50 YEARS ... AND COUNTING

Thomas Maclay has been a town official in Marshfield, Vermont, for more than 50 years. Way more. Currently he serves as Emergency Management Coordinator, he’s been Town Auditor since 1975, plus he’s a member of the town’s budget committee and its volunteer fire department. (Trivia tidbit: According to a 2017 study by the National Fire Protection Association, nearly two-thirds of the approximately 30,000 fire departments nationwide are run solely by volunteers.) He’s also been Fire Chief, Town Moderator (1982-2004), a fire warden (since 1983), as well as a member of the planning commission and the economic development committee.

Tom said that his work with the Marshfield Fire Department has given him the most satisfaction. He joined the department in 1962 and was appointed Fire Chief in 1997, a position he held until 2005, when his son, Tim, took over. (It runs in the family: Tom’s father was a firefighter in Bennington.) In 2006, Tom became Deputy Chief, a position he still holds.

Tom’s love of and respect for firefighting included vehicles. He once owned a 1917 White pumper fire truck that originally came from Augusta, Maine. It was a regular fixture at the Stowe Antique Classic Car Show, an event that, coincidentally, Tom co-chaired for a couple of decades. After he helped restore the vehicle, he donated it to the Augusta Fire PACIF Members

Your 2018 Renewal Application is due back to the PACIF Underwriting team by Friday, October 13, 2017. See the RMS Calendar on page 9 for details.

PREPARING THE TOWN’S ANNUAL BUDGET

Vermont state law declares that “A town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights. It shall express in its vote the specific amounts, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses.” 17 V.S.A. § 2664.

An adequate town budget should include a statement by the selectboard which (1) reports the total financial condition of the town; (2) gives a detailed comparison of one or more previous years; (3) includes the expenditures of the year just passed; and (4) presents the proposed budget for the coming year.

A budget is a plan of what the town expects to do in the upcoming year and how much it will cost taxpayers to do it. The selectboard and treasurer undertake preparation of the proposed budget prior to the annual town meeting. The budget is adopted by the voters at the annual meeting and is managed through the fiscal year by the selectboard and other municipal officers having authority to draw orders on the treasurer.

(continued on next page)
Department, where it now resides on permanent display.

Tom was instrumental in getting dry hydrants installed throughout Marshfield, said Town Clerk-Treasurer Bobbi Brimblecombe, because he has been involved in both the Northern Vermont Resource Conservation and Development Council and the state’s Rural Fire Protection Task Force. (Dry hydrants provide water for firefighting in areas without water mains by connecting fire pumper trucks to water sources such as ponds or streams.) He also helped the town apply for Better Backroads grants.

Twenty-nine years ago, Tom retired from the U.S. government where he worked in soil conservation, teaching people how to, among other things, build ponds properly. Since then he has worked with a company that evaluates large farms regarding soil erosion as well as their use of manure on their fields.

He also raised five excellent children and has been boiling maple syrup since the 1970s, proving that the two disciplines are not mutually exclusive.

When asked how Marshfield had changed since he began working for the town, Tom said “the town used to be quite conservative; now it’s pretty liberal.”

The main sentiment among Marshfieldians is that Tom has always been available to pitch in when help — any help — was needed. They can be proud of Tom Maclay and his more than fifty years of service as a Vermont town official, as we all!

[Editor's note: If you know someone who has been a Vermont town official for 50 years, please let us know because we’d like to profile that person during our own quinquagenarial anniversary year. But hurry. The end of 2017 is already in sight!]

David Gunn
VLCT News Editor

Photo captions. Previous page: Tom Maclay in (L) and out (R) of uniform. Above: the reconditioned White fire truck.

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.

Vermont State Infrastructure Bank (SIB) Loan Fund

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.
SPENDING A TOWN’S UNANTICIPATED INCOME; MUNICIPALITY OR MUNICIPAL OFFICIAL AS PAYEE

The Town has come into some unanticipated and unbudgeted income as a result of approving logging activities on town property. Does the selectboard have discretion to decide how to use this extra income?

Probably not. Selectboards generally only have the authority to spend money for expenditures that have been approved (“appropriated”) in advance by the voters. This is pursuant to 17 V.S.A. § 2664, which gives the voters sole authority to appropriate specific amounts for specific purposes. There are limited exceptions to this general rule, but none of them would apply to this kind of situation. Those exceptions include expenditures for emergency highway repairs, purchases made with funds from the state’s Municipal Equipment Loan Fund, etc. Outside of those exceptions, the selectboard may only spend money that has been (1) shown in the budget approved by the voters at an annual or special town meeting; (2) approved by the voters as a stand-alone article at a special or annual town meeting (e.g., an article to purchase a truck); or (3) set aside by the voters in a reserve account pursuant to 24 V.S.A. 804.

