The Vermont League of Cities and Towns was founded on June 27, 1967. To get the organization up and running required a lot of work plus some fortuitous alignment of the planets. Assistance was provided by two University of Vermont (UVM) professors, Andrew Nuquist and Rolf Haugen, who were affiliated with the UVM Government Research Center. Initially, VLCT offices were located on the UVM campus at 475 Main Street in Burlington.

Nuquist served as Interim Executive Director for VLCT from the time of its founding until the organization was able to hire its first Executive Director in 1968. At the November 30, 1967, VLCT Executive Committee meeting, the Government Research Center proposed to hire an Executive Director. Due to VLCT’s limited budget and still small membership, this was a challenge, as the first paragraph of the proposal makes clear:

“The Problem: No Executive Director for VLCT. As VLCT approaches its first anniversary, it still lacks an Executive Director. A total of about $5,000 has been collected to date in membership fees and annual dues, but that amount is far short of the figure needed to attract a competent, full-time Executive Director ... VLCT is thus entering a critical period. The fledgling organization is threatened by a vicious circle: because some towns and cities have not joined it, funds are insufficient to hire an Executive Director; because there is no Executive Director, VLCT cannot provide needed services to its members; because these services are not being provided, those towns and cities who have joined VLCT may not be able to justify continuing their membership and the organization may die.”

Clearly, VLCT needed an Executive Director, but did not have the funds to hire one. A solution was proposed in the memo: (Editor’s note: Apologies for the sexist language, which was not considered offensive half a century ago.)

‘‘Mr. Henry E. Warren, who is presently Municipal Manager of the Town and Village of Woodstock, has accepted the position [of VLCT Executive Director] and will assume his duties on April 15.’’

—James Lowe, VLCT President, Feb. 8, 1968

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(Continued on next page)
1ST EXECUTIVE DIRECTOR
(continued from previous page)

“A Temporary Solution: Half a Man is Better than None.” Although a full-time Executive Director is a must for VLCT, the current shortage of funds dictates a search for alternatives. One possible immediate alternative would be a half-time Executive Director’s position, combined in one person with a half-time position in the Government Research Center. Half a man is much better than none. Moreover, there is a good chance that the practical effect of this type of arrangement would be to give VLCT considerably more than a half-time man.

The Executive Committee discussed the proposal and voted to accept it. The President and Acting Director were authorized to work out the necessary details with the University of Vermont. The Executive Committee also appointed a three-member committee to work with the Government Research Center to find acceptable candidates for the position of “Executive Director for the Vermont League of Cities and Towns and Assistant Director of Public Service Education for the Government Research Center.”

The three-member committee wasted no time and Committee Chair William Meacham reported to the Executive Committee at their January 25, 1968, meeting about the process, the three interviewed finalists, and their recommendation to hire Henry Warren. This is recorded in the meeting minutes:

“Mr. Meacham said that three candidates had appeared before the Committee and had been quizzed very fully. He gave a report on each person explaining the strong and weak points which appeared in the candidates. After a full report he stated that the unanimous choice of the Committee was Mr. Henry E. Warren, Town Manager of Woodstock.

“Considerable discussion followed with the Committee weighing each candidate’s qualifications. ‘Mr. Nichols then moved that the Vermont League of Cities and Towns offer the position of Executive Director to Mr. Henry E. Warren at a salary of $10,500 per year. Mr. Osgood seconded the motion which was unanimously carried.’

After negotiations were completed, Henry Warren was hired as VLCT’s first Executive Director. A press release issued on February 8, 1968, announced the hire.

“James J. Lowe, President of the Vermont League of Cities and Towns and Town Manager of Colchester, announced here today that an Executive Director had been chosen by the Executive Committee of the League to replace Andrew E. Nuquist of the University of Vermont, who has been donating his services as Acting Executive Director until a permanent appointment could be made.

“Mr. Henry E. Warren, who is presently Municipal Manager of the Town and Village of Woodstock, has accepted the position and will assume his duties on April 15.

“Mr. Warren has said of his new position, ‘I see this position as one of great opportunity for growth, as a real challenge, and one of great potentialities for service to the cities and towns of Vermont. I intend to devote all of my energies to this field of activity.’

“Mr. Warren is a native of Pennsylvania, is a graduate of Deerfield Academy, Deerfield, Massachusetts, has a Bachelor of Science degree from Cornell University and holds a Master of Public Administration degree from the University of Pittsburgh. He fulfilled his military obligations as a first lieutenant in the U.S. Army Reserves. Mr. Warren says, ‘The opportunity for growth, as a real challenge, and one of great potentialities for service to the cities and towns of Vermont. I intend to devote all of my energies to this field of activity.’

“The VLCT News is published eleven times per year (the August and September issues are combined) by the Vermont League of Cities and Towns, a non-profit, nonpartisan organization founded in 1967 to serve the needs and interests of Vermont municipalities. The VLCT News is distributed to all VLCT member towns. Additional subscriptions are available for $25 to VLCT members ($60, non-members), plus sales tax if applicable. Please contact VLCT for subscription and advertising information.

www.vermont457.com
REVISED EMPLOYMENT ELIGIBILITY VERIFICATION FORM I-9 – FREQUENTLY ASKED QUESTIONS

What is the Form I-9 and why is it required?
The Immigration Reform and Control Act of 1986 applies to all employers, including municipalities. Under this law, employers are prohibited from hiring anyone, including U.S. citizens, for employment in the U.S. without verifying their identity and employment authorization status and documenting both on the Form I-9. Likewise, the individual being hired must attest to the truthfulness of the information provided. The federal Immigration and Nationality Act was enacted to prohibit discrimination based on national origin, citizenship status, or immigration status. It also prohibits retaliation and unfair documentary practices during the Form I-9 process.

Why has Form I-9 changed?
The form has been revised to reduce errors and, ideally, to help the paper process move more quickly.

When must we use the new form?
The new version of the I-9, dated November 14, 2016, must be used starting January 22, 2017.

What has changed?
Changes include the following:
• Instructions have been expanded and are now separate from the form. They provide specific information for completing each field.
• You may enter data electronically on the “Smart I-9” electronic form and then print the form for hand signatures.
• If a field is not applicable, you must enter N/A and not leave any blanks.
• The electronic version provides drop down lists, calendars for dates, and “hover help” when you place your cursor over electronic “buttons” or question mark “bubbles” to get explanations or further information.
• The electronic form has built-in accuracy checks such as prompts and error messages that appear if you enter incompatible information.

Where can we get the new Form I-9?
You may order hard copies or access the form online at the U.S. Citizenship and Immigration Services (USCIS) website, https://www.uscis.gov/i-9. Form I-9 may be completed in advance of the person’s start date.

What if we have trouble accessing the electronic version?
The electronic form requires the latest version of Adobe Reader. We suggest you download the form first and then access it from Adobe.

What documentation must accompany the form?

VERMONT STATE INFRASTRUCTURE BANK (SIB) LOAN FUND

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for financing to:
• Construct or reconstruct roads, bridges, sidewalks and bike paths;
• Make safety improvements such as highway signing and pavement marking;
• Make operational improvements such as traffic control and signal systems;
• Construct rail freight and intermodal facilities, and public transit facilities; and
• In certain cases, electric vehicle charging stations and natural gas refueling stations that are available for public use.

www.veda.org
802-828-JOBS

(continued on page 15)
Questions asked by VLCT members and answered by the League’s legal and research staff

RESCINDING AUSTRALIAN BALLOT SYSTEM VOTES; TOWN MEETING WARNING ERRORS

If the town votes to use the Australian ballot system but then wants to go back to voting from the floor, what method of voting must it use to reconsider or rescind its vote?

