

VLCT HEALTH TRUST TO ADD LONG TERM CARE COVERAGE

NEW PRODUCT IS PART OF OVERALL IMPROVEMENTS TO HEALTH TRUST'S GROUP LIFE AND DISABILITY PROGRAM

Over the summer, the VLCT Health Trust began a comprehensive review of its current offerings in the areas of group life, accidental death and dismemberment and long- and short-term disability insurance. On behalf of its municipal members, the Health Trust has been sponsoring insurance coverage in these areas from Medical Life Insurance Company for several years. Combined Services, a Blue Cross Blue Shield of Vermont company, is currently the broker of these policies for the Trust.

VLCT staff members have undertaken this review at the direction of the Health Trust Board. "We felt the time had come to go out into the market to see if we could get additional or better services in these areas for our members," said Health Trust Board

President and Waterbury Municipal Manager William Shepeluk. The Board also felt that it was time to seek the assistance of an insurance broker to help it collect and analyze the offerings of as many different insurance companies as possible. To that end, the Health Trust Board reviewed the proposals of six different brokers and selected Vermont Brokerage Services of Essex Junction to assist it.

"The insurance field is constantly changing, and in some areas standard benefits have increased at the same time that certain costs have gone down," Shepeluk said. The Health Trust will look at the possibility of offering municipal employers a choice of life insurance policies that pay out in a flat amount, as a multiple of salary or in an amount depending

on the class of worker. It will also consider coordinating its short and long-term disability policies so that the long-term disability coverage picks up at a higher benefit immediately following the 90-day short-term disability period. Finally, the Health Trust hopes that accidental death coverage can be increased and that the pre-existing condition requirements for long-term disability can be lessened.

Health Trust Board members are also excited about offering a new group long-term care product for the first time. (See sidebar, "Long-term Care - What is Covered") "This is an example of a product that our members are asking us about," VLCT Trust Marketing Representative Suzanne Schittina said. Group long-term care policies are relatively new to the insurance market, but, Schittina noted, "the need is there because of the gap between what traditional health insurance covers and what a lingering, debilitating disease like Alzheimers requires of an individual's resources."

The Health Trust's review of its life, death and dismemberment and disability policies is part of its ongoing efforts to improve its service to its municipal members. "We know that our municipal employer members are trying to maximize their benefit dollars at the

(Continued on next page)



The Town of Tunbridge opened its new Mill Bridge in July. VLCT PACIF insured the original bridge, which was destroyed by an ice jam last year. See Page 10 for a story on how Tunbridge replaced the bridge, while preserving the Town's unique history. (Photo by Suzanne Schittina)

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VLCT NEWS

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HEALTH TRUST -

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same time that they are trying to use excellent benefit packages to attract and keep outstanding employees," Shepeluk said, adding, "It is a tough situation to be in and we want to help!"

The Trust expects to have selected the new

products and insurers by the middle of next month. Please watch your mail and this newsletter for more information. VLCT Trust Marketing Representative Suzanne Schittina or VLCT Group Services Deputy Director David Sichel would also be happy to talk to VLCT members about the Health Trust's offerings.

LONG-TERM CARE – WHAT IS COVERED?

Much of the content of long-term care policies is driven by how the federal Internal Revenue Service (IRS) defines "qualified-long term care services." This is because services that qualify receive favorable tax treatment from the IRS (i.e. the receiver of the services does not have to pay taxes on them).

Generally, diagnostic, preventative, therapeutic, curing, treating, mitigating and rehabilitative services, and maintenance or personal care services which are required by a *chronically ill individual*, and are provided pursuant to a plan of care prescribed by a Licensed Health Care Practitioner, qualify as long-term care services according to the IRS. To be "chronically ill" means that a Licensed Health Care Practitioner has certified that an individual cannot perform, without substantial assistance, at least two of the following activities: bathing, dressing, eating, toileting, transferring and continence, or, that an individual needs substantial supervision to protect him or her from threats to health and safety due to severe cognitive impairment. (Source: Vermont Brokerage Services and Unum Life Insurance Company of America)

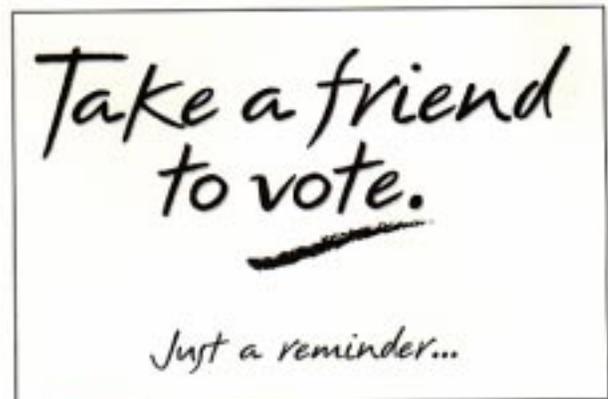
Burton Steen, President of Vermont Brokerage Services, discussed this type of insurance "nitty-gritty" and more at a VLCT workshop entitled "Getting the Most out of Your Employee Benefits." The workshop covered Section 125 flexible spending plans, life insurance, short- and long-term disability insurance and long-term care insurance. If you missed this opportunity to learn about these products and what they offer for coverage, please contact VLCT Group Services Administrative Assistant Kim Gauthier for a copy of the workshop materials.