The above rule (voter approval needed) applies to any and all town funds, even those that were not anticipated when the budget was created and voted upon (i.e., the “extra income” received during the year). If you have questions about municipal appropriations and expenditures, contact the VLCT Municipal Assistance Center at 800-649-7915 or info@vlct.org.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

When payments are made for dog licensing fees, delinquent taxes, etc., should the checks be made payable to the municipality or to the municipal official collecting such payment?

All checks, money orders, and credit card payments should be paid directly to the municipality. If the form of payment, such as a check, requires naming a payee, it should clearly name the municipality as the payee. For example, a property owner paying delinquent taxes by check should make the check out to “Town of [insert name of town here],” not to the collector “Jane Doe.” This is true even when the municipal official derives his or her income from the payment, as is the case with many delinquent tax collectors, who retain a portion of delinquent taxes as commission.

The above practice is not only strongly encouraged, but also naturally dovetails with municipal officials’ requirements under state law. Municipal officials collecting funds on behalf of the municipality must periodically remit them to the treasurer for deposit into the general fund. (See, e.g., 24 V.S.A. §§ 1531, 1532; 32 V.S.A. § 4646.) The treasurer then writes a check back for the portion of the fees or commission to which the applicable municipal official is entitled. These various payments are made pursuant to an order from the legislative body (like paying a municipal bill). This system ensures that all revenues and expenses are accounted for and allows the municipality to deduct any applicable income or social security taxes from the official’s compensation. This is important as elected officials are treated as employees for tax purposes. 26 U.S.C. § 3401(c). Finally, ensuring things like checks and money orders are made out to the municipality has the benefit of acting as a safety measure against embezzlement of municipal funds.

VLCT has available to its members a Model Financial Policies Handbook that includes a Model Cash Receipts, Petty Cash, and Reserve Operating Procedures. (continued on next page)
and Returned Check Policy. The purpose of the policy is to establish proper management of practices over checks, cash, and other receipts in order to instill public confidence in municipal operations. The policy implements the above practice by stating which municipal officials are authorized to receive funds on behalf of the municipality and explicitly requiring that, “[a]ll checks, money orders, and credit card payments, regardless of function, must be made payable to the Town of [insert name of town here]. No instruments may be made payable to a Town officer, employee, volunteer, department, committee, board, or group.” Municipalities adopting this policy may choose to include other officials in the list or remove officials who are not strictly required to receive funds as part of their statutory duties.

The Municipal Assistance Center strongly recommends the legal review of any financial policy before adoption. Such review may be done by the municipality’s own legal counsel or by MAC’s legal review service. For information about MAC’s review service or to obtain a copy of VLCT’s Model Financial Policies Handbook or the Model Cash Receipts, Petty Cash, and Returned Check Policy, please email info@vlct.org or call 800-649-7915.

Carl Andeer, Staff Attorney 1
VLCT Municipal Assistance Center

**Need a Written Legal Opinion?**  
**Looking for Expertise Drafting a New Ordinance?**  
**Need Help Updating That Personnel Policy?**

VLCT’s attorneys can provide your municipality with legal assistance at highly competitive rates. Please call Abby Friedman for more information at 1-800-649-7915.

**Sample Projects:**  
- Water & Sewer Ordinances  
- Zoning Bylaws  
- Municipal Charter Amendments  
- Highway Ordinances

(continued on page 14)
Gary Langlois is a property owner in Swanton, Vermont. His neighbor is Michael Heller. In June 2014, Langlois asked then Swanton zoning administrator Ronald Kilburn, who was on Langlois’s property making a social visit, whether he would need a zoning permit from the Town to build a pergola (a garden archway) on an already existing concrete patio. Kilburn, who was already familiar with the dimensions of Langlois’s property, told him that a permit wouldn’t be needed. Based on that representation, Langlois obtained a quote and sketch for his project from a contractor, which he then presented to Kilburn. Kilburn reviewed the sketch, the Town’s applicable zoning regulations, and once again repeated to Langlois his assurance that no permit would be needed for his planned pergola.