The answer depends on the type of question for which the town voted to employ the Australian ballot method.

The default rule in Vermont is that local elections are conducted “from the floor” and that towns cannot vote by Australian ballot unless authorized by a specific state statute (e.g., a bond vote) or until the town so votes.

“Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.” 17 V.S.A. § 2680(a). A town may choose to use Australian ballot voting to elect its officers, approve budget article(s), and/or decide public question(s). A vote to employ the Australian ballot system for any of these reasons must be in substantially the form prescribed by 17 V.S.A. § 2680 and, if approved, cannot be utilized until the next annual or special town meeting. “A municipality shall not use the Australian ballot system at the same election at which its voters decide that the system shall be used.” 17 V.S.A. § 2681(e).

A warned article to consider this method of voting cannot be submitted to the voters for reconsideration or rescission at the same annual or special meeting once a different article has been taken under consideration. When the meeting is over, however, the article may be submitted to the voters for reconsideration or rescission at either the next annual or a subsequent special town meeting warned for that purpose. A special meeting for this purpose may be called by either the selectboard on its own motion or by a valid voter-backed petition filed with the town clerk within 30 days of the date of the meeting. 17 V.S.A. § 2661(b). If initiated by the voters, a legally warned special meeting must be held within 60 days of the submission of the petition to the town clerk. 17 V.S.A. § 2661(b). Voters cannot force a selectboard to warn an article voted on at an annual or special town meeting for reconsideration or rescission at more than one subsequent meeting within the succeeding 12 months. 17 V.S.A. § 2661(c). However, there is no statutory limit on the number of times a selectboard can present such an article to the voters.

Ordinarily, a town must employ the same method of voting (floor or Australian ballot) to reconsider an article that it used when the article was originally considered. That line of reasoning holds true for reconsidering or rescinding an article to adopt the Australian ballot system of voting for all questions (continued on next page)
(e.g., electing town officials and adopting budget article(s) and public question(s)), but not for the rescission of its use for public question(s). This is because an article of whether or not to rescind the use of Australian ballot voting for a public question(s) is itself a public question. And, according to the law, “[o]nce a municipality has voted to vote on any specific or all public questions by Australian ballot, the votes shall be taken by Australian ballot until the municipality votes to discontinue use of the system.” 17 V.S.A. § 2680(d)(2). In that lone instance, the original vote to use the Australian ballot system of voting is effective immediately upon adoption; consequently, a town must vote to rescind its future use by Australian ballot.

Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

What can we do if a town meeting warning contains an error or if there was an error in the conduct of the meeting?

Once the deadline for posting the town meeting warning (30 days prior to town meeting, pursuant to 17 V.S.A. § 2641) has passed, the warning is final and cannot be altered or amended. Nor can an article be added from the floor, since state law requires that all articles to be voted upon are ones that appear on the official town warning. 17 V.S.A. § 2642. If an article was inadvertently omitted but is considered important, the only options are to wait until the next annual meeting or call a special town meeting to vote on the article. 17 V.S.A. § 2643.

There are some errors that can be addressed on town meeting day if the town votes from the floor. For instance, if an article was inadvertently included on the warning, a town that votes from the floor may vote to “pass over” the article (or, more properly, to “postpone the article indefinitely”) so that it does not get voted upon. In a town that votes by Australian ballot, it is not possible to postpone or pass over an article.

If the error was in an amount of money listed in an article, the voters may vote to override the moderator’s decision. An amendment is not germane if it changes the subject, object, or means of execution of an article. In a town that votes by Australian ballot, it is not possible to amend an article on Town Meeting Day.

If there was a mistake in the way the town meeting was warned or noticed, there will need to be a subsequent town meeting to “validate” the action taken at the first meeting. Seventeen V.S.A. § 2662 allows voters to “correct and legalize” an omission or noncompliance with notice and warning requirements for a town meeting so long as the meeting and the business conducted at that meeting was otherwise legal and within the scope of the town’s authority. Validation takes place when the town holds a properly warned subsequent special or annual town meeting and votes to “readopt, ratify and confirm” the action taken at the first meeting. 17 V.S.A. § 2662. The town need not vote anew on each article of the prior meeting, but merely pose one question in substantially the following form: “Shall the action taken at the meeting of this town [or city, village or district] held on [state date] in spite of the fact that [state the error or omission], and any act or action of the municipal officers or agents pursuant thereto to be readopted, ratified and confirmed?” 17 V.S.A. § 2662.

Validation may also be used to correct and legalize procedural errors or omissions in the conduct of the town meeting itself. In this type of situation, it is the selectboard that must act to validate the previous town meeting. Seventeen V.S.A. § 2662 allows that a selectboard may, at a properly warned selectboard meeting, pass a resolution by a two-thirds vote stating that the procedural error or omission that occurred at the town meeting was “the result of oversight, inadvertence or mistake.” Once this resolution is passed, and assuming that the town otherwise had the power to act, the actions taken at the prior town meeting are deemed valid.

For assistance with specific town meeting questions, please contact the Municipal Assistance Center at info@vlct.org or 800-649-7915.

This is an update of an article that appeared in the May 2014 edition of the VLCT News. Sarah Jarvis, Staff Attorney II
Municipal Assistance Center
Vermont Supreme Court ruled that there is no vacancy to fill until the seat is empty.

This January, on the final day of Peter Shumlin’s tenure as governor and the eve of Governor-elect Phil Scott’s inauguration, the Vermont Supreme Court blocked the outgoing governor’s attempt to appoint a Supreme Court justice to replace the soon-to-be retiring Justice Dooley. In the case of Turner v. Shumlin, 2017 VT 2, the court ruled that there was no vacant seat among its own bench because, despite the fact that Justice Dooley announced his intentions to step down from the bench in the fall of 2016, he would still be occupying a seat on the bench until April 2017. Consequently, the departing Governor Shumlin could not appoint a replacement to Justice Dooley’s seat, as there was no operative “vacancy.” The practical effect of the decision coupled with the changing political landscape means that Shumlin cannot fill Justice Dooley’s seat because he is no longer governor as of January 5, 2017. Instead, the appointment will be left to Governor Scott. Although this case concerned a vacancy on the State Supreme Court, the decision also provides insight on how a court could interpret the authority of a selectboard to fill a vacancy in local office.

To appreciate the circumstances of the case, it helps first to understand the process for appointing and retaining justices to the Vermont Supreme Court. A Judicial Nominating Board nominates a pool of six candidates to replace a vacant seat among the court justices. The governor makes an appointment from among that pool and the Vermont Senate confirms the governor’s selection for a six-year term. A justice may seek retention for additional six-year terms, subject to approval by vote of the Vermont General Assembly.

In Justice Dooley’s case, he declared that he would not seek retention at the end of 2016, and therefore his seat would become vacant in April of 2017. Outgoing Governor Shumlin declared that he would appoint a successor to fill Justice Dooley’s vacant seat. This decision prompted the case at hand, as the petitioners—a state representative and a municipal official—challenged the governor’s authority to act in this manner.

VSC RULES THE SEAT MUST BE EMPTY OR THERE IS NO VACANCY; VERMONT’S NEW PAID SICK LEAVE – ARE TOWNS COMPLYING?

Municipal Assistance Center Workshops

Town Meeting Tune-Up
Wednesday, February 8, 2017
Capitol Plaza Hotel and Conference Center, Montpelier, Vt.

