A historical perspective on VLCT really should include a few references to PACIF (Property and Casualty Intermunicipal Fund, Inc.). Although providing insurance options for members was not one of the principles on which VLCT was founded, it has become a core service. In a December 2016 VLCT News article titled “The Power of Pooling,” David Sichel — who is currently VLCT’s Deputy Director of Risk Management Services but has worn many hats here over the years — explained the insurance market forces that compelled a small group of Vermont’s local leaders to investigate an alternative to commercial property and casualty insurance for their municipalities. Below is a bit more of that story.

In its first 18 years, VLCT had made efforts in offering group insurances, some of which were more successful than others. One insurance-related idea that never panned out was an early proposal for a workers’ compensation trust. The VLCT board discussed it on October 1, 1981, and actually passed bylaws for the future VLCT Municipal Safety Trust and appointed a broker for it. However, no progress was ever made with what was apparently intended to be an insurance purchasing cooperative.

In 1985, with the Health Trust on sound footing, property and casualty insurance became a looming issue. VLCT heard from a growing number of members that their commercial carriers were either reducing the scope and increasing the cost of existing municipal coverage or not offering to

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**RIVERS AND ROADS TRAINING PROGRAM**

Tropical Storm Irene showed that Vermont’s roadway infrastructure is vulnerable to erosion, deposition, and inundation hazards from river flooding. Before that weather disaster, repeat flood damages, reconstruction, and associated maintenance were accepted as a simple reality of inhabiting a mountainous state. However, our increased dependence on the transportation network and growing concerns over the costs of flooding have made road damage increasingly less tolerable. But the increases in flood frequency and severity and general river instability have made flood damage costs more common.

The scientific understanding of rivers and their behavior has increased tremendously in the last 50 years. We have learned that by working with the rivers’

*(Continued on next page)*
natural processes, we can maintain more stable river systems, thereby providing for more stable roads along the rivers. The goal of the Rivers and Roads Training Program – a collaborative effort from the Vermont Department of Environmental Conservation Rivers Program, the Vermont Department of Fish and Wildlife Fisheries Division, and the Agency of Transportation Local Roads Program – is to show highway crews how to build more robust roads, culverts, and bridges, which will reduce flood-related road damage costs and improve river and road stability.

The Rivers and Roads Training Program targets a wide range of state, municipal, and private sector transportation staff from general maintenance workers and equipment operators to selectboard members and design and construction oversight engineers. The free workshops are open forums for participants to share their experiences in flood recovery and discuss what worked well and what didn't in reconstruction efforts.

Participants will better understand physical river and floodplain processes and be better equipped to design and implement maintenance and repair projects that will enhance the stability of the adjacent river, increase infrastructure longevity, and minimize impacts to aquatic habitats.

Trainings will be held at VTrans Training Center at 1716 Route 302, Berlin, Vt., from May 31 to June 1, and on October 4-5, 2017. While open to everyone, these trainings are prioritized for VTtrans and municipal road crew staff, RPC staff, and those working directly with road crews. A waiting list will be kept and, as space allows, contractors, consultants, and others interested in these trainings may be added to the list of registered attendees.

Two Vermont Local Roads Trainings will take place May 16-17 (VTrans District Office, Derby) and October 18-19, 2017 (Starksboro Town Garage). These trainings are open to municipal road crew staff, VTtrans staff, RPC, and those working directly with a town road crew (such as a conservation district). A waiting list will be kept and, as space allows, contractors, consultants, and others interested in these trainings may be added to the list of registered attendees.


Todd Menees, P.E., P.H., River Management Engineer Watershed Management Division, Rivers Program

We are beginning to plan the training session topics for

**Town Fair 2017**

– scheduled for October 4-5

at the Killington Grand Resort Hotel in Killington–

and we want to hear from you!

Email Lisa at lgoodell@vlct.org

with your suggestions, or take this online survey:

www.surveymonkey.com/r/TownFair2017Training
Demonstrate your commitment to the safety of your community by protecting your underground utilities from excavation accidents. Dig Safe is a streamlined communication process that notifies you of projects that could potentially damage sewer, water, drainage, fire alarm and traffic control facilities.

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Call 811 or visit digsafe.com to learn more about membership.
ST. ALBANS CITY — Once a month bowls of fresh fruit decorate the lunchrooms at St. Albans City facilities. It’s the most popular part of the city’s wellness initiative, according to Kristen Smith, the city’s public relations coordinator.

Smith is one of the leaders of the city’s wellness committee, along with Courtney Bushey, the city’s finance and human resources coordinator.