Whether he was simply trying to be a good neighbor or merely attempting to head off his neighbor Heller for having previously complained about his proposed house, Langlois told Heller about his plans to build a pergola and how the zoning administrator Kilburn said that no permit was needed. Heller didn’t seem to mind so much at first, asking only that the structure not include screens. After a couple of days, however, Heller’s wife informed Langlois that they would prefer that he not build the pergola. Langlois nevertheless moved forward with constructing the pergola and the Hellers, despite voicing their objections to Langlois, never complained to the Town. Instead, Heller asked Kilburn whether he too could build a pergola on his property without a permit.

When Langlois’s $33,000 pergola was completed, however, it violated several provisions of the Town’s zoning regulations, including the prohibition on accessory structures over ten feet in height, the cap on square footage, and the lot line setbacks. The selectboard, upon learning of Kilburn’s error, ordered him to remedy the situation, which he attempted to do by requiring Langlois to apply for a permit retroactively. Langlois’s application for a permit was denied. Langlois appealed Kilburn’s denial and also requested a variance from the Town’s development review board (DRB).

After the DRB held a hearing on Langlois’s requests (permit and variance) and denied them both, Langlois appealed the denial and also requested a variance from the Town’s development review board (DRB). Langlois appealed Kilburn’s denial and also requested a variance from the Town’s development review board (DRB).

Free! Fall Town Health Officer Training – Beginner and Advanced Topics

Tuesday, October 17th
Lake Morey Resort, Fairlee

Tuesday, October 24th
VFW, Brattleboro

Town Health Officer training sessions are a grant-funded collaboration between VLCT and the Vermont Department of Health. A new workshop format provides more options to sign up for beginner and advanced topics at two different locations and attend for either half- or full-day sessions.

THOs, code enforcement officers, and members of local boards of health (selectboards) are encouraged to attend. Snacks and lunch will be provided. Please specify if you are attending a morning or afternoon session or both.

Detailed session descriptions and registration information are available at www.vlct.org/events. Training sessions will also be scheduled for next spring.

Vermont Supreme Court Holds Zoning Administrator to His Word

“Not even the devil can so sharp eyes have as neighbors.” – Heinrich Boll

Vermont Supreme Court holds Zoning Administrator to His Word

(continued on next page)
that he should have known better. Langlois appealed the DRB’s decision to the Environmental Court as well. The Town followed suit by bringing an enforcement action of its NOV against Langlois to the Environmental Court.

The Environmental Court consolidated all these court actions (permit denial, variance, NOV appeal, and enforcement action) into one case and found in Langlois’s favor on all but his variance appeal. In so doing, the Environmental Court “estopped” the Town from enforcing its zoning regulations against Langlois, thereby allowing his pergola to remain. “Equitable estoppel” is a legal doctrine which, as the Vermont Supreme Court explains, “precludes a party from asserting rights which otherwise may have existed as against another party who has in good faith changed his [or her] position in reliance upon earlier representations.” Stated another way, equitable estoppel prevents an injustice that would otherwise result from someone not being able to rely upon the representations of another.

Langlois’s neighbor Heller, who participated in the proceedings as an interested person, appealed the Environmental Court’s decision to the Vermont Supreme Court (Court) on the grounds that Langlois failed to prove the elements of equitable estoppel against the Town. According to the Court, those elements are that “(1) the party being estopped [Kilburn] must know the relevant facts; (2) the party being estopped [Kilburn] must intend that his or her conduct be acted upon; (3) the party asserting estoppel [Langlois] must be ignorant of the true facts; and (4) the party asserting estoppel [Langlois] must rely to his or her detriment on the estopped party’s [Kilburn’s] representation. Additionally, where, as here, the party against whom estoppel is sought is the government [Kilburn], the party asserting estoppel [Langlois] must also demonstrate that ‘the injustice that would result from denying the estoppel outweighs the negative impact on public policy that would result from applying estoppel.’”

On appeal, the Court reviewed the Environmental Court’s conclusions as to each of these elements to determine whether they were reasonably supported by the evidence. In a split decision, the Court affirmed the Environmental Court’s ruling dropping the Town’s enforcement action against Langlois and allowing him to keep his pergola in violation of the Town’s zoning regulations. In so holding, the Court agreed with the Environmental Court that Langlois satisfied the first element because Kilburn knew enough of the facts of the situation (having been to the subject property, having reviewed the sketch plan, and having knowledge of the zoning regulations) to accurately determine that a zoning permit was required. “Kilburn, the government official responsible for enforcement of the zoning regulations, was acting within the scope of his authority when he told Langlois, twice, that no permit was required, and given that he was an ‘authorized agent of the government’ charged with enforcing zoning regulations, he was reasonably charged with knowing the [zoning regulations].”

