

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

May 2000

WORK BEGINS ON TOWN FAIR 2000

The VLCT Town Fair 2000 will be held this year on Thursday, September 28, at the Killington Resort and Conference Center, Killington, Vermont. (Please note the Fair's return to a one-day format.) Already, VLCT is working hard to make this Town Fair one of the best ever.

Getting ready for the Fair first involves preparing the *2001 Municipal Policy* for review by members at the VLCT annual meeting on September 28. Vermont selectboard members, mayors, managers and clerks recently received a mailing from VLCT seeking nominations to the four committees that prepare the draft *Policy*: Finance, Administration and Intergovernmental



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LOCAL CONTROL/HOME RULE: WORTH THE FIGHT?

VLCT BOARD APPOINTS SUBCOMMITTEE TO EXAMINE THE ISSUE

As many VLCT members know only too well, the Vermont Constitution is one of only 14 state constitutions that do not grant municipal "home rule" – i.e., local control over matters that are truly local in nature, *without state legislative oversight*. This means that, in Vermont, anything municipal voters want to do to govern and serve themselves must receive express permission to do so from the state. This must be done through either a general law allowing municipalities to do something – such as operate a police department – or through the municipality adopting a charter. All charters, and charter amendments, however, are subject to legislative approval, *even after they have been approved by local voters*.

This situation has historically placed local officials on the defensive at the State House, as we try to fend off further erosion of the limited local control that is currently granted to municipalities by state statute. Following the difficulty two, high-profile local charter changes are facing to gain legislative approval this year (Burlington's telecommunications initiative and Montpelier's loaded firearm prohibition), and the demise of yet another bill attempting to strengthen local control in Vermont, the VLCT Board has decided to assess where the League should go from here on home rule.

"The *Municipal Policy* of the League has been endorsing a home rule initiative since about the time water was invented," Board member Charles Lusk recently commented, adding, "So far, the response of the Legislature has been bipartisan and underwhelming." Deciding that it was time for a fresh look at the issue, last month VLCT Board President Burlington Mayor Peter Clavelle appointed a Board subcommittee to work on local control.

Members of the subcommittee are: **Mayor Clavelle**, Stowe Selectperson **Charles Lusk**, South Burlington City Council Chair **James Condos** and Waterbury Municipal Manager **Bill Shepeluk**. The subcommittee is charged with determining the interest of the membership in proceeding with efforts to strengthen local control and recommending a set of actions for the full VLCT Board to consider.

"A recent [legislative] effort to allow municipal charter changes to automatically go into effect, unless rejected or modified by the Legislature, as opposed to requiring affirmative approval, was first watered down and then rejected," Lusk noted. The question which Lusk and the subcommittee will be asking VLCT members in the near future is, he said, "Do we really care?"

Lusk continued, "Has home rule become merely symbolic, a catch-all phrase to express general unhappiness with the way the Legislature relates to local government? Is there an as-yet, unexpressed desire on the part

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TOWN FAIR -

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Relations (FAIR) Committee; Public Safety Committee, Quality of Life Committee; and Transportation Committee. This is your chance to have a say in the legislative proposals VLCT takes to the State House next year. Please let us know by Friday, **June 9, 2000** if you are interested in serving on one these committees. Don't forget - we need and welcome your input now as a committee member and/or at the annual meeting in September when the *Policy* is finally approved.

In this issue of the *VLCT News*, two inserts ask for your help in other areas of Town Fair planning. One seeks nominations to the VLCT Board for vacancies that will occur when terms expire at the September annual meeting. If you are interested in serving on the VLCT Board, or would like to nominate someone else to do so, please fill out the enclosed nomination form and return it to VLCT by Friday, **June 9, 2000**.

A second insert in this issue seeks nominations for the awards that VLCT bestows annually at Town Fair. If you know of a potential Municipal Person of the Year, Town Government, Legislative Service, Town Citizenship or Lifetime Achievement Award winner, please fill out the enclosed nomination form and return it to VLCT by Friday, **June 30, 2000**. The annual luncheon and awards ceremony at Town Fair is a highlight of the year for many local officials, as it is a chance to celebrate, together, the achievements of their local government colleagues. Please take a moment to nominate those who you feel are deserving of recognition at Town Fair 2000.

LOCAL CONTROL -

(Continued from previous page)

of our local officials to have genuine autonomy over organizational, functional and fiscal policy? If this is something we really want, are we willing to put ourselves out to achieve it? Will local officials work collectively through the political process to bring home rule about?"