The city was recently recognized for its work with an Excellence in Workplace Wellness award from the Governor’s Council on Physical Fitness and Sports.

The city has 70 full-time employees and approximately 10 part-time employees, including the police department and the Restorative Justice Center (RJC). The RJC is supported with grants, but is officially a department of the city.

The diversity of the city’s workforce and multiple locations has made engaging all of the staff a challenge, according to Smith. “Here at city hall we all sit at our desks, while at public works they’re out and about,” she said. Police officers and dispatchers have the added challenge of working evening and overnight shifts, Smith noted.

The wellness work began about two years ago. Since then the city has adopted a nutrition policy stating that at any meeting or gathering in which city funds are involved nutritious, preferably locally grown, foods will be offered, including at least one fruit or vegetable option, whole grains, and water.

A physical fitness policy encourages supervisors to offer longer lunch breaks allowing for physical activity, more flexible schedules, and breaks during meetings so participants can move around.

All city buildings are smoke free, and both city hall and the police station have rooms where breastfeeding mothers may nurse their babies or pump milk. The room at city hall is available for public use. Signs in Taylor Park mark it as breastfeeding friendly.

Working with Rise VT [a community initiative to embrace healthy lifestyles], the...
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

Staff News

“From the ages of 13 to 23,” writes Adam Davis, VLCT’s new Administrative Assistant for Risk Management Services, “I lived in a box car – not a stationary box car; it was in constant motion. I still vibrate when I think.” Whoa. Now, that’s thinking outside the box (car). Staying with the thinking analogy, Adam thinks of himself as an office generalist. Presented with a new challenge, he’ll give the problem his full attention until he finds the best solution. That approach has allowed him to add bookkeeping, financial reporting, human resources, IT support, and customer service to his ever increasing list of skills.

Adam has been in office management roles for most of the last decade, he has two daughters, and he lives in a converted public library, not necessarily in that order. But wait, there’s more! He also hobby-welds, collects comic books and records (LPs and 45 rpm, not old paper documents), makes homemade kimchi and other fermented foods, and “generally enjoys nerdy activities.” The fact that his middle name is Tumbleweed (really) is a bonus.

Prior to his arrival at VLCT, Adam served as office manager for the National Alliance on Mental Illness of Vermont, Inc. He says he really liked the job, but the hour-long commute each way? – not so much. He’s still, however, a trained Family Support Group Facilitator.

So he’ll fit right in at VLCT, which, of course, is supportive like a family and facilitates like a, um, like a group? Anyway, welcome, Tumb ... I mean Adam!

Staff News

Swanton Town

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.

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(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org
Superior Court Reverses Selectboard’s Highway Reclassification Decision

At issue in the case of Fitzgerald vs. Town of Ira, No. 503-9-16 Rdcv (2017), was the reclassification of two roads in the Town of Ira, Vermont. Following a voter-backed petition by town residents to reclassify the roads, the Ira Selectboard held a hearing and determined that it was in the “best interest of the Town” to reclassify both roads from class 3 to class 4. A landowner appealed to the Rutland Superior Court, which reversed the selectboard’s decision as “arbitrary.” Although the case is a superior court decision not binding on municipalities statewide like a Vermont Supreme Court decision would be, the case is nonetheless a good reminder that selectboards need to do more than just make bare statements in their reclassification decisions, and instead provide factual support and some amount of rationale for those decisions.

The town highways that the selectboard reclassified, Khale and Fish Hill roads, each branch off from a main through-route and each lead to a single home (according to Google Maps). Practically speaking, reclassifying the two roads to class 4 would have minimized the Town of Ira’s duty to maintain and plow the roads. This is because towns are not generally required to maintain class 4 town highways, pursuant to 19 V.S.A. § 310(b). Landowner and plaintiff Mark S. Fitzgerald, whom one could wager resides in one of the two homes located off Khale Road or Fish Hill Road – and preferred to keep the town plowing his road – appealed the selectboard’s decision to the superior court. The plaintiff argued that the town “failed to make the required finding that the reclassification was required by the public good, necessity, and convenience of the inhabitants of the municipality.”

Fitzgerald appealed to the superior court through Rule 75 of the Vermont Rules of Civil Procedure. Generally, these types of appeals to the superior court from a municipal board receive deferential treatment. This means that the superior court will confine its review of a selectboard’s decision to questions of law, “and consideration of evidence questions is limited to determining whether there is any competent evidence to justify the adjudication.” In other words, the superior court will not reverse a selectboard’s decision just because they disagree with it, but will focus on whether a town adhered to the statutory process and made a reasonable determination based on the facts presented at the hearing.

