective and Lawful Interviewing

In the October VLCT News article titled “Important Steps to Hiring Well” (www.vlct.org/assets/Resource/General_Articles/2016/important-steps-to-hiring-well.pdf), we explored the use of executive session by governing bodies (www.vlct.org/assets/Resource/ATL/2016/ATL-executive-session-employee-interviews.pdf) for confidential interviews, describing how planning ahead is invaluable for attracting a strong pool of qualified applicants. As with painting a house, the prep work takes time but is well worth the effort, yielding far better and longer lasting results. This principle holds true for each phase of the recruitment process, no less so for conducting candidate interviews.

The recruitment process is a two-way street: potential candidates will evaluate your municipality just as much as you evaluate them. Interviewing affords the opportunity for both employer and candidate to assess one another’s merits and the potential for a good employment match. A candidate’s personal experience directly contributes, positively or negatively, to his or her view of your municipality. It is important to recognize that each candidate is a potential stakeholder; thus, even those not hired should feel they were treated fairly and respectfully.

While there are few interview questions that are in and of themselves illegal to ask, there are many questions that have the effect of discriminating against certain candidates. Discrimination in the hiring process, whether intentional or not, is illegal when it is based on certain personal characteristics (also known as “protected classifications”). The classifications of people that are protected by several state and federal laws are:

- race
- color
- religion
- ancestry
- sex
- sexual orientation
- gender identity
- age
- national origin
- place of birth
- marital status
- disability
- veteran status
- HIV status
- pregnancy
- genetic information

Questions that single out a candidate based on any one of the above classifications may be used as evidence of discrimination by the employer, even where there was no intent to discriminate.

One of the best ways to ensure that the interview process is legally sound and nondiscriminatory is to create job-related questions in advance, basing them on the job duties and qualifications needed to perform them. Ideally, these responsibilities and qualifications have been documented in an accurate, up-to-date job description. The prepared questions should be asked of all interviewees, not just certain applicants based on assumptions triggered by personal traits such as gender, last name, or skin color. Make sure each and every person involved in the search process understands the importance of avoiding topics and questions that unlawfully discriminate.

In a nutshell, when you treat candidates fairly and professionally by connecting interview questions directly to the qualifications of the job, you reduce the risk of a lawsuit and improve your chances of hiring a qualified individual. If you need help in creating interview questions or planning other recruitment activities, please contact the Municipal Assistance Center at 800-649-7915 or email your question to MAC-HR@vlct.org.

New Poster and Information Available on Vermont’s Paid Sick Leave Law

As of January 1, 2017, most Vermont employers must comply with Act 69 (21 V.S.A. §§ 481 et seq.), Vermont’s paid leave law that provides for a minimal amount of accrued, paid leave for many employees. Employers with five or fewer employees have an extra year to comply.

The Vermont Department of Labor (VDOL) has released a mandatory workplace poster to be posted by employers “in a place conspicuous to employees.” The poster is being added to VLCT’s 2017 workplace poster packet, available for purchase from the VLCT Bookstore, http://www.vlct.org/marketplace/bookstore/ or for free from VDOL.

For information about the law and to download the poster, visit the VDOL website, http://labor.vermont.gov/learn-more-about-vermonts-new-earned-sick-time-law/.

VLCT has also compiled a list of frequently asked questions and answers about the law. If you have further questions about how this new law affects your municipality, contact Jill Muhr in the Municipal Assistance Center at 800-649-7915 or email your question to MAC-HR@vlct.org.

New Form I-9 Must Be Used by January 22nd

The U.S. Citizenship and Immigration Services (USCIS) recently published its new version of Form I-9, the Employment Eligibility Verification form. Form I-9 is required to be used by employers in conjunction with their verification of the work eligibility status of new hires. The revised form must be used starting on January 22, 2017. Until then, the older version, dated March 8, 2013, may be used.

Further information about the employment eligibility verification process, including instructions and a handbook of guidance, are posted on the I-9 Central webpage, https://www.uscis.gov/i-9-central. You may also call Jill Muhr in the Municipal Assistance Center at 800-649-7915 or email questions to MAC-HR@vlct.org.

Jill Muhr
Human Resources Consultant
ATVs and Snowmobiles on Town Highways; Prepping for Town Meeting 2017

Do ATVs and snowmobile operators have the right to use town highways?

Yes, to a certain extent. Snowmobile operators have the right to travel on any town highway that is not maintained by the town in winter. In addition, snowmobiles may be operated on a town highway if the path of travel is located five or more feet from the plowed portion of the highway. 23 V.S.A. § 3206.

All-terrain vehicle (ATV) operators also have the right to travel on any town highway that is not maintained by the town in winter. The law also provides that an ATV that is being used for agricultural purposes on a farm may be operated three or more feet from the traveled portion of any highway within the confines of that farm. 23 V.S.A. § 3506.

