As part of VLCT’s yearlong 50th anniversary celebration, we want to recognize Vermonters who have long served in local government. For sure, Elsie Beard of Orange is one such Vermonter!

For most of the 80+ years that native Vermonter Elsie Beard lived in the Town of Orange, she was a municipal official. Among the hats she sported were those of library trustee (her first official headgear), justice of the peace, town treasurer, auditor, member of the planning commission, selectman, service officer, agent to deed land, recreation committee member, and, for 35 years, assistant town clerk/treasurer. She also served on the town’s Recreation Committee, its Bicentennial Committee, the Community Improvement Loan Program Board, and as treasurer for both the Orange Alliance Church and the Orange Center Community Association. Closer to our home, Elsie was a longtime member of VLCT’s Quality of Life Committee – which recommends policy for the League’s legislative platform – and, for 20 years, a VLCT PACIF (Property and Casualty Intermunicipal Fund) Director. She would have been one of PACIF’s original trustees but there wasn’t an opening on the Board until the organization’s second year.

...in 2015, then-Governor Peter Shumlin declared September 14th to be Elsie Beard Day in Vermont...

Dominic Cloud was elected to the VLCT Board of Directors, he was appointed VLCT Vice President. That’s an ascension comparable to a SpaceX Falcon 9 rocket launch. Or nearly so.

Dom has served as Saint Albans City Manager for nine years, and counting. Before that, he worked for VLCT, first as a senior associate in the Legislative and Member Services Department, where he plied his lobbying skills at the State House, and later as director of the Municipal Assistance Center (MAC). In fact, he oversaw the transition of MAC from the Municipal Law Center, its previous incarnation. He said the change from providing strictly legal help to municipalities to a more nuanced and comprehensive assistance mirrored changes in local government. These days, he says, “local officials need to know a little about a lot; they need to be consummate generalists. That trend reflected in the change from the Law Center to MAC.”

(Continued on page 10)
DOMINIC CLOUD
(continued from previous page)

Dom also worked as a consultant for VLCT in Saint Albans, and that’s when his attraction to the city developed. “I thought that if ever the manager job opened up, I’d throw my hat into the ring,” he says. “Shortly thereafter, it did.”

“Saint Albans,” he continues, “is very much the center of commerce and business in the region. After decades of stagnation, the city has, over the last five years, added $60 million to its grand list.” Dom attributes the economic success of the city to its tax increment financing (TIF) district.* He notes that 40 percent of all the jobs in Franklin County are in the two square miles that comprise Saint Albans City. “That’s indicative of the vital role that a shire town plays in the region. I think we bring that perspective to the [VLCT] board as well.”

That perspective includes an appreciation of the importance of VLCT to its members. “The League has always done a really good job of keeping track of the issues that are important to Vermont local government,” he says. “One reason I wanted to serve on the board is, time and time again, I’ve seen the power of the voice that speaks on behalf of all Vermont communities. I saw it as a staff member and then from the perspective of a city manager.” He stresses that it’s the job of local officials to have strong relationships with their local representatives and senators, “so that when we get that notice from VLCT (i.e., from an Action Alert or an article in the Weekly Legislative Report), we can reach out to legislators and share our viewpoints. The League has always felt that its members are its most effective lobbyists,” he concludes.

But can he lobby to, say, bring back the Vermont Voltage, the soccer team based in Saint Albans that folded after the 2014 season? “I don’t have any idea,” he admits. “The owners still have a property interest in Saint Albans but we connect with them through their buildings, not their programs.” Oh well.

Dom’s interests run to sailing and skiing, music and his family, which consists of a spousal unit and two young children. And, of course, to now returning to VLCT to serve as Vice President of its Board of Directors – which in this case proves that Thomas Wolfe was wrong: you can go home again! Welcome back, Dom!

David Gunn
Editor, VLCT News

*TIF districts are established by a municipality around areas that enable investment in public infrastructure to encourage public and private real property development. They attract economic development projects to areas where they otherwise wouldn’t occur and have been critical to the re-development of 11 downtowns – so far – across Vermont.

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
Who is digging in your town?

Dig Safe members know.

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

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

Call 811 or visit digsafe.com to learn more about membership.
How does a selectboard maintain the confidentiality of candidates when it has to issue minutes for any selectboard meeting where a candidate interview takes place?

Vermont’s Open Meeting Law mandates that a discussion between a quorum (majority) of selectboard members about municipal business must take place within the confines of a duly warned open meeting. 1 V.S.A. § 312. Although the interview of a prospective municipal employee or appointee fits within the definition of municipal business, there is an allowance in the law for such an interview to be conducted behind closed doors. Specifically, the Open Meeting Law allows for an executive session (disclosure from which the public is excluded) for “the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting.” 1 V.S.A. § 313(a)(4). As such, a selectboard may – within the context of an otherwise open meeting – enter into executive session for the purposes of interviewing candidates.