These are questions for VLCT members to ponder as the Board works out a future grassroots and legislative strategy for achieving home rule in Vermont. True home rule that empowers local governments and their citizens can only be accomplished by amending our state constitution, and that requires that the Legislature and the voters of the state be convinced that this is in Vermont's best interest. As VLCT has noted before, this will take thorough education and much debate. The VLCT Board looks forward to this task. It is an essential part of reinvigorating local democracy for the 21st century.

WHAT YOU CAN DO -

- ◆ Contact VLCT Board members and legislative staff with your opinions and ideas on home rule.
- ◆ Watch the mail and the *VLCT News* for formal requests for your input on the issue.
- ◆ Educate yourself - ask the VLCT legislative and membership services staff for background information on home rule and what it would mean for Vermont. We also have copies available of the 31 governance charters that have been enacted by Vermont towns and cities.

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LEAGUE ISSUES NEW EDITION OF POPULAR CLERK'S HANDBOOK

The VLCT *Handbook for Vermont Municipal Clerks* is now available for purchase in its newly revised, second edition.

Completely updated by VLCT Municipal Law Center Attorney Libby Turner, with assistance from a group of clerks from around the state, this handbook will be a valuable resource for every municipal office. The handbook discusses the duties and responsibilities of the clerk position in detail, and includes chapters on licensing, taxation and recording procedures. Information is also included to help clerks implement the new civil unions law.

To order a copy of the new handbook, please return the order form that was recently mailed to all municipal clerks, visit the What's New section of the VLCT web site (www.vlct.org) where you can download the order form, or call VLCT at 800/649-7915.

RESOURCE GUIDE FOR RESETTLING REFUGEES

If your municipality is home to recent refugees from another country, the *Business Refugee Resource Guide* is a publication that may be helpful to government and business officials in your community.

Published by the Burlington Community and Economic Development Office (CEDO), the *Guide* is a joint project of CEDO and Americorps VISTA. It addresses hiring, training and promoting refugees, and provides businesses with links to providers of specialized services for refugee workers.

The State of Vermont estimates that at least 400 refugees will resettle in Vermont in the fiscal year 2000. In the past three years, Burlington has settled close to 500 refugees, while all of Vermont has settled more than 1,000. "Many services are vital to the immersion into American life, such as, children and family services, health care, English for Speakers of Other Languages (ESOL) and housing," CEDO spokesperson Bruce Seifer commented. More than 60 providers of these and other services for refugees are listed in the *Guide*.

To receive your free copy of the *Business Refugee Resource Guide* contact the Greater Burlington Industrial Corporation at 802/862-5726, ext. 10, or by e-mail, GBIC@Vermont.org.

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TAX SALE AND ABATEMENT; COMPENSATORY TIME; SEARCH AND SEIZURES

SUPERIOR COURT REQUIRES ABATEMENT INFORMATION IN TAX SALE NOTICE

A case from the Windsor Superior Court has important implications for the contents of the notice that is sent to a delinquent taxpayer before a tax sale. *Town of Windsor v. Blanchard*, No. S528-11-99 Wrcv (April 4, 2000). The notice must include a description of the process for applying for an abatement of taxes.

In the *Blanchard* case, property taxes for the years between 1993 and 1998 were not paid. The amount due was \$15,572.03. After sending Ms. Blanchard notices demanding payment throughout 1997 and 1998, the delinquent tax collector sent her a letter explaining that a tax sale would be held. The letter gave Ms. Blanchard a final deadline by which to make arrangements to pay the taxes, and included detailed information about the tax sale process. The letter did not mention the possibility of tax abatement, although the Town maintained that the letter included a copy of the abatement statute (Ms. Blanchard disputed this).

The Town bought the property at tax sale. After the redemption period expired, and Ms. Blanchard was still living at the property, the Town filed a complaint for possession. Ms. Blanchard defended the case by claiming that the Town had violated her constitutional right to due process of law, because it had not adequately notified her of her right to request an abatement of her taxes.

The court agreed. It explained that "due process" concerns arise whenever the government deprives an individual of real or personal property. Relying on the United States Supreme Court case of *Mathews v. Eldridge*, 424 U.S. 319 (1976), the court reasoned that an individual's interest in his or her property is significant, and the government has no reason not to provide information about the abatement process. The court also noted that the Vermont Supreme Court has ruled, on due process grounds, that a notice of zoning

violation must inform the property owner of how to appeal the violation. *Town of Randolph v. Estate of White*, 166 Vt. 280 (1997).