TAKE A FRIEND TO VOTE

The League of Women Voters, in collaboration with the National League of Cities and other organizations, is sponsoring a "Take a Friend to Vote" campaign this fall to boost turnout in the November elections. The campaign urges citizens to talk to their friends and family about election issues and candidates, and then to enlist them in the campaign to get more people to vote. Colorful campaign

booklets are available which include voter statistics, voter registration information, a pledge sheet and reminder postcards.

Vermont clerks who wish to have the "Take a Friend to Vote" materials available at their offices should contact the League of Women Voters at 1730 M Street, NW, #1000, Washington, DC 20036-4508, 202/263-1300, or www.lwv.org/voter/govote/takeafriend.html.



In 1998, 36.4 percent of voters went to the polls to cast their ballots ... the lowest voter turnout since 1942. The League of Women Voters would like to improve turnout with its "Take a Friend to Vote" campaign.



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ZONING AND VESTED RIGHTS; VARIANCES; ACT 250/TRUCK TRAFFIC

SUBDIVISION PERMIT DOES NOT VEST RIGHTS UNDER ZONING

The Vermont Supreme Court recently issued a rather complex decision defining vested rights under subdivision and zoning law. *In Re Appeal of Taft Corners Assoc.*, Vt. No. 99-431 (Aug. 11, 2000). The Court's holding is that a *subdivision* permit does not create a vested right to develop the lots under the provisions of the *zoning* bylaws in effect at the time the permit was issued.

This case started in 1987 when Taft Corners Associates (TCA) received a subdivision permit for 223 acres of land it owned in Williston. The permit was issued based on an application for "mixed uses, retail and light industrial that would complement each other." The land was located in districts that allowed mixed uses.

In 1990 the Williston Town Plan was modified as a result of citizen opposition to TCA's development plans. The Town was considering zoning amendments that would restrict retail use in the TCA subdivision. In July 1990, TCA and the Town entered into a five-year compromise agreement. The agreement recognized TCA's position that it desired to have vested rights dating from the time of subdivision approval and the Town's desire to have the lots developed for those uses contemplated under the new plan and proposed new bylaws.

In 1997, after the agreement had expired, the Town adopted interim zoning bylaws making retail uses conditional, with retail use being allowed only by vote of the selectboard, using the conditional-use criteria in the new bylaws. Taft Corners Associates took the position that it was not bound by interim zoning because it had vested rights. However, it applied for zoning permits for two new buildings. The selectboard denied conditional-use permits because the new buildings "would only exacerbate the very problem sought to be addressed [by the interim bylaws]" and were inconsistent with the ability of the Town to provide necessary fire and police services.

Taft Corners Associates appealed the selectboard's decision to the Environmental Court which held that:

- TCA did not have vested rights;
- TCA was subject to the conditional-use regulations; and
- TCA had no right to consideration of the proposed buildings as permitted uses.

The Supreme Court heard this interlocutory appeal on the sole issue of "whether TCA

there is some overlap between subdivision and zoning bylaws, "where a landowner is both dividing a parcel into smaller ones and developing those smaller parcels, he or she will need both a subdivision permit and a zoning permit. The subdivision permit will allow the owner to divide the land and create infrastructure. The zoning permit will allow the landowner to develop the parcels by placing one or more structures on them." *Id.* at 3

Based on that fundamental law, the Court

The Court's holding is that a subdivision permit does not create a vested right to develop the lots under the provisions of the zoning bylaws in effect at the time the permit was issued.

has a vested right to develop its subdivision under the zoning ordinance as it existed in 1987, when the subdivision permit was issued."

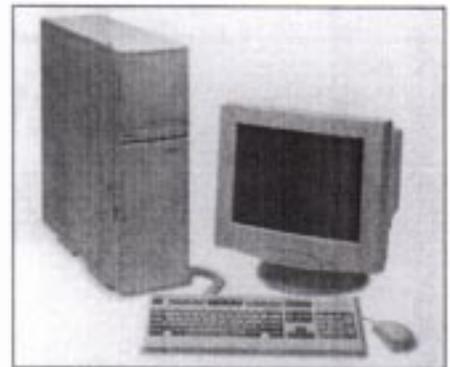
The Court started with an analysis of the pertinent statutes, pointing out that although

then addressed vested rights. The leading case in this filed is *Smith v. Winhall PC.*, 140 Vt. 178 (1981). In that case, a developer applied for a subdivision permit to create nine lots of more than one acre but less than five acres each. The planning commission denied that

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LEGAL CORNER -

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permit because of an *anticipated* change in the subdivision regulations that would increase the minimum lot size to five acres. The Court overturned the planning commission's decision, saying that the applicant had vested rights according to the regulations which existed at time of the application.