One of the reasons to use executive session is so that the anonymity of the candidates can be preserved, at least in the initial round of interviews. Many candidates expect that a job application and interview process will remain confidential. Some of them desire anonymity because they do not want their current employer to know that they are seeking employment elsewhere. For a selectboard, however, preserving the anonymity of a candidate must be done within the narrow confines of the Open Meeting Law and Public Records Law.
The Open Meeting Law requires that minutes must be taken of all public meetings and “shall be matters of public record.” Among other requirements, minutes must give a true indication of the business of the meeting and identify all of the active participants. 1 V.S.A. § 312(b). The question arises then about how a selectboard can preserve the anonymity of candidates when the selectboard is required to issue minutes for its meetings – even meetings where candidate interviews take place. The answer is that minutes are only required for the portions of a public meeting that are open to the public. As such, minutes are not required for an executive session. One V.S.A. § 313(a) states that “[m]inutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act.” Assuming that the candidate does not participate in the open (non executive session) portion of the meeting, the candidate would not be an “active participant” in the meeting, and would not have to be listed in the meeting minutes at all.

It should be noted, however, that meeting minutes must at least articulate that the selectboard voted to go into executive session and for what purpose. According to the law, “[a] motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes.” 1 V.S.A. § 313(a). MAC recommends that the meeting minutes state something along the lines of the following:

The selectboard voted to go into executive session to conduct an interview of a potential employee under the authority granted in 1 V.S.A. § 313(a)(4) for discussion of “the appointment or employment or evaluation of a public officer or employee.”

A further explanation of the process of conducting interview in executive session is available in this Ask The League article from the October 2016 edition of the VLCT News. For more information about Vermont’s Open Meeting Law, please see MAC’s Frequently Asked Questions about the Open Meeting Law, available on the VLCT website. Information about how to deal with a public records request for job applications and resumes is available in this archived Legal and Regulatory Notes article.

If you have questions regarding human resources or employment law, please email MAC-HR@vlct.org or call 800-649-7915.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

What are the pros and cons of a fiscal vs. a calendar year?

Vermont law allows municipalities to operate on either a calendar year or a fiscal year, but mandates that school districts operate on a fiscal year of July 1 through June 30. 24 V.S.A. § 1683. According to VLCT’s most recent data (2016 Municipal Compensation and Benefits Survey Report), 59 percent of Vermont’s responding municipalities (158) have chosen to switch to a fiscal year. There are both advantages and disadvantages to making the switch.

Reasons to maintain the status quo of a calendar year:

- Inertia, or “this is the way we have always done it.”
- The transition period will require more work.

Reasons to switch to a fiscal year:

- The school and town will be on the same time schedule so the budgets will be concurrent.
- The voters get to approve the budget in March for the tax year that starts in July. Therefore, no operating expenses are incurred before budget approval. This is in contrast to the calendar year basis in which the town operates from January 1 until Town Meeting with no budget in place.
- Tax collection may start soon after the beginning of the fiscal year, thus eliminating the need to borrow money for operating expenses.
- Auditors can audit the books in July and August, giving them ample time to prepare their information for the town report by December or January.
- Winter highway maintenance costs are in a single year budget cycle.
- The town’s fiscal year will coincide with the state’s fiscal year for highway and school budgets and some other funding.
- If the annual budget vote is scheduled for May or June, the grand list will have been completed by then and the legislature will have adjourned (probably), so more information about state funding and statutory changes will be available.
- If surrounding municipalities are on a fiscal year, intermunicipal agreements with them will be easier.

How to Change. Please note that state statute governs the way your municipality votes on the question of changing its fiscal year, Australian ballot or not. If your town votes to decide this question by Australian ballot, or if it has already voted to decide all

(continued on page 11)
Superior Court Decision on Public Records Act is Called into Question on Appeal to Supreme Court

The superior court of Chittenden County recently ruled in favor of the Office of the Attorney General’s denial of a public records request. The court ruled that records on certain state officials’ private email and text messaging accounts are exempt from copying and inspection under the Public Records Act (PRA). Because the PRA applies to town officers and employees, the case could have an enormous impact on how towns respond to public records requests. It is critical at the start to note, however, that the superior court decision is under appeal to the Vermont Supreme Court and may be overturned. And although the superior court’s ruling may be persuasive in courts of other jurisdictions, its full precedential authority only applies in Chittenden County, not throughout the entire state. Therefore, town officers and employees using personal emails for town business should not necessarily rely on the superior court’s ruling when responding to public records requests.