Furthermore, simply sending the taxpayer a copy of the abatement statute is *not enough*. The notice must be "reasonably calculated" to inform the property owner about the abatement process. In the court's view, sending a copy of the statute did not meet this standard, because nothing explained when, how, or

of his or her right to request abatement. The Addison Superior Court ruled the same way in 1995 in the case of *Fysh v. Town of Bristol*, Addison Superior Ct., No. S110-95Ac (Aug. 9, 1995). It is very likely that other Superior Courts would rule the same way. Therefore, the delinquent tax collector should *always* include a description of the abatement procedure in the notice of tax sale that is sent to the taxpayer. This can be part of the letter or on a separate sheet of paper. In either case,

Although this decision is not binding precedent throughout the state, it is the second Superior Court to rule that the town must provide notice to a delinquent taxpayer of his or her right to request abatement.

where Ms. Blanchard could apply for an abatement.

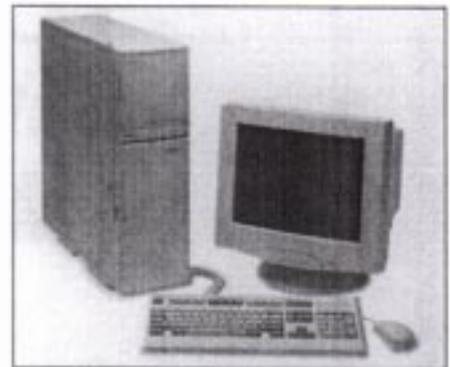
This case was not appealed to the Vermont Supreme Court. *Although this decision is not binding precedent throughout the state*, it is the second Superior Court to rule that the town must provide notice to a delinquent taxpayer

the notice should make clear when, how, and where the taxpayer may apply for an abatement hearing, and should give a deadline for the taxpayer to do that. Law Center staff has prepared a sample notice; please contact us if you would like a copy.

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LEGAL CORNER -

(Continued from previous page)

SUPREME COURT ALLOWS MUNICIPALITIES TO COMPEL USE OF ACCUMULATED COMP TIME

The United States Supreme Court, in a 6-3 decision, recently upheld municipalities' authority to require employees to use accrued compensatory time ("comp time") even where there is no agreement between the employer and employees on this point. *Christensen v. Harris County*, No. 98-1167 (May 1, 2000).

First, a brief refresher on comp time. Under the Fair Labor Standards Act (FLSA), a governmental employer may establish a comp time system by agreement with its employees. Under such a system, employees may be required to accept comp time in lieu of overtime pay for any overtime hours worked. One and a half hours of comp time must be given for each hour of overtime worked. Once accrued, comp time is never lost. The employer must allow employees to use their comp time within a reasonable time after they request it, so long as the use of the comp time does not unduly disrupt the employer's operations. The FLSA has a cap on the number of hours of comp time that an employee can accrue (240 for regular employees, and 480 for public safety employees and those engaged in seasonal work). After the maximum is reached, the employee must be paid overtime in cash. If the employee leaves employment for any reason, unused comp time must be given to the employee, at his or her rate of pay, at the time of separation.

These factors make it easy to see why the County in the *Christensen* case wanted to set a policy requiring the use of comp time. The

County was concerned that it lacked the funds to pay overtime to employees after they reached the cap on comp time, or to pay employees who left with a large reserve of comp time. Therefore, the County established a policy under which supervisors set a maximum number of hours of comp time that could be accumulated. When an employee's stock of hours approached the maximum, the employee was asked to reduce the accumulated time. If the employee did not do so, the supervisor could order the employee to use the comp time at particular times.

A group of deputy sheriffs of the County sued, claiming that this arrangement violated the FLSA. Although the sheriffs had already agreed to *accept* comp time in lieu of overtime pay, as required under the FLSA, they argued that they could not be required to *use* their comp time at particular times unless they had additionally agreed to such an arrangement with the County.

A majority of the Supreme Court disagreed. The Court based its opinion on the FLSA, and in so doing it declined to follow a contrary interpretation in an opinion letter from the Department of Labor. The Court concluded that the wording of the FLSA does not prohibit a governmental employer from compelling employees to use accrued comp time at any time. In other words, the employer may tell the employee to take time off from work with full pay.

As mentioned above, the use of comp time as a substitute for overtime pay must be agreed to by the employer and employees. The Court also clarified that this agreement need not be a formal one. The Court said, "Such an agreement or understanding need not be formally reached and memorialized in writing, but instead can be arrived at infor-

mally, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time." Nevertheless, the better practice is for comp time agreements to be in writing, as part of the employer's personnel policies. Thus when a new employee is hired, he or she takes the job knowing that comp time is a condition of employment.