Both snowmobiles and ATVs may be operated across a town highway when all of the following conditions are present:

1. the crossing is made at an angle of 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. the operator brings the snowmobile to a complete stop before entering the traveling portion of the highway;
3. the operator yields the right of way to motor vehicles and pedestrians; and
4. the operator is 16 years of age or older, or, if 12 to 16 years old, is under the direct supervision of a person 18 years of age or older.

Because the above rights are bestowed by state law, a town must allow such snowmobile and ATV use. A town may, however, impose restrictions regarding the time and manner of operation of snowmobiles and ATVs. 23 V.S.A. §§ 3210, 3510; 24 V.S.A. § 2291(4). Such restrictions must be imposed in the form of an ordinance in order to be enforceable. For instance, a town may – with some exceptions – prohibit the operation of snowmobiles between the hours of 11 p.m. and 6 a.m. 23 V.S.A. § 3206(b)(20). Any ordinance regulating use must be consistent with state law. 23 V.S.A. §§ 3210, 3510. Model snowmobile and ATV ordinances are available on the VLCT website, http://www.vlct.org/league-resources/.

Snowmobiles and ATVs may also be operated on any town highway that has been opened by an act of the selectboard and posted as such. 23 V.S.A. §§ 3206, 3506. For a selectboard to “open” a highway it is

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

sufficient to adopt a policy or pass a resolution (take a formal vote) at a duly warned selectboard meeting that declares that such highway is open for snowmobile and/or ATV use. Note, however, that if the selectboard intends to impose any enforceable restrictions on the time and manner of such operation, those restrictions must be imposed in a duly adopted ordinance in order to be enforceable. Regardless of the mechanism that the selectboard uses to “open” the highway, the selectboard must also have signage posted on the highway that provides notice that the highway is open to snowmobile and/or ATV travel. Signage must be in conformance with the Manual of Uniform Traffic Control Devices (http://mutcd.fhwa.dot.gov/), as required by 23 V.S.A. § 1025.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

Town Meeting 2017 is sooner than you think, but MAC is here to help now!

Town meeting 2017 will take place on Tuesday, March 7. To help you prepare for this important day in Vermont local government, the Municipal Assistance Center maintains a Town Meeting Resources webpage (www.vlct.org/league-resources/town-meeting-resources/) that contains information and models for your town meeting warning and the various articles placed on the warning as well as information on voter-backed petitions.

Town meeting warning. The town meeting warning and notice must be posted no more than 40 but no fewer than 30 days before town meeting, 17 V.S.A. § 2641(a). In 2017, the earliest day that the town meeting warning and notice may be posted is Thursday, January 26, while the last day to post the warning and notice is Sunday, February 5.

According to 17 V.S.A. § 2641:
• The warning and notice must be posted in at least two public places in the town and in or near the town clerk’s office. If the town has more than one polling place and they are not in the same building, the warning and notice must be posted in at least two public places within each voting district.
• The warning and notice must be published in a newspaper of general

(continued on page 15)
In the case of Shatney Home Occupation Denial, Docket No. 43-4-16 Vtec, the Environmental Division of the Vermont Superior Court (Environmental Court) recently answered a question long posed to VLCT’s Municipal Assistance Center (MAC): How are towns supposed to review a zoning application while the controlling bylaw is in the process of being amended? The answer turns on the Environmental Court’s interpretation of the following statutory language:

If a public notice for a first public hearing ... is issued under this chap-

ter by the local legislative body with respect to the adoption or amend-
ment of a bylaw ... the administra-
tive officer, for a period of 150 days following that notice, shall review
any application filed after the date of
the notice under the proposed bylaw
or amendment and applicable exist-
ing bylaws. ... If the new bylaw or
amendment has not been adopted
by the conclusion of the 150-day
period or if the proposed bylaw or
amendment is rejected, the permit
shall be reviewed under existing
bylaws. ... An application that has
been denied under a proposed
bylaw or amendment that has
been rejected or that has not been
adopted within the 150-day period
shall be reviewed again, at no cost,
under the existing bylaws and
ordinances, upon request of the
applicant. 24 V.S.A. § 4449(d).

(Emphasis added.)

‘Tis a lesson you should heed: Try, try, try again.
If at first you don’t succeed, Try, try, try again
– William Edward Hickson

The Shatney case concerns a family truck-
driving business, RLBL Trucking, LLC, run
by Earl Shatney, his wife Wilma, and their
son Jeffrey out of Earl and Wilma’s home
in East Hardwick, Vermont. This is not the
Shatneys’ first trip to Environmental Court.
In March 2015, the Court upheld the Town
of Hardwick’s issuance of a notice of viola-
tion (NOV) against the Shatneys for violat-
ing the performance standards laid out in
the Town’s Unified Development Bylaws.
Shortly after this decision, the Shatneys had

(continued on next page)
LEGAL AND REG.
(continued from previous page)