The present case differs from *Winhall*, the Court said, because in this case the application for the zoning permit was filed after the zoning bylaws had actually been changed. The fact that the subdivision permit had been issued years before was not pertinent to the zoning bylaws or application for a zoning permit.

Taft Corners Associates argued that rights should have vested when the subdivision permit was issued because the planning commission had "necessarily addressed compliance of the subdivision with the zoning ordinance...." The Court called that "at best, an exaggeration" and said that it "is not an accurate statement of Vermont's land use regulatory process."

The Court did point out that in a case where the legality of dividing land necessarily depended on a provision in the zoning regulations, the possessor of such a subdivision permit would have the right to have their zoning permit considered under the zoning bylaw as it existed at the time of the subdivision permit. However, that is not the situation in this case.

Taft Corners Associates cited *In Re Molgano*, 163 Vt., 25 (1994) to support its argument that when an applicant is vested

under one set of criteria (town plan), such vesting must carry over to other applications (Act 250). The Court pointed out that *Molgano* differed because in it the question was whether the Act 250 permit would conform to the town plan, so it was necessary to apply the town plan that was in effect when the town issued its permit.

A more pertinent case, the Court said, was *In Re Ross*, 151 Vt. 54 (1989). In *Ross*, it was held that no rights vested at the time of the original application because "the landowner submitted a general and sketchy Act 250 application solely to protect itself against an [anticipated] amendment to the town plan...." *Id.* at 6. This is analogous to TCA's subdivision review which was "based only on a general statement that it wanted to have mixed retail and light industrial uses." Such "inadequate specificity" is not sufficient to create vesting.

Next, TCA argued that it should have vested rights because of the millions of dollars it had invested in the project in reliance on the subdivision permit. The Court pointed out that it had rejected that argument when, in *Winhall*, it adopted the "minority rule" which vests rights "as of the time when proper application is filed." *Id.* at 6.

Finally, the Court said that its principles of vesting must be based on the competing interests of the landowner and the municipal-ity and its citizens. "[T]he balance of competing policy interests would be against giving holders of subdivision permits vested rights to zoning permits under the zoning ordinance applicable when the subdivision permit was sought or obtained." *Id.* at 7.

VARIANCE DENIED; OWNER MUST COMBINE LOTS INSTEAD

On a brief note, the Vermont Supreme Court held that when considering a variance for an existing small lot, the zoning board of adjustment (ZBA) must consider all of the applicant's [adjoining] property. *Kashner v. Greensboro ZBA et al.* Vt. Entry Order No. 98-566 (July 19, 2000). In this case, Kashner owned three adjoining lots and applied for a building permit and variance for a house on one of the lots, Lot # 29. The ZBA found there was no basis for issuing a variance because Kashner owned a contiguous 1.26 acres and, with that total amount of property, she could easily meet setback and septic requirements.

That decision was appealed and the lower court created and issued a lesser variance by reducing the size of the proposed building and moving its location on Lot # 29. On appeal, the Supreme Court said the lower court had erred and the question was not whether Lot # 29 was a pre-existing small lot but whether a variance was needed at all, considering Kashner's total contiguous property.

The Court said, "nothing in § 4406 (1) entitles Kashner to the requested zoning variance simply because [Lot # 29] is an existing small lot, if, in looking at all of the applicant's property, it can be shown that the property could be developed without a variance." *Id.* at 3. In other words, existing small lots must still meet the variance criteria and Kashner's application would fail the "unnecessary hardship" criterion in 24 V.S.A. § 4468 (a)(3).

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ASK THE LEAGUE

DELIBERATIVE SESSION; NO BOARD OF LISTERS; TAX APPEAL OR ABATEMENT?

If a development review board or zoning board of adjustment enters a deliberative session on a quasi-judicial matter, does the board then have to reconvene the open meeting to vote and publicly announce its decision?

No, the board is not required to reconvene the public meeting to vote if the decision will be issued in writing. The law anticipates, and in some cases expressly requires, that planning and zoning boards issue written decisions. "A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record." 1 V.S.A. § 312(f). In fact, we recommend that boards exercise their right to use deliberative session regularly when deciding quasi-judicial matters since the practice leads to more thoughtful decision-making. A deliberative session allows members of the board to thoroughly and freely review and discuss evidence – without political or public pressure. It provides an environment in which board members can express their opinions without feeling awkward or self-conscious. Occasionally, the act of drafting the written findings and legal conclusions actually leads to a change in the initial decision, as the facts are identified and better defined. If, at the close of a quasi-judicial hearing your board is inclined to give the applicant an indication of the board's direction, we recommend that it be made clear that such verbal notice is *preliminary* and subject to the actual written decision. By taking the time allowed by law to draft a well-thought-out decision, you may save the town the time and expense of litigating a hastily written one.

All three town listers have resigned and the selectboard would like to hire a town assessor to take over the listers' duties. If the board hires an assessor, does the town still need a board of listers?