Toensing v. The Attorney General of Vermont, No. 500-6-16 Cncv (Vt. Super. Ct. Feb. 8, 2017), was initiated by Plaintiff Brady C. Toensing, Esq., seeking to obtain copies of documents and records between “certain state officials and employees and other individuals from the Defendant, the Office of the Attorney General.” In responding to the plaintiff’s initial public records request, the defendant provided records “kept on the state computer system,” but “it did not search for or produce any responsive documents kept on private email and text messaging accounts.” The defendant denied the plaintiff’s administrative appeal to compel the release of the private email and text messaging records, triggering the motivation for this action in superior court.

As the superior court put it, “the threshold issue in this case is purely a question of law: whether the Public Records Act requires an agency to search its employees’ email and text message communications on private accounts or devices, or to have its employees search those accounts or devices, in response to a records request.” And because the main issue was a question of law, the court’s ruling was tied primarily to the statutory interpretation of the PRA rather than the facts of the case.

The Public Records Act states, “[a]ny person may inspect or copy any public record of a public agency …” 1 V.S.A. § 316(a). One V.S.A. § 317 defines a public agency as “…any agency, board, department, commission, committee, branch, instrumentality, or authority of the State or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State” and a public record or document as “… any written or
recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business …

The plaintiff contended that the definition of “public record” in the PRA is broad and cited a number of non-Vermont court decisions holding that records of private email and text messaging accounts are subject to disclosure under the applicable governing public records acts. The plaintiff’s argument was that any record produced or acquired in the course of public agency business is always subject to disclosure under Vermont’s Public Records Act, despite being physically located on a personal email or text messaging account. Put differently, if an official or employee of a public agency composes or receives an email concerning public agency business from her private email account, the email should be nonetheless viewed as a “public record,” subject to disclosure under the PRA.

As one could guess, the defendant had a narrower interpretation of what constituted a “public record” under the PRA – and the court agreed. The underpinning of the court’s reasoning was its combined reading of certain sections within the PRA. The court stated that, while the definition of “public record” is “undoubtedly broad” under 1 V.S.A. § 317(b) in that it is “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business,” its scope is notably restricted by 1 V.S.A. § 316(a) which “provides a right to access any public record of a public agency.” The court added that “public agency” is “defined in terms of institutions, rather than individuals, which patently implies that a record must be in the custody or control of the agency to be subject to search or disclosure.” This restriction on the definition of “public record” therefore means that the PRA “permit[s] access to records of public agencies …” only but does not permit access to records in the custody or control of individuals’ private email and text message accounts.

The other main reasoning for the court’s decision centered on the fact that the legislative purpose of the PRA “contemplates a balancing between free and open examination of records and the privacy rights of state officials and employees.” Allowing inspection of “any and all” public officials’ and employees’ private communications “impli- cates the First and 14th Amendments ….” And if a public record request of an individual’s private email revealed “communications related to political campaigns and elections,” the individual’s First Amendment protection of political speech and would be “undermine[d].”

On these points, the court concluded that “communications on private email and text messaging accounts requested by [plaintiff] are not subject to search or disclosure under the Public Records Act.” In issuing his decision, Judge Mello did recognize that the practical day-to-day outcome of his interpretation of the PRA is a “serious and, frankly, disturbing concern” because “officials and employees can avoid valid public records requests merely by conducting official work-related communications on private email and text messaging accounts ….” Nonetheless, he also noted that it is not the job of the court to make new law but rather that it “is a matter for the Legislature … to decide.”

As noted, this decision is under appeal to the Vermont Supreme Court. Whether the decision will be overturned is a question left to be answered. Therefore, MAC advises town officials to be cautious and not rely on the superior court’s ruling. MAC will notify our members as soon as the Supreme Court issues a decision in the appeal. If you, as a town official and custodian of town records, are unsure how to respond to a public records request, or you think that some of your records are exempt from copying and inspection, please contact your town attorney or VLCT.

The decision is viewable at https://www.documentcloud.org/documents/3673980-Printed-Case-Toensing-v-OAG-Optimized.html.

Carl Andeer, Staff Attorney 1
VLCT Municipal Assistance Center

MAC Workshops: June

Locally Elected Auditors Workshop
(co-sponsored by the Vermont State Auditor)
Wednesday, June 7, Capitol Plaza and Conference Center, Montpelier
(The new title reflects this year’s focus for the Governmental Auditing and Accounting Symposium.)