LegaL and reg. made several arguments, but the one of interest to this article was that their application should have been reviewed and approved under the proposed zoning amendment because 24 V.S.A. § 4449(d) requires the ZA to review any permit application filed after the notice for the selectboard's public hearing under the proposed bylaw for a period of 150 days following that notice. Since their completed application was filed within this 150-day timeframe and before the selectboard rejected the proposed amendments, their application should have been approved under the proposed amendment. In support of their position,

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 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

(continued on page 15)
Office Locations

1967-1970 ................................................................. University of Vermont, 475 Main Street, Burlington
1970-1974 ................................................................................................................................................................................. 27 Langdon Street, Montpelier
1974-1982 ............................................................... 118 Main Street (above Lobster Pot Restaurant), Montpelier
1982-1991 ................................................................................................................................................................................. 52 State Street, Montpelier
1991-1997 ................................................................................................................................................................................. 12½ Main Street, Montpelier
1993-1997 ................................................................. supplemental space rented at 94 Main Street, Montpelier
1997-today ................................................................................................................................................................................. 89 Main Street, Montpelier

(continued on next page)
Executive Directors

June 27, 1967, to April 14, 1968.................................Andrew Nuquist, Acting Executive Director
(He was a UVM Professor at the UVM Government Research Center.)

April 15, 1968, to March 14, 1969 ..................................Henry Warren

March 15 1969, to Dec. 31, 1969 .................................Andrew Nuquist (Interim Executive Director)

Jan. 1, 1969, to Sep. 30, 1982 .................................Robert Stewart (discontinued work in late August)

Sep. 1, 1982, to Dec. 15, 1982 .....................................Steven Jeffrey (Acting Executive Director)

Dec. 16, 1982, to July 4, 2015 ........................................Steven Jeffrey

July 5, 2015, to present .............................................Maura Carroll

(continued on page 16)

Economic Development Success Stories

As part of our fifty-year anniversary, VLCT wants to highlight the economic development achievements of our cities, towns, and villages that have resulted from the dedicated work of Vermonters. There are, after all, myriad success stories in all corners of our state that aren’t told outside of the community in which they occur. We believe that showcasing these local accomplishments will provide both models for action to your fellow municipal officials and an incentive to the legislature to invest in the cities, towns, and villages that make Vermont such a wonderful place to live, to raise families, to practice democracy, and to do business.

Do you have high-resolution pictures of your farmers’ markets and festivals, your art walks and strolling heifers, your busy downtowns and new business venture launches, your holiday parades and celebrations? If so, we would be delighted if you’d share them with us so we can in turn share them with our readers. We’d also like to display them at VLCT events, on our website, and on our Facebook page. Please email your digital files to me at khorn@vlct.org and be part of VLCT’s 50th anniversary. Thank you!

Karen Horn
Director, Public Policy and Advocacy
Cyber Monday and holiday shopping might be long forgotten, but many consumers have come to rely on online purchasing year-round. Now the VERB Trust’s partner for vision coverage, EyeMed Vision Care®, offers all participating subscribers the ability to buy their contacts and glasses online through two new in-network sources: Glasses.com and ContactsDirect.com. Being in-network means these sources will apply EyeMed benefits so subscribers only need to pay any additional costs.

Benefits of both Glasses.com and ContactsDirect.com include free shipping, shipping within 24 hours of purchase (once the prescription is verified), a wide variety of top-selling name brand options, and user-friendly websites.

Glasses.com has some additional perks: virtual 3D “try-on” technology to give you an idea of how the glasses will look on your face before you buy, and, if you order glasses and they aren’t exactly what you want for any reason, you can return them within 30 days for a full refund (with free return shipping).

(continued on page 14)
For Town Fair 2016, I was asked to organize a workshop that would both explore the emotional toll that police work can take on law enforcement professionals and explain a new resource to help PACIF member groups mitigate this toll. As the Clinical Operations Manager at Invest EAP, I am well aware of both the value of providing emotional support where it is needed and the importance that PACIF places on having its Employee Assistance Program be appealing and worthwhile for all members’ employees. This workshop would be an ideal opportunity to elicit the input and perhaps pique the interest of the Vermont police chiefs who would be on hand for their association’s annual meeting.

Entitled “Advancing Wellbeing in 21st Century Policing,” the workshop was based on Pillar Six of the Final Report of the President’s Task Force on 21st Century Policing. The report summarizes best practices for promoting effective crime reduction while building trust between law enforcement agencies and private citizens. Pillar Six of the report focuses on “Officer Wellness and Safety.” In law enforcement, emotional wellness and long-term health are at risk from situational trauma and excessive stress.

The formal presenters at the workshop were Dr. Thomas Powell and Dr. Victoria Marini, both of whom are clinical forensic psychologists working on contract with Invest EAP. I facilitated their interaction with each other and with the audience, and I explained how Invest EAP’s new EAPFirst program is getting started.