In the case of Khale and Fish Hill roads, even with this deferential standard of review, the court nonetheless sided with the plaintiff. The court explained that although the selectboard’s decision briefly discussed plowing,
The “home occupation” statute, 24 V.S.A. § 4412(4), provides a limited right of a Vermont resident to use part of his or her home to conduct certain activities that generate income. The law states that “[n]o bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.” The statute therefore limits the authority of a town to prohibit home occupations. Specifically, a home occupation must be allowed if it is (1) conducted by a resident of the property; (2) conducted in a “minor portion of a dwelling unit”; (3) is an occupation “customary in residential areas”; and (4) does not have “an undue adverse effect upon the character of the residential area in which the dwelling is located.” However, the language of 24 V.S.A. § 4412 does not provide any absolute rights as to the use of property. A town is free to specify the standards by which home occupation applications may be reviewed or conditioned.

For further analysis of what it means to be in the “public good, necessity, and convenience of the inhabitants of the municipality,” please read the VLCT News Reprint article “Vermont Supreme Court Overturns Selectboard’s Highway Decision,” http://www.vlct.org/assets/Resource/LRN/2015/LRN-selectboard-highway-decision-overturned.pdf.

The Fitzgerald vs. Town of Ira case is currently not published online but is available at the Civil Division of the Rutland Superior Court.

Carl Andeer, Staff Attorney I
VLCT Municipal Assistance Center

Not even a puppy will get you a permit: dog breeding business not permissible as a home occupation

Apparently puppies – cute as they may be – aren’t always good neighbors. In their youthful exuberance, they bark frequently and loudly. And by their very nature they must frequently be let outside to relieve themselves. As such, the Vermont Environmental Court recently found that the breeding of puppies was not permissible as a “home occupation” under the provisions of the Town of Fair Haven’s zoning bylaws.

In Blazer Home Occupation, 99-8-16 Vtec (2017), the court denied the application for such permit and vacated the approval granted by the Fair Haven Planning Commission.

The “home occupation” statute, 24 V.S.A. § 4412(4), provides a limited right of a Vermont resident to use part of his or her home to conduct certain activities that generate income. The law states that “[n]o bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.” The statute therefore limits the authority of a town to prohibit home occupations. Specifically, a home occupation must be allowed if it is (1) conducted by a resident of the property; (2) conducted in a “minor portion of a dwelling unit”; (3) is an occupation “customary in residential areas”; and (4) does not have “an undue adverse effect upon the character of the residential area in which the dwelling is located.” However, the language of 24 V.S.A. § 4412 does not provide any absolute rights as to the use of property. A town is free to specify the standards by which home occupation applications may be reviewed or conditioned.

Legal Services for Vermont Municipalities and Non-Profit Organizations

Environmental, Land Use, and Utility Law
Federal and State Litigation and Appeals
Bylaw Review and Drafting, including solar screening regulations
Annual flat rates available for General Town Counsel Services

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

(continued on page 12)
NEW Streamlined Reports and Letters from Loss Control

PACIF Loss Control and Member Relations staff recently began using new software to ensure that soon after each visit to a member, the member will receive a useful record of the visit, including any loss control recommendations that arose from it. The software also happens to save PACIF’s field staff a lot of time that they used to spend in the office doing repetitive chores, which frees them up to spend more time with members.

The software helps PACIF field staff quickly transform the notes they make while inspecting municipal facilities into a comprehensive report that has consistent, clear recommendations. For each of these, the report outlines how to comply, assigns a hazard rating, and suggests a correction date to help members prioritize their loss control efforts. The staff member can also easily create a simple cover letter noting the date and purpose of the visit and email the letter and the report to the member’s PACIF contact person. All this takes place while everything is fresh in the minds of everyone involved. At the same time, the elements of the report are automatically stored in PACIF’s new Loss Control database, which simplifies follow-up steps and will facilitate future data analysis for long-term reference.

This software program was originally written by the Cities and Villages Mutual Insurance Company (CVMIC) for its own use. VLCT’s Joe Damiata and Fred Satink, who had been on the lookout for a recordkeeping system that would meet loss control’s needs without a large price tag attached, were intrigued to learn about it when they met some Wisconsin folks at a national convention of state municipal risk pools. CVMIC charged us nothing for their software, as long as we share our changes to it. We believe this is a great outcome for both CVMIC and VLCT PACIF!

Equifax: Why? UI!