If you, as an employer, want to use the authority given by this case to compel the use of comp time under certain circumstances, that policy should also be clearly stated in your personnel policies. In setting a comp time policy, think about the history of accrual of comp time by employees in your town in light of your resources, and try to fashion a policy that is fair both to you and the employees. Of course, if you are operating under a collective bargaining agreement, involve the union in any changes to your policy.

IN TWO CASES, U.S. SUPREME COURT RULES SEARCHES UNLAWFUL *Stop and Frisk*

The United States Supreme Court recently decided two cases dealing with searches. The first case, *Florida v. J.L.*, No. 98-1993 (March 28, 2000), involved a stop and frisk. The Miami-Dade police received an anonymous phone call reporting that a young black male standing at a particular bus stop, and wearing a plaid shirt, was carrying a gun. Nothing was known about the informant. The police arrived at the bus stop and saw three black males, one of whom was wearing a plaid shirt. Apart from the tip, the officers had no reason to suspect any of the three of criminal behavior. One of the officers frisked J.L. and

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ASK THE LEAGUE

REGULATING USE OF TOWN PROPERTY; MORTGAGE DISCHARGE; 'FIXTURE FILINGS'; PUBLIC RECORDS AND PRIVATE GAIN

Does the selectboard have the authority to prohibit residents and others from parking overnight or storing their personal business vehicles, for example, trucks and tractor trailers, on town property?

Yes, it does. Vermont municipalities are the owners of a wide variety of lands and buildings – from the town hall to the town garage. The law places into the hands of the selectboards the general supervisory responsibility for ensuring that these buildings and lands are well maintained and safe for the municipal workers and members of the public who use them. 24 V.S.A. § 872. Thus, it is the selectboard that can make rules for the appropriate use of public property, including the restriction of certain uses if such usage does not serve a public interest.

A notice of mortgage discharge has been submitted for recording but the notice is from a financial institution that is different from the bank noted on the referenced mortgage deed of record. How can I be sure this is the mortgage that I should mark released?

The recent rash of mergers between banks and between banks and other financial institutions has created a situation where the notice of mortgage discharge that the clerk receives may not have the name of the institution that issued the original mortgage. In fact, the original institution may be buried in a web of multiple takeovers, which can be confusing, especially where out-of-state institutions are involved. In addition, in some takeovers, not all of the branches of a bank are absorbed into the new parent company.

The Federal Deposit Insurance Corporation (FDIC) can help identify the "family tree" of financial institutions. If your town has the technological capability, visit its web site at www.fdic.gov. Failing that, contact the Vermont Department of Banking, Insurance and Securities for help in identifying the original mortgage holder. The Department's telephone number is 802/828-3301, and its web site is www.state.vt.us/bis/.

What are "fixture filings"? Do they need to be filed and recorded in the land records, and if so, what is the fee?

Vermont statutes define personal property or "goods" as "fixtures" when such goods become so related to particular real estate that an interest in them arises under real estate law. 9A V.S.A. § 9-313(1)(a). *Black's Law Dictionary*, Seventh Edition, defines "fixture" as, "personal property that is attached to land or a building and that is regarded as an irremovable part of the real property..." Examples would be a fireplace built into a home or a large piece of industrial equipment in a manufacturing plant.

A 'fixture filing' is the filing in the office (generally the municipal clerk's) where a mortgage on the real estate would be filed or recorded, or a financing statement covering goods which are or are to become fixtures conforming to the Uniform Commercial Code requirements under § 9-402(5).

The uniform fee for filing, indexing and stamping an original UCC financing statement (or a continuation statement) is \$10.00 if the statement is in the standard form prescribed by the Secretary of State; otherwise, the filing fee is \$15.00. Some clerks have reported receiving fixture filings that run several pages in length.

In the case of fixture filings, in addition to filing, the financing statement also must be recorded in the land records and is subject to the standard \$6.00 per page recording fee. 9A V.S.A. §§ 9-403(5), 9-402(5) (see § 9-403(5) for additional related fees). A general discussion of municipal clerks' responsibilities for UCC instruments is found in Chapter IX of the new VLCT *Handbook for Vermont Municipal Clerks*. Contact the League to order your copy today!

A businessman in town who sells invisible "dog" fences has requested a list of all dog licenses issued. Is this public information that must be provided?