The well attended workshop featured a lot of positive audience participation, especially when the presenters discussed the events in law enforcement that can lead to stress and how that stress can manifest. As is illustrated in the “Stress Curve” chart above right, there is a crucial line between optimum stress, which promotes the highest performance, and too much stress (or overload), which creates less than optimal performance and can lead to burn-out.

One goal of the workshop was to help law enforcement leaders learn how to prepare their staff for exposure to trauma. The lack of such preparation, for example, contributes to the high percentage of police officers who, overwhelmed by stress after using deadly force on the job, leave law enforcement within five years. This fact then adds to the difficulties and high costs that chiefs and agencies encounter in having to replace these veterans. Stating this and other examples set the stage for discussing the critical role of specialized support and early intervention for psychological problems. Drs. Powell and Marini explained the following key preparatory steps for minimizing the negative effects of staff members’ exposure to traumatic incidents:

- as part of standard training, teaching law enforcement personnel a set of skills for inoculating themselves against stress;
- leaders being supportive and open to

(continued on page 13)
VLCT Board of Directors

Snapshot: Becca White

Three new members have graced VLCT’s Board of Directors meeting table since October, so it’s high time we began to profile them. Here's the first one.

**Rebecca (Becca) White**
decided to run for the Hartford Selectboard while she was in her last year at the University of Vermont and interning for the Vermont Commission on Women, a non-partisan state agency that advances rights and opportunities for women and girls. She says she made the decision after learning about the lack of women who were elected to local government positions in Vermont. According to a recent VCW report, in 2015 there was one woman for every five men in an elected role. “That was pretty shocking to me,” she says.

Becca came from a household where civic engagement was a family value. Her family relied on public assistance programs for some time so she always felt a sense of obligation to give back through public service. “It made perfect sense for my personal values and my desire to see more women represented for me to run for office!” she says.

Becca would like to see the VLCT Board of Directors be more proactive in recruiting individuals who are often disenfranchised or underrepresented to serve in elected positions. She also feels strongly that Vermont needs to meet its statewide energy goals. “I wish the VLCT would be more clear in supporting those goals and helping local communities see the value of renewable energy,” she adds.

Looking farther ahead – say, to July 8, 2021, when she’ll be one day shy of her 27th birthday – Becca says she hopes to still be working for a mission-driven company (she currently is Solar Community Organizer for SunCommon, Vermont’s largest solar installation company) and, ideally, “serving in the Vermont House of Representatives for Hartford or continuing [her] work on the selectboard.”

In related news, Becca – who, together with her partner Dylan, just bought a house in Hartford-not-Connecticut – counts among her animal companions a betta fish (Other social animals have alpha leaders but fish are betta, go figure.) named bell hooks, replacing Ruth “Beta” Ginsburg and Eliza-beta Warren, who, alas, are no longer among the living, piscinely. Betta fish, by the way, are also known as Siamese fighting fish, and we presume Becca will channel the best of those competitive qualities into fighting for Vermont’s energy independence.

We warmly welcome Becca to the VLCT Board of Directors!

David Gunn
Editor, VLCT News
addressing psychological issues;
• agencies providing access to a trained peer support system; and
• individuals being able and inclined to receive annual or biannual confidential psychological screenings and treatment.

Another essential element of addressing officer well-being is providing some form of emotional support to their families. EAP’s standard services are available 24/7 to all household members of all PACIF member employees (regardless of the employee’s exposure to trauma or stress).

We at Invest EAP developed our EAP-First program specifically to provide enhanced mental health support for the municipal employees who are most likely to encounter work-related trauma: First Responders. In the Town Fair workshop, EAPFirst was discussed as integral to the Vermont law enforcement safety net. Its specialized services include:

• a statewide network of licensed trauma clinicians specializing in law enforcement and emergency response trauma;
• post-incident early intervention and/or response;
• referral to long-term counseling as needed or desired; and
• department visits by clinicians.

This workshop’s topic was of such interest to audience members that many of them stayed beyond the scheduled time to continue discussing the issues with the presenters. In fact, two chiefs – Joseph Szarejko of Wilmington and Paul Doucette of Bennington – took that opportunity to ask that Invest EAP create a version of the workshop specifically for staff members of municipal police departments. (We did! Look for more information about it in a future VLCT News.) VLCT PACIF is optimistic that partnering the specialized mental health network of EAPFirst with the law enforcement infrastructure in Vermont will lead to positive results in the wellbeing and safety of municipal officers.

Myra Handy, LICSW
Clinical Operations Manager, Invest EAP
EyeMed’s Resources
(continued from page 10)

For how-to guides for purchasing on both sites, please refer to the Vision page on VLCT’s website at www.vlct.org/rms/verb/vision-coverage/, or contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT.