Yes. First, the law generally requires that whenever a vacancy occurs in an elected office,

the selectboard must advertise the vacancy within 10 days of its creation, and appoint someone to fill the vacancy until the next election. 24 V.S.A. §§ 961, 963. Such action is especially important when a vacancy occurs in the board of listers, since the listers and only the listers are empowered to undertake certain property tax related duties. Duties that by law are committed to the care of a specific town officer cannot be delegated by the selectboard to another town officer or employee. 24 V.S.A. § 872. For example, it is the listers' responsibility to:

- conduct real and personal property appraisals
- appraise personal property; distribute and inspect completion of all inventory forms. 32 V.S.A. § 4001 et seq.
- prepare, certify, lodge and amend the abstract and grand list. 32 V.S.A. § 4111 et seq.
- make corrections to the abstract and grand list. 32 V.S.A. §§ 4151, 4261
- send out tax appraisal notices. 32 V.S.A. §§ 4087, 4111
- schedule, conduct hearings and make determinations on property tax grievances. 32 V.S.A. § 4221

Fortunately, however, the Legislature recognized that, for many towns, it is difficult to entice one – let alone three – technically qualified residents to run for the demanding job of town lister! Thus, the law gives the board of listers the authority to hire, with the approval of the selectboard or voters, a professional tax assessor to *help* them with the more technical aspects of their statutory duties if they think it's necessary. 32 V.S.A. § 4041. Of the municipalities that responded to this question in the VLCT 1999-2000 Vermont Municipal Salary and Benefits Survey, approximately 16 employ professional tax assessors to assist the board of listers. According to the sample job descriptions we have collected, town assessors are hired to perform a variety of technical and administrative duties, such as:

- Assist with the inspection of properties and develop fair market values for the various types of properties (residential, commercial, industrial, agricultural, personal).
- Develop strategies and recommendations for the board of listers pertaining to the periodic revaluation of all properties within the town.
- Organize and maintain tax records as well as develop proper and efficient office procedures.
- Prepare tax and land use value maps.
- Prepare impact statements on tax stabilization and other contracts.
- Annually complete a proposed Grand List for review and approval by the board of listers.
- Assist listers in effectively communicating appraisal information to property owners and the general public.
- Conduct various administrative duties such as change of appraisal notices and notices of hearing results to taxpayers.
- Develop written technical analyses supporting property valuations, and provide assistance to the listers during

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LEGAL CORNER -

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ACT 250 CAN LIMIT TRUCK TRAFFIC

Finally, there is a Vermont Supreme Court decision that may be of interest to municipalities wrestling with truck traffic. In *OMYA v. Town of Middlebury et al.* Vt. Entry Order No. 99-282 (July 25, 2000), the Court upheld an Environmental Board decision which limited the number of truck round trips which a company could operate through the Village of Brandon each day. The essentials of the Court's decision are, briefly:

- Act 250 gives the Board (and not the Agency of Transportation (VTrans)) jurisdiction over certain traffic that causes "unreasonable congestion."
- The Legislature has created more stringent traffic standards under Act 250, thus the Board may apply them in addition to any restrictions applied by VTrans.
- The number of truck trips is related to "public welfare" through such things as noise, dust levels, effects on buildings, air quality and use of property, thus a limit on trips is a proper use of police power.
- The limit does not amount to a "taking" of OMYA's business because the limitation does advance a legitimate state interest and it does not deny OMYA all economic benefit if its property.
- Act 250 does not violate the Common Benefits Clause of the Vermont Constitution by regulating selected types of traffic because "the legislature may choose to address problems incrementally."

ASK THE LEAGUE -

(Continued from previous page)

grievance period and in the defense and justification of values before the Board of Civil Authority, the State and/or the Superior Court.

- Conduct special projects at the request of the selectboard, town manager or listers.

Even with all of this available technical assistance, however, please bear in mind that under Vermont law, it is the board of listers who remain responsible for these tasks and any decisions made (unless your municipal charter provides otherwise). For example, it is *the board* that approves and certifies the final grand list; it is *the board* that takes evidence at a tax appeal hearing and ultimately makes the final decision in a grievance appeal. Unless and until the Legislature empowers the voters to eliminate the board of listers (as it did with the town auditor 17 V.S.A. § 2651b), a town must have a board of listers.

If you have questions regarding this matter, feel free to contact the VLCT Municipal Law Center, 800/649-7915, or the Vermont Tax Department, Division of Property Valuation and Review, 802/828-5860.

What are the differences between tax appeals and tax abatement?

Tax appeals (or grievances) are challenges to the value of property which was set by the listers. When notices of property appraisal go

out they include notice of the right and process by which the taxpayer may grieve or appeal the appraisal. A grievance goes first to the listers. Their decision may be appealed to the board of civil authority. The Board's decision may be appealed to the state appraisers or superior court. The criteria for valuation of property for tax appeal purposes are fair market value and a comparison to other, similar properties. The process for tax appeals is spelled out in 32 V.S.A. Chapter 131 and must be followed rigorously by the town and the taxpayer. Tax appeals provide a method for assuring that property valuation is fair and equitable.

