

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

February 2001

RANDOLPH CITIZENS GATHER TO CELEBRATE, PLAN AHEAD

What if your planning commission held a meeting seeking public input on town issues and priorities and over 160 people came? And, even better, those attending had fun and many of them volunteered at the end of the meeting to work on specific projects?

Does this sound too good to be true? It's not, as Randolph local officials learned last month when they hosted a community forum on the town's future. The planning commission, which is updating the town plan and looking at bylaw changes, took the lead in organizing the day-and-a-half long forum. As commission chair Julie Iffland explained to her forum audience, "If two heads are better than one, then 160 heads are better than seven."

Indeed, the quantity and quality of ideas and projects generated over the Friday evening and Saturday "visioning" event could have been overwhelming. However, a forum steering

committee of over 40 people from Randolph's private and public sectors had done its organizational homework prior to the

event, and the facilitator, Delia Clark from Hartford's Vital Communities, proved to be a genius at keeping everyone positive, on task and on time.

Clark opened the forum by sharing its goals (strengthen community spirit and build a list of projects that would benefit Randolph's economy and its natural, social and cultural environments *while* promoting sustainability) and expected outcomes (a report that all participants would receive of all the ideas – both good and bad – generated by the forum; a list of solutions to problems identified; and a chance to get to know each other better). Clark did not let the importance of the last outcome go unnoticed. Research has shown, she said, that successful communities are ones that have a rich social fabric of clubs, committees and societies that bring community members together for common purposes. "You have given a great gift to Randolph just by showing up," she told the forum participants, adding, "and you have given a gift to yourselves as well – a sense of participation and a chance to make new friends and connections."

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TOWN MEETING DAY QUESTIONS?

CALL VLCT

The VLCT office will be open during its usual business hours of 8 a.m. - 4:30 p.m. on Town Meeting Day, Tuesday, March 6, 2001. Some staff members, however, may be out of the office for all or



part of the day attending their town meetings. In particular, Law Center staff will be available after 11 a.m. to answer your questions, and all voice mail messages from earlier in the day will be answered. Please give the Center a call at 800/649-7915 if we can be of assistance.

We wish good attendance, good outcomes, and a fantastic lunch, to all of our member municipalities on Town Meeting Day.

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The VLCT News is published monthly by the Vermont League of Cities and Towns, a non-profit, nonpartisan organization founded in 1967 to serve the needs and interests of Vermont municipalities. The VLCT News is distributed to all VLCT member towns. Additional subscriptions are available for \$25 to VLCT members and \$63 for non-members. Please contact the League for subscription and advertising information.

VLCT PROVIDES ON-SITE SEXUAL HARASSMENT TRAINING

The VLCT Law Center and Group Services Insurance Department teamed up recently to provide an on-site sexual harassment training session for the City of Montpelier. Rob Gentle, Senior Loss Prevention Representative from Group Services, led the effort with a presentation geared toward helping municipal employees and supervisors understand what sexual harassment is and how to address sexual harassment issues when they arise in the workplace.

Rob focused on how to recognize sexual harassment in the workplace using the creative teaching techniques he has developed over the numerous training sessions he has conducted. Rob also stressed that workplace harassment is a form of discrimination and brought to life the detrimental effect sexual harassment can have on the entire workplace.

Jon Groveman, Director of VLCT's Law Center, assisted by providing advice on the laws that govern sexual harassment in the workplace. Jon explained the legal obligations that employers have to provide a work environment that is free of harassment and discussed the importance of adopting and implementing a sexual harassment policy.

Workplace harassment is a serious and complex issue that municipalities must be prepared to address. VLCT is committed to

providing the technical and legal support that cities and towns need to deal with the complex issue of harassment.

Please contact Jon or Rob if you are interested in having VLCT Group Services and Municipal Law Center team up to offer an on-site sexual harassment training for your municipality.

HEALTH TRUST, PACIF TO OFFER STATEWIDE EAP

We are pleased to announce that the VLCT Health Trust and the VLCT Property and Casualty Intermunicipal Fund (PACIF) have recently agreed to offer a statewide employee assistance program (EAP) to their member municipalities.

This program will be offered at no cost to all members and is slated to begin July 1, 2001. Look for a more detailed explanation of the program in next month's VLCT News. In the meantime, if you are interested in more information, please call either Patrick Williams or Heidi Joyce at VLCT Risk Management Services, tel. 800/649-7915.

NEW FIRE SERVICE GRANT PROGRAM

Local fire officials will want to keep track of a new \$100 million federal grant program. The program will eventually grant funds to fire departments in six categories: training, wellness/fitness programs, vehicles, firefighting equipment, personal protective equipment, and fire prevention programs (each fire department will be allowed to apply for grants in a maximum of two different categories). The Federal Emergency Management Agency (FEMA) and its United States Fire Administration (USFA) are administering the grant program, and hope to award grants by September 2001.

Fire departments should monitor the USFA web site for grant information at <http://www.fema.gov>. An e-mail list is also available; to sign up, internet users can go to the USFA web site and click on the e-mail list link at the bottom of the page.

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TALKING POLITICS

LOCAL GOVERNMENT DAY 2001



Addison County Senator Tom Bahre (l.) speaks with Stowe Administrator Scott Dunn.



Windsor-Windham-1 Representative Michael Obuchowski (r.) and Rockingham selectperson Frederick Bullock.