Each year, as municipal budgets grow and sources of revenue become more diverse, the task of auditing municipal financial records becomes more difficult. Current Vermont law doesn’t require locally-elected auditorstohave any education or experience in bookkeeping or accounting. Nor are elected auditors required to apply professional accounting standards in their work. VLCT offers training to help elected auditors fulfill their responsibilities under Vermont law. This workshop offers education based on the League’s revised Handbook for Locally Elected Auditors, which will be distributed to attendees.

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

This workshop is for all local officials involved in the planning and development review process. Zoning administrators, planning commissioners, DRB/ZBA members, town administrators and managers, municipal planners, and regional planning commission staff are encouraged to attend. The workshop will provide a dynamic mix of legal information, practical solutions, and policy discussions with opportunities to discuss pressing issues in municipal planning and zoning with knowledgeable officials from across the state.

To register for upcoming workshops, please visit the VLCT Events Calendar, www.vlct.org/eventscalendar.

Municipal Attorneys Forum
(co-sponsored by the Vermont Bar Association)
Thursday, June 15, DoubleTree Hotel, South Burlington
Approved for 6.0 MCLE including 1.0 Ethics credit.

For more information and to register, visit www.vtbar.org/Calendar/Signup.aspx?EventNo=3370.
PACIF’s New Playground Safety Inspectors

PACIF members can now make even more use of PACIF’s Loss Control staff. In April, staff members Jim Carrien and Jeff Theis became Certified Safety Playground Inspectors (CSPIs). This designation involved hours of preliminary reading, two days of in-person training, and passing a detailed exam. Now both Jim and Jeff are qualified to

1. Identify safety hazards on playgrounds,
2. Rank the hazards according to injury potential, and
3. Design a comprehensive playground safety program that includes audits, inspections, and maintenance.

This CPSI program, offered by the National Recreation and Park Association, is the leading source of playground safety certification in the United States. Although there are no federal laws concerning playground safety, this certification follows standards and explains guidelines for playground layout, construction, and maintenance that have been agreed upon by many national organizations, including the American Society for Testing and Materials (ASTM), the U.S. Consumer Product Safety Commission (CPSC), and others concerned with playground safety.

Jeff and Jim have also agreed to uphold the CPSI Code of Professional Conduct, whose ten components include not inspecting any playground without the knowledge and consent of the playground owner; never providing findings of an inspection to anyone other than the owner unless authorized by the owner to do so; and never conducting a safety audit of a playground with the intent to discredit an owner or manufacturer or to promote sale of other equipment or products.

We encourage those PACIF members that do not have their own CSPI on staff to contact PACIF Loss Control and arrange to have Jeff or Jim inspect their municipal playgrounds. The result will be a methodical, thorough report that prioritizes any recommendations and can be used as the basis for improvement.

2017 RMS Calendar

Open Enrollment for Delta Dental’s July-through-June Plans. May to early June 2017. Groups that obtain Northeast Delta Dental coverage from the VERB Trust received their renewal information by email and mail in early May, and those that operate on a July-through-June coverage year are nearing the end of their open enrollment period. 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 is an overview of 11 key safety and health topics related to construction work zone; is appropriate for road foremen, highway personnel, town managers, planning commissioners, administrators, selectboard members, public works directors, and engineers; and 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.

Deadline to File and Pay 2016 PCORI Fees. Monday, July 31, 2017. Employers that had a Health Reimbursement Arrangement (HRA) in 2016 must use IRS Form 720 and pay $2.26 for each employee who participated in your HRA last year. More information will be provided in the Trust Matters column of next month’s VLCT News.

2017 Local Officials Golf Outing. 8:30 a.m. through lunch Wednesday, August 23, Green Mountain National Golf Course, Killington. VLCT’s annual opportunity to get outdoors and enjoy Vermont’s municipally-owned 18-hole golf course with other local officials. This affordable four-person scramble includes shared cart, morning snack, lunch, awards, and prizes. Sponsorships are available immediately; players need to register by Thursday, August 3. For information or to register, contact Pam Fecteau at 800-649-7915 or pfecteau@vlct.org.

Unemployment Insurance Administration, Claims Management, Advocacy
Dental, Vision, Health Insurance Consultation, Large Group Health Insurance
Group Life, Accidental Death, Disability, Optional Life
VerB haS ViSion
As part of our commitment to offering VLCT members the highest quality of services at the lowest possible costs, the VLCT Employment Resources and Benefits (VERB)
The 2017-2018 renewal in dental coverage for the VLCT Employment Resource and Benefits Trust (VERB) will include two upgrades plus a two-percent rate increase, its first rate increase in five years. The coverage will take effect on July 1, 2017, for groups with fiscal year (July-June) coverage and on January 1, 2018, for groups with calendar year coverage.