In contrast, tax abatement is a process by which a taxpayer may ask to have his or her taxes lessened, moderated or diminished, without regard to the actual assessed value. A request for abatement goes to the board of abatement, which is made up of the board of civil authority plus the listers and town treasurer. The board may abate taxes, interest and fees only for one of the statutory reasons set out in 24 V.S.A. § 1535. Note that the reasons for abatement are generally unrelated to the assessed value of the property except, arguably, listers' error. Abatement is mainly provided for cases of hardship on the part of the taxpayer (insolvency, inability to pay) or change in status of the property (damaged or destroyed, or mobile homes which were forced to move because of a change in mobile home park ownership).

Another difference between appeal and abatement is that while taxpayers are automatically informed of the right to grieve their property valuation, they may not be aware of the right to ask for abatement of taxes.

However, two lower court decisions have now said that, in the case of a proposed sale of property for delinquent taxes, the property owner must be informed of the right to apply for abatement and of the process to use in order to apply. A tax sale is a serious threat to a person's constitutional right to property. Therefore, the courts have opined that due process mandates the town to provide property owners with information which may help them to keep the property.

In summary, tax appeal and abatement are completely separate processes that are designed to deal with different problems relating to property taxes. There are no statutes or court decisions which mandate that taxpayers filing tax appeals must be informed of their right to request abatement.

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LOSS PREVENTION NOTES

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



WORKERS' COMPENSATION FREQUENTLY ASKED QUESTIONS

1. When does a first report need to be filed?

An employer must file a "First Report of Injury" (Form 1) with the Department of Labor and Industry within 72 hours (Sundays and legal holidays excluded) for any injury where an employee loses time from work, or requires medical attention.

PACIF requests that in addition to the above, you notify us of any injury even if there is no lost time or no medical attention. We will file these claims as "incident only" claims.

2. Who fills out the first report?

It is the responsibility of the employer to

file the report. Some of the information will come from the employer and some information will need to be provided by the employee. Form 1 is the employee version of the claim.

3. When does workers' compensation start to pay?

There is a three-day waiting period for Workers' Compensation Temporary Total Disability benefits. The employee does not collect compensation for the first three calendar days (this includes weekends and holidays). Workers' Compensation benefits start on the fourth day of disability. If the disability continues beyond the 10 calendar

days (including weekends and holidays) the Workers' Compensation benefit picks up the first three days.

4. What is the maximum compensation rate?

The current maximum compensation rate is \$760.00 per week. Dependents are still added to the maximum. This rate changes on July 1 of each year.

5. What is the minimum compensation rate?

The current minimum rate is \$253.00. This rate is increased on July 1 of each year.

6. What other benefits are injured workers entitled to?

In addition to lost wage benefits, all reasonable medical treatment is covered by Workers' Compensation.

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CLAIMS SYSTEM -

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If an employee has to commute for medical treatment farther than the normal commute to work, the employee may be entitled to mileage reimbursement. The employee is also eligible for prescription drug reimbursement.

If an employee is not able to return to work due to a work-related injury, the employee may be entitled to vocational rehabilitation services.

These are just a few questions and answers that provide general information, and normally apply to routine cases. If you should have additional questions, call the VLCT office (800/649-7915) and ask to speak to either Darlene or Kathi.

ADA GUIDE FOR SMALL TOWNS AVAILABLE

The U.S. Department of Justice recently published its *ADA Guide for Small Towns*, a booklet that addresses some of the issues small municipalities face in complying with the Americans with Disabilities Act (ADA). Seemingly made to order for Vermont municipalities, the booklet covers historic buildings, town meeting, snow and ice removal for accessibility, and maintenance of lifts, among other topics. It also contains an extensive resource list.

To order a copy of the Guide, call the ADA Information Line at 800/514-0301 (voice), 800/514-0383 (TTY) or visit the Department's ADA web site at www.usdoj.gov/crt/ada/adahom1.htm.

INFORMATION REQUEST

RIVETED STEEL WATER STORAGE TANKS

Yes, you read it correctly! The Northeast Rural Water Association is compiling a list of all riveted steel water storage tanks (in use or discontinued) in the State of Vermont. If your municipal water system includes such a tank, please contact Elizabeth Walker at the Association, tel. 802/660-4988, ext. 321, or eswalker@madriver.com. Thank you!

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TUNBRIDGE DEDICATED TO PRESERVING ITS HISTORICAL HERITAGE

THE TOWN OF TUNBRIDGE WAS ABUZZ WITH HISTORY THIS SUMMER

Vermont's rich history is visible every day in the Town of Tunbridge's beautiful historic village district. But several events over the summer brought extra attention to Tunbridge's historic resources, and VLCT was proud to play a role in one of them.

In June, Tunbridge participated in and hosted the Vermont History Expo 2000. This weekend celebration took place on the grounds of the Tunbridge World's Fair and was the Vermont Historical Society's first statewide "history fair." Eighty-two of Vermont's local historical societies got together to present their town's history through crafts, presentations, reenactments, performances and exhibits. Eleven "Learn from the Experts" programs were scheduled and one was especially near and dear to the citizens of Tunbridge. It was titled "The Covered Bridges of Vermont." Mr. Edward Barnas's presentation included some of the last pictures taken of Tunbridge's Mill Bridge. Built in

1883, the bridge was destroyed by ice and high water in 1999. The Town opted to have it rebuilt, and the new covered bridge was opened in another grand celebration of living history on July 22, 2000.