Yes, we think it is. Vermont law specifies 28 types of records that are exempt from

public disclosure, one of which is "lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain..." 1 V.S.A. § 317(c)(10). An example of one such list is the annual dog census prepared at the direction of the legislative body and filed with the municipal clerk. That list includes unlicensed and inoculated and licensed dogs and wolf-hybrids. 20 V.S.A. § 3590(a). At first glance, if one assumes that the purpose of the request is to drum up some new fencing business, under this exemption, the clerk might conclude that given the requesting party's motive, the list is exempt and need not be turned over. However, the fact is that the Vermont Supreme Court has ruled that *motive is irrelevant to the [plaintiff's] access right to information*. *Finberg v. Murnane* 159 Vt. 431 (1992). Although the Court did not address exemption §317(c)(10) specifically in reaching this finding, its ruling does throw into question the meaning and application of "public or private gain" as used in the statute. Additionally, if a person were to ask the clerk for a copy of one or more individual dog licenses, because a dog license is a public document (1 V.S.A. § 317(b)), a copy would

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LEGAL CORNER -

(Continued from Page Five)

discovered a gun in his pocket. J.L. was charged with carrying a concealed firearm without a license and possessing a firearm while under the age of 18. At trial, he moved to suppress evidence of the gun as resulting from an unlawful search. Both the trial court and the Florida Supreme Court agreed that the search was unlawful, and the case was appealed to the U.S. Supreme Court.

The Supreme Court reviewed the law on anonymous tips, which requires that the tip must exhibit enough "indicia of reliability" to provide a police officer with reasonable suspicion to stop a person. Reasonableness is measured by what the officers know before they conduct their search. A tip must also be reliable in giving a *reason to suspect criminal activity*, not just a way to identify a particular person. Here, the informant was "unknown

[and] unaccountable" and did not explain how he knew about the gun nor provide any "inside information" about J.L. The Court concluded that the minimal nature of the tip did not provide enough reasonable suspicion to justify the stop and frisk.

The Court contrasted this case with *Alabama v. White*, 496 U.S. 325 (1990). In *White*, the police received an anonymous tip that a woman was carrying cocaine and that she would leave a particular building at a particular time, get into a described car, and drive to a named motel. The Court explained that standing alone, the tip would not have justified a stop. But after the police had observed the woman, and realized that the informant had accurately predicted her movements, it became reasonable to think that the tipster had inside knowledge about the woman. The Court described *White* as a close case, noting that knowledge about a person's future movements indicates some familiarity with the person, but does not necessarily indicate that the informant knows about criminal activity. The Court explained that the "moderate indicia of reliability" that were present in the *White* case were absent in *Florida v. J.L.*

Police officers must exercise care when evaluating anonymous tips; this case sheds

some light on what factors should be considered. The Court made clear that this decision does *not* affect an officer's right to frisk a person who has been legitimately stopped. It only deals with cases in which the officer's authority to make the initial stop is at issue.

Inspection of Luggage

The second U.S. Supreme Court case involved physical manipulation of a bus passenger's carry-on luggage by a law enforcement officer. *Bond v. United States*, No. 98-9349 (April 17, 2000). In this case, a border patrol agent lawfully entered the bus near the Mexican border to check the passengers' immigration status. After he confirmed that all the passengers were legally in the United States, he walked toward the front of the bus and squeezed the passengers' soft luggage that was in the overhead storage space. He discovered that the bag belonging to Mr. Bond contained a hard "brick-like" object. He then opened the bag, with Mr. Bond's permission, and found a "brick" of methamphetamine. Mr. Bond was charged with possession with intent to distribute, and he moved to suppress the drugs on the ground that the agent had conducted an illegal search. The Supreme Court, in a 7-2 decision, agreed that the search was unlawful, thereby reversing the decision of the Court of Appeals.

The Fourth Amendment to the U.S. Constitution protects people's "effects" from unreasonable searches and seizures. A traveler's luggage is an "effect" protected by the Fourth Amendment - in other words, the owner has a privacy interest in his luggage. Here, Mr. Bond had shown that he expected privacy by using a soft, opaque bag and placing it directly above his seat. The Court found that this expectation of privacy is reasonable, noting that "physically invasive" inspection is more intrusive than visual inspection. The Court contrasted ways in which luggage is handled:

"When a bus passenger places a bag in an overhead bin, he expects that other passengers or bus employees may move it for one reason or another. Thus, a bus passenger clearly expects that his bag may be handled. He does not expect that other passengers or bus employees will, as a matter of course, feel the bag in an exploratory manner. But this is exactly what the agent did here. We therefore hold that the agent's physical manipulation of [Mr. Bond's] bag violated the Fourth Amendment."

This case makes clear that law enforcement officials have no authority to physically manipulate travelers' carry-on luggage without some legal basis for doing so.

ASK THE LEAGUE -

(Continued from previous page)

have to be provided. Therefore, it follows that absent another compelling reason to withhold the dog census list in its entirety, that, too, is public and should be provided if requested.