This year, our annual workshop will feature a mock town meeting session led by Ed Chase, long-time Westford Town Moderator and parliamentary procedure expert. Mr. Chase will also review his comprehensive guide to moderating a town meeting. Moderators, selectboard members, town clerks, town managers and administrators, and all local officials who are interested in learning how to run town meeting are encouraged to attend. Content is designed for both new moderators and seasoned veterans. Copies of Robert’s Rules of Order, 11th edition, will be available for purchase. Registration includes a light breakfast and lunch for attendees.

Spring Selectboard Institute
Saturday, March 18, 2017
Capitol Plaza Hotel and Conference Center, Montpelier, Vt.

VLCT Economic Development Forum
Wednesday, March 22, 2017
Capitol Plaza Hotel and Conference Center, Montpelier, Vt.

To register for or learn more about upcoming events, bookmark www.vlct.org/eventscalendar.

(continued on next page)
To bolster its argument, the court cited several out-of-state cases, all of which concluded that the plain meaning of the word “vacancy” is that a position is literally no longer occupied. Consequently, the court ruled that Governor Shumlin did not have the authority to make a replacement appointment to Justice Dooley’s seat, as he would be occupying the position as Justice until April 2017, when Shumlin would no longer be governor.

Although the decision is technically limited to a vacancy on the Vermont Supreme Court, the outcome of the case is useful in understanding the Vermont statutes that deal with vacancies in local town offices as well. Sections 961(a) and 963 of Title 24 of the Vermont Statutes Annotated give selectboards the authority to fill vacant town offices. Section 961(a) defines the circumstances that create a vacancy: “When a town officer resigns his or her office, or has been removed therefrom, or dies, or becomes unable to perform his or her duties due to a mental condition or psychiatric disability, or removes from town, such office shall become vacant.” Section 963 then provides selectboards with authority to fill the vacancy: “When a vacancy occurs in any town office, the selectpersons forthwith by appointment in writing shall fill such vacancy until an election is had.”

Similar to the Vermont Constitution, neither of those Vermont statutes contains a definition of the word “vacancy.” Notwithstanding this lack of a definition, looking at the plain language of Section 961(a), it is evident that a vacancy only occurs subsequent to the departure of the sitting town officer (i.e., “when a town officer resigns … has been removed … or dies …, such office shall become vacant.”). This plain language interpretation of the word vacancy in Section 961(a) is consistent with the Vermont Supreme Court’s interpretation of the word in the Vermont Constitution, Sections 32 and 33. Therefore, it is reasonable to use the court’s adopted definition of “vacancy” (i.e., “the quality, state, or condition of being unoccupied, especially in reference to an office”) and apply it to Section 961(a).

Fortuitously, this interpretation also conforms to the Municipal Assistance Center’s

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Legal and Reg.

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state senator—sued to prevent the Shumlin appointment. The legislators’ main argument was that the governor only had the authority to appoint someone to a “vacant” seat, and because Justice Dooley will remain on the court until April 2017, the seat is not actually vacant until that date when Justice Dooley is no longer sitting on the bench. Until that time, Justice Dooley, even though he had declared his retirement, would still serve as a justice and decide cases. Thus, the petitioners claimed Shumlin did not have the authority to make an appointment and requested that the court enjoin (forbid) Shumlin from taking any action.

The court first considered other legal issues surrounding the timing and participation in the case, but the main question relevant to local government to be answered was how to define “vacancy” or, in other words, when is a position actually “vacant?” The petitioners argued that the Vermont Constitution and state law provide that the governor only has authority to appoint a replacement justice to the court when the position is actually no longer occupied. In other words, they urged the court to take a literal interpretation of the word “vacant.”

The court agreed with the petitioners’ argument based on the clear language in the Vermont Constitution, which states, “[t]he Governor, with the advice and consent of the Senate, shall fill a vacancy in the office of the Chief justice of the State, associate justice of the Supreme Court …” (Section 32) and “[w]hen the Senate is not in session, the Governor may make an interim appointment to fill a vacancy in the office of chief justice, associate justice of the Supreme Court …” (Section 33).

Having no definition of the word “vacancy” in either the Vermont Constitution or in state law by which to apply to the case, the court interpreted the constitutional language by its plain meaning. Stating that “the plain meaning of the word ‘vacancy’ is manifest,” the court adopted the following definition of the word from Black’s Law Dictionary:

1. The quality, state, or condition of being unoccupied, especially in reference to an office … 2. The time during which an office … is not occupied. 3. An unoccupied office; a vacancy, properly speaking, does not occur until the officer is officially removed. 4. A job opening; a position that has not been filled.”

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1932:
A field agent of the American Municipal Association (the forerunner of the National League of Cities) says he plans to meet with officials in Vermont, where interest had been expressed in organizing a state municipal league, but nothing comes of it.

1958:
The National League of Cities recommends the creation of a Vermont League with a budget of $24,000.

1964:
Discussion begins anew about formation of a statewide municipal league. An organizing board is formed.

Sep. 22, 1965:
A meeting for organization of a state league is held in Montpelier. The following temporary officers are elected:

- Edward R. Lamb, Municipal Manager, Essex Junction, President
- John G. O’Brien, City Clerk/Treasurer, St. Albans, Vice President
- E. J. Bonnesen, Selectman, Pittsfield, Board Member
- John Bonvouloir, Selectman, Orwell, Board Member
- Francis J. Cain, Mayor, Burlington, Board Member
- Corwin S. Elwell, Town Manager, Brattleboro, Board Member
- Frank B. Follett, Lister, Berlin, Board Member
- Mrs. Robert M. (Lorene) Gordon, Town Clerk, Middlesex, Board Member
- Richard Van Santvoord, Selectman, Bennington, Board Member
- Simpson Spencer, Selectman, Jericho, Board Member
- John A. Thorp, Town Clerk, Woodbury, Board Member

Sep. 8, 1966:
Star Trek television show debuts. (Let’s keep things in perspective, okay?)

June 27, 1967:
VLCT is founded. “City and Town officials gathered in Montpelier City Hall in response to a call by Andrew E. Nuquist, UVM Professor and chief initiator of the Vermont League of Cities and Towns. The meeting was called ‘to create a permanent organization to function effectively in serving the needs of local governments in Vermont.’ At that meeting, Mr. Hollis Yorke of Readsboro stated that he thought the League to be ‘a good idea, and that it should above all have a strong and effective lobbyist at the legislature.’ Mr. Joseph Abair of Montpelier agreed saying ‘that his years of observing the legislature have convinced him there is a need for a real lobbyist for the towns.’” Vermont was the forty-eighth state to form a municipal league.

July 27, 1967:
First VLCT Executive Committee (now Board of Directors) meeting is held in Colchester. The Executive Director reported that “twenty-nine towns had become members by paying dues ...”

1967:
First VLCT office is located on the campus of the University of Vermont, 475 Main Street in Burlington.

1967:
VLCT conducts first Salary Survey.

Feb. 1968:
VLCT issues its first newsletter, the VLCT News, Vol. 1, No. 1.

April 15, 1968:
Henry E. Warren, Town Manager of Woodstock, becomes VLCT Executive Director at an annual salary of $10,500. The salary is split with the UVM Government Research Center.

April 18, 1968:
The Executive Committee approves the first VLCT symbol (logo).

June 22, 1968:
The VLCT Annual Meeting is held in Rutland. The keynote speaker is Vermont State Tax Commissioner Gerald Witherspoon, whose topic is “Local Government in the Future: How Can We Afford It?”

June 30, 1968:
VLCT expenditures for FY68 total $5,439.33; net position is $5,526.04. This was VLCT’s first audit and it was four pages in length. Revenue includes an “Extraordinary Item” — a grant of $5,000 from Laurance Rockefeller.

Sep. 11, 1968:
VLCT has 68 members.

1969:
Legislative priorities include more latitude in voting booth dimensions and payment in lieu of taxes (PILOT) and earlier state aid payments.