The farthest-reaching improvement is that white composite fillings in middle and back teeth (premolars and molars) will no longer incur an extra charge to the subscriber. Currently, Delta Dental pays their allowed fee for silver amalgam fillings in these teeth regardless of whether the fillings are silver or white, which leaves it to the subscriber to pay the rest of the bill (known as balance billing) for the more expensive white fillings. Because many dentists now use the white composite filling material exclusively, members recently began requesting this coverage change, and the VERB Trust has responded.

The other upgrade starting with the next coverage period is that the orthodontic rider is now available to groups with as few as five employees rather than the former minimum of ten employees. This too was requested by some of our members, and Delta Dental agreed to this accommodation.

VERB’s partnership with Delta Dental is characterized by our members’ overall excellent claims experience, and costs have stayed low in part due to subscribers’ use of Delta’s expanded PPO and Premier provider networks. Our members are also taking advantage of Delta’s HOW (Health through Oral Wellness) Program, which provides additional preventive dental services at no extra charge to subscribers who qualify. Even so, Delta’s records indicate that VERB’s dental subscribers and their dependents are using this benefit far less than is ideal. Having regular preventive care — an oral exam with a cleaning every six months, starting at age 2 or 3 — is the best way for everyone to save money in the long run. We encourage all member groups to remind employees to take advantage of their semiannual dental checkup and cleaning benefit rather than avoiding the dentist until problems have developed to the point that the pain is intolerable. There’s no good reason why covered employees and their dependents should suffer from tooth decay or gum disease!

As an alternative to the popular group dental plans, VLCT also offers Individual Direct Dental coverage for employees (or non-employees) who do not qualify for group dental coverage — or for VLCT members that prefer not to offer group coverage. Individual Direct Dental coverage is paid for by the subscriber, and the subscriber is billed directly by Delta Dental. This coverage may also serve as an alternative to COBRA for employees who lose their group dental coverage, or as a helpful option for retirees. On average, VERB’s group plans provide the best overall value and protection for your employees: Individual Direct Dental plans tend to be more costly and offer lesser coverage than the group plans, yet the Individual Direct Dental plans at least provide an alternative for an employer to offer, if need be.

Delta Dental has clearly been the right dental coverage choice for Vermont municipalities, especially since we continue to enjoy the highest quality benefits at extremely competitive and cost-effective rates. We value your membership. If you have any questions regarding the Northeast Delta Dental renewal, the Individual Direct Dental plans, or any general inquiries regarding adding dental coverage for your group, please contact Kelley Avery (kavery@vlct.org) or Larry Smith (lsmith@vlct.org) at VLCT at 800-649-7915.

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

Sink Your Teeth Into This!

Incisors and Canines have long been eligible for white fillings

Molars newly eligible for white fillings

Premolars (a.k.a. Bicuspids) newly eligible for white fillings

Verbal Services

Unemployment Insurance Administration, Claims Management, Advocacy Dental, Vision, Health Insurance Consultation, Large Group Health Insurance Group Life, Accidental Death, Disability, Optional Life

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Oh, but there’s more. During 37 of those years, Elsie also enjoyed a career in state government. (I first met her in 1990 when we both worked in Waterbury for the Vermont Agency of Natural Resources.) This is what is known as multitasking.

At Town Fair 2002, VLCT awarded Elsie its Lifetime Achievement Award. Said former VLCT Executive Director Steven Jeffrey, “Elsie Beard epitomizes someone who has dedicated a lifetime to achievements, great and small, not only in local and state government but also in any other capacity in which she has seen a need and ability to help those around her.”

And in 2015, then-Governor Peter Shumlin declared September 14th to be Elsie Beard Day in Vermont! (That was the date of Orange’s celebration of her many years of service.)

Elsie’s life in municipal governance unofficially began when her father, Frank Beard, was elected Orange’s town clerk/treasurer, and she willingly helped out in the office. She was also influenced by her Aunt Edna Beard, Vermont’s first woman legislator. In 1920, the year women were granted the right to vote, Edna – who was active in the women’s suffrage movement – ran on the Citizen’s Party for state representative and won. Two years later, she ran for state senator and was elected again.

In 1953, Elsie wrote “A brief history of the Town of Orange, Vermont” as a term paper for a high school English class. Twenty-three years later, she updated it with an addendum that ends with this observation: “I’m still proud of my town as I was in 1952 and I hope as residents read this little history they will be proud and continue to strive to make it a better place.”

We at VLCT are equally proud of having known and worked with Elsie Beard. Thank you, Elsie, for being a part of our history too!