As to the second element – whether Kilburn intended Langlois to act on his advice – the Court again sided with the Environmental Court that Kilburn’s statement to Langlois that no permit was needed after seeing the proposed site for the pergola and again after reviewing the contractor’s sketch and the applicable zoning regulations was sufficient evidence to support the conclusion that Kilburn expected Langlois to act upon his opinion that no permit was needed.

On the third estoppel element, Heller argued that Langlois knew he needed a permit for his pergola because his prior zoning dispute with Heller put Langlois on notice that a permit was required. To this point, the Court accepted the Environmental Court’s finding that general knowledge that a zoning permit is required does not translate into knowing that one is required in every specific instance. Furthermore, the Court held that “[t]here is no sound reason to require a person in Langlois’s position to insist upon filing for a permit after having been told twice by the person in charge of administering the Zoning Regulations that no permit was

(continued on page 12)
PACIF FIRE DEPARTMENTS: WHO’S YOUR ROSTER MEISTER?

Early this month, every fire department that gets its workers’ compensation coverage through PACIF was sent a letter requesting up-to-date contact information for the person (or people) at the department who will, at the close of 2017, provide us with complete roster and pay information for the department’s 2017 workers (both paid and not paid). The mailing included a page labeled Annual Assigned Risk Contact Information which shows the information currently on file with PACIF and asks that the sheet be corrected or confirmed and returned within two weeks to VLCT PACIF, c/o Susan Benoit.

We take this preliminary step in October to streamline the December work of compiling and submitting accurate department rosters, because there’s no time to spare on misdirected emails then. The people listed on the October form are the only ones in your organization who will receive the VFD roster request in December, and they will be responsible for the validity of the role and pay information for everyone in the group. It’s important for PACIF to receive correct rosters so each fire department can be billed as accurately as possible for its workers’ compensation coverage.

We appreciate the care that members put into this process so it can go smoothly. Both mailings include thorough instructions, but if you ever have any questions about PACIF’s Assigned Risk program, please contact Susan Benoit at sbenoit@vlct.org or 800-649-7915.

USE EYEMED’S NEW BILLING ADDRESS

All groups that obtain EyeMed Vision services through VERB will please note that the address to use when sending monthly premium remittances was recently changed. The correct address is now:

Combined Insurance Company of America
28561 Network Place
Chicago, IL 60673-1285

Combined Insurance Co. of America is EyeMed’s third-party administrator for billing services. If you have any questions regarding the above information, please contact Kelley Avery at 800-649-7915 or kavery@vlct.org. You can also email our EyeMed Client Services Representative, Brook Berry, directly at bberry@eyemed.com.

VHC 2018 PLANS AND RATES AVAILABLE

In May of 2017, both BlueCross BlueShield of Vermont (BCBSVT) and MVP Health Care (MVP) provided the Green Mountain Care Board (GMCB) with their proposed rate increases for their respective sets of Vermont Health Connect (VHC) plans. Initially, BCBSVT requested an average increase of 12.7 percent and MVP requested an average increase of 6.7 percent.

After a thorough review during the summer, the GMCB approved lower increases for both carriers: 9.2 percent average for BCBSVT and 3.5 percent average MVP. Note that these are averages across all the VHC plans offered by each carrier; they don’t represent the actual increase that a group will experience, and individual plan increases under each carrier will vary.

VLCT will contact groups enrolled in the VERB Trust’s Health Insurance Advisory Services (HIAS) Program to inform them of their group’s individual plan increases and to support them and their employees in the 2018 renewal. Groups not enrolled in the HIAS Program may contact BCBSVT (800-255-4550) or MVP (800-825-5687) directly for information regarding their rate increases and renewal procedures.

For any questions regarding the VERB Trust’s HIAS Program, please contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) at 800-649-7915.

ARE YOU IN VERB’S UI PROGRAM? DON’T CHANGE YOUR ADDRESS WITH VDOL

This is an important reminder to members of the VERB Trust’s Unemployment Insurance (UI) Program that when you file your quarterly wage reports – or otherwise correspond with the Vermont Department of Labor (VDOL) – you must not change the address that the VDOL has on file for your group. This address needs to be TALX UC EXPRESS, PO Box 283, St. Louis, MO 63166 in order for the VDOL to correspond correctly with the UI program’s third-party administrator, Equifax (which acquired TALX several years ago).