1969:
VLCT publishes first Municipal Calendar.

March 7, 1969:
Henry Warren resigns as Executive Director. In his resignation letter he expresses frustration and the feeling that VLCT was not viable in the long run in its present form due to limited interest in membership from towns. He writes, “Viewed over the long run, the chances of the League becoming a strong, stable, and adequately financed organization appear slim.”

April 3, 1969:
Robert Stewart is appointed Intern for six months at $400 per month with the possibility of continuing service.

May 28, 1969:
VLCT Annual Meeting is held in Barre. The topic of the keynote speaker, Vermont Lieutenant Governor Thomas Hayes, is “Recent Significance of Federal Legislation as it Relates to Local Government.”

July 20, 1969:
Neil “One giant leap for mankind” Armstrong becomes the first man to walk on the moon.

Dec. 16, 1969:
VLCT’s membership totals 91, plus eight contributing members.

[Editor’s note: Last month, we began our review of VLCT’s 50-year history by listing its office locations and executive directors through the years. This month, we’ll follow the evolution of the organization via a timeline.]
Through the '70s
(continued from previous page)

1969:
VLCT Wage and Salary survey is distributed to members. Additional copies are available for $1.00 each.

Jan. 1, 1970:
Robert Stewart becomes Executive Director of VLCT “upon completion of his internship” at an annual salary of $8,500.

April 1, 1970:
VLCT relocates from Burlington to 27 Langdon Street in Montpelier.

April 1, 1970:
VLCT’s local telephone number is 229-9111.

April 1, 1970:
VLCT is no longer affiliated with the University of Vermont.

July 15, 1970:
During budget discussion at VLCT Executive Committee meeting, Executive Director Stewart “pointed out that first class postage has gone almost out of affordability.” The rate at that time was six cents.

Aug. 27, 1970:
Excerpt from the VLCT Dollar Sense publication: “Municipalities and school districts may buy delivered gasoline at 22.92 cents a gallon under a recent contract awarded by the State of Vermont to Mobil Oil Corporation.” This included an eight-cent state gas tax.

May 28, 1970:
At the VLCT Annual Meeting in Middlebury, Vermont Governor Deane Davis speaks on “The State as a Partner of Local Government.”

Sep 21, 1970:
First Monday Night Football game airs (Cleveland Browns 31; Joe Namath’s New York Jets, 21).

Oct. 20, 1971:
First VLCT Town Fair is held at the Barre Auditorium.

1971:
Blue Cross special health insurance monthly rates for VLCT members are $10.95 for one person, $23.35 for two persons, and $27.63 for family coverage.

1972:
Registration for Town Fair costs $4.00, including lunch; registration only is $2.00.

1973:
VLCT establishes a toll-free phone number and gives members a sticker that conveniently attaches to the telephone.

Nov. 16, 1973:
“Are you ready for a suit? The Vermont League of Cities and Towns wishes to announce that a unique new group insurance policy is now available for the first time in Vermont. This new insurance is entitled Public Officials Liability Insurance ...”

1974:
VLCT moves its offices to 188 Main Street in Montpelier.

Aug. 8, 1974:
U.S. President Richard M. Nixon resigns.

Oct. 24, 1974:
At VLCT’s Town Fair (where the cost of registration balloons to $5.00), retiring U.S. Senator George David Aiken is honored at a special “Thank You” luncheon. VLCT offers a special luncheon keepsake – a handsome smoked-colored glass dish bearing an “outstanding” portrait of Sen. Aiken – for five dollars, which is less than the cost of production.

Dec. 12, 1974:
VLCT issues a $2.00 an hour minimum wage alert.

April 30, 1975:
The “Liberation of Saigon” signals the end of the Vietnam War.

1978:
The VLCT Insurance Trust (VLCT Unemployment Insurance Trust) is established.

Feb. 1, 1978:
The VLCT Board establishes dues structure to allow “villages and other municipalities” to join VLCT “for the privilege of participating in the VLCT Insurance Trust, Inc. and other insurance programs.”

June 15, 1978:
VLCT sends a letter to its members regarding its “financial difficulties” and how they were being addressed. The letter was signed by Peter Clavelle, President of VLCT.

July 1, 1978:
Steven Jeffrey is hired as VLCT Associate Director.

1978:
VLCT expenditures for FY78 total $138,107; net position is ($86,146).

Steven Jeffrey

Deane Davis Image courtesy of the Vt. State Curator’s Office

David Sichel Deputy Director Risk Management Services
David Gunn VLCT News Editor
RISK MANAGEMENT

Trust Matters
Noteworthy and timely information from VLCT’s non-profit risk-sharing trusts.

PACIF Coverage Documents on their Way

By mid-February, PACIF members will receive in the mail a large envelope containing their 2017 coverage documents. Inside will be three or four documents: the thickest one is for Property and Casualty, the second is for Workers’ Compensation, and the third is labeled “Special Risk Accident Policy” (which PACIF procures from Hartford Life to provide injury-related medical coverage to non-firefighter municipal volunteers). A fourth document will only be sent to members that have a volunteer fire department insured by PACIF.

If your municipality does not receive this mailing by the end of February, or if you have any questions after you have reviewed all of the documents, please contact a member of our Underwriting team immediately at 800-649-7915.

Workers’ Comp Audits Coming Soon

PACIF member contacts: please watch your email for information about an upcoming visit from one of our Member Relations or Underwriting staff members. The email will come from Larry Smith, Pam Fecteau, Vicky Abare, or Susan Benoit, and it will contain a specific list of reports and information that we ask you to compile before our representative visits your office — so we can review your complete 2016 payroll records during the visit. Having all the information handy is necessary for us to identify any differences between your estimated and actual payroll for the 2016 calendar year, so we can reconcile your 2016 contribution as appropriate. PACIF has a lot of members (340 now!), and we sincerely hope you will respond to this audit request in a timely manner and help us work through this process efficiently.

Vermont DOL Quarterly Wage Reporting Update

The Vermont Department of Labor (DOL) has announced that effective with the Employer’s Quarterly Wage and Contribution Reporting for the quarter ending March 31, 2017 – for which online filing is due on April 30, 2017 – the taxable wage base will increase from $16,800 to $17,300. Additionally, effective January 1, 2017, the health care contribution amount increased from $151.12 to $158.77 for each “uncovered” full-time equivalent (FTE) employee above the current exemption of four. For more information regarding health care contribution and proper quarterly reporting, please visit the Vermont DOL website at http://labor.vermont.gov/unemployment-insurance/employers or call the DOL Employer Services Unit at 802-828-4344.

SHADES OF WINTER:
white snow
black ice
gray slush

All employees of VLCT PACIF members have FREE 24/7 access to PACIF Online University including this month’s featured course: WINTER DRIVING SAFETY

Visit www.vlct.org/rms/pacif/pacif-online-university or call Jim Carrien at 800-649-7915 for help getting started.

Train Any Time, Any Place, Any Pace!
VLCT’s claims team prides itself on processing claims fairly – but in one respect, we are more than fair to PACIF members. When a claim involves damage to property that is not covered, we can help the member recover some or all of the cost of the damages from the responsible party. In 2016 alone, members recovered a total of $75,613 – in amounts ranging from $346 to $11,974 – with the knowledgeable assistance of our claims team.

Uncovered property falls into two categories: non-covered property (e.g., guardrails and fire hydrants) and any property that’s not specifically named in the Municipal Property Schedule (fencing, streetlights, street signs, traffic and crosswalk control poles, parking meters, custom signs, and statues). When either type of uncovered property is damaged, the municipality can be left with a hefty bill it doesn’t deserve.