VERB’s Life and Disability Program is Open All Year

Since July 2014, the VERB Trust has partnered with Lincoln Financial Group, helping members enjoy substantial cost savings on life and disability coverage. Lincoln also recently announced it will guarantee its existing VERB Trust rates until July 1, 2019. And, perhaps best of all, VLCT members can sign up for Lincoln plans at any time of the year. With more than 100 years of expertise in life and disability insurance, Lincoln is a proven leader in the group benefits field. Their claim process uses real-time online systems where employers can access forms, view certificates, pay bills, and track the status of claims. Claims can be submitted online or by phone, fax, email, or regular mail.

With Lincoln, members also receive:
• access to extensive online resources;
• access to the Travel Connect and Life Keys programs (for those with Group Life); and
• access to employee-paid voluntary products such as Optional Life and AD&D.

If your group is interested in a quote with Lincoln for group life or disability (short-term or long-term), or if your group already participates in group life with Lincoln and wants to inquire about adding optional life and AD&D, please contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at VLCT.

WHAT?
NO Dental Insurance?

With VLCT’s new Individual Direct Dental, ANYONE who can’t get dental through work can now buy excellent coverage at low rates directly from Delta Dental just by using this link:
http://bit.ly/1SD0sMQ

For more information contact Larry Smith at lsmith@vlct.org or 802-229-9111

IRS Extends Deadline for 2016 ACA Employee Statements

On November 18, the Internal Revenue Service extended the deadline for furnishing to employees the Employee Statement portion of the Affordable Care Act (ACA) 2016 reporting requirement (namely IRS form 1095-B or -C) from January 31, 2017, to March 2, 2017. This reporting is required of Applicable Large Employers (ALEs), i.e. those with 50 or more employees. Despite the extended deadline, employers and other coverage providers should furnish these statements to their employees as soon as possible. The due dates for submitting the appropriate Transmittal forms (1094-B or -C) to the IRS for the 2016 reporting year remain Feb. 28, 2017, for paper forms and March 31, 2017, for electronic filing. Also in November, the IRS extended good-faith transition relief from penalties related to the reporting of 2016 information. For further information, please read Notice 2016-70 at www.irs.gov.

Meeting the Capital Needs of Vermont’s Municipalities Since 1970

The VMBB provides bond financing to Vermont Municipalities at low interest rates with a very low cost of issue.

Check out our website at vmbb.org. You can review and print loan schedules of projects that have been financed through VMBB and SRF programs. Or you can request an application for a new project.

For more information contact:

Vermont Municipal Bond Bank
20 Winooski Falls Way, Suite 305
Winooski, VT 05404

(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org

Lyndonville Substation

Vermont Municipal Bond Bank
20 Winooski Falls Way, Suite 305
Winooski, VT 05404

(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org

Lyndonville Substation

Vermont Municipal Bond Bank
20 Winooski Falls Way, Suite 305
Winooski, VT 05404

(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org

Lyndonville Substation
the Shatneys pointed to the sentence in 24 V.S.A. § 4449(d) which reads, “the [ZA], for a period of 150 days following that notice, shall review any application filed after the date of the notice under the proposed bylaw or amendment and applicable existing bylaws...”

The court denied the Shatneys’ appeal, citing an incomplete reading of the statute. The court reasoned that the Shatneys would be correct in their interpretation if the statute stopped at that sentence, but it does not. The statute goes on to state that “[i]f the new bylaw or amendment has not been adopted by the conclusion of the 150-day period or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws.” 24 V.S.A. § 4449(d). (Emphasis added.) The use of the disjunctive “or,” the court pointed out, “makes clear that... [t]he 150-day period does not apply if the reviewing body rejects the proposed bylaw or amendment.” Because the selectboard had rejected the proposed bylaw amendment, the ZA was not obligated to review the application under that amendment. “[T]he duty to review a zoning application under the proposed bylaw or amendment ends either after the 150-day period, or any time the proposed bylaw or amendment is rejected.” (Emphasis added.)

The court’s decision comes as no surprise as it is the same interpretation that MAC has consistently provided our members over the years. For the court to hold otherwise would create a regulatory scheme whereby an applicant could get a permit merely by proposing a favorable bylaw amendment. Such a back door process would allow for any and all development for a 150-day period after the noticing of the selectboard’s hearing on the amendment when supported by a petitioned bylaw amendment. The court’s decision in this case reinforces a fundamental concept of local zoning – a bylaw must first be adopted for a permit application to be approved.

The Shatney case is archived at https://www.vermontjudiciary.org/GTC/Environmental/ENVCRTOpinions2010-Present/Shatney%20Home%20Occupation%2043-16%20Vtec%20MSJ.pdf.

Garrett Baxter, Senior Staff Attorney, VLCT Municipal Assistance Center

the court’s decision in this case reinforces a fun-
ed by a petitioned bylaw amendment. The hearing on the amendment when support-
any and all development for a 150-day pe-
Such a back door process would allow for
proposing a favorable bylaw amendment.
an applicant could get a permit merely be
would create a regulatory scheme whereby
the Shatneys pointed to the sentence in 24
V.S.A. § 4449(d) which reads, “the [ZA],
for a period of 150 days following that no-
tice, shall review any application filed after
the date of the notice under the proposed
bylaw or amendment and applicable exist-
ing bylaws...”