Two hundred and sixty-eight municipal officials and legislators gathered at Capitol Plaza and the State House on February 14 for the Vermont League of Cities and Towns and Vermont Municipal Clerks and Treasurers' Association Local Government Day in the Legislature. Local officials made sure their voices were heard, in several committee meetings, in the State House halls, and over lunch. (Photos by Molly Dugan)

Brandon selectperson Ken Torrey (l.) and Caledonia County Senator Robert Ide.

Speaker of the House Walter Freed, Bennington-Rutland-1, addresses the noon luncheon, flanked by VLCT Board President, Burlington Mayor Peter Clavelle, and VMCTA President Linda Spence, Manchester Town Clerk.



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STOPPING SUSPECTS; ENVIRONMENTAL COURT ROUND UP

LAW ENFORCEMENT OFFICER CAN STOP VEHICLE

The Vermont Supreme Court recently held that a law enforcement officer has "sufficiently reliable information" to stop a vehicle for investigation based on a report that a vehicle of that description is being driven erratically in a certain general location and direction. *State v. Boyea*, Vt. 99-061 (Dec. 1, 2000)

In *Boyea*, an officer received a radio dispatch that a "blue-purple Volkswagen

deadly weapons and said that the "gravity of the risk of harm ... applies with equal force to intoxicated driving." The intrusiveness of a brief investigative stop requires only "reasonable suspicion" rather than "probable cause," thus an officer need not have made a personal observation of the erratic driving but may act on the basis of reliable information.

Reliability of the information from an anonymous tip should be judged by three factors. The first factor is the nature and

ENVIRONMENTAL COURT DECISIONS

The Vermont Environmental Court is authorized to hear appeals of decisions of municipal planning commissions, zoning boards of adjustment and development review boards. It is important to note that Environmental Court decisions do not represent the definitive interpretation of a legal issue as they can be appealed to the Vermont Supreme Court. However, because most Environmental Court decisions are not appealed it is important for municipalities to be familiar with Environmental Court rulings. As always, the Law Center will track Vermont Supreme Court decisions and report in the *VLCT News* if any of the issues discussed below are addressed on appeal.

TOWN PLAN COMPLIANCE – LOCAL BYLAWS

The Law Center is frequently asked if municipal planning boards may deny an

(Continued on next page)

This is an interesting and informative case because it sets out some guidelines for weighing the privacy right of a person who may be an imminent threat against the importance of public safety.

Jetta with New York plates [was] traveling south on I-89" in an erratic fashion. The officer soon saw a vehicle matching that description and pulled it over to investigate. His impression was that the driver was driving under the influence of alcohol (DUI) and he arrested her.

To start the discussion of the case, the Court described the two possible courses of action that the officer could have taken: 1) Stop the vehicle as soon as possible, or 2) Follow it to watch for erratic driving and then stop it if necessary. The outcome of the second option could be: 1) No erratic driving and no reason to investigate further, 2) The vehicle could drift harmlessly off the road, or 3) The vehicle could cause an accident.

The question is whether the driver's constitutional right to privacy compels the officer to observe the suspect vehicle until some erratic or dangerous activity occurs. The majority opinion cited a number of similar cases from other jurisdictions and said that under the exigent circumstances (possible accident and injury), "failing to stop a vehicle in these circumstances ... exposes the public, and the driver, to an unreasonable risk of death or injury." *Id.* at 2. The Court compared DUI with situations involving

specificity of the information. In this case the information included a specific description of the car, its exact location and its direction and prior movements. The specifics supported the credibility of the information.

The second factor is that, within a few minutes, the officer was able to confirm such a vehicle in the predictable location, thus adding to the credibility of the anonymous tip.

Finally, "the officer faced the potential of a dangerous public safety hazard." A DUI situation, with its imminent danger, is different from such things as suspected transport of controlled substances, where the officer could safely observe the driver for other incriminating evidence before pulling him or her over.

This is an interesting and informative case because it sets out some guidelines for weighing the privacy right of a person who may be an imminent threat against the importance of public safety. It suggests some criteria for evaluating the reliability and usefulness of tips or anonymous tips. And it underscores the public safety considerations of drunk driving and the importance of enforcement.

- *Libby Turner, Esq.*



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LEGAL CORNER -

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application based on non-compliance with a town plan. The question typically arises when a municipality's criteria for permit approval (e.g. conditional-use permit, subdivision permit or PUD/PRD approval) include that a project conform or be consistent with a town plan.

In re: Appeal of John H. Rhodes involved an applicant's appeal of conditions that the town of Georgia included in a preliminary plat approval for a proposed subdivision. *In re: Appeal of John H. Rhodes*, Docket No. 198-10-98 Vtec. One of the criteria in the town's subdivision regulations is that a project must comply with the town plan. *Id* at 9. In reviewing this criteria the Environmental Court said that "[W]hile a town plan is generally not independently enforceable, and serves instead as guidance in the application of the zoning and subdivision regulations ... in the present instance the town plan is incorporated as a standard," in the town's subdivision regulations. *Id* at 9.

In its ruling, the Environmental Court did not directly address the issue of denying or conditioning a project based on compliance with a town plan. However, the Environmental Court's ruling can be interpreted to mean that if municipalities incorporate their town plan as specific standards in their bylaws, an application may be denied or conditioned based on provisions of the plan. At the very least the Environmental Court is saying that the practice of including compliance with a town plan in its bylaws, as a specific criterion, is acceptable.