That’s where we come in. In the course of distinguishing covered losses from uncovered ones, our claims team gains valuable knowledge of the case. Whereas commercial insurers are profit-minded and have reason not to put additional time into a claim, we want our members to thrive financially, so we use our expertise to their advantage. For the uncovered property, we compile information about both the damage (date, location, photos, and written estimates for cost of repair or replacement) and the responsible party. Then we can help the member pursue the responsible party or his or her insurance carrier (or both) to recover the appropriate funds for the damages. If we can’t always get full replacement costs for damages, we can at least go toward it, without the municipality having to tie up a lot of its own resources in the process.

Great theory, you might be thinking, but how does it work in practice? Here are two examples.

**Damages Recovered from an Insurance Carrier:** Two vehicles collided, sending one of them into a light distribution panel which was owned by the municipality but not specifically named in the municipal property listing. Through our investigation, including talking to witnesses and the investigating police departments, we identified the responsible party and its insurance carrier. We filed a claim with the insurer on our member’s behalf and successfully recovered nearly $13,000 for the municipality.

**Damages Recovered from an Individual:** While trying to evade police, an

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**2017 RMS Calendar**

**Application Period for Round 1 of 2017 PACIF Grants.** January 1 to April 30, 2017. PACIF grants compensate members for up to 50 percent of pre-approved purchases that are likely to significantly reduce their risk of workers’ compensation, property/casualty, or liability insurance claims. Most of the $200,000 allotted for 2017 is expected to be awarded during Round 1, so we encourage PACIF members to read the newest guidelines, consider their group’s needs, and compile their application materials sooner rather than later. Guidelines and application are posted at [www.vlct.org/rms/pacif/pacif-equipment-grants](http://www.vlct.org/rms/pacif/pacif-equipment-grants). Round 1 award notification letters will be sent to applicants during May.

**PACIF’s Annual Workers’ Compensation Audits.** February to May, 2017. PACIF members should expect an email or phone call from Larry Smith or an Underwriting team member (Pam Fecteau, Vicky Abare, or Susan Benoit) to schedule a time to review 2016 payroll records in order to reconcile 2016 contributions. See related story on page 10.

**2017 Worksite Wellness Conference and Governor’s Awards.** Thursday, March 23, 8:00 a.m. to 4:00 p.m., Sheraton Hotel and Conference Center, South Burlington. This annual event will include announcing the 2016 Worksite Wellness Award winners, a keynote speaker, networking, exhibits, breakout sessions, and fitness breaks with exercises to take back to your workplace. This year’s theme is Wellness Without Borders. For more information, visit [http://healthvermont.gov/wellness/physical-activity-nutrition/workplace](http://healthvermont.gov/wellness/physical-activity-nutrition/workplace). Register online at [http://events.r20.constantcontact.com/register/event?oeidk=a07edadhk83e2f69432&llr=q9bdxwqab](http://events.r20.constantcontact.com/register/event?oeidk=a07edadhk83e2f69432&llr=q9bdxwqab).

**Certified Playground Safety Inspector (CPSI) Course and Exam.** 7:30 a.m. to 5:00 p.m. Tuesday, April 4, 8:00 a.m. to 5:00 p.m. Wednesday, April 5, and 8:00 a.m. to 11:15 a.m. Thursday, April 6; Best Western Plus Windjammer Inn and Conference Center, South Burlington. This 15-hour comprehensive training program on playground hazards identification and risk management methods is offered by the National Recreation and Parks Association and hosted by the Vermont Recreation and Parks Association (VRPA) every three years. Appropriate for designers, administrators, supervisors, operators, and caretakers of all types of playgrounds. Reading the pre-course study materials and attending the two-day course prepares attendees to take the two-hour CPSI exam (either the next morning or by computer at a later date). Passing the exam earns the Certified Playground Safety Inspector designation for three years. Register early because spaces are limited. Training: $475 before Feb. 15, 2017 or $500 after Feb. 15, 2017; VRPA members save $25; lunch is included in both training days. Exam: $110 before Feb. 15, 2017 or $120 after Feb. 15, 2017. For more information and the registration form, visit [www.vrpa.org/courses--workshops.html](http://www.vrpa.org/courses--workshops.html) or call 802-878-2077.
Most municipal highway departments are responsible for snow removal, yet have limited or outdated policies in place for managing driver fatigue during snow plowing and related operations. While municipalities are exempt from federal Hours of Service rules, drivers aren’t exempt from fatigue. Our experience is that when drivers reach 16 hours on the job, their performance tends to degrade significantly – although this varies from person to person. Not managing driver fatigue during winter weather events increases the risk of driver error, which can result in injury and property damage. While it is important to maintain highways for the general public, it is even more important to ensure that drivers do not pose a safety hazard to themselves or others.

Establishing a policy – even an informal one – can help everyone involved do a better job of managing plow driver fatigue, rest periods, and safety. Common elements of such policies include:

- A requirement for pre-planning that includes shortened work schedules before forecasted storms to allow drivers to get some rest ahead of time.
- A pre-set course of action for drivers who start feeling dangerously tired. This could be contacting the road foreman or supervisor for guidance and direction or some other method that ensures that an excessively tired driver does not remain on the road.
- Phrasing that gives employees the power to determine when they reach their fatigue limit and outlines a way to handle that situation.

If you have a policy regarding driver fatigue and storm events, review it with your drivers periodically during the winter season. Also consider these management practices:

- Make sure you have a good weather forecasting system in place. Knowing the specifics and timing of storms is critical to the pre-storm planning process.
- Remind drivers to think about how diet, medications, etc., can contribute to fatigue. For example, it is important to avoid consuming large meals, alcoholic beverages, prescription drugs, and certain over-the-counter medications. It is also important to stay adequately hydrated.
- Review common symptoms of fatigue with all drivers and make sure they know that they need to stop and take a rest break (or otherwise follow your policy) when they get especially tired. Some common symptoms of fatigue include:
  1. Frequent yawning.
  2. Any moment of dozing off. This is an unsafe condition! Drivers must stop and rest immediately if they catch themselves dozing off.
PLOW DRIVER FATIGUE

(continued from previous page)

3. Lack of visual focus, or “spacing out.” This effect can be enhanced when snow is falling heavily.
4. Missing a turn, location, or usual plow practice such as wing use or lifting or dropping the plow.

• Have drivers keep a steady flow of fresh, cool air into the cab and sit with proper posture while they plow. Keeping the cab too hot can increase drowsiness, and bad posture adds to physical fatigue.

• Falling asleep at the wheel can have disastrous consequences for all parties involved. That’s why employees should be reminded that this is a serious issue and they should not exceed their limits. When employees experience significant fatigue, they should stop the truck in a safe location, get out and walk around the vehicle, and do some gentle stretches and movements to get their blood flowing and de-stress their body. This is also an ideal time to clean the truck’s lights and check the safety equipment.

• Drivers who are still tired should contact their supervisor to determine the next steps. Ideally, the driver should be taken off the road and get some rest.

PACIF Loss Control hopes that every municipality will establish a driver fatigue management policy and set up specific procedures to help reduce the risk of preventable winter incidents. If you have a question or need further guidance on this topic, please reach out to your VLCT PACIF loss control consultant or email us at losscontrol@vlct.org.

Jim Carrien, PACIF Loss Control Consultant
VLCT Risk Management Services

BETTER ROADS, BETTER FUNDING

For the 20th year in a row, the Vermont Agency of Transportation (VTrans) has made funding available for the Better Roads Program. This program provides technical assistance and funding to promote the use of erosion control and maintenance techniques that save money while enhancing and protecting water quality around the state. Four different categories of grants are available:

• Category A. Planning grants to conduct an inventory of roads and/or culverts and identification of road-related erosion and/or stormwater problems affecting water quality. Sites identified must be prioritized for future repair with a budget plan to correct these problems over a period of time. Maximum award: $8,000. Local match required: $2,000 or 20% of total project cost.