The court denied the Shatneys’ appeal, citing an incomplete reading of the statute. The court reasoned that the Shatneys would be correct in their interpretation if the statute stopped at that sentence, but it does not. The statute goes on to state that “[i]f the new bylaw or amendment has not been adopted by the conclusion of the 150-day period or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws.” 24 V.S.A. § 4449(d). (Emphasis added.) The use of the disjunctive “or,” the court pointed out, “makes clear that... [t]he 150-day period does not apply if the reviewing body rejects the proposed bylaw or amendment.” Because the selectboard had rejected the proposed bylaw amendment, the ZA was not obligated to review the application under that amendment. “[T]he duty to review a zoning application under the proposed bylaw or amendment ends either after the 150-day period, or any time the proposed bylaw or amendment is rejected.” (Emphasis added.)

The court’s decision comes as no surprise as it is the same interpretation that MAC has consistently provided our members over the years. For the court to hold otherwise would create a regulatory scheme whereby an applicant could get a permit merely by proposing a favorable bylaw amendment. Such a back door process would allow for any and all development for a 150-day period after the noticing of the selectboard’s hearing on the amendment when supported by a petitioned bylaw amendment. The court’s decision in this case reinforces a fundamental concept of local zoning – a bylaw must first be adopted for a permit application to be approved.

The Shatney case is archived at https://www.vermontjudiciary.org/GTC/Environmental/ENVCRTOpinions2010-Present/Shatney%20Home%20Occupation%2043-16%20Vtec%20MSJ.pdf.

Garrett Baxter, Senior Staff Attorney, VLCT Municipal Assistance Center

The warning and notice must include the date and time of the election, the location of the polling place(s), and the nature of the meeting. The warning must, by separate articles, specifically indicate the business to be transacted, including the offices and questions to be voted on. In addition, the posted notice that accompanies the warning must include information on voter registration, early or absentee voting, and other appropriate information. 17 V.S.A. § 2642.

Voter-backed petitions. State stat-
ute requires that the town meeting warning must also contain any voter-backed petition that meets the requirements of 17 V.S.A. § 2642(a)(3). However, selectboards are only obligated by law to warn a voter-backed petitioned article when it “sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote.” Royalton Taxpayers’ Protective Assn. v. Wassmanndorf, 128 Vt. 153 (1960). If a petitioned article does not fall within the legal authority of the voters, it is for the selectboard to decide whether to include the article as an advisory, non-binding article. Further information is posted on the Vermont Secretary of State’s Local Petitions webpage, https://www.sec.state.vt.us/elections/town-meeting-local-elections/local-petitions.aspx.

Voter-backed petitions must be signed by at least five percent of the voters of the municipality and filed with the town clerk not fewer than 47 days before town meeting day. 17 V.S.A. § 2642(a)(3). The last day for petitions to be submitted for town meeting 2017 is Thursday, January 19. Petitions must also:

• contain the petition language on each page on which signatures are collected; and
• include the printed name, signature, and street address of each voter who signed the petition.

Town clerks receiving petitions have a short timeframe in which to ascertain if they contain the required number of registered voters and conform to the requirements of 17 V.S.A. § 2642(3)(A). Clerks must return a non-conforming petition within 24 hours to the petitioners, stating in writing the reasons it cannot be accepted. Petitioners may then file supplementary petitions no later than 48 hours after the petition is returned by the clerk or the filing deadline, whichever is later.

It is crucial to start early on drafting your town meeting warning and notice. We recommend consulting your town moderator, who may have advice about the wording or order of articles that will promote a smooth and manageable meeting. The selectboard should perform a thorough review of the town meeting warning and notice before they are finalized. Corrections are much easier to fix before town meeting than after. To learn more about the town meeting process, attend our annual Town Meeting Tune-up Workshop, scheduled for Wednesday, February 15, 2017. Registration information is at http://www.vlct.org/events-news-blogs/event-calendar/. And, as always, MAC is available to assist town officials with any town meeting-related questions. Contact us at info@vlct.org or call 800-649-7915.

Carl Andeer, Staff Attorney I
VLCT Municipal Assistance Center

TRIVIA

Herbert Durfee, Bevan Quinn, and Louise Luring of Fair Haven, Guilford, and Saxtons River, respectively, knew that if, in 1867, fire threatened a Northeast Kingdom home, “Most families had an instrument familiarly called a ‘squirt-gun!’ of a large size, through which a considerable quantity of water could be emitted to any part of their dwellings.” Thanks to product miniaturization, the Nerf Super Soaker Zombie Strike Dreadshot Blaster ($23.97) should achieve a similar result if wielded properly.

Meanwhile, a U.S. President’s dad who was born in Vermont once walked from his home town all the way to New Haven, Connecticut, to attend law school. Who was it and what was his home town?