The Law Center cautions that a municipality would have to have a clear and solid evidentiary record of a project's failure to comply with its town plan in order to have its decision stand up on appeal.

DETERMINING WHO IS AN INTERESTED PERSON

The Environmental Court issued a decision on motions for Summary Judgement and to Dismiss that address one aspect of the issue of who may qualify as an "interested person" in appeals brought under Title 24, Chapter 117. The question of who is an "interested person" under 24 V.S.A. § 4464(b)(3) is one that zoning administrators and planning/zoning boards frequently wrestle with.

The cases involve the appeal of a town zoning permit issued for the construction of one building, expansion of a second and construction of a 160' telecommunication tower. *In re: Appeals of Beckstrom, et al., and In re: Appeal of H.A. Manosh, Inc.*, Docket Nos. 212-11-98 Vtec, 11-1-99 Vtec, 61-4-99 Vtec and 1-1-99 Vtec. Vermont RSA Limited Partnership d/b/a/ Bell Atlantic Mobile (BAM) had entered into an option agreement with the applicant to lease the second building and space on the tower. *Id* at 2. The appellants challenged BAM's authority to enter the case as a party based their belief that it does not qualify as an "interested person" under 24 V.S.A. § 4464(b)(3). The Environmental Court rejected the appellant's challenge ruling that "[T]he option agreement is a sufficient property interest to qualify Vermont RSA Limited Partnership d/b/a/ Bell Atlantic Mobile as an interested person under § 4464(b)(3), even though it does not yet occupy the property. *Id* at 2. Accordingly, we now know that in the eyes of the Environmental Court holding an option creates an interest that qualifies an individual as an "interested person."

PROJECT COMPLETION DATES

One municipality recently expressed concern about issuing a permit for a phased project that the applicant does not complete. The concern is twofold: That construction will commence and the permittee will abandon a half-completed project, leaving a project that is not in conformity with a surrounding area and erosion problems if part of the site is left open; second, there is the concern that an applicant will apply for a Planned Residential or Planned Unit Development, which requires two or more

units, and never complete construction of the planned development as contemplated. This can create adverse aesthetic conditions and allow applicants to essentially place single family dwellings in areas that have been designated for multi-unit planned developments. The issue of setting project completion dates was addressed by the Environmental Court in *In re: Appeal of Ran Mar, Inc.*, Docket No. 60-4-99 Vtec.

In *In re: Appeal of Ran Mar, Inc.*, the town of Berlin planning commission included a condition in its permit for a planned residential development (PRD) that required that the project be completed in five years. *Id* at 2. The condition was based on provisions of the town's bylaws that allow a PRD to be phased in over reasonable period of time to avoid placing an undue burden on municipal services and that allows phasing to assure the orderly development of the entire subdivision. *Id* at 2.

The permittee appealed and requested the project completion date be extended to ten years. *Id* at 2. The permittee argued that, given the Central Vermont housing market, ten years is a reasonable amount of time for the town and region to economically absorb the proposed development. According to the Environmental Court, the town submitted no evidence regarding the impact of extending the project completion date to ten years on municipal services or on the orderly development of the PRD. As a result the Environmental Court extended the construction completion date to ten years. *Id* at 2.

In sum, the Environmental Court's ruling implies that municipalities may impose project completion dates if they have adopted bylaws requiring that a project be completed in a reasonable period of time. However, the municipality must have a rational basis for setting a project completion date, such as the impact of a project on municipal services or the orderly development of a project, and be able to justify the completion date that it imposes by citing evidence in the record.

- Jon Groveman, Esq.

DON'T FORGET US...

Has your municipality recently enacted a new ordinance or approved a new policy? If so, please send a copy to VLCT, Attn: Municipal Law Center, 89 Main Street, Suite 4, Montpelier, VT 05602, fax, 802/229-2211, or e-mail, glawson@vlct.org.



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ASK THE LEAGUE

BEAVERS & HIGHWAYS; CONTIGUOUS LOTS; PAPER & AUSTRALIAN BALLOTS

How can the town prevent flooding and damage to highways caused by beaver dams?

When beaver dams are causing impoundments of water which threaten to "substantially damage or submerge a highway," the selectboard may petition either the state Transportation Board or the Superior Court for help. If the petition is to the Board, it will conduct a hearing under the Administrative Procedures Act and may issue an order to remove or abate the hazard, with as minimal effect on the land and natural resources as possible. Notice of the proceeding must be given to the landowner where the impoundment is located and to the Agency of Natural Resources. 19 V.S.A. § 37 (a).

Alternatively, the selectboard may petition the Superior Court for an emergency order to remove or abate the impoundment when it presents an imminent threat to public safety. If another party petitions the Court, it must notify the local selectboard and the Agency of Natural Resources of the proceeding. 19 V.S.A. § 37 (b).

Note that the selectboard is not subject to the laws governing the taking of fur-bearing animals when they are acting to protect the

public highways and bridges. 10 V.S.A. § 4828.

If the same individual owns two contiguous lots that meet or exceed the minimum lot size required by zoning, do the lots legally merge?