• Category B. Correction of a Road-Related Erosion Problem and/or Stormwater Mitigation/Retrofit for both gravel and paved roads. Examples include stone- or grass-lined ditches, road drainage turnouts, stone check dams, splash pools, catch basins, and Green Stormwater Infrastructure (GSI) management practices. Maximum award: $20,000. Local match required: $5,000 or 20% of total project cost.

• Category C. Correction of a slope-related road erosion problem. Examples include stream bank stabilization, lake shore stabilization, retaining walls, or road bank stabilization. Maximum award: $40,000. Local match required: $10,000 or 20% of total project cost.

• Category D. Structure/culvert upgrades. Eligible projects include repair, replacement or upgrade of an existing large structure or culvert, or replacement of a series of smaller culverts. Maximum award: $40,000. Local match required: $10,000 or 20% of total project cost.

Download a grant applications from the VTrans website, http://vtrans.vermont.gov/highway/better-roads. The deadline to submit a grant application is Friday, March 17, 2017.

New to the program this year is an additional technician and regionalization of program assistance. Linda Blasch, who was the Better Backroads Technician at the Northern Vermont Resource Conservation and Development Council from 2005-2010, will be the contact for municipalities in VTrans districts 1, 3, 5, and 8; and Alan May will be the contact for municipalities in districts 2, 4, 7 and 9. However, both Linda and Alan will cross lines to help ensure that all towns can get the help they need.

During February and March, the Better Roads Program will be hosting workshops around the state for towns to learn more about grant funding opportunities and the Better Roads grant application process. Details and locations are on the Better Roads website, (http://vtrans.vermont.gov/highway/better-roads).

For more information, questions, or help with Better Roads grants, please contact Linda Blasch (802-498-7216 or linda.blasch@vermont.gov) or Alan May (802-828-4595 or alan.may@vermont.gov).

Alan May
Better Roads Program
Vermont Municipal Assistance Bureau
LEGAL AND REG.
(continued from page 7)

long-standing advice to towns of how and when to appoint replacements to a vacant town office. Namely, a selectboard should ensure that board action appointing someone to fill a vacant town office occurs only after the current office holder no longer occupies the position. In other words, avoid making a replacement appointment prior to a town officer’s actual resignation.

This may seem obvious but the circumstances in which a town officer may retire or resign are not always definite and unambiguous. This is because a town officer announcing that he or she “will resign in one month” is not bound by Vermont law to actually leave the office at the self-proclaimed date. In this example, that town officer can change his or her mind before the end of that “one month” period and choose not to resign. Hence, if a town officer merely states he or she will resign at a future date, then there is no “vacancy” pursuant to 24 V.S.A. § 961(a) for the selectboard to fill.

For guidance on how a town officer should resign in order to make the process of finding and appointing replacements to vacancies in local government offices run smoothly, read our Ask the League article, “How does – and how should – a town officer resign?”, which is posted at http://www.vlct.org/assets/Resource/ATL/2016/ATL-how-does-town-officer-resign.pdf.


Carl Andeer, Staff Attorney I Municipal Assistance Center

Are you sure your town is in compliance with Vermont’s new Paid Sick Leave mandate?

Effective January 1, 2017, and pursuant to 21 V.S.A. §§ 481 et seq., municipalities with six or more employees who work 30 or more hours per week must provide a minimum amount of paid sick leave to certain employees, as described below. The law goes into effect one year later (January 1, 2018) for municipalities with five or fewer employees who work an average of 30 or more hours per week.

This article describes our general understanding of this complex and nuanced law. Implementing the requirements of the law and administering it in your town will require taking a number of steps.

The law requires that “eligible employees” receive at least one hour of paid sick leave for every 52 hour actually worked, including overtime. Employees who are exempt from overtime requirements under the federal Fair Labor Standards Act are assumed to be “exempt employees” receive no paid sick leave. The law goes into effect one year later (January 1, 2018) for municipalities with five or fewer employees who work an average of 30 or more hours per week.

An individual is an “eligible employee” for purposes of this law and must be provided with paid leave if he or she is an employee of a municipality who:

• is age 18 or older;
• works an average of 18 or more hours per week during the year; and
• is expected to work more than 20 weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment.

On the other hand, there is no obligation to provide paid leave to an individual who:

• works on a per diem or intermittent basis;
• works only when he or she indicates that he or she is available to work;

(continued on next page)
• is under no obligation to work for the municipality; and
• has no expectation of continuing employment with the municipality.

Although the Vermont Department of Labor refers to the law as “Vermont’s Earned Sick Time Law,” the law merely requires “paid leave” for certain purposes. Therefore, an employer may provide for this legally-required leave in any form such as vacation, personal days, combined time off (CTO), etc. Many municipalities already provide paid leave at a level that exceeds the amount required by state law. However, even those that provide paid leave must now ensure that paid leave is allowed for the five reasons specified in 21 V.S.A. § 483 and described below.

The law spells out five reasons for which employees must be allowed to use the paid leave. All members will need to expand current leave policies and practices to include at least these reasons. Accrued leave may be used when the employee:

1. is ill or injured;
2. obtains professional diagnostic, preventive, routine, or therapeutic health care;
3. cares for a sick or injured family member, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee’s parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care;
4. is arranging for social or legal services or obtaining medical care or counseling for the employee or a family member who is a victim of domestic violence, sexual assault, or stalking or is relocating because of any of these issues; or
5. cares for a family member because the school or business where that individual is normally located is closed for public health or safety reasons.

Under the law, a family member is a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child. This usage does not precisely match that of the Vermont Parental and Family Leave Act (VPFLA), which additionally includes a civil union partner, step-child, and ward of the employee. For administrative ease and consistency in how employees are treated, it may be helpful for municipalities subject to the VPFLA to include all the aforementioned categories in defining the term “family” across subsections of their personnel policy.

In addition to the above reasons that employees must be allowed to use accrued leave, VLCT recommends allowing the use of paid leave for other purposes so employees have the flexibility to meet outside obligations. Such flexibility can contribute to employee engagement and retention.

The law contains many details about the ways in which paid leave is awarded, the ways in which it may be used, and how leave must carry over from one year to another. More information about the law can be found in the Frequently Asked Questions and Answers about the Paid Sick Leave Law which are posted on VLCT’s Human Resources Assistance Program webpage, www.vlct.org/municipal-assistance-center/human-resources-assistance-program/. You may also contact the VLCT Municipal Assistance Center at info@vlct.org or 800-649-7915 for individual assistance with the leave provisions of your town’s personnel policy.

This is an update of an article that appeared in the August/September 2016 edition of the VLCT News.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

### TRIVIA

Clyde Jenne, Carol Hammond, Herb Durfee, Michael McCarthy, and Bevan Quinn from Hartland, Vernon, Fair Haven, Georgia, and Guilford, respectively, knew that William Howard Taft’s father, Alphonso, once walked from his home town of Townshend to law school in New Haven, Connecticut. That’s 140 miles, folks, and Alphonso reportedly didn’t even have a working GPS unit!

In 1913, a naturalist was called out of semi-retirement from his farm in southern Vermont to accompany a former U.S. President on a death-defying expedition in the Brazilian Amazon basin.

**Who was the naturalist**, where in Vermont had he semi-retired, what was the name of the expedition, and what animal was subsequently named after the naturalist in her or his honor?