(continued on page 12)
PACIF and VERB Trust annual meetings. Thursday, October 5, from 10:30 a.m. to 12:00 noon, Northstar II, Killington Grand Resort Hotel. Although the two-day format of VLCT Town Fair has shifted the VLCT Annual Meeting to Wednesday at 1:30 p.m., the trusts’ annual meetings will still take place on Thursday morning. All PACIF and VERB members are welcome to attend.

Deadline for PACIF members to submit completed annual renewal applications. Friday, October 6. It is important that you carefully review and update all schedules to be sure your coverage meets your requirements. Return your completed application to Vicky Abare by scanning and emailing it to vabare@vlct.org; or mailing it to VLCT Attn: Vicky Abare, 89 Main Street, Suite 4, Montpelier, VT 05602; or dropping it off at the VLCT Risk Management Services table at Town Fair. If you have any questions, call 800-649-7915 and ask to speak with an Underwriting team member.

Deadline for PACIF member fire departments to identify their Assigned Risk contact(s). Tuesday, October 10. Members that received an email from Susan Benoit requesting updated Assigned Risk contact information should return their completed form in one of three ways: scan and email it to sbenoit@vlct.org; or mail it to Susan Benoit, VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602; or fax it to her attention at 802-229-2211.

2017 Vermont Safety and Health Council Expo. 8:00 a.m. to 4:14 p.m., Friday, October 13, DoubleTree by Hilton Burlington, 1117 Williston Road, South Burlington. Governor’s Awards for Outstanding Workplace Safety will be presented. $70/VSHC member, $105/non-member. Visit vshc.org/events/2017-vshc-expo-south-burlington/ for information and to register.

Vermont Highway Safety Alliance (VHSA) 5th Annual Conference. 8:00 a.m. to 5:00 p.m. Wednesday, November 8, Hilton Burlington Hotel, 60 Battery Street, Burlington. For the theme The Road to Highway Safety is Paved with Technology, this year’s primary presentation topics are The 24/7 program for holding DUI defendants accountable in South Dakota; Automated Speed Enforcement using cameras to ticket registered owners of speeding vehicles; and the potential effect of automated vehicles in Vermont. Lunch will feature the Governor’s Highway Safety Program Lifesavers Award, and the day will close with an Automated Vehicle Stakeholders Symposium. For information, visit vermonthighwaysafety.org/event/vhsa-5th-annual-conference-road-safety-paved-technology. To register, email the name, title, and email address of the attendee to Evelyn McFarlane at evelyn.mcfarlane@vermont.gov.

MUNICIPAL FITNESS:
SPRINGFIELD PUTS WORKSTRONG INTO ACTION

Since employees of the Town of Springfield began participating in the worksite stretching program of PACIF WorkStrong in April 2016, “there have been fewer workers’ comp claims from our department,” said Lois Smith, Office Manager of the Springfield Public Works Department. Fewer claims can result in lower insurance costs.

“That’s a smaller number than others. But everybody does it here,” said Smith. “On Fridays if I get swamped, somebody will come looking for me and say, ‘Are we stretching this morning?’”

Several dozen employees take part in the stretching regimen, which takes place three days a week. And the department managers are right there alongside those employees whose responsibilities place them at a much greater risk of workplace injuries. But all employees enjoy the tangible benefits from the program. Said one highway crew member, “I can nearly touch my toes now!”

Brian Benoit
Admin. Assistant to the Town Manager
Town of Springfield
Managers at PACIF member municipalities often tell us that they know about their Employee Assistance Program (EAP) benefit and encourage their employees to use it. We’re always happy to hear that! Because Invest EAP offers a wide array of services at no additional cost to PACIF members, we wanted to call your attention to a few less-used EAP features. Some might surprise you. We encourage you to start making full use of them. All of these services reflect the fact that municipal leaders – selectboard members, managers, supervisors, and anyone with human resource (HR) responsibilities – and EAP have a mutual goal: fostering a workforce that performs with success and harmony. Also, because Invest EAP is based in Vermont, we can respond to your needs quickly and can generally meet with you in person.

EAP Supervisory Trainings. We offer free, in-person presentations to managers and employees about our programs and services. In a Supervisory Training, an EAP representative spends 30 to 45 minutes explaining our full range of services to the people in your organization who have management and/or HR responsibilities so they can more effectively address and resolve workplace problems. Our four types of employee referral – Management Consultations, Critical Incident Stress Debriefings, how to promote EAP so employees use it proactively, and how EAP can enhance performance management – are all explained in the training. We can present it in person or via webinar at a time that works for you. To help PACIF member municipalities get the most value out of their EAP benefit, our goal is to deliver this information to every member at least every other year. If your municipality has not received a Supervisory Training recently, please schedule one soon with me at connieg@investeap.org.