No, the lots do not merge because the statute upon which the merger rule is based only applies to *existing small lots*. The principal elements of the 'existing small lot' provision are: (1) the lot is in individual and separate and non-affiliated ownership from surrounding properties; (2) the lot existed prior to the effective date of the zoning regulation; (3) the lot has a minimum width or depth dimension of 40 feet; and (4) "though not conforming to minimum lot size requirements," the lot is not less than 1/8th acre in area. 24 V.S.A. § 4406(1). Therefore, because both lots meet or exceed the minimum area lot size required by zoning, they fail the small lot test.

Because there is much confusion about the application of this provision, it might be helpful to keep in mind its primary purpose. First, this provision is intended to 'grandfather,' or recognize as individual parcels, lots

that existed prior to zoning which otherwise, because of size, would be restricted from development or sale. *Id.* Second, it is the purpose of the provision to bring into compliance with existing zoning any lots that do not currently meet a municipality's minimum area requirements, whenever there is an opportunity to do so. The 'opportunity' identified by law to cure the nonconformity occurs when an existing small lot comes under the same ownership with an adjacent lot.

Prior to 1997, same ownership was all that was needed to trigger lot merger. However, the law has since been amended and now recognizes certain vested rights of small lot owners. Now, any pre-existing small lot that comes into same ownership with a contiguous lot *does not merge*, and may be sold separately, provided that ALL of the following elements exist: (1) the small lot is conveyed in its preexisting, nonconforming configuration; AND, (2) *each* lot had been developed with a water supply and wastewater disposal system on the effective date of zoning; AND, (3) at the time of transfer, each

(Continued on next page)



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ASK THE LEAGUE -

(Continued from previous page)

water and wastewater system is functioning in an acceptable manner; AND (4) the deeds of conveyance contain easements on both lots for replacement wastewater disposal systems.

Is there a difference between "a paper ballot" and "an Australian ballot"?

Yes. The Australian ballot system uses a uniformly pre-printed ballot for secret vote elections and includes any voting machine approved for elections conducted in this state. Articles to be voted on must have been pre-written and the polls must be open for an extended period during or after a municipal meeting, or both. 17 V.S.A. § 2103 (4).

In contrast, a paper ballot is just what it says – a paper on which the voter may write "yes" or "no" or the name of a candidate who is running for office. Certain officers must be elected "by [paper] ballot" unless the town has decided to elect them by Australian ballot. For example, selectperson, lister and auditor shall be elected by ballot. 17 V.S.A. § 2646.

Both town and school district meetings must be conducted by Roberts Rules of Order, unless other rules are adopted. 17 V.S.A. § 2658 & 16 V.S.A. § 562 (1). Roberts requires a majority of the voters to request a paper ballot but under authority of

17 V.S.A. § 2658 and 16 V.S.A. § 551, the paper ballot may be demanded by just seven voters.

Do we have to hold a public informational meeting for any and all articles to be voted by Australian Ballot?

Australian ballot is used because it is mandated by statute or because the town has voted to use it for certain matters. *The requirement for a hearing varies depending on the situation.* Below is a brief round-up of instances when municipalities may vote to use Australian ballot or when the use of Australian ballot is mandated by state law.

First of all, if the municipality has chosen to vote **public questions and/or budget articles** by Australian ballot, the legislative body must hold a public informational meeting on the question or questions sometime within the 10 days prior to the vote. 17 V.S.A. § 2680 (g).

The **adoption of governance charter amendments** shall be made by Australian ballot and two public hearings must be held prior to the vote. 17 V.S.A. § 2645 (a) (3 & 7).

The **decision to appoint rather than elect constables** is by Australian ballot and no public informational hearing is required. 17 V.S.A. § 2651a.

Bond votes must be done by Australian ballot. 24 V.S.A. § 1758. There is a statutory mandate that a school district holding a bond vote must hold a public

informational meeting and must distribute certain written information to the attendees. 24 V.S.A. § 1758 (c). For some reason there is not a requirement for an informational meeting if the town is conducting a bond vote. (That does not mean that the town cannot hold such an informational meeting! And holding such a meeting may be well advised.)

Union school districts must follow the same procedure as town school districts when issuing bonds, so they must comply with 24 V.S.A. §§ 1751-1785. 16 V.S.A. § 711d.

Union schools must also vote bond issues under the provisions of 24 V.S.A. §§ 1751-1785. 16 V.S.A. § 706w.

Routine adoption of zoning bylaws in rural towns is done by Australian ballot "after the final public hearing." 24 V.S.A. § 4404 (d). The hearings and notice for the hearings must meet the requirements of 24 V.S.A. §§ 4404 and 4447.

For zoning purposes, a "rural town" is a town with a population of less than 2,500 (as of the last census) or a town with a population of at least 2,500 but less than 5,000 which has voted by Australian ballot to be a rural town. 24 V.S.A. § 4403 (10). There is no statutory mention of a hearing but, again, a hearing is advisable.

Although **routine adoption of zoning bylaws in urban municipalities** is done by the legislative body, the municipality may petition to consider a bylaw or an amendment by Australian ballot. 24 V.S.A. § 4404 (f). The usual hearings mandated by 24 V.S.A. Chapter 117 would apply.

The voters may elect to **adopt or amend the town plan** by Australian ballot. 24 V.S.A. § 4385 (c). This requires a public informational meeting under 17 V.S.A. § 2680 (g).

The question of **whether or not to have a town manager** shall be voted by Australian ballot *if* the town elects its officers by Australian ballot. 24 V.S.A. § 1243.