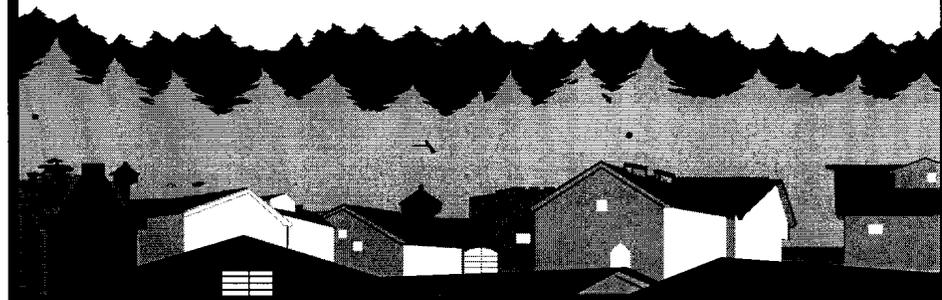
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LOSS PREVENTION NOTES

A monthly column by the VLCT Property and Casualty Intermunicipal Fund (PACIF)



PACIF CLAIMS DEPARTMENT GIVES THUMBS UP TO NEW CLAIM DATA SYSTEM

The PACIF Claims Department recently brought on line its new claim data system. The system, which is called Risk Envision, was purchased from Envision Technology Solutions of Midvale, Utah.

Installation of the new software is the final step in a process that started late in 1996 when the Board of Trustees determined that in order for PACIF to continue to offer superior claim service, a new data system was a must. The search for a new data system began immediately and numerous system vendors were contacted, proposals reviewed, and demonstrations given. Staff spent many days

visiting other League pools around New England to view all the different systems then under consideration.

By the end of 1998, staff had narrowed the choice of potential vendors to a handful. It was at this time that Scott Wetzel Services, the current PACIF claim data system vendor, was purchased by another claim data system company called Ward North America. As happens sometimes, luck then played a role since Ward intended to switch all prior customers of Scott Wetzel to a new data system, and that system was Risk Envision. Since Risk Envision also happened to top our

final list of potential vendors, the decision was easy, and the rest, as they say, is history. The Board selected Risk Envision as the new PACIF claim data system in September 1999 and a contact for services and installation was signed later that year. VLCT staff, and especially those working in the PACIF Claims Department, worked tirelessly over the next four months converting to the new system. A job that would normally take six to eight months was completed in half the time, and all historical PACIF claim data was finally transferred to the new system at the end of March 2000. The new system went live on Friday, April 7, and things have been running smoothly ever since.

Risk Envision is a Windows-based claim data system. Its primary feature is its ease of use. Data entry now takes a fraction of the time that it used to under the old system and

(Continued on next page)

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EPA MODIFIES ITS CHEMICAL ACCIDENT PREVENTION REGULATIONS

Municipalities that store more than 10,000 pounds of a flammable substance should be aware of a revised federal Environmental Protection Agency (EPA) rule. The rule

modifies the EPA's chemical accident prevention regulations under Section 112(r) of the Clean Air Act so that it conforms with the fuels provision of the recently enacted Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (PL 106-40).

The EPA rule revises the list of flammable substances regulated under the chemical accident prevention regulations *to exclude those substances when used as a fuel or held for sale as a fuel at a retail facility.* Facilities that store more than 10,000 pounds of a flammable substance (wastewater or water treatment plants, for example) that is not excluded by the revised rule must be in compliance with the Clean Air Act Risk Management Program regulations and must submit a Risk Management Plan (RMP) to the EPA. The revised rule became effective March 13, 2000.

For more information about the rule, contact Gerald Potamis, EPA Region I Vermont Coordinator, at 617/918-1651.

CLAIMS SYSTEM - (Continued from previous page)

claims staff can speedily maneuver throughout the system with ease. The claim reporting system also has great flexibility, meeting the needs of our claim adjusters to act quickly and precisely for the benefit of PACIF members. Claim staff now have more time to investigate each claim to ensure the timely, accurate disposition of the approximately 1,500 multi-line claims that we receive each year. The new system is also an excellent risk management and claim reporting tool, helping PACIF staff evaluate loss histories and focus loss prevention and wellness efforts where they are most needed.

NATIONAL LEAGUE OF CITIES OFFERS SPECIAL MEMBERSHIP RATES

The National League of Cities (NLC) recently adopted a new dues schedule that allows municipalities of any size to join by paying half of the regular dues rate for the first year. The schedule also includes new categories and lower rates for municipalities under 10,000 in population. The new, special first-year rates range from \$100 for municipalities under 1,000 in population to \$2,970 for those with 90,001 - 100,000 in population.