Management Consultations. Just as individual employees and their household members who are under stress or grappling with personal or work issues can seek EAP’s individual counseling service, a municipal leader faced with a challenging workplace situation can reach out to EAP for a management consultation. EAP’s management consultants are a go-to resource and sounding board for when workplace troubles arise, and, like our personal counseling, they are confidential and free. Successful outcomes can best be achieved when a manager identifies problems early and taps EAP resources proactively. To understand the situation and learn how you’d like to see it resolved, the EAP consultant would typically ask questions such as:

- Does a performance problem exist, or is the employee experiencing personal difficulties that are not yet affecting his or her performance?
- Has this problem affected the workplace? If so, how?
- How has the manager intervened so far, and how have the interventions played out?

Your consultant helps the manager or HR staff develop a plan to meet the

(continued on page 14)
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so you can focus on what you do best

- VERMONT CLOUD®
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- Intelligent Network Monitoring
- Internal PCI Audit Service
- Network Assessment
- Security Assessment
- Wireless Assessment
- Hardware / Software as a Service
- Cloud To Cloud Backup Service
- Office365
- Network Administration
- Project Management / Assistance
- Staff Augmentation

www.tgvt.net  802.862.1197

21 Gregory Drive, Suite 120  South Burlington, Vermont 05403

THE HUMAN SIDE OF IT
LEGAL AND REG.
(continued from page 7)

required.” And if, as Heller contends, Langlois intended to avoid the zoning regulations by not applying for a permit, the Court surmised then he did a bad job of doing so when he brought his plans to build a pergola to the attention of the zoning administrator and to his neighbor, a statutorily-interested person.

The fourth element of estoppel – that Langlois detrimentally relied upon Kilburn’s opinion – was evidenced by the fact he spent over $30,000 on the pergola and risked penalty and loss of the structure if the Town prevailed in its enforcement action.

Up to this point in the decision, all the Court’s justices were on the same page. It was the fifth estoppel element – whether “the injustice that would result from denying the estoppel outweighs the negative impact on public policy that would result from applying estoppel” – on which they disagreed. A majority of the Court’s justices were of the same mind as the Environmental Court in holding that a greater injustice would befall the Town if it didn’t prevent the Town from enforcing its zoning regulations than that which would befall the Town. On the one hand, the Court explained, if the Town is estopped from enforcing its zoning regulations, then Langlois receives the benefit of an unpermitted pergola unavailable to all the other residents of the Town. On the other hand, if it isn’t estopped, then Langlois will be out the cost of the structure ($33,000) plus a penalty for violating the regulations. The sticking point for the majority, as written by Justice Eaton, was that it couldn’t figure out what to tell innocent landowners such as Langlois what he should have done differently to avoid this result. “We cannot expect more from Langlois than what was reasonable for him to do; he asked the right questions of the right government official and acted in accordance with and in reliance upon the information he received.”

The sympathies of the two dissenting Justices, Skoglund and Robinson, lay more with the other innocent party, Langlois’s neighbor Heller, and the Town’s citizenry, both of whom relied upon the Town to properly administer its land use regulations. The purpose of the doctrine of equitable estoppel, the dissenting justices wrote, is to act as a shield to protect from harm those who relied on government assurances, not as a sword that injures – however inadvertently – innocent third parties.

Despite their disagreement, all justices can agree with and all municipalities should take heed of Justice Eaton’s admonition that this could have all been avoided with “a more studied approach in the future to opinions rendered about the need for zoning permits.”


Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center

TRUST MATTERS
(continued from page 8)

We recently learned that the VDOL had received address changes from some UI members, which caused a number of claim invoices to be sent directly to those members. Because Equifax never learned of the invoices, VERB missed making the payments for those members. One benefit of this membership is that it minimizes members’ interactions with VDOL, conveying all claim-related functions – billing as well as other matters – to Equifax/TALX.

If your municipality is an active member of the VERB Trust’s UI Program and you ever receive a mailing directly from the VDOL, please contact Kelley Avery at VLCT immediately at 800-649-7915, ext. 1965, or kavery@vlc.org so she can correct this problem. The only communications you should receive concerning unemployment claims or the VDOL will come from Equifax or from Kelley Avery. If you have any questions regarding the above information or Equifax or VERB Trust UI Program participation in general, please call Kelley at 800-649-7915.