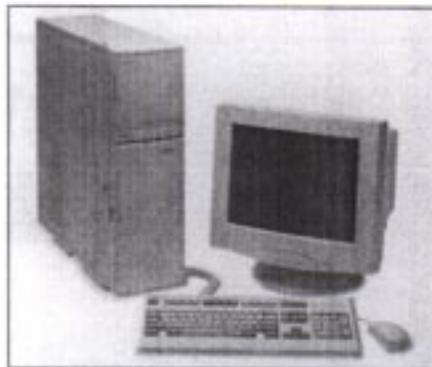
The vote to **enter into a union municipal district**, such as a solid waste district, must be by Australian ballot and must be preceded by at least one public hearing. The last public hearing shall be not less than five nor more than 15 days prior to the vote. 24 V.S.A. § 4863.

Municipal control over **sale of alcoholic beverages** is controlled by 7 V.S.A. Chapter 7. Although the term "Australian ballot" is not used in the chapter, the description of the ballot and the process certainly seem to be the equivalents of the Australian ballot system.

- Libby Turner, Esq., and Gail Lawson

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RISK MANAGEMENT NOTES



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

WINTER OPERATIONS PLANS

HELP WITH THE CHALLENGES OF WORKING IN VERMONT

We all know that working to serve our residents is challenging. When you add in ice and snow in the winter and the impending mud season in the spring, those challenges often become even greater. One way to help our public works employees deal with these challenges is to create a winter operations plan. The winter operations plan clearly maps out what is to be done during the months when weather is our biggest concern.

The plan can cover everything from communications between various departments of a municipality to an outline of the types of equipment to be used during snow clearing. It can also describe the various plow routes throughout the town and list whom to call in the event of a road washout. The winter operations plan can also be a guide for your employees on what to wear when working outside during the winter months. It can discuss ways to prevent dehydration, how to recognize situations that may be life threatening and the importance of adhering to safety guidelines. The plan can discuss

things such as the importance of following procedures for snow removal as well as making sure that all drivers rest as much as possible during periods of lengthy snow removal.

In short, a winter operations plan can take

some of the challenges out of working during the winter months. It helps our public works personnel focus on the job of clearing ice and snow. This will help all of our citizen's travel on roads and walkways in a reasonably safe manner during the winter months.

If you have any questions concerning a winter operations plan please feel free to contact Patrick Williams at the VLCT Risk Management Services Department, tel. 800/649-7915 or e-mail, pwilliams@vlct.org.

- Patrick Williams

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VCDA CONSIDERS POST OFFICES, TOWN HALL FUNDING RESOURCES

The Vermont Community Development Association (VCDA) hosted a membership

POST OFFICE HANDBOOK

The Vermont League of Cities and Towns, Vermont Historic Preservation Trust and Vermont Division of Historic Preservation have collaborated to hire a consultant to write a handbook for local officials who anticipate or are involved with post office relocations. Jessica Oski, formerly of the Burlington City Attorney's Office, is that consultant and she gave a brief synopsis of the handbook's format at the VCDA meeting. Expectations are that the handbook, currently in draft form, will be available soon. Local officials who are interested in obtaining the handbook should watch this newsletter as well as the VLCT website (www.vlct.org).

meeting at Montpelier City Hall on Wednesday, January 31, and heard speakers on post office relocations and funding municipal building revitalizations. Both are issues that affect a municipality's ability to retain or revitalize its downtown and both are areas with which municipalities struggle.

Before the panel discussions started, Montpelier planner Valerie Capels took attendees on a tour of the City Hall, explaining the diverse uses contained in the building. Montpelier has done an exceptional job of bringing the community into the beautiful old City Hall building. One would expect the clerk, tax collectors, manager, planners and city council chambers to be located in City Hall. But what about the Teen Center in the basement? Or the USS Montpelier Museum, newly designed and tucked neatly into a corner of the top floor? The city is justifiably proud of the Lost Nation Theatre stage that shares space

up on the top floor in the auditorium and the art gallery space in the hall on the main floor. An impressive array of supporters and funding sources provided the wherewithal to implement these projects. Capels explained that fundraising and renovations were done in phases, and included a bond from the city as well as significant private contributions. If you are visiting Montpelier, it is worth taking a look around City Hall!

City Hall is clearly an anchor for downtown not only in Montpelier, but also in many other communities. Another anchor in downtowns around the state is the post office. In many of those towns the United States Postal Service (USPS) is working on expansions or relocations of its facilities. On the other hand, some towns don't have a post office and are working hard to get one into town and to obtain their own zip codes. Either way, working with the USPS is a difficult, sometimes overwhelming, proposition.

Panelists Emily Wadhams, Vermont Historic Preservation Officer, and Karen Horn, VLCT staff, described some of the stumbling blocks local officials encounter in negotiating a post office location and design that fits with small Vermont downtowns.

(Continued on Page 12)

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RANDOLPH -

(Continued from Page One)

In seven years of conducting similar community profiles/forums in the Upper Connecticut River Valley, Vital Communities has perfected the format. On Friday evening, after a free lasagna dinner, brief entertainment and introductions, the 160 participants were broken up into working groups. Each group, with guidance from a community member who had attended a prior "facilitator" training, was asked to consider Randolph's strengths and weaknesses in a particular area. The ten areas were pre-selected by Vital Communities on the basis of their importance to a healthy community. They were:

THE NITTY-GRITTY

The Randolph planning commission budgeted approximately \$4,500 for the community forum, some of which came from a grant from the Vermont Department of Housing and Community Affairs. The commission used \$3,500 to pay for the services of Vital Communities' staff. One thousand dollars was budgeted for food and publicity; not all of it was spent because of the many volunteer hours and in-kind donations the forum received.