If you manage to discover the answers, email them to dgunn@vlct.org. My answers will appear in the magically manufactured March issue.

### FORM I-9 – FAQs

(continued from page 3)

you must reverify their work authorization with unexpired documentation. If the rehire takes place more than three years from the original verification date, a new form I-9 must be completed.

**Should we photocopy the person’s documents?**

You are not required to photocopy an employee’s documents unless you use the E-Verify system to verify employment eligibility. If you do not use E-Verify, you may, but are not required to, photocopy the documents. The photocopied documents should be stapled to the paper I-9s or electronically attached to electronic copies before placing them in your I-9 file. Whichever system you choose should be consistent for all new employees.

**Where should we keep the completed forms?**

Do not send I-9s to the U.S. government. They should be held by the municipality and maintained in a file that is securely locked and confidential in a location that is separate from the employees’ personnel files. This practice prevents access to confidential personnel files in the event of an audit. You may also use an electronic storage system as long as it meets the requirements outlined in the USCIS’ Handbook for Employers, Guidance for Completing Form I-9.

**How long must I-9s be kept on file?**

You must retain an I-9 for as long as an employee works for you and for six years after employment ends. This time frame, which exceeds that of federal law, is required of municipal employers in accordance with Vermont public records law.

**What if we have more questions?**

More information, including a Handbook for Employers, is available on the U.S. Citizenship and Immigration Services website, https://www.uscis.gov/i-9. Please also feel free to call Jill Muhr in the Municipal Assistance Center at 800-649-7915 or email questions to MAC-HR@vlct.org.

Jill Muhr
VLCT Human Resources Consultant

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VLCT Municipal Assistance Center

414 South Main Street, Suite 5
Bennington, Vermont 05201

Telephone: 800-649-7915
Fax: 802-442-4084
E-mail: info@vlct.org

www.vlct.org/municipal-assistance-center/human-resources-assistance-program/
Henry Warren worked hard to promote and expand the duties of VLCT. Executive Committee meeting minutes and memos to members spell out some of these efforts. Among other things, he proposed the adoption of the first VLCT symbol/logo: the covered bridge and pine tree circular image that VLCT used and occasionally tweaked for many years. He developed promotional brochures and secured a one-time grant of $5,000 from American philanthropist Laurance Rockefeller to help VLCT. (Rockefeller’s wife was a native of Woodstock, and they were married there in 1934.) He also worked to developed group purchasing and insurance programs.

During Warren’s tenure, VLCT published its first municipal calendar, a document that VLCT still issues annually. Warren also began the process of seeking tax-exempt status for VLCT as a wholly owned instrumentality of its members.

Ultimately, Henry Warren became frustrated and, on March 14, 1969, resigned from his position after only 11 months on the job. In his resignation letter, he wrote:

“I am herewith submitting my resignation as Executive Director, effective March 14, in order to accept a position as Administrator of the Greater Portland [Maine] Regional Planning Commission and Council of Governments.”

“I am most disturbed by my decision because of the handful of energetic and interested people ... who have tried to get this League operation going in Vermont. I certainly hoped and expected, a year ago, that it could be done and the need was great. However, the response from most of the communities now leads me to believe that they do not, at this time feel that great a need, and that the financial resources available will not, in the foreseeable future, be large enough to make this the full time, vigorous organization that it should be. I have been thoroughly frustrated, and personally very unhappy, about the need for me to split my time and mental energy among large numbers of tasks, many of them very menial. ... Perhaps another person, or a restructured organization, will be able to succeed where I have not. In any case, the financial base will have to be substantially improved before the League will be an important factor in Vermont government.”

In a more detailed memo to Professor Nuquist and the VLCT Executive Committee that explained his concerns about the viability of the League, Warren was genuinely pessimistic:

“The current atmosphere throughout the State, on top of the normal Vermont reluctance to participate in group activities, forces me to question the long run viability of the League in its present form. By this I do not mean to suggest that the present level of activity could not be maintained, but rather that this level is not enough justification for the League. Viewed over the long run, the chances of the League becoming a strong, stable, and adequately financed organization appear slim.”

“Perhaps the most disturbing aspect of the operation has been the limited, in fact negligible, response to our activities. The larger communities providing the bulk of support get little value in return, and will not at this level of financing. The smaller communities, for whose benefit we primarily exist, have contributed little involvement or finances. The insurance program is groping for life, and probably will not succeed. Meetings have been poorly attended, and even canceled for lack of response. Surveys go unanswered, and the inquiry service is moribund for lack of requests for assistance. And yet occasional successes make one realize that a need for some of these services does exist at times.”

Upon Warren’s resignation, Professor Nuquist again became the Acting Executive Director of VLCT while a new Executive Director was sought.

Fortunately for Vermont cities and towns, Henry Warren’s dire prediction about the demise of VLCT did not come to pass and his pessimism proved unwarranted. As VLCT begins its 50th year of operation, we can be proud that, today, VLCT provides a broad range of services to Vermont municipalities:

- 100 percent of Vermont cities and towns belong to VLCT.
- The VLCT insurance/risk management programs – VLCT Property and Casualty Intermediate Fund (PACIF) and VLCT Employment Resource and Benefits Trust (VERB) – are operating with great success as they provide coverage to well over 90 percent of Vermont municipalities.
- The VLCT Municipal Assistance Center (MAC) provides legal, consulting, and education services, fields telephone inquiries from municipal officials, maintains a clearinghouse of model ordinances and bylaws, and sponsors workshops on current issues affecting local government. Last year, for example, MAC responded to more than 4,000 inquiries and conducted 13 well-attended training workshops, among other services.

I think Henry Warren would be pleased to know that VLCT survived and thrived, and continues to succeed in its ongoing mission “to serve and strengthen Vermont municipalities.”

Note: Henry Warren worked for the Maine Department of Environmental Protection for many years and eventually became Commissioner of the Department, a cabinet level position. He is now retired. A 2011 article about him, including a photo, is posted on the internet at https://usm.maine.edu/sites/default/files/Osher%20Lifelong%20Learning%20Institute/OL-LI%20Newsletter%202011-November.pdf. Interestingly, the article makes no mention of his stint at VLCT.

David Sichel
Deputy Director, Risk Management Services

Middlebury, Vermont
802-989-6906
hillattorneypllc@gmail.com
HELP WANTED

Route Driver. The Central Vermont Solid Waste Management District (CVSWMD) seeks a part-time route driver and field staff person for various solid waste and diversion programs that include food waste, recyclables, and municipal solid waste hauling. The employee primarily functions as a route driver for the CVSWMD organics collection program, but also assists with the maintenance of three trucks, a specialized compost collection container, as well as other equipment. Work may include occasional shifts at CVSWMD Special Collections. A CDL is desired but not required. Two years of previous experience in operating heavy equipment, truck driving, and truck maintenance is preferred. The applicant should be a skilled technical and manual operator of heavy vehicles and equipment, including trucks with a gross vehicle weight of 60,000 lbs. Applicants must be ready to work inside and out in all weather conditions, and be able to lift 50 lbs. regularly throughout a shift and drive a truck 20 or more hours per week. The full job description is posted at http://www.cvswmd.org/employment-rfps.html. Questions? Call 802-229-9383, ext. 105, or email comments@cvswmd.org. To apply, please email a resume, cover letter, and the names of three references to CVSWMD Operations Manager Carl Witke at carlw@cvswmd.org. The CVSWMD leads member communities in reducing waste and supporting a healthier environment. Join us in our mission to better our member communities! (01-04)

Assistant Town Manager. The Town of Windsor, Conn., is seeking an Assistant Town Manager. If you are interested in making a difference in a dynamic, diverse, and welcoming community that takes pride in its natural beauty, quality of life, and strong sense of community, this position is for you. As a member of the town’s Leadership Team, the Assistant Town Manager has supervisory responsibility for operating departments. You will also perform high level administrative, technical, and professional work in coordinating and facilitating the administration of town government. Our ideal candidate will be energetic, committed to local government and quality customer service, and have at least three to five years of progressively responsible municipal government/supervisory experience, as well as an MPA degree. Salary depends on qualifications and experience, with a potential increase six months after hire. The lucrative benefit package includes

(continued on next page)
QSEHRAs: NEW HRA OPTION FOR SMALL EMPLOYERS

On December 7, 2016, the U.S. Congress passed the 21st Century Cures Act, which established a new type of health reimbursement arrangement (HRA) called a Qualified Small Employer Health Reimbursement Arrangement (QSEHRA).