The VERB Trust’s partner for administering Unemployment Insurance (UI) claims is Equifax, and our designated contact person there is Kelly Storm. Part of Kelly’s job is to gather information from UI Program members and relay it to the Vermont Department of Labor. If your group is in the VERB Trust’s UI Program, please be alert for any such requests from Kelly and be sure to send her the information in a timely fashion. This not only helps you avoid incurring any penalties from the state, it also, when appropriate, gives Equifax a chance to protest these claims on your behalf. Quick responses to these legitimate requests allows us to serve you better and helps the entire UI pool to thrive.

If you have any questions regarding Equifax or VERB Trust UI Program participation, please call Kelley Avery at 800-649-7915, ext. 1965.

Life and Disability Plans from Lincoln Financial

The VERB Trust’s partner for Life and Disability coverage, Lincoln Financial Group, recently guaranteed their current low rates yet another year – through July 1, 2019!

Please contact Larry Smith or Kelley Avery at VLCT by mid-May if:

- your group would like a quote for Group Life, Short-Term Disability, or Long-Term Disability insurance with Lincoln Financial; or
- your group already participates in a Group plan with Lincoln and wants to inquire about adding the Optional Life and AD&D, Accident, or Critical Illness coverage; or
- your group already participates in any of these products and wishes to inquire about adding new employee subscribers for a July 1st effective date.

Thank you for your support and participation in this program! Please call Larry Smith or Kelley Avery at 800-649-7915 if you have any questions.

(continued on page 12)
Municipal entities that received a 2016 Governor’s Award for Excellence in Worksite Wellness

- Town of Killington
- Chittenden Solid Waste District
- Town of Colchester
- City of St. Albans
- City of Rutland
- Vermont League of Cities and Towns


The city offers discounts to employees on city recreation programs and as well as discounted gym memberships.

To keep the momentum going, the wellness committee recently launched a wellness newsletter and is “working on a calendar so that every month we touch on a different aspect of wellness,” said Smith.

Beginning in January, the wellness program will have a small amount of funding in the budget, said Smith, a first. So far the program has run on grants and assistance from Rise VT and others.

“We’re really trying to make these things a priority,” said Bushey. “It’s a fun part of our job.”

Michelle Monroe
Writer and Executive Editor
St. Albans Messenger

2017 RMS Calendar

PACIF’s Annual Workers’ Compensation Audits. Being completed in May 2017. Members that haven’t already connected with Larry Smith, Pam Fecteau, Vicky Abare, or Susan Benoit to provide your 2016 payroll records so we can reconcile your 2016 PACIF contribution will need to do so early this month. If your 2016 Workers’ Compensation contribution was less than $4,000, please make sure you have completed and returned the self-audit form that we mailed to you on March 3rd. If you have any questions, call Vicky Abare at 800-649-7915 ext. 1941.

2016 UI Wage Report Filing Deadline. Monday, May 1. Groups in the Unemployment Insurance (UI) Program of the VERB Trust will find details and the correct Excel form directly under the Resources heading on VLCT’s Unemployment Insurance webpage. Questions or problems? Contact Kelley Avery ASAP at kavery@vlct.org or 800-649-7915 ext. 1965.

Vermont Municipal Highway Association Field Day and Equipment Show. 7:30 a.m. to 3:00 p.m., Wednesday, May 10, Barre Civic Center, Barre. This is the annual field day for municipal road crews, with vendor exhibits all day, the snow plow rally in the morning, trainings, a sit-down BBQ lunch with door prizes, and the backhoe competition and awards in the afternoon. For more information and to register, contact Debbie Armstrong at 802-223-2374 or debbie@agcvt.org.

Open Enrollment for Delta Dental’s Fiscal Year Plans. May to early June 2017. Groups that obtain Northeast Delta Dental coverage from the VERB Trust will receive renewal information by email and mail from Kelley Avery in early May. If you have any questions regarding dental renewal, contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