VLCT attended the re-opening to help the Town celebrate the completion of one of VLCT PACIF's more unusual claims – a wooden covered bridge. The claim was opened on March 4, 1999 when Jacqueline Higgins, Administrative Assistant for the Town of Tunbridge, called VLCT PACIF Claims Representative Kelly Kindestin to report the ice jam under the Mill Bridge. The Town knew it needed to check the insurance status of the bridge to determine what damage was covered by its PACIF membership. The Town also knew it wanted to do everything it possibly could to save the bridge.

Knowing the urgency of the situation, Kelly drove to Tunbridge as soon as she hung up the telephone. Once there, she took

photos of the damage to the Mill Bridge and then met with Town officials and the contractor to strategize on how to brace the bridge against the rising ice. Unfortunately, there was not enough time to get the equipment to the bridge and brace it properly. The ice jam caused the bridge to lift off its eastern abutment. Within two hours of Kelly's meeting with the Town, the bridge tipped over and collapsed once the ice jam let up and the ice started to settle. There was no way to save it at that point.

Towns can decide at the time of joining PACIF whether or not they want to provide insurance coverage for their covered bridges. Some towns opt to include their covered bridges, some do not. Luckily, Tunbridge decided to provide property insurance for their bridge. PACIF issued a check to the Town in the amount of \$50,000 the first day the claim was reported and ended up paying a total of \$100,000 toward the cost of rebuilding the Mill Bridge. The total cost to rebuild the bridge was \$230,000 and PACIF worked closely with the Town to assist it with contractor questions and locating the additional funds needed.

The new Mill Bridge should last about 100 years, according to the consulting engineer who worked on its design. That is about 50 years longer than a cement and steel bridge. VLCT is proud to have played a role in bringing back a piece of Tunbridge's history for the next century!



Even the installation of Tunbridge's new wooden covered bridge was done in the traditional fashion. Two teams of oxen labored this past July to draw the bridge slowly across the First Branch of the White River in Tunbridge Village. The original bridge, which was insured by VLCT PACIF, was destroyed by an ice jam in 1999. (Photo by Stefan Hard/Times Argus)



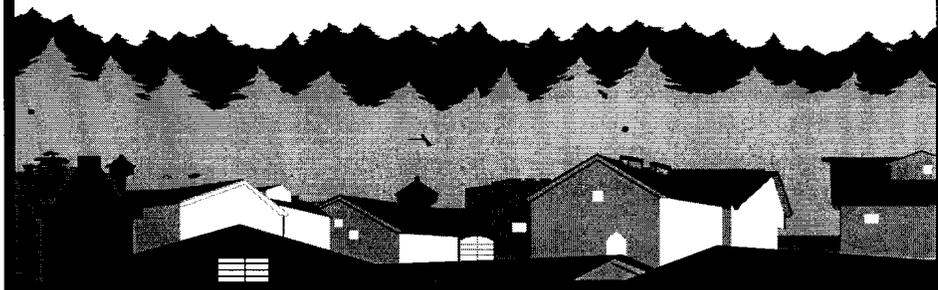
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ADA-REQUIRED SIGNS AVAILABLE FROM ICMA

Do any of your city or town buildings have at least one employee or public entrance that is not wheelchair-accessible? If the answer is yes, current Americans with Disabilities Act (ADA) regulations (35.163) require that you mount ADA signs at *every* employee and public entrance, whether accessible or not. Accessible entrances must be identified and inaccessible entrances must have signs that direct workers or visitors to entrances that are accessible.

In response to these requirements, the International City/County Management Association (ICMA) offers an accessible entrance sign kit to help cities and towns cost-effectively comply with current ADA entrance sign rules. Each sign kit includes the number of 10x12" blue and white reflective aluminum signs you need to mark your facility entrances, as well as specific mounting materials,

(Continued on next page)

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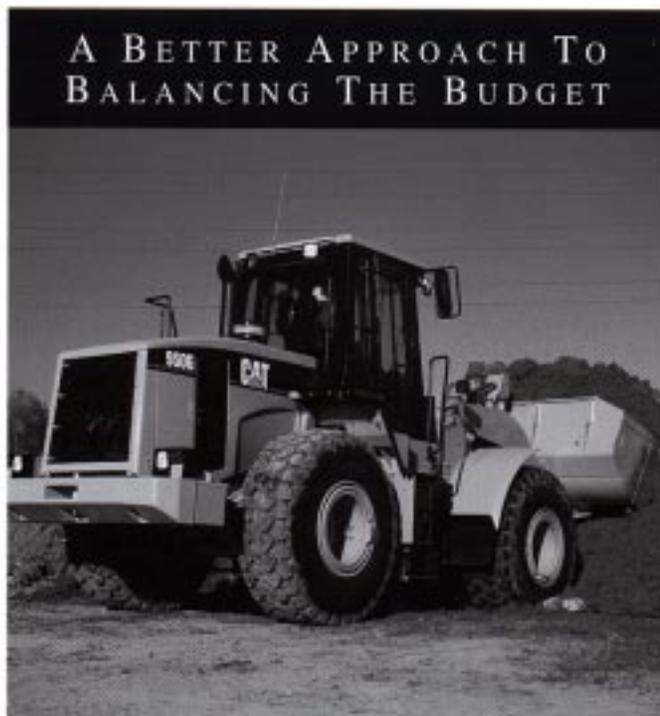
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962G	200	40,322
966G	235	49,720