A volunteer steering committee of 40, led by co-chairs Pati Braun, planning commission member Chris Soares, and Holly Tucker, spent two months preparing for the forum. The forum was co-sponsored by the town manager's office and the selectboard, and the steering committee's members came from Randolph's local government, major non-profit organizations and businesses. The committee worked closely with the staff of Vital Communities to prepare publicity, arrange speakers, secure a meeting space and supplies, provide transportation and on-site childcare, enlist and train small group facilitators and solicit donations of food, prizes and entertainment.

More information on Vital Communities may be found on its web site at www.vitalcommunities.org. More information on the town of Randolph may be found on its website at www.randolphvt.com.

Civic Infrastructure:

1. Leadership
2. Informed Citizen Participation
3. Inter-group Relations/Diversity

Community Infrastructure:

4. Cultural Heritage
5. Education and Social Services
6. Leisure and Recreational Activities

Environment:

7. Natural Resources
8. How the Community Looks and Feels:
Village, Farm, Forest

Economy:

9. Economic Vitality
10. Growth and Development

At the end of the evening, each of the ten groups had committed its top five issues to paper. Clark collected the numerous flip charts and, by the next morning, had reviewed them all and synthesized the lists down to ten key issues.

On Saturday, amazingly, almost everyone showed up for more. Clark asked the participants to comment on her list of the key issues identified the night before; after some modifications from the audience, agreement was reached on the ten top issues facing Randolph. Then it was back to work in small groups to tackle the issues, which were:

1. Communication
2. Economic Development
3. Unity - Geographic and Cultural
4. Participation
5. Youth Opportunity
6. Community Gathering Places

7. Recreation and Lifelong Learning
8. Maintaining Our Heritage
9. Sustainability
10. Planning

Each group was asked, again with the help of pre-trained facilitators, to agree upon three projects to present to the entire group after lunch. Discussions were lively as all projects were considered before consensus was reached on the three most important and most doable projects.

With everyone fortified by lunch, Clark presided over a consolidation of the final 30 project suggestions (there was some repetition as common themes showed up across the groups) and then conducted a straw poll to determine the top five projects. From there, forum participants were asked to sign up for committees to work on the projects.

The final five projects fell in the following categories:

1. Downtown Development
2. Tourism Development
3. Youth Involvement
4. Communications/Informing the Community
5. I-89 Exit 4 - Scenic and Development Issues

A meeting time and place was determined for each committee and sign-up sheets circulated. The forum's initial work was done, and by all accounts was a great success.

"It turned out even better than I expected," Iffland commented. She said the planning commission will go over every idea

(Continued on next page)



Facilitator Delia Clark conducted a symphony of ideas at the Randolph Our Town Your Town community forum. (Photo by Robert Eddy)



RANDOLPH -

(Continued from previous page)

generated by the forum, paying special attention to the areas where concerns were voiced. "We can implement some of the ideas immediately," Iffland noted, "such as the suggestion that town boards and commissions meet in different parts of town to increase participation." In other areas, Iffland hopes to use the committees set up by the forum as a resource. "I hope that the ongoing groups will provide the planning commission with consistent feedback," she said, though she acknowledged that the dialogue will depend on how the groups chose to organize themselves, and whether they continue to meet after their initial projects are complete. Staff members from Vital Communities meet with each committee one time after the forum, and then they are on their own.

"We know that it is unlikely that there is a magic bullet that will solve the problem of citizen input [into town planning]," Iffland noted, "but this is one way to get people involved and we'll do others as well."

- Katherine Roe

THE CARROTS (NO STICKS NEEDED HERE!)

Randolph's community forum was sprinkled with good food, great entertainment and lots of fun. Some of the ideas that made the forum such a success, besides the invigorating brainstorming that went on, were:

- ◆ Free community lasagna dinner Friday night, followed by a potluck dessert and a performance by a local barbershop quartet.
- ◆ Friday evening talks by Fred Tuttle and Bob Race, two long-time area residents,

who shared their thoughts on what Randolph was like decades ago.

- ◆ Door prizes donated by the local business community – some at the very last minute from the audience!
- ◆ A free community blueberry pancake breakfast Saturday morning.
- ◆ Healthy snacks donated by Randolph's Gifford Medical Center.
- ◆ Box lunches made and sold by the local Boys and Girls Club to benefit its programs.



About half of the work of the Randolph community forum was done in small groups. Facilitators were volunteers from the community, trained ahead of time. They were required to wear hats to identify themselves; this pair oversaw a thoroughly democratic process, despite their aristocratic choice of hats! (Photo by Robert Eddy)

BICYCLE AND PEDESTRIAN PROJECT FUNDING AVAILABLE

The Vermont Agency of Transportation (VTrans) has announced the availability of funding for bicycle and pedestrian related projects through the 2001 Bicycle and Pedestrian Program. Two million dollars are designated for design, acquisition of right-of-way and construction of projects statewide. Projects must have completed a conceptual alignment analysis or feasibility study to be eligible for consideration of funding under this program.