OSHA 10 Roadway Safety Workshop. 8:00 a.m. to 3:00 p.m., June 5 and 6, Irasburg Town Hall, 118 Park Avenue, Irasburg; or June 8 and 9, Middlebury Fire Department, 5 Seymour Street, Middlebury. This ten-hour workshop summarizes 11 key safety and health topics related to construction work zone. The workshop – appropriate for road foremen, highway personnel, town managers, planning commissioners, administrators, selectboard members, public works directors, and engineers – is a prerequisite for Vermont Local Roads hands-on heavy equipment (grader, loader, and excavator) training. Presented as part of the Roads Scholar program of Vermont Local Roads and sponsored jointly by the Federal Highway Administration and the Vermont Agency of Transportation. Instructed by Richard J. Wobby, Jr., Director of Safety Training and Member Services for Associated General Contractors of Vermont.
renew policies at all. Steven Jeffrey, in his third year as Executive Director, and Tom LoPizzo, who was handily administering both the Unemployment and Health trusts, saw a new opportunity for the League to serve its members. That’s why people like Dave Sichel (then Brattleboro’s Finance Director), who called to ask for guidance in addressing their need for property and casualty insurance, were invited to serve on a committee to consider a group solution. And while the committee sought a suitable consultant to start forming a plan for self-insurance, Steve enlisted the aid of Montpelier attorney Paul Giuliani to help make certain that such a program could operate legally as soon as it was ready.

Three requirements needed to be met before VLCT members could create what became PACIF.

1. Enabling legislation had to be fashioned and passed by the state legislature.
2. The feasibility of the proposed self-insurance program had to be evaluated to determine whether it was financially and operationally viable and could earn state-level regulatory approval.
3. Enough Vermont cities and towns had to make a firm financial commitment for the program to be launched at all.

Steve, Tom, and Paul worked diligently to draft enabling legislation and get it passed during the 1985-86 legislative biennium. On January 28, 1986, the bill was introduced by the House Commerce Committee as House Bill 641, and was voted out of the House on March 12. The Senate approved the bill on May 2 (shortly before adjournment), Governor Madeleine Kunin signed it as Act 237, and it became effective on June 3, 1986. The law allowing “Intermunicipal Insurance Agreements” is V.S.A. 24 Chapter 121, §§ 4941-4947.

Meanwhile, the combined need, experience, and perseverance of the investigatory committee helped PACIF take shape in remarkably short order. Most committee members knew much more about municipal concerns than insurance. However, David Bell, Town Manager of Essex, had recently arrived from Missouri, which had instituted a property/casualty insurance trust the year before, and Mel Hawley, City Manager of Vergennes, was son and brother to the principals of a well-established insurance agency in Vermont. The proposal that emerged was to pool members’ resources to both purchase a single insurance policy that was large enough to cover all members but had a high deductible and also set aside money to pay the deductible. This is the method by which large cities and private corporations insure themselves.

Homing in on the goal, the investigatory committee engaged a regional insurance consultant to examine whether the plan was feasible in Vermont. It was. Knowing that their colleagues around the state would need to have confidence in the new undertaking, they brought in an insurance broker to structure and find insurance support for the program. The broker developed a package that covered liability and property and included all necessary underwriting and claim adjusting services. In due course, this package received regulatory approval from the state. Working with Paul, Tom, and Steve, the committee wrote bylaws for what they all hoped would soon become the VLCT Property and Casualty Insurance Fund.

The enabling legislation having taken effect on June 3, 1986, and with a favorable feasibility study on file, the committee convened on June 18, 1986, at the VLCT offices at 52 State Street in Montpelier to

“One of the issues discussed before PACIF was founded was whether the League should get involved in what was currently a professional endeavor. Would this be a long-term or short-term situation? If municipalities came to rely on it, would we be able to sustain it? What degree of liability would the League be taking on, and was it appropriate to do that? We decided to do it, provided that we could limit the liability of the League itself.”

— Richard Cate
Original Trustee, PACIF (interviewed in 2012)
establish the organization. Nine trustees were appointed to form the founding board. They then adopted the proposed bylaws; elected the first slate of officers; arranged for VLCT to provide administrative services; and appointed the necessary professional service providers, including general counsel, depository bank, actuaries, broker, claim adjuster, and independent auditor. VLCT filed the paperwork with the Secretary of State to incorporate VLCT PACIF on July 1, 1986.

Initially, the committee had hoped to have coverage available that very day, but far more members were needed to join and commit funds: a total of at least $1 million was required to launch the program – with policies from Lloyd’s of London and other insurers. Having learned that most Vermont municipalities were on calendar-year coverage, PACIF trustees and VLCT staff set January 1, 1987, as the target startup date, then got to work convincing municipalities to make the leap into the new shared-risk pool. Several trustees had better luck convincing their neighboring communities than their own. Steve Jeffrey and Tom LoPizzo kept a record of which communities signed on, complete with a tally counting down the remaining money required. The deadline for financial commitments was December 31, 1986, and, as Steve said in 2012, “I remember calling towns on New Year’s Eve to see if they had decided to come in or not, so we could make the ‘Go / No Go’ position clear to the board basically on New Year’s Day.”