TRIVIA

Charles Degener (III), Mike McAline, Jon Dodd, Herb Durfee (III), Bevan Quinn, Michael McCarthy, and Jeanne Desrochers of Woodstock, Windham, West Haven, Norwich, Guilford, Georgia, and Coventry, respectively, knew that talc, the Vermont State Mineral, is not soluble in water, typically occurs as a foliated to fibrous mass, is layered trioctahedrally, is one of the oldest known solid lubricants, and is often used as a ceramics glaze. But it is not plaid. A hearty well done to these mineralphiles! Wait, no. Seven!

In 1809, residents from four towns petitioned the Vermont Legislature to create a new town out of the four towns’ adjacent corners, claiming that the mountainous terrain made it difficult to get there. What was the town’s name and what happened to it?

When you know the answer, email it to dgunn@vlct.org. My answer will appear in the necessarily northeasterly November issue.

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

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

For more information contact the Bond Bank at:
20 Winooski Falls Way, Suite 305
Winooski, VT 05404
802-654-7377
Bond-bank@vtbondagency.org
www.vmmb.org

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HELP WANTED

Equipment Operator/Road Crew Worker.
The Town of Calais is accepting applications for an experienced equipment operator and member of the road crew. Work involves all activities of the highway department, including plowing, grading, ditching, road repair, and equipment maintenance. Requirements include a current CDL license, a clean driving record, the ability to work a flexible schedule with overtime, and grader and snowplow experience. This full-time position includes excellent benefits, including health and dental insurance, retirement benefits, vacation and sick leave, and uniforms and boots provided. Salary commensurate with experience. To apply and/or request a job description, contact the Calais Town Office at calaisadm@gmail.com or 802-456-8720 or go to www.calaisvermont.gov. Position open until filled. (09-07)

Administrative Assistant to Town Manager.
The Town of Putney has an opening for a full-time (35 hrs/week) Administrative Assistant to the Town Manager. The administrative assistant will assist with the day-to-day operations of the Town Manager’s office and work under the direct supervision of the selectboard and Town Manager (who also serves as Zoning Administrator, Delinquent Tax and Utility Collector, and Finance Director). The ideal candidate will be a self-starter; have superior customer service skills; be proficient in Microsoft Word, Excel, social media, email, and website applications; have a high degree of accuracy and attention to detail; work well with others; and be able to multi-task. Essential functions of the job include preparing agendas, posting notices, preparing bids for mailing, maintaining the website, social media

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

Visit www.vlct.org/classifieds to view more classified ads. You may also do it yourself via the “Submit Classified Ad” button on that page.
EAP for Managers
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specific needs of your worksite. Common interventions include:

• informal referrals to EAP for employees to receive support;
• supervisory coaching by an EAP specialist;
• facilitated discussions between two or three employees who are feeling stuck in an unresolved issue; and
• a site visit from EAP to explain the EAP benefit to the entire group.

• When the type of intervention has been chosen, EAP helps you prepare for its delivery. EAP is a helping resource, never a disciplinary measure, and presenting EAP as a confidential support inspires cooperation—which is critical to success.

Special Help After a Tragic Event.
When a tragic event (or “critical incident”) affects one or more employees, the resulting distress can impair the workplace environment. EAP can provide a critical incident resiliency response debriefing to help reduce the emotional damage to the group as well as individuals. Examples of critical incidents include:

• a coworker’s death or serious illness;
• suicide;
• a violent or threatening event in a work setting;
• natural or man-made disasters that affect the workers’ ability to function in the workplace; and
• announcement of downsizing or layoffs.

EAP helps managers decide on the appropriate intervention for each situation. At times, the manager benefits from a confidential consultation and then can support staff appropriately. If an individual is the primary person affected, an individual debriefing with an EAP counselor is the best choice. At other times, groups of workers will benefit from EAP’s critical incident debriefing services.

Critical incident debriefings are designed for the group and the situation at hand. They are professionally conducted—

Municipal leaders – selectboard members, managers, supervisors, and anyone with human resource responsibilities – and EAP have a mutual goal: fostering a workforce that performs with success and harmony.

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ANNUAL BUDGET
(continued from page 5)

may include outsourcing, borrowing from the state’s Municipal Equipment Loan Fund, or purchasing from the Agency of Transportation’s surplus vehicle sale.