Program applications

must be submitted through your respective regional planning commission or the Chittenden County Metropolitan Planning Organization. Municipalities will be responsible for a 10% local match. **Applications are due at VTrans by Monday, April 9, 2001.**

Last year, the VTrans Bicycle & Pedestrian Program allocated \$2 million for bicycle and pedestrian projects in 21 municipalities statewide, including West Rutland, Newfane, Ludlow, Reading, Morristown, Williston, Hancock, Burlington, Weathersfield, Springfield, Manchester, Shaftsbury, Sharon, Hartland, Hartford, Grand Isle, Belvidere, Berlin-Barre, Montpelier and Brattleboro.

For additional information, application materials or a program guidebook contact your respective regional planning commission, the Chittenden County Metropolitan Planning Organization or Amy Bell, VTrans Bicycle & Pedestrian Coordinator, 802/828-5799 or Amy.Bell@state.vt.us.





P.O., TOWN HALL -

(Continued from Page Nine)

They were joined by Jessica Oski, consultant; Fred Kenny of Senator Leahy's office; Jeff Munger of Senator Jeffords's office; and Jenny Nelson of Congressman Sanders's office.

The panelists warned that the USPS favors a cookie cutter approach to relocated post offices. It estimates large numbers of post office boxes based upon projections on population growth that far outstrip local estimates. It also initially insists on huge parking areas that provide not only parking for large numbers of cars but also turning radii for 53' trucks delivering mail to expanded distribution centers that, in its view, must be located with the retail post office. All of these USPS priorities render the possibility of locating a post office in a downtown, particularly an historic downtown, extremely remote. Nonetheless, municipalities that have taken on the Postal Service and challenged their assumptions about space needs as well as parking, population trends and truck facilities, have logged some successes. The message to local governments is, "Never Give Up!"

The next panel offered a summary of funding sources available to assist Vermont municipalities wishing to renovate, restore or add to their town and city halls. Paul Bruhn, Preservation Trust of Vermont (802/658-6647), discussed three grant sources:

◆ **Vermont Division for Historic Preservation** - \$200,000 available for grants to non-profits or municipalities, with a \$10,000 cap.

◆ **The Freeman Foundation** - \$1,000,000 block grant to redevelop community projects. Grants are \$5-50,000 and average \$25-30,000. This program has done a lot with town halls, including Castleton, Danville and Chester.

◆ **Preservation Trust of Vermont** - Has funds available for the assessment of historic buildings.

Malcolm Rode, from the **Vermont Municipal Bond Bank** (802/223-2717), explained that the Bond Bank provides low cost municipal bonding. The bonds are sold under the state's credit rating and receive good interest rates. Municipalities must have an approved bond vote and provide a financial audit for the prior fiscal year.

Rhonda Shippee, **U.S. Department of Agriculture Rural Development** (802/828-6032), discussed the Department's Community Facility Loan and Grant Program. Town

halls and other community buildings are eligible. Loan interest rates are 5-5.5 percent for up to 30 years. Grant funds are very limited and are targeted to poorer communities.

Vermont Community Development Program representative Carl Bohlen (802/828-5215) explained that the Program has recently been redesigned and now has a \$200,000 set-aside for Americans with Disabilities improvements to community buildings. Minimum grants are \$5,000 and maximum is \$10,000; a 1:1 match is required. Grants are also available for planning purposes and if the building is determined to be "blighted" it may qualify for other grants in the Program.

Finally, it was noted that if a town or city hall has any historic ties to transportation, it may qualify for an enhancement grant from the **Vermont Agency of Transportation**. Curtis Johnson is the contact for this program (802/828-0583).

For more information about membership in the Vermont Community Development Association, call VCDA President Jim Saudade, 802/295-3710, or Deb Solomon at VLCT, 800/649-7915.

- Karen Horn and Katherine Roe

2001 LAND AND WATER CONSERVATION FUNDS AVAILABLE

The Vermont Department of Forests, Parks and Recreation is soliciting proposals from municipalities for grants under the Land and Water Conservation Fund (LWCF) Program. Approximately \$250,000 in federal matching funds are expected to be available for competitive grants. A minimum 50 percent local match will be required.

Last year, only six municipalities applied for LWCF funding and all of them received funds. We believe that if the demand for dollars goes up, municipalities will be able to successfully argue that a larger share of LWCF funds go to municipal projects.

Applications for this round of funding must be received by 4:30 p.m. on Friday, April 6, 2001. Approved funds will be available in the summer of 2001.

For more information, contact Laurie Adams, Recreation and Trails Grants Programs, Vermont Department of Forests, Parks and Recreation, 103 South Main Street, Bldg. 10 South, Waterbury, VT 05671, tel., 802/241-3690, e-mail, ladams@fpr.anr.state.vt.us, or web, <http://www.state.vt.us/anr/fpr/recreation/>.

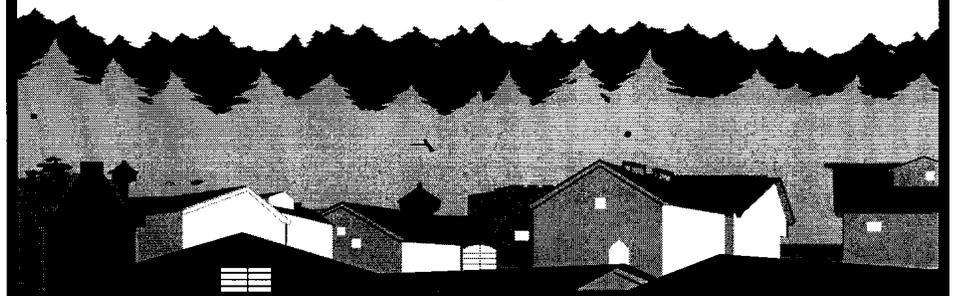
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Tech Check



DEVELOPING A TECHNOLOGY PLAN

(Editor's note: This month we begin offering a "Tech Check" column to help municipalities keep up with rapidly changing communications and office technology. We plan to take a look at e-government, telecommuting, a few specific software programs and other technology-related issues. Please send us your ideas for future topics! Contact Katherine Roe, Editor, at kroe@vlct.org, or call 800/649-7915.)