When either you or Google deduce the solution, email it to dgunn@vlct.org. The answer will appear in the fee-fi-fo-fun-filled February issue.
Although its lead article, “Message from the President,” filled half of page 1, the rest of Vol. 1, No. 1 seemed to anticipate the sound bite. Instead of today’s typically exhaustive-ly researched articles, it featured a dozen topical paragraphs of only a few sentences each, including:

• the anticipated arrival of VLCT’s new executive director on April 15, 1968, “as soon as he finishes his responsibilities in the town of Woodstock”;

• the problem of regulating and disposing of junked automobiles;

• a notice from the Green Mountain Water Pollution Control Association concerning upcoming meetings;

• the availability of a League of Minnesota Municipalities’ publication on Dutch Elm Disease for $1.00;

• a question asking if the confusing aspects of Vermont’s Australian ballot system warranted an explanatory publication from VLCT; and

• a notice that, due to mailing costs, League publications would be only sent to member towns as of July 1. The one-time membership fee was $10.00.

The newsletter also listed the 43 Vermont municipalities that, as of February 10, 1968, had paid their dues. Today, of course, all 246 cities and towns in Vermont are VLCT members, and have been since 1995. VLCT and the VLCT News have come a long way since that first issue of “Vermont Government.” As we celebrate our 50th anniversary during 2017, we’ll document various events of note here in the newsletter, on our website, and in our Montpelier office.

If you have any VLCT memorabilia from the organization’s early days that you care to share with us and your fellow readers, please email me at dgunn@vlct.org.

David Gunn
Editor VLCT News

Below left: Vol. 1, No. 1 of Vermont Government – News and Views on Cities and Towns, “a joint publication issued by the Vermont League of Cities and Towns and the Government Research Center of the University of Vermont” looks vastly different from Vol. 1, No. 2, (below right) renamed Green Mountain Government and set up more like a magazine.

HiStory oF VLCT

If you have any VLCT memorabilia from the organization’s early days that you care to share with us and your fellow readers, please email me at dgunn@vlct.org.

David Gunn
Editor VLCT News

Below left: Vol. 1, No. 1 of Vermont Government – News and Views on Cities and Towns, “a joint publication issued by the Vermont League of Cities and Towns and the Government Research Center of the University of Vermont” looks vastly different from Vol. 1, No. 2, (below right) renamed Green Mountain Government and set up more like a magazine.
HELP WANTED

Executive Director. The Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) seeks a full-time Executive Director to lead its dynamic, nine-member staff. The UVLSRPC is an association of 27 cities and towns in western New Hampshire and is one of nine Regional Planning Commissions (RPCs) in the state enabled through state legislation (RSA 36:45). We require a professional who is an effective manager with a strong understanding of diverse planning, public health, transportation, and environmental and economic development issues at the local, regional, state, and interstate levels. On a day-to-day basis, the Executive Director can serve many roles including manager, administrator, planner, facilitator, advocate, and consensus-builder. This is a high-profile position with significant expectations that offers a unique career opportunity to enhance our region’s landscape, economic vitality, and quality of life. A copy of the complete job description and application instructions are available at www.uvlsrpc.org under Employment Opportunity. Persons interested in applying for the position are requested to submit a cover letter, resume, and three references by Friday, January 6, 2017. The Upper Valley Lake Sunapee Regional Planning Commission is an Equal Opportunity Employer. Women, members of minority groups, or individuals with a disability are encouraged to apply. (11-15)

Economic Development Director. The Town of Dover, Vermont, is seeking an energetic and motivated Economic Development Director to develop and implement an ongoing strategy for the development and improvement of the business environment. Requirements include at least three years’ economic development experience, preferably for a municipality. A bachelor’s degree and prior managerial experience is preferred. This full-time position reports directly to the selectboard and receives full benefits. A full description of the position requirements, duties and salary is posted on the Town of Dover’s website, www.doververmont.com/employment-volunteer-opportunities. To apply, please send a resume and cover letter along with your salary requirements to dovervedd@turner.net.

(continued on next page)
Facilities and Operations Department.
Sullivan County, New Hampshire, seeks a highly motivated and experienced individual to work in a team environment to provide leadership and management of the Facilities and Operations Department. The Director of Facilities and Operations is responsible for the planning and direction of structural maintenance and mechanical operations of all buildings, vehicles, and accessory equipment in both the Newport and Unity complexes. Minimum Qualifications: a Bachelor’s degree in an appropriate discipline and at least five years of experience in management or supervisory responsibilities, or any combination of education, training, and progressively responsible work experience as would demonstrate possession of the required knowledge, skills and abilities to perform the work; considerable knowledge in a variety of areas including engineering, construction, electrical, materials, heating and cooling systems, roads and drainage, motor vehicle mechanics, and budgeting and capital planning. A drug screen, criminal history, and background check will be required of the finalist.