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TOWN OFFICER CONNECTIVITY PROJECT REFUNDED

MUNICIPALITIES IN REMAINING EIGHT COUNTIES WILL BE SERVED

Between 1996 and 1998 U.S. Department of Agriculture (USDA) grant funds supported the Town Officer Connectivity Project in northern Vermont. The University of Vermont's Center for Rural Studies administered the Project, which trained municipal officials in Essex, Orleans, Caledonia, Washington, Orange and Lamoille counties how to connect to and use the Internet and e-mail. During that two-year time frame, the Connectivity Project supported the connection and/or training of 93 municipal offices to the Internet. The project also supported 22 municipalities in the creation and/or publishing of their municipal web pages.

The good news is that the project was a great success. The even better news is that the Connectivity project has again been funded by the USDA to provide these training and connection services to the municipalities in the eight counties that were not included in the first round of funding.

The new grant comes through the USDA Special Grants Program and runs from July 2000 to approximately June 30, 2001. The counties to be served are: Windsor, Windham, Bennington, Rutland, Addison, Chittenden, Franklin, and Grand Isle. Staff from the Center for Rural Studies will provide training and services to municipal officials through e-mail based training, the fall Municipal Officers' Management Sessions

(MOMS), the spring Town Officers' Educational Conferences (TOEC) and circuit riders. The circuit riders will provide one-on-one or small-group training in municipal offices.

"We are planning on focusing predominately on the individual and group training at municipal offices because this has proved to be a most effective way of reaching town officials," said Craig Donnan, Project Coordinator for the Connectivity Project.

Center for Rural Studies staff will be in contact with the clerks from each municipality in the project region in the next few months. For additional information on the Town Officers Connectivity Project, contact Craig Donnan at the Center for Rural Studies craig.donnan@uvm.edu or at 802/656-0150.

ADA SIGNS -

(Continued from previous page)

instructions and sign guidelines. All kit text materials have been reviewed by the ADA Technical Assistance Center, Region V. Signs are \$20 each. Shipping and handling is \$9.50 per order.

To obtain the entrance sign kit from ICMA, count the number of accessible and inaccessible entrances to your municipal facilities (which are not currently marked with wheelchair symbol or ADA signs) so that ICMA will know how many of each type of sign to include with your kit. (Inaccessible entrance signs have right/left arrows on each sign to direct people to the nearest accessible entrance, as required by law. Please specify in your order how many right or left arrow signs you would like.) Then, call the ICMA ADA project staff toll-free at 877/232-5487. You may also mail or fax your purchase order to ADA Kit-ICMA Sign Project, 56 Salem Lane, Evanston, IL 60203. The toll-free fax number is 877/640-1430.

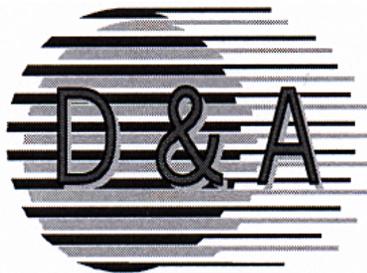
VLCT STAFF NOTES

Goodbye Jana Bagwell

Just shy of press time, Director of Administrative Services Jana Bagwell announced her resignation from VLCT. We'll update you on this staff change next month, but in the meantime we can tell you that Jana isn't going too far - she has accepted the position of Finance Director with the City of Montpelier.

Welcome Liam Manion

VLCT Trusts Finance Officer Irene Manion and her husband Dan welcomed their adopted baby boy, Liam Jerry, to their home in July. Liam was born on July 7 and has already been to the VLCT office a few times to charm the staff. Irene will return to work on October 2 at the conclusion of her maternity leave.



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VLCT MUNICIPAL POSTER SERIES SURVEY

RESULTS SHOW HOW MEMBERS USE VLCT POSTERS

We wish to thank each of the 126 municipalities and associate members who responded to our recent survey. In addition to reassuring us that our publications are being used regularly, the information you have provided will help guide us in developing future publications and on-line services.

You told us that the Municipal Calendar and Town Clerk Fee poster are, by far, the most relied upon. Ninety-seven percent (97%) of respondents regularly use the Municipal Calendar and 80% regularly use the Town Clerk Fee Poster. The breakdown of poster usage by respondents is as follows:

- 97% Municipal Calendar
- 80% Town Clerk Fees
- 60% Municipal Dog & Wolf-Hybrid Licenses and Fees
- 60% Open Meeting Law
- 55% Access to Public Records
- 33% Workplace Poster Packet

Only 35% of the respondents support online (Internet) access to the poster information and 23% desire a link to the *Vermont Statutes* online. We will be sure to let you know when, and if, poster information becomes available on the VLCT web site.