Too often municipalities are thrown into the age of technology without any plan or any way to gauge the benefits against the costs. At the same time, local officials and employees must justify technology expenditures to selectboards and city councils, and, ultimately, to the taxpayers.

Before you stand in front of the cameras or a town meeting crowd, it is important to have developed a clear picture of who your municipality is serving and how you might best accomplish its work. Where do you expect your local government to be in a few years? And, above all, what is the most effective and productive way to utilize the limited resources that you have?

These questions are truly the bottom line for laying the foundation of a solid technology plan that gives a municipality the parameters it needs to be proactive, not reactive.

So how do you begin developing a technology plan?

- Define "technology:" what should you include in the plan?
- Define your municipality's goals and objectives.
- Complete a needs assessment and determine ways these needs can be met.
- Determine what your information systems processes are: how do we process data or provide services and how can we use technology to improve the processes?
- Analyze the costs against the benefits and

develop a budget that includes training funds.

- Market the plan.

DEFINE "TECHNOLOGY"

Before developing a plan, you should understand what technological tools are available to assist your municipality in meetings its needs and determine what technologies your plan will encompass. For a municipality, this could include all manner of hardware and software in the areas of:

- ♦ Personal Workstations
- ♦ Local Area Networks (LANs) and Wide Area Networks (WANs)
- ♦ Telecommunications
- ♦ Website Development and Management
- ♦ E-mail and Internet
- ♦ E-government
- ♦ Imaging and Archiving Systems
- ♦ Copier and Production
- ♦ Plant and Equipment Control

There are, of course, a number of topics and tools within each of these categories that are available and being used in a variety of ways. Take some time to explore the possibilities by talking to colleagues, consultants or vendors, searching the internet, and reading trade magazines. There are several free publications that can be useful in keeping up with the state of technology, including some specifically written for governments. These include *Governing* (www.governing.com), *Civic.com* (www.civic.com), *Government Technology* (www.govtech.com), *Info World* (www.infoworld.com), *teledotcom* (www.teledotcom.com), and *Network Computing* (www.networkcomputing.com). Finally, the National League of Cities offers Public Technology, Inc. (PTI), an organization dedicated to bringing technology to local governments (www.pti.org).

DEFINE GOALS AND OBJECTIVES

Any plan should always begin with the goals and objectives of the municipality. What is your primary purpose for existence? Where are you now and where do you see yourself a few years from now? How do you get where you want to be? Within a large municipality, a mission statement could be developed from which each department could create their own goals and specific objectives. Smaller municipalities can scale this process down by simply answering the above questions.

How far ahead should you plan? Technology is ever changing, but providing good service to your taxpayers should remain constant. *How* you provide that service may change with the technology. Too many people tend to be awed by the latest technological gadgets and software and will spend lots of energy trying to justify purchases to skeptical managers, boards or councils, and taxpayers. We often tend to react to technology rather than use it as a tool to accomplish tasks. It is a means to an end, not the end itself. On the other hand, technology will certainly sometimes define the tasks that we can accomplish. E-mail is a great example of this. Twenty years ago you could not possibly have stayed in touch with 70 colleagues on a weekly basis, requesting information or relaying it. There was not the time or the resources to spend writing and mailing that many pieces of correspondence or contacting everyone by phone. Now you can do it daily if you want to.

The bottom line is that you should know where you're headed, then determine which of the available technologies can get you there most cost effectively, always keeping in mind the future possibilities.

A goal for the selectboard of a small municipality may be: *Our town will provide the best possible service to taxpayers while maintaining the tax rate at a level no greater than the inflation rate.* Objectives to accomplish this goal:

- We will provide quick turnaround for

(Continued on next page)



TECHNOLOGY PLAN -

(Continued from previous page)

over-the-counter customers; nobody will wait in line more than 3 minutes.

- ☑ We will provide other cost effective means of publishing important town information to alleviate the high level of phone and counter inquiries

COMPLETE A NEEDS ASSESSMENT

Along with setting goals and objectives, you should take some time to assess the needs of your taxpayers as well as the boards/councils and various departments. Obviously the taxpayers' needs drive all the internal needs of the municipality, and should provide the basis for goal setting. In the above example, the first objective may be an attempt to address complaints from taxpayers about having to wait in line while staff may be busy dealing with phone calls and counter requests at the same time.

There are two parts to a needs assessment: external and internal. The external needs are those of the people you are ultimately serving, your taxpayers, while the internal needs are those of the municipality as it tries to meet the taxpayers' needs. You must look at both sets of needs as you develop a plan that will attempt to utilize the best and most cost effective technology.

The taxpayers need faster service (external need) in the example above, and you need to lighten your workload so that you can move customers through more quickly (internal need).