Nearly 500 of NLC's current membership of 1,600 cities, towns and villages are under 10,000 in population. Similar to a state league, but operating on a national scale, NLC offers information and research assistance on issues facing communities nationwide, lobbies Congress for municipal needs, and offers extensive training opportunities and publications to educate local officials.

To find out more about membership, call NLC's membership office at 202/626-3190 to request a membership kit.

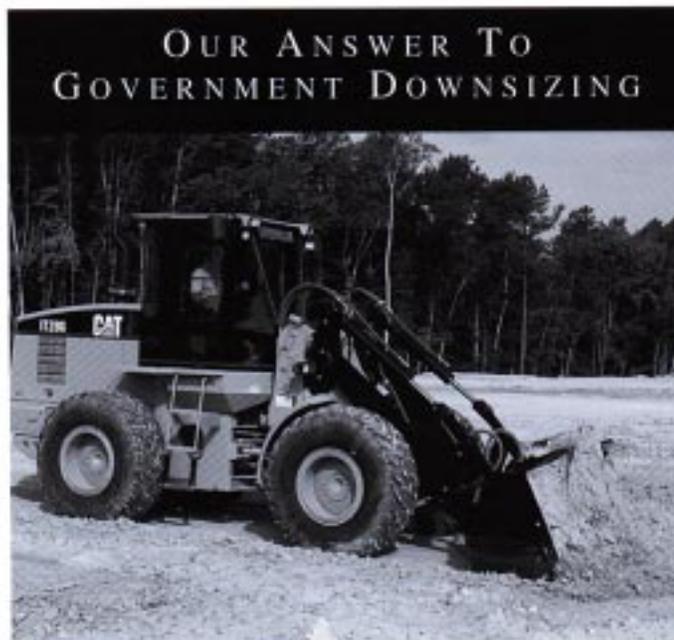
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TOWN ROAD AND BRIDGE STANDARDS UPDATE

(Editor's Note: In last month's VLCT News, the Vermont Emergency Management Department briefly discussed a new prerequisite for use of federal funds to repair roads or bridges following a federally-declared disaster. This month, VLCT Legislative and Information Services Associate Molly Dugan discusses the new regulation in more detail, as compliance is an ongoing process among Vermont municipalities.)

In January 1999, the Federal Emergency Management Agency (FEMA) adopted new regulations which stipulate that in order for municipalities to use FEMA funds to upgrade roads or bridges damaged in a federally-declared disaster, they must have adopted road and bridge codes and standards *before* the disaster. Prior to this new regulation, FEMA allowed municipalities to adopt codes and standards *after* the disaster event and still use its funds to repair their damaged highways.

Since this time, a committee consisting of representatives from the Vermont Agency of Transportation (VTrans), VLCT, regional planning commissions, Vermont Local Roads Program and Vermont Emergency Management Department has been working to help communities comply with the new FEMA regulation. To date, a model standards policy has been developed and distributed to each municipality for its consideration. Most towns have not adopted these standards due to concerns regarding the impact on their local highway budgets. According to VTrans, approximately 43 municipalities have adopted

standards. The committee has recently reconvened to come up with better ways to educate and assist towns to comply with the new regulation.

The committee has a number of tasks it is working on. A VTrans inventory is being built to track the status of each municipality's development and adoption of road and bridge standards. This inventory will provide a running tally of those municipalities that have adopted standards, providing an excellent source of sample policies for those interested in adopting them.

The committee has decided to inform and educate municipalities on the importance of developing and adopting road and bridge standards through small group trainings, so that standards will be developed that truly meet an individual town's needs. The committee will be providing "train the trainer" workshops to VTrans District personnel, as well as to regional planning commission staff. These are the two groups that work most directly with towns on road issues.

Lastly, the committee is working on redrafting a model standards policy. The goal is to provide a model policy that will have sample standards as well as detailed descriptions of the particular standards in a side-by-side format. The hope is that this will help a municipality to customize its road and bridge standards to meet its individual needs.

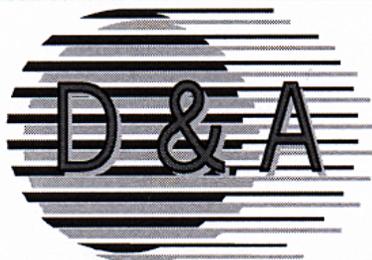
The committee will meet this month to finalize many of these tasks. VLCT will keep you apprised of new developments.

NEW PROGRAM ALLOWS WEB-BASED MAPPING OF LOCAL DATA

The Rural Economic Development Web Mapping Site (REDweb) is a new web site that allows town and regional planners, regional development corporations and citizens to access data about their region or town and view it via maps they create right at the web site.