More information, including a full job profile, is posted at www.sullivancountynh.gov under the Employment link, or contact Jessie Levine, County Manager (603-863-2560 ext. 101) or Jane Jontz, Director of Human Resources (603-542-9511 ext. 216). To apply, email a cover letter, resume, and list of five professional references to jlevine@sullivancountynh.gov, or send to Director of Facilities Search, Jessie Levine, County Manager, Sullivan County, 14 Main Street, Newport, NH 03773. Position open until filled. A preliminary review of applications will occur on or about January 6, 2017. Equal Opportunity Employer. (12-08)

Town Manager. The Town of Sebago, Maine (pop. 1,719), is seeking candidates for the position of Town Manager. Located 33 miles west of Portland and 32 miles east of North Conway, N.H., Sebago and the neighboring towns of the Sebago Lake region offer a wide range of exceptional scenic, outdoor recreational resources together with affordable, quality housing choices in a traditional New England small town environment. Sebago is governed through a Town Meeting/Board of Selectmen/Town Manager form of government as prescribed under Maine State Statute. The Town Manager is appointed by a five-member Board of Selectmen and serves as the Chief Administrative Officer of the Town. Town offices are open...
Classifieds (continued from previous page)

four days per week and there are seven full-time and 30+ part-time employees. The annual budget of the town is $1.9 million, excluding schools and county tax. Desired qualifications: at least five years of management experience, preferably in municipal government with a Town Meeting/Board of Selectmen form of government; Bachelor’s degree or higher, preferably in Public or Business Administration or a closely related field; demonstrated ability to work effectively with elected officials, employees, and citizens; solid communication skills of listening, speaking, and writing; proven managerial, human resources, and collaborative leadership skills; solid financial management, analytical, and budgeting skills; knowledge of and experience with information systems and technology; familiarity with and working knowledge of planning concepts, regulations, codes, and development/conservation issues; and grant writing and grants management experience. Salary and benefits negotiable based on experience and consideration of the Town’s budget. Direct any questions to Neal Allen, Search Consultant, at 207-233-0688. Call or text using Town Manager Search as the subject line. To apply, email cover letter, resume, and at least three job-related references as pdf file attachments by January 11, 2017, to clerk@townofsebago.org with Town Manager Search as the subject line, or submit paper copies of your documents to Sebago Town Manager Search, Attn: Neal Allen, Search Consultant, Sebago Town Office, 406 Bridgton Road, Sebago, ME 04029. EOE. (12-08)

Requests for Proposal

Infrastructure Asset Assessment. The City of Burlington seeks a consultant to work in partnership with City staff to assess its current systems and structures for managing infrastructure assets, specifically buildings, grounds, and vehicles, and to develop the most appropriate organizational structure to enable Burlington to better steward those assets in the future. Goals include increasing operational efficiency and effectiveness; increasing capacity and capabilities of existing resources; improving collaboration among departments; and decreasing failures, extending useful lives and reducing repair costs. The complete RFP is posted at www.vlct.org/marketplace/classifieds/infrastructure-asset-assessment/. The deadline to submit a proposal is Friday, January 6, 2017. For more information, please contact Bob Rusten, Chief Administrative Officer, at brusten@burlingtonvt.gov. (12-13)

Staff News

Lisa Brassard, Senior Workers’ Compensation Representative, left VLCT in November to pursue other insurance interests at a local agency. We are sorry to lose Lisa, her smile, and her tremendous customer service – and she will miss working with all of you and wishes our members well. We do not intend to refill that position immediately given that we hired two new Claims staff in September.

And speaking of one of those new additions: Congratulations to Stephanie Fleury, our new Workers’ Compensation Trainee, who recently passed her Vermont Workers’ Compensation Adjusters Exam!

Ken Canning, Director of Risk Management Services (RMS) has announced promotions and changes in RMS. Effective January 1, Joe Damiata will become Managing Deputy Director, Risk Management Services; Fred Satink will become Manager, Loss Control; and Peggy Gates joins Peggy Tucker as Co-Managers of Workers’ Compensation. Peggy G. will manage the staff while Peggy T. manages the claims and strategic aspects.

Meanwhile, a buzz of excitement is sweeping through the VLCT offices as we plan for what will be a very exciting 50th anniversary year in 2017!
Questions? Visit [www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar) to register and to read about the latest events.

**Upcoming Events**

Town Meeting Tune-up  
Wednesday, February 8  
Capitol Plaza, Montpelier

Local Government Day  
Wednesday, February 15  
Capitol Plaza, Montpelier

Spring Selectboards Institute  
Saturday, March 18  
Capitol Plaza, Montpelier

**Additional Upcoming Workshops**

*These workshops typically take place from March through June. Visit our website for the exact dates.*

- Leadership and Economic Development Symposium
- Town Health Officers
- Tax Appeals
- HR Employment Law
- Planning and Zoning Forum
- Governmental Auditing and Accounting Symposium

Check out all of the upcoming MAC workshops online at [www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar)!