With regard to the Municipal Calendar, there appears to be tremendous support (81%) for keeping the poster in its current format. Some of you made a suggestion we hadn't considered before but feel is worthy of serious thought - print six months of the calendar on each side to reduce the overall poster size. What a simple but clever solution to the space problems that plague a small municipal office! We are looking into the feasibility of printing the calendar in this manner.

Here is a status report on our current posters:

Municipal Calendar: The new 2000-2001 poster was distributed to town offices in

late June. If your office did not receive one, please contact VLCT at 800/649-7915 or info@vlct.org.

Town Clerk Fee Poster: This poster was updated to reflect fee changes enacted this year and distributed to all member towns and associate members in July. However, this fall we will be redistributing an amended poster or errata sheet to include several fees that had appeared on the 1998 poster, but were eliminated (due to space constraints) when the poster was reformatted. Please note, as well, corrections to the following typographic errors in the 2000 poster:

- (1) Property Transfer Tax Return filing fee is \$7.00 (not \$4.00).
- (2) Dog Licensing, New Dogs/Puppies after 10/1 (not 4/1 as listed).

Municipal Dog & Wolf-Hybrid Licenses & Fees and Open Meeting Law Posters:

There have been no legislative changes affecting these two posters since they were last published. Thus, the 1998 versions reflect current law, and there are no plans to reprint

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VLCT POSTERS -

(Continued from previous page)

these posters in the near future.

Access to Public Records: The 1998 poster reflects current law. It should be noted, however, that the VLCT poster offers an abbreviated listing of the statutory exemptions to the public records law, reflecting only those exemptions pertinent to municipal government. See the Vermont statutes for the complete text.

Workplace Poster Packet: Updated in August, 2000. Workplace poster packets include federal and state labor laws and can be purchased through VLCT at a cost of \$15.00 for members, \$40.00 for non-members.

New Publication: The information contained in our Open Meeting Law and Access to Public Records posters will be distributed at Town Fair in a handy pamphlet form. Stop by the VLCT Municipal Law Center information booth and get your free copy of each!

To order any of these posters, or other VLCT Municipal Law Center handbooks, please call VLCT at 800/649-7915.

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Director of Administrative Services.

Vermont's statewide association of municipal governments is recruiting for an individual to take responsibility for providing all administrative support necessary for program staff to service municipal officials. Areas of responsibility include finance, human resources, facilities management, communications and computer technology, clerical services and purchasing. Supervises a staff of 12. Bachelor's degree in business or public administration required, master's degree preferred. Three years of supervisory experience required. Knowledge, experience and training in all areas of responsibility strongly preferred. Salary range \$33,000 to \$49,300. **Send resume by Monday, October 16, 2000** to Director of Administrative Services Application, Vermont League of Cities and Towns, 89 Main Street, Suite 4, Montpelier, VT 05602. EOE

Water/wastewater Technician. The Town of Milton is seeking a responsible and reliable individual as Water/Wastewater Operator.

This is a full-time position with benefits. Requires a high school diploma or equivalent. Associates Degree in engineering, chemistry or biology preferred. One year experience in water and/or wastewater systems, with the ability to obtain the appropriate state licenses, a plus. Valid Vermont Vehicle Operator's License. Qualified applicants can apply in person or mail resume and cover letter to: Water/Wastewater Operator, Town of Milton, 43 Bombardier Road, Milton, VT 05468.

FOR SALE

Mack and Ford Trucks. The Town of Killington has for sale a 1993 Mack RD690P dump truck with a 7cy body, plow frame, reversible front plow and hydraulic tailgate sander. Asking \$35,000. Also for sale is a 1995 Ford F350 dual rear wheel, 4WD, diesel, platform bed, 9' Fischer plow, slide-in sander, low mileage. Asking \$17,000. These like-new trucks are 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, 802/422-3241.

Calendar

Northeast Arc Users Group Conference: Sunday, October 1 – Wednesday, October 4, 2000, Killington Grand Resort Hotel, Killington. Intermediate to advanced users of GIS software are invited to participate in this conference on how to use computer mapping for tasks such as permit tracking, parcel mapping and zoning and planning updates. For more information, contact the Conference web site at www.northeastarc.org, or call Leslie Pelch at the Vermont Center for Geographic Information at 802/656-8319.

Special Topics for Selectboards: Thursday, October 19, 2000, Steakhouse Restaurant, Berlin.

Sponsored by the VLCT Municipal Law Center, this workshop focuses on three important, and on-going, selectboard responsibilities: highway law, workplace law and community planning and development resources. Attorneys Thomas Somers and Steven Stitzel will present sessions, as will regional planning commission directors Catherine Dimitruk, Peter Gregory and Michael Crane. There will also be a selectboard roundtable moderated by Law Center staff attorney Libby Turner. For more information, contact VLCT at 800/649-7915 or jhill@vlct.org.



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