PACIF coverage was launched with 27 charter members. Another 20 joined during its first year, a total of 54 were signed on for the start of 1988, and membership increased steadily over the following years. With this financial commitment came stability, allowing PACIF’s board of directors (as they are now known) to gradually hire staff, bring member-focused services in-house, and expand the types and extent of coverage. Some of the many more stories and stats about all that will be revealed in future articles.

Note the incongruity: six of the nine founding board members didn’t convince their governing boards to buy into the first year of the proposed shared risk pool. We’ll save you the trouble of comparing the lists: the six hesitant municipalities were Montpelier, Newport, Middlebury, Barre, Hartford, and Winooski.
trust matters
(continued from page 8)

join verb’s hias program for peace of mind in uncertain times

With the future of the health insurance marketplace more uncertain than ever, the VERB Trust’s Health Insurance Advisory Services (HIAS) program can keep you informed and guide you during what may be a tumultuous time in health coverage. The only way to receive detailed information and customized support from VERB is by participating in the HIAS program, an annual subscription service that’s open to all VLCT members.

The VERB Trust has more than 30 years of experience in health insurance and benefits administration, and its staff members are the premiere consultants on municipal benefits in the state of Vermont. The HIAS program supports participating members by carefully evaluating your current benefit options and making recommendations to save you money while optimizing your employee benefits. Its three-part purpose is to make maneuvering the world of health insurance and benefits easier for you and your employees, to alleviate much of the administrative burden on municipal officials, and to maximize your cost savings and benefit plan offerings. The VERB Trust works with Hickok & Boardman HR Intelligence (H&B) – a Vermont-based insurance and financial products agency – to provide this valuable program at a very competitive price.

With HIAS you get:

- education and communication about health insurance options and benefits;
- advice and assistance with overall employee benefit strategies;
- financial modeling of benefit plans and funding options;
- assistance with pre-enrollment, enrollment, and post-enrollment activities;
- general support of health benefit plan administration, including working with insurers;
- forms, templates, education, and information to help you comply with the Affordable Care Act (ACA);
- attendance of knowledgeable and helpful VLCT staff at meetings of governing boards, managers, union negotiators, or employees;
- Health Advocate’s Core Advocacy services;
- support from H&B for compliance with relevant state and federal regulations; and
- access to additional H&B services at a reduced cost.

For additional information, please contact Member Relations Manager Larry Smith (lsmith@vlct.org) or Health Benefit Programs Administrator Kelley Avery (kavery@vlct.org).

legal and reg.
(continued from page 7)

so long as those standards are consistent with state law.

The Town of Fair Haven has imposed several home occupation standards in its zoning regulation. Those regulations require that a home occupation business must take place “wholly within the principal building and accessory building.” The regulations also require that “obnoxious or excessive noise ... that is detectable at the boundaries of the lot ... shall not be generated” by a home occupation. Finding that the puppy breeding business could not meet these standards, the court stated that the Blazer home occupation application must be denied.

The court noted that the breeding of puppies necessarily involves letting dogs outside multiple times a day and night to run, play, and relieve themselves. It also noted that “barking often accompanies the play” of the dogs. The adjoining property owner in Blazer established that the barking sometimes continued for hours at a time and interfered with the enjoyment of his home. Based on those facts, the court found that the business was not operated wholly within the applicant’s home and that the business generated “obnoxious or excessive noise ... that is detectable at the boundaries of the lot” in violation of the town’s zoning bylaw. Puppies may be cute, but they can be obnoxious neighbors.

It should be noted that 24 V.S.A. § 4412 provides the minimal rights that must be afforded to a property owner, but a town’s zoning bylaws may be more generous. For instance, a bylaw may allow a home occupation that involves not only the residents but also one or two non-resident employees. Likewise, a bylaw may allow the use of not only a minor portion of the dwelling unit, but also the use of an accessory structure on the property such as a garage or barn. More information about home occupations is available from the Vermont Planning Information Center at http://vpic.info/Publications/Reports/Implementation/Home.pdf.

The Blazer case is archived at https://www.vermontjudiciary.org/sites/default/files/documents/Blazer%20Home%20Occupation%20%2099-8-16%20Vtec%20JO.pdf.