This legislation allows employers with fewer than 50 full-time employees to reimburse their employees for qualified health expenses and health insurance premiums if those premiums are for individual or non-group coverage. This provision overturns the Department of Labor and Internal Revenue Service guidance which prevents some employers from funding employer HRAs because these arrangements were considered in violation of the Affordable Care Act. The 21st Century Cures Act still prohibits such arrangements for large employers.

Any employer that chooses to participate in a QSEHRA must have fewer than 50 full-time employees, offer no health insurance coverage of any kind to its employees, and offer the QSEHRA to all eligible employees. In addition, an employer that offers its employees a QSEHRA must:

• verify that employees are covered under an individual or group health plan that meets minimum essential coverage requirements,
• report employee benefit amounts to the IRS, and
• provide special notices to their employees as set forth in the law.

An employer must make equivalent QSEHRA contributions for all eligible employees, with variations based only on the cost of the coverage and the number of lives covered, and the amounts cannot exceed $4,950 for single person coverage or $10,000 for family coverage. These amounts will be indexed each year, and the amounts may be pro-rated based on partial year coverage. Employees may not contribute to a QSEHRA.

It is important to note this QSEHRA is an option, not a requirement. The provision of the QSEHRA is effective for plan years beginning on or after January 1, 2017. The above information is merely a summary of the new legislation and is not meant to be a full interpretation. For more information, please refer to pages 806–822 of https://www.congress.gov/114/bills/hr34/BILLS-114hr34eah.pdf.
**Classifieds** (continued from previous page)

Also email your application to municipal.recruitment@vlct.org with Bethel in the subject line. The Town of Bethel is an equal opportunity provider and employer. (01-13)

**Request for Proposals**

Telephone System Replacement. The Town of Shelburne is soliciting written proposals for an on-site VOIP PBX to replace the current Nortel system. The current system serves the town, school district administrative offices, fire and police departments, as well as the Shelburne Public Library. The town has elected to not consider a Lucent/Avaya solution for this upgrade but will encourage all other VOIP platform proposals. The complete RFP is posted at http://vt-shelburne.civicplus.com/398/3118/Bids-RFQs-RFPs. The proposal is due by 2 p.m. on Wednesday, February 8, 2017. The new telecommunications system is expected to be fully functional by June 30, 2017. For more information, contact Ann Janda, Director of Administration for the Town of Shelburne, at ajanda@shelburnevt.org. (12-27)

Construction Inspection Services. The Town of Shelburne is seeking construction inspection services for installation of a sidewalk along U.S. Route 7 and Falls Road. The project consists of adding a five-wide sidewalk along the west side of U.S. Route 7 from Church Street to a point approximately 600 feet south, and along the north side of Falls Road beginning at Bridge #6 and extending approximately 150 feet to the west. Construction is to include new concrete sidewalk, signing, landscaping, and other incidental items. A detailed scope of work or cost proposal is not sought at this time. The complete RFQ is posted at http://www.vlct.org/assets/Marketplace/2017-Shelburne-RFQ-Construction-Inspection.pdf. Please direct all questions related to this RFQ to Sai Sarepalli, PE, Chittenden County Regional Planning Commission, at 802-846-4490, ext. 16, or ssarepalli@ccrcvt.org. All Statements of Qualifications are due by Thursday, February 2, 2017. (01-05)

**Claims Team Helps** (continued from page 11)

Intoxicated driver went on a rampage through a cemetery in one of our member municipalities. During the chase, the driver knocked down several feet of cast iron fencing and damaged headstones and the irrigation system. The driver was later apprehended and charged with public intoxication and disorderly conduct. We first tried collecting the damage from the driver’s insurance carrier, but were denied because the damage was a deliberate act. We pursued the matter by assisting our member in completing the Victim’s Impact Form to apply for restitution as part of the criminal case, and the court ordered the driver to pay the municipality for the damage to the cemetery. Although the driver couldn’t pay up front, we worked out a payment agreement with him and his probation officer. The driver was to pay $50 every month as part of his probation. If he failed to make timely payments, he faced possible jail time for violating his parole. In the end, the driver made all of the payments, so the municipality was able to restore the cemetery to its original condition without additional trouble to municipal staff or cost to the public.

**Staff News**

In December, Director of Risk Management Services Ken Canning left his position with VLCT to assume the role of Associate Executive Director of Risk Management Services with the North Carolina League of Municipalities. During Ken’s tenure here, a great deal was accomplished, including: the successful installation of new underwriting and claims management IT systems, both on time and on budget; the successful merger of the Health and Unemployment Trusts into the VLCT Employment Resource and Benefits (VERB) Trust; VLCT assisting members with the challenging changes in the health benefit system, including the move of most Vermont municipalities to Vermont Health Connect, the exchange created under the Federal Affordable Care Act; the implementation of a comprehensive strategic planning process; and maintaining VLCT PACIF’s position as the premier municipal risk management program for Vermont municipalities.

“It has truly been a pleasure and an honor to serve the members and employees of VLCT for this past nearly ten years,” said Ken upon his departure. “I have thoroughly enjoyed my time here, and will greatly miss each person that I met and interacted with over the years.”

Well, we enjoyed our time with you, too, Ken. Thank you for your dedicated service!  
David Sichel  
Deputy Director, Risk Management Services

**What’s Next?**

Following Ken’s departure, the obvious question is — now what happens?

We are pleased to report that the good work of VLCT PACIF and VERB will continue without interruption. Joe Damiata, former Managing Deputy Director for Risk Management Services, has been promoted to Interim Director of Risk Management Services; Fred Satink, former Manager of Loss Control Services, has been promoted to Manager of Underwriting, Safety and Health Promotion; and former Loss Control Representative/Administrative Assistant Jim Carrien has been promoted to Loss Control Consultant. In addition, Deputy Director Dave Sichel will continue to play a key role in the department, assisting Joe and the organization during the transition.

We at the League are excited about the promotions and the restructuring in the department and believe the changes will allow us to continue to serve VLCT members well and with the professionalism they have come to expect.

As always, if anyone has questions or concerns, please contact us at the League by telephone or email, and we will respond as promptly as possible.

Maura Carroll  
Executive Director
Upcoming Events

Questions? Visit www.vlct.org/eventscalendar to register and to read about the latest 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

Economic Development Conference
Wednesday, March 22
Capitol Plaza, Montpelier

Town Health Officers
Wednesday, March 29
Holiday Inn, Rutland
Thursday, March 30
Capitol Plaza, Montpelier

Tax Appeals
Wednesday, April 26
Lake Morey Resort, Fairlee
Tuesday, May 2
Capitol Plaza Montpelier

These workshops are expected to be held in late May and early June. Visit our website for specific dates.

Planning and Zoning Forum

Governmental Auditing and Accounting Symposium

Municipal Attorney’s Forum

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