Attention to the town budget is a major part of the selectboard’s job throughout the year, and should not be confined to the period when the board is drafting next year’s budget. A budget is a plan of what the town expects to do in the upcoming year and how much it will cost taxpayers to do it. But, as the saying goes, “the best laid plans are the first to go awry.” Property tax collections can plummet, a bad winter can wipe out the highway fund, and prices for supplies can change with little notice. For these reasons, the selectboard should regularly review revenues and expenditures to make sure the town is staying within budgeted figures as the fiscal year progresses. Spotting a trend of deficient revenues or unanticipated expenses earlier in the year rather than later gives the selectboard’s surplus vehicle sale.

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Adapted from the VLCT Handbook for Vermont Selectboards.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center


Call Invest EAP at 1-800-287-2173.

Please contact us directly.

This article helps to deepen your knowledge of PACIF’s EAP benefit. If you have questions or if you would like to learn more, please contact us directly.

Call Invest EAP at 1-800-287-2173.

For urgent needs, follow the prompts to have a manager paged. If your group has experienced a critical incident, be sure to ask for an urgent consultation.

Visit our website, www.investeap.org. Create a Login using the Organization Password, vlct, to gain access to a wealth of useful tools and resources.

Connie Gavin,
Director of Account Services, Invest EAP
Town Planner. The Town of Richmond is recruiting for a Town Planner. Duties include researching, analyzing, and interpreting social, economic, population, and land use data and trends; preparing reports on special studies pertaining to land use and community development problems; serving as Secretary to the Planning Commission; and serving as Alternate Zoning Administrator Officer. The successful candidate must enjoy working independently in a small office and assisting the public and town boards with excellent follow-through and attention to detail. Ideally, candidates will have experience working with attorneys, engineers, and land development professionals. Proficiency in MS Word and Excel with basic GIS ArcView capability is expected. A full job description is available at www.richmondvt.gov under “Documents/job-listings”. Direct any questions to Town Manager Geoffrey Urbanik at 802-434-5170. Hiring salary for this 30-to-40-hour-per-week position is dependent upon qualifications and experience within a pay range of $22.84 to $24.24 per hour with a generous benefits package. Please send cover letter, resume and three current references to Town of Richmond Planner Search, PO Box 285, Richmond, VT, 05477. Position open until filled. (08-29)

Assistant to Town Manager. The Town of Williston is seeking a full-time professional to assist the Town Manager in an organization of 60 full-time employees. Duties include working with department heads in planning and organizing civic engagement, communications, project management, policy analysis and other general management functions. Williston is a growing, progressive community with a residential population of 9,400, a daytime population of 18,000, and an annual budget of over $14 million. MPA preferred; BA in Political Science or related field plus two years of experience in related field required. Salary range is $49,733 to $71,427 with competitive fringe benefits. For more information, visit http://town.williston.vt.us and navigate to “General Information-Employment Notices”. To apply, email a cover letter and resume as PDF file attachments to the Town Manager at rmguire@willistonvt.org. Position open until filled. EOE. (08-25)

Town Manager. The Town of South Kingstown, R.I. (pop. 31,000), seeks well qualified candidates for the position of Town Manager. South Kingstown is a thriving community in southern Rhode Island bordering the Atlantic Ocean and is the home of the University of Rhode Island. The Town Manager is appointed by and works under the direction of the five-member elected Town Council. He or she supervises 10 department directors, 200 full-time employees, plus many part-time and seasonal employees. The Town has a General Fund budget of $23.8 million and has sound finances. Requirements: Bachelor’s degree in Public or Business Administration or other relevant field (Master’s degree preferred) and at least 10 years of progressively responsible leadership and management experience in local government or business. Experience as a city manager, assistant manager, or department head is preferred. Experience in Rhode Island municipal government or in comparable communities is a plus. Market competitive salary; attractive benefits. To apply, send letter of interest and resume to Ellis Hankins, Sr. VP, The Mercer Group, Inc., at ellis.hankins@gmail.com (email preferred). Cell and text: 919-349-8988. Request a recruitment brochure for more information. Review of applications begins October 18, 2017. The Town values diversity. EOE. (08-24)
UPCOMING EVENTS

Check out all of the upcoming MAC workshops online at www.vlct.org/training-events

Town Health Officers
Tuesday, October 17, Lake Morey Resort, Fairlee
Tuesday, October 24, VWF, Brattleboro

Fall Planning and Zoning Forum
Wednesday, November 1, Sunset Ballroom, South Burlington

Municipal Roads
Wednesday, December 6, Capitol Plaza, Montpelier

Additional Upcoming Training
Visit our website for the most up to date training calendar.

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