David Giann
VLCT News Editor

FROM THE VLCT ARCHIVES

A May 11, 1983 memo from erstwhile Executive Director Steve Jeffrey titled “VLCT Program and Service Plan Development” itemized “some ideas developed by the staff for activities, resources and internal operations that were felt to benefit VLCT members in the near future. These ideas are a result of a ‘brainstorming session’ in which no thought was given to cost, manpower requirements or time constraints. No priority nor timetable has been established yet.” The categories included Informational Services, Representation/Intergovernmental Relations/Lobbying, Training, Insurance/Risk Management, Technical Assistance/Consultation, Other Services, Revenue Enhancers, Internal Administration, and Capital Equipment. It’s that last category that provides an enlightening view of office necessities for VLCT in the year that Michael Jackson’s Thriller video first aired and when the offices were located at 52 State Street in Montpelier.

CAPITAL EQUIPMENT

- Micro-computer (soon)
- More soft-ware for WT 78
- Alternative to Gestetner -- bigger copy machine to do both jobs
- Folding machine
- Big computer (later)
- Exit signs
- Pencil sharpeners
- Staplers
- Curtains
- Heat in bathroom
- Utilize middle area
- Explore alternative entrance
- Build own building, possible with other Public Interest Groups (PIG style??)

VLCT Conference Folders

5/11/83
BEING AN INFORMED MUNICIPAL BOND ISSUER

Although most local officials issue bonds through the Municipal Bond Bank, the MSRB (Municipal Securities Rulemaking Board) offers some inexpensive and informative webinars for those considering issuing bonds on their own or gain a better understanding of the municipal bond issuance process. – Mike Gilbar, CFO, VLCT.

Whether your community issues municipal bonds once a year or once every 10 years, it pays to be an informed issuer. A free online course developed specifically for municipal government professionals provides engaging lessons to highlight best practices and potential pitfalls of the bond issuance process. Titled Being an Informed Municipal Bond Issuer, the course is useful for elected officials as well as any government professional involved in a bond transaction. Among the topics covered are the roles of key members of the financing team and the disclosure obligations of an issuer.

Created with input from senior government finance professionals, the course allows participants to assume the role of an official responsible for issuing municipal bonds. Pick a financing team, practice financing projects using real-world scenarios, and earn continuing professional education credit at no cost.

Most municipal government professionals can benefit from strengthening their understanding of the municipal securities market. The MSRB created this course to address a need for continuing education in the municipal market.

Being an Informed Municipal Bond Issuer is part of the MSRB’s MuniEdPro (www.msrb.org/Regulated-Entities/MuniEdPro.aspx), a series of interactive, online courses designed for municipal market participants. Register at https://msrb.csod.com/client/msrb/default.aspx to take the free, 45-minute course. For any organization that wants to provide the course to a broad audience, it can be integrated into in-house learning management systems.

In addition to this new course, the MSRB offers an extensive library of free, educational resources for municipal bond issuers available in the MSRB’s online Education Center and on-demand webinar portal. State and local public finance professionals can get tips for using the MSRB’s Electronic Municipal Market Access (https://emma.msrb.org/) website to monitor their outstanding debt, and learn how to comply with their ongoing responsibility to disclose financial information to investors throughout the life of their bonds, among other educational material about the municipal market.

As the self-regulatory organization for the municipal securities market, the MSRB makes educational resources available in support of its mission to promote a fair and efficient market. The MSRB’s free, objective educational materials help ensure all market participants understand applicable regulations and current market practices. For more information on the MSRB’s resources for municipal bond issuers, visit http://www.msrb.org/EducationCenter.

Lynnette Kelly, Executive Director Municipal Securities Rulemaking Board

[Ed. note: The MSRB writes rules regulating broker-dealers and banks in the United States municipal securities market, including tax-exempt and taxable municipal bonds, municipal notes, and other securities issued by states, cities, and counties or their agencies to help finance public projects or for other public policy purposes.]

ASK THE LEAGUE (continued from page 5)

public questions by that method, then the vote must be by Australian ballot.

Although there is no specific statute stating so, it is reasonable to conclude from similar voting situations that the town must vote on whether to switch over to a fiscal year at one meeting and then vote on the actual budget at a subsequent meeting. For example, hold a special meeting in January 2018 to decide to change to a fiscal year calendar. Then in March 2018, vote on the proposed transition budget or budgets. (See below.)

Or, vote in March 2018 on the usual calendar year budget and vote to decide to change to a fiscal year. Then in March 2019, vote on the budget for the fiscal year.

There are two ways to change from a calendar year to a fiscal year:

1. Have one 18-month fiscal year begin with a transition year, e.g., January 1, 2018, through June 30, 2019. The end of the transition would be July 1, 2019, through June 30, 2020. This method appears difficult because 18 months of tax money is lumped into one budget. However, spreading out the payments into quarterly installments will make the actual paying of taxes less painful. (For example, having payments due in August and November 2018 and February and May 2019.)