The pilot program of the site, which was developed by the Vermont Center for Geographic Information (VCGI) and the UVM Center for Rural Studies, covers three regions of Vermont: The Two Rivers/Ottawaquechee and Upper Valley/Lake Sunapee regions in eastern Vermont and the Bennington region in the southwest. Each of these three regional planning commissions supported the REDweb project.

The site should help planners, economic development groups, and citizens make better decisions by giving them greater and better access to digital data. Natural and human-made geographic data layers such as commercial sites and industrial parks, roads, flood prone areas, parcel boundaries, surface waters, and school locations can be viewed, as well as a variety of "thematic layers" such as population rates and average rent, home values, employment rates and wages. To visit the web site, go to <http://geo-vt.uvm.edu/benefits>.



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VLCT WEB SITE NOW PASSWORD-FREE

Late last month, the password and user name system was removed from the Members section of the VLCT web site (www.vlct.org). This will make access to all sections of the site easier for our members, and for others interested in VLCT's work. The decision will be periodically re-evaluated as the site's contents change; we look forward to feedback from members about this change.

VLCT members and others can now freely access the contents of the site's Members section (such as the *Weekly Legislative Report* and municipal e-mail directory).

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FOR SALE

Dump Truck. The Town of Killington has for sale a 1993 Mack RD690P dump truck with a 7 CY body, plow frame, reversible front plow and hydraulic tailgate sander. Asking \$35,000. This like-new truck is available immediately and can be seen or driven at the town garage by appointment. Write or call David Lewis, Town Manager, P.O. Box 429, Killington, VT 05751, tel. 802/422-3241.

HELP WANTED

Town Administrator. The Town of Morristown, Vermont (pop. 5,500) seeks an experienced individual for town administrator.

Morristown is the economic and service center for Vermont's north-central region. The full service government has 30+ permanent employees and an operating budget of \$2.7 million. Town's top priority is delivering quality services to its citizens. The manager must be able to lead a highly talented and motivated team of public servants. Appointed by a five-member Selectboard. Salary commensurate with qualifications; range is \$35,000 to \$45,000. Send resume and cover letter to: Morristown Town Administrator Search, c/o VLCT, 89 Main St., Suite 4, Montpelier, VT 05602-2948 by June 9, 2000. EOE.

Calendar

Municipal Zoning & Planning Basics Workshop: Thursday, June 1, 2000, Suzanna's Restaurant, Berlin. Sponsored by the VLCT Municipal Law Center, this workshop is designed as a basic course for local zoning administrators and members of planning commissions, boards of adjustment and development review boards. It will cover the basics of adopting bylaws and issuing local permits, and enforcement and appeals to local boards and to the Environmental Court. A roundtable discussion will address issues of small lots, home occupations, conditional use and more. For more information, please call VLCT at 800/649-7915 or e-mail us at info@vlct.org.

Ergonomic Safety Workshop, Meeting and Exceeding OSHA Standards: June 1, 2000, Brattleboro Town Offices; repeats, June 9, Burlington Electric Co. Auditorium; June 16, Hartford Town Offices; June 22, Rutland City Offices; and June 29, Lyndon Town Offices. Sponsored by the VLCT Property and Casualty Intermunicipal Fund (VLCT PACIF) and the VLCT Health Trust, this morning workshop will include a presentation from a VOSHA representative on implementing the new OSHA ergonomic standards. VLCT staff will discuss the role of preventative stretching and movement exercises, review claim reporting procedures and rapid return-

to-work programs, and suggest ways to motivate municipal health and safety teams. For more information, please contact Maureen Turbitt at VLCT, 800/649-7915 or mturbitt@vlct.org.

Law Enforcement Workshop: Thursday, June 15, 2000, Suzanna's Restaurant, Berlin. Designed for police chiefs and police officers, this workshop is sponsored by the VLCT Municipal Law Center. Sessions will address new legislation, Automatic External Defibrillator Programs, recent state and U.S. Supreme Court case law and the Vermont Center for Crime Victim Services. For more information, please call VLCT at 800/649-7915 or e-mail us at info@vlct.org.

Confined Space Entry and Rescue: A Forum for Municipalities, Industry and Emergency Responders: Thursday, June 22, 2000, University of Vermont, Burlington. Sponsored by Chittenden County Local Emergency Planning Committee, General Dynamics, Vermont Small Business Development Center, and the Vermont Safety & Health Council. Speakers include representatives from VOSHA, the State of Vermont, the environmental industry, and an emergency response organization. Call 802/656 5405 to register, ask questions or for directions.



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