Sarah Jarvis
Staff Attorney II
VLCT Municipal Assistance Center
HELP WANTED

Water Operator. The Norwich Fire District is seeking a Water Operator to help run the municipal water system, which has more than 360 connections. Certification as a Class 3 Operator is preferred, but we will train the right applicant. This position is for 40 hours per week, with some weekend sampling and emergency responsibilities. Hourly salary is commensurate with experience and includes health insurance and other benefits. This is intended to be a long-term, growth opportunity. Please contact Operations Manager Sam Eaton at 802-649-5424 or norwichfiredistrict1@myfairpoint.net by Monday, May 1, for further information or to schedule an appointment. (03-16)

Chief of Police. The Town of Williston is seeking a full-time professional to manage its Police Department, which comprises 17 full-time police officers, two full-time dispatchers, one full-time administrative assistant, and one full-time Community Justice Director. Williston is a growing, progressive community with a residential population of 9,200 and a daytime population of 18,000. Its approved FY18 budget is $2,157,170. Requirements: 5 to 8 years of increasing responsible experience, including several years of command level experience in a comparably sized department or larger; an Associate’s degree or greater; and the ability to obtain certification as a Vermont police officer. Salary range, $63,800 to $91,700. For more information, call 802-878-0919. To learn more about Williston, visit http://town.williston vt.us. To apply, please email a cover letter and resume as PDF file attachments to the Town Manager at rmccuire willistonvt.org. Position open until filled, but the preferred filing deadline is April 28, 2017. EOE. (04-04)

Water/Wastewater Superintendent. The Town of Randolph is accepting applications for the position of Water/Wastewater Superintendent for systems averaging 250,000 gpd each. Requirements: a Grade 2 Water License and a Grade 3 Wastewater License; prior experience with SBR systems is preferred for management and operation of a new 400,000 gpd SBR facility; applicants should be able to demonstrate experience in personnel management, systems operation and maintenance to include SCADA; familiarity with MS Word and Excel; and fiscal and inventory planning. This is a full-time exempt position with a full range of benefits and a competitive salary range based upon qualifications. To apply, submit a completed employment application (available at www.randolphvt.org under Employment) with a letter of interest and resume to Town Manager, Town of Randolph, PO Drawer B, Randolph VT 05060. Position open until filled. EOE. (04-04)

Town Manager. The Town of Wilmington, Vermont, seeks a collaborative and energetic leader for the position of town manager. Wilmington (pop. 1,875) is a rural community facing new challenges (continued on next page)

Visit the VLCT website www.vlct.org/marketplace/classifiedads/ to view more classified ads. You may also submit your ad via an email link on this page of the site.
since recovering from significant flooding caused by Tropical Storm Irene. The town is located in Southern Vermont’s Green Mountains near the Mount Snow ski area. With more than 1,600 vacation homes, Wilmington’s population increases both seasonally and on weekends. The manager reports to a five-member selectboard and is responsible for the daily operations of the town. He or she administers a $4.5 million operating budget, supervises 24 full-time and four part-time employees, and oversees all personnel, finances, and public works. A detailed job description is available at http://wilmingtonvermont.us/government/town-manager/. A bachelor’s degree is required (master’s degree preferred). Previous experience in municipal government is desired. The hiring range is $65,000 to $73,000, with an excellent benefit package. Please apply in confidence with a cover letter, resume, and contact information for three references via email to municipal.recruitment@vlct.org with “Wilmington” as subject, or send via U.S. mail to Wilmington Town Manager, c/o VLCT, 89 Main Street, Montpelier, VT 05602-2948. The deadline to apply is Friday, May 5, 2017. EOE. (04-06)

Public Works Foreman. The Town of Bethel seeks a Public Works Foreman. The foreman is directly responsible for managing the Public Works budget; supervising three full-time equipment operators plus any part-time laborers working for the department; payroll record keeping for operators; developing work plans consistent with the budget; managing inventory of materials and supplies; summer and winter maintenance of town highways and related work. The foreman will also assist the Town Manager with State of Vermont Town Highway grants, Better Back Roads grants, and procuring materials and equipment. Requirements: at least five years of supervisory experience in a municipal or commercial setting; high school diploma (Associate’s degree in a related field is preferred); a Class A CDL or the ability to obtain one in a reasonable time; maintenance and operating experience with heavy equipment including dump truck with plow, loader, grader, and backhoe. Knowledge of small municipal waters systems is a plus. Water operator training will be required. To apply, email a letter of interest, resume, and any other relevant information to Bethel Town Manager Keith O. Arlund at betheltownmgr@comcast.net, or mail to Keith O. Arlund, Town Manager, Town of Bethel, 134 South Main Street, Bethel, VT 05032. Applications accepted until position is filled. Bethel is an equal opportunity provider and employer. (04-07)