2. Have one special six-month budget beginning with a special budget, e.g., January 1, 2018, through June 30, 2018. The end of the transition would be July 1, 2018, through June 30, 2019. This method would necessitate voting on two separate budgets within a few months’ time, which may seem confusing to voters and create a lot of work in a short period of time for town officials.

If you have questions about changing your municipality’s fiscal year, please do not hesitate to contact the VLCT Municipal Assistance Center. MAC can answer your questions and put you in contact with other municipalities that have recently changed to a fiscal year calendar, allowing you to hear about the process first-hand.

Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

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EyeMed offers:

- access to national leading retail chains such as LensCrafters, Pearle Vision, Target Optical, Sears Optical, and JCPenney Optical;
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- a hearing services discount program in partnership with Amplifon Hearing Health Care;
- online in-network purchasing available through Glasses.com and ContactsDirect.com; and
- customer service available seven days a week.

Many related resources are available on VLCT’s Vision webpage, www.vlct.org/rms/verb/vision-coverage/. For any remaining questions, please contact Kelley Avery (kavery@vlct.org) or Larry Smith (lsmith@vlct.org) at VLCT at 800-649-7915.

Early next month, Karen Horn, VLCT’s Director of Public Policy and Advocacy, and a face über-familiar to Vermont State House denizens, will celebrate her 30th year at the League, meaning she shares 60 percent of VLCT’s history. Karen was hired as Director of Legislative and Membership, a title she held until 2005 when she became Director of Public Policy and Advocacy. Karen first began to advocate on behalf of Vermont’s cities and towns so long ago that much of the state was still covered by a shallow sea left over from the Devonian period and pre-Columbian hunter-gatherers populated the General Assembly. Or so it sometimes seemed to her. Karen was too modest to list a few of her accomplishments, but it’s fair to say that she has steadfastly held our senators and representatives accountable for their actions in the state legislature — not by holding their feet to the fire (which could precipitate a complaint from VOSHA), but rather through her calm but determined lobbying efforts on behalf of Vermont local government.

Dean Mudgett, on the other hand, is VLCT’s newest employmental unit, having been here for a mere two and a half weeks, which, by the most amazing coincidence, is as long as his position, Director of Communications and Marketing, has existed. His team comprises eight VLCT staff members familiar to you — if we mentioned their names, you’d recognize them in an instant. The goal of the new department is to deliver important VLCT news and information via the newsletter, Weekly Legislative Reports, the website, events, workshops, and other venues. And Dean brings a passel of experience to his new job. Before coming here, he led the communications and media relations activities for the Vermont Agency of Human Services in the Secretary’s Office. Born and raised in Barre, Dean attended UVM and did graduate work in French Literature at New York University. He spent a number of years bouncing between Vermont and NYC before settling in the Green Mountains in 2015. Not unimportantly, he counts among his distant relatives the infamous Herman W. Mudgett of Gilmanston, New Hampshire. If you don’t recognize that name, you may want to Google his alias, H.H. Holmes.

In a nutshell, Gratuloin pro via dat-reveno, Karen, and gaja vi faris ĝin ĉi tie, Dean.

David Gunn
Editor, VLCT News
**HELP WANTED**

**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 3 Water License and a Grade 2DM Wastewater License; experience in personnel management, systems operation, and maintenance to include SCADA; familiarity with MS Word and Excel and with fiscal and inventory planning. Prior experience with SBR systems is preferred for management and operation of a new 400,000 gpd SBR facility. 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. (05-01)

**Highway Foreman.** The Town of Randolph seeks a Highway Foreman who understands the principles and practices of highway construction and maintenance. The foreman supervises seven full-time equipment operators and a mechanic; schedules seasonal maintenance of town highways; provides forecasting and implementation for work plans; manages the highway budget; ensures inventory of materials and supplies; and oversees fleet management. Requirements: at least three years of supervisory experience in a municipal or commercial setting; high school diploma (associate’s degree in a related field is preferred); a Class B CDL (Class A CDL preferred); experience operating and maintaining heavy equipment; working knowledge

*(continued on next page)*
Town Manager. The Town of Fairfax (pop. 4,285) seeks a collaborative and enthusiastic part-time Town Manager. Fairfax – located in Franklin County, just south of the Canadian border – features panoramic views of Mount Mansfield, Vermont’s highest peak. The town is also minutes away from Lake Champlain, with plenty of outdoor opportunities including, hiking, skiing, golfing, fishing and more. The Town Manager reports to a five-member selectboard and is responsible for the day-to-day operations of the town and general government administration, overseeing all personnel, financial management, and budgeting. The Town Manager supervises eight full-time and five part-time employees and administers a $4 million, 18-month transitional budget. A full job description is posted on the town website, www.fairfax-vt.gov. Requirements include a Bachelor’s degree in public administration, business management, or relevant field, as well as a working knowledge of municipal practices, budgeting, finance and public relations. Previous experience in municipal government is desired. Hourly salary, $23-$27. This is a part-time (max. 28 hours per week) position and requires participation in the state’s pension program (VMERS). Starting date to be determined. To apply, please email in confidence a cover letter, resume, and 3-5 references by June 5, 2017, to sbvicechair@fairfax-vt.gov with “Town Manager” as the subject, or send via U.S. mail to Town of Fairfax, 12 Buck Hollow Road, Fairfax, VT 05454. The Town of Fairfax has the right to reject any and all applications. EOE. (05-01)

Operator/Laborer. The Town of Westminster Highway Department is seeking a qualified Operator/Laborer. Duties, performed under the supervision of the Highway Foreman, include maintenance and repair of the Town highway system and associated equipment, operating equipment and providing labor to facilitate highway grading, trucking, snow plowing and sanding town highways, brush clearing, road repair, light building and facility maintenance, and any other required associated tasks. Requirements include a valid Vermont CDL, Class A or Class B; and a high school diploma, GED, or similar equivalent of education. Salary commensurate with experience, plus the Town offers an excellent benefit package. A job description is posted on the town website at www.westminstervt.org. To apply, send a completed employment application (available at www.westminstervt.org/under Town Departments/Highway) to Town of Westminster Highway Department, PO Box 147, Westminster, VT 05158, or deliver it in person to the office at 3651 U.S. Route 5 in Westminster. Applications accepted until position is filled. (05-04)

Police Officer. The Thetford, Vermont Police Department is seeking qualified applicants for the full-time position of Police Officer. The successful candidate will be trained to provide high quality police services to our community. Successful applicants must have excellent communication and interpersonal skills; maintain a high level of physical fitness; be at least 21 years old; possess a high school diploma or college degree; be a U.S. citizen; have a desire to serve others; be drug free; pass written and psychological testing; and undergo an extensive background investigation. Prior police experience is desirable but not mandatory. Salary commensurate with qualifications and experience. Please email completed application (available at http://thetfordvermont.us/), cover letter, and resume to Chief of Police Michael S. Evans at Michael.Evans@Vermont.gov, or submit to Michael S. Evans, Chief of Police, Thetford Police Department, PO Box 126, Thetford Center, VT 05075-0126. (05-08)

DPW Director. The City of Barre (pop. 9,052) is accepting applications for a Director of Public Works. This full-time position reports directly to the City Manager and is responsible for the day-to-day operations of the department, city infrastructure planning, maintenance functions and leadership, and management and oversight of five operational groups and approximately 28 staff. Other responsibilities include overseeing the department’s safety programs; updating, improving, and maintaining the City’s mapping of streets, sidewalks, and storm water system; providing technical support to City departments, staff and contractors relative to infrastructure activities; participating in the planning and development of City infrastructure to meet current and future city needs and services; and having overall responsibility for the following budgets: $1.1 M DPW (General Fund), $2.3 M Water and $2 M Sewer Enterprise Funds, as well as periodic grant-funded projects. This position requires close cooperation and coordination with other department directors. The Superintendent of Water/Wastewater reports to the Director of Public Works. Requirements: attendance at some evening meetings; ten years’ experience with (municipal) streets and infrastructure maintenance, design and progressive management responsibilities preferred; Civil or Environmental PE desirable but not required. The City of Barre
Town Office Update. The Town of Guilford (pop. 2,121) is seeking RFPs for work on the Town Office. A range of structural and remodeling changes are needed on the building to update, modernize, and ensure its use over the next 20 years, based upon the observed current physical conditions of the property. This RFP will determine the exact needs and costs of the work required to bring the structure up to date, to meet the needs of a diverse community, and to continue to serve the community in the decades to come in as green and energy-efficient a manner as possible. For more information and to download the RFP, please visit the Town’s website, http://www.guilfordvt.net/, or contact Peder Rude, Town Administrator, at pederrude@guilfordvt.net or 802-254-6857, ext. 105. The deadline to submit an RFP is Friday, June 30, 2017. (05-04)
Upcoming Events

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

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
www.vtbar.org/

Save the Date!

Vermont League of Cities & Towns
TOWNFAIR 2017
October 4-5, Killington Grand Hotel

New this year:
workshops and exhibitors will be in the same building.

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