Community Development Director. The Town of Bennington seeks a qualified individual for the position of Community Development Director. This position reports directly to the Town Manager and is a member of the Town’s management team. The Director provides oversight of the municipality’s efforts related to the advancement of the Bennington community including media programming and use, marketing, and community public relations. He or she implements community-based initiatives and policies that contribute to the overall advancement of thriving schools, healthy homes, safe neighborhoods, and vibrant streets and economic vitality. Requirements: a bachelor’s degree in a related field; at least three years of experience in the field of community development, economic development, municipal planning, and/or public relations; a working knowledge of municipal government or government operations; must be highly-motivated with excellent writing and speaking skills; must be team-oriented and fluent in PowerPoint, Excel, and website/social media development and use. A complete job description is posted at www.benningtonvt.org. The Town provides an attractive salary and benefits package and is an Equal Opportunity Employer. Please send a resume with three character references by Friday, May 19, 2017, to Town of Bennington, Office of the Town Manager, PO Box 469, Bennington, VT 05201. (04-10)

Administrative Assistant. The City of Montpelier is seeking an Administrative Assistant for its Community Services Department. The Administrative Assistant provides administrative support and customer service for the three vibrant (continued on next page)
has been fitted to be used as the town clerk’s Records Vault. The unit is in excellent condition and the climate control system has recently been serviced. Pictures of it are posted on the VLCT website, http://www.vlct.org/marketplace/classifiedads/climate-controlled-container-20x8/. For more information, call 802-468-5319, ext. 201. Please submit an offer by Wednesday, May 10, 2017, by email (manager@castletonvt.org), hand-delivery (1655 Main Street), or by U.S. mail to Mark S. Shea, Town Manager, Town of Castleton, PO Box 727, Castleton, VT 05735. (03-31)

REQUEST FOR PROPOSALS

Sidewalk Construction. The Town of Shelburne invites qualified contractors to bid on constructing new sidewalks at Shelburne U.S. Route 7 and Falls Road (Shelburne STP BP14(5) & SDWK(24)). The work also includes signing, landscaping, crosswalks, and other incidental items. Work is to begin on July 1 and be completed by August 18, 2017. You may obtain plans from the Town’s Engineering Project Manager, Evan Detrick, PE, VHB, 40 IDX Driver, Building 100, Suite 200, South Burlington, VT 05403 (802-497-6197 or edetrick@vhb.com) at a cost of $50 per set made payable to VHB. Plans are not returnable. The deadline for pre-qualified contractors to submit sealed bids is 10 a.m. on Tuesday, May 2, 2017, at the Shelburne Town Office, 5420 Shelburne Road, Shelburne, VT 05482. Bids will be opened immediately thereafter. Mark sealed bids “Bid: Shelburne STP BP14(5) & SDWK(24)” in the lower left hand corner of the envelope. Each bid must be accompanied by a certified check payable to the Town of Shelburne for 5% of the total amount of the bid, though a bid bond may be used in lieu of a certified check. All bidders must be on the Vermont Agency of Transportation’s prequalified list under the “Curb and Sidewalk” category, or must have submitted a prequalification application to the agency, Contract Administration, at least ten working days prior to the bid opening. Only annual prequalification will be required for this project. For more information, contact Jon Winter at 802-828-2643. (04-05)

FOR SALE

Climate-Controlled Container. The Town of Castleton is accepting offers for a 20’x8’ climate-controlled container that

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Live Local.
Tax Appeals
Tuesday, May 2, Capitol Plaza Hotel
and Conference Center, Montpelier

Municipal Human Resources
Wednesday, May 10, Capitol Plaza Hotel
and Conference Center, Montpelier

Locally Elected Auditors
Wednesday, June 7, Capitol Plaza Hotel
and Conference Center, Montpelier
(The new title reflects this year’s focus for
the Governmental Auditing and Accounting
Symposium. A new governmental accounting
training series will be announced soon.)

Planning and Zoning Forum
Wednesday, June 14, 2017, Lake
Morey Resort, Fairlee

Municipal Attorneys Forum
Thursday, June 15, DoubleTree
Hotel, South Burlington
(Register through the Vermont Bar
Association, https://www.vtbar.org/)

We are beginning to plan the training session topics for

Town Fair 2017

– scheduled for October 4-5
at the Killington Grand Resort Hotel in Killington–

and we want to hear from you!

Email Lisa at lgoodell@vlct.org
with your suggestions, or take this online survey:
www.surveymonkey.com/r/TownFair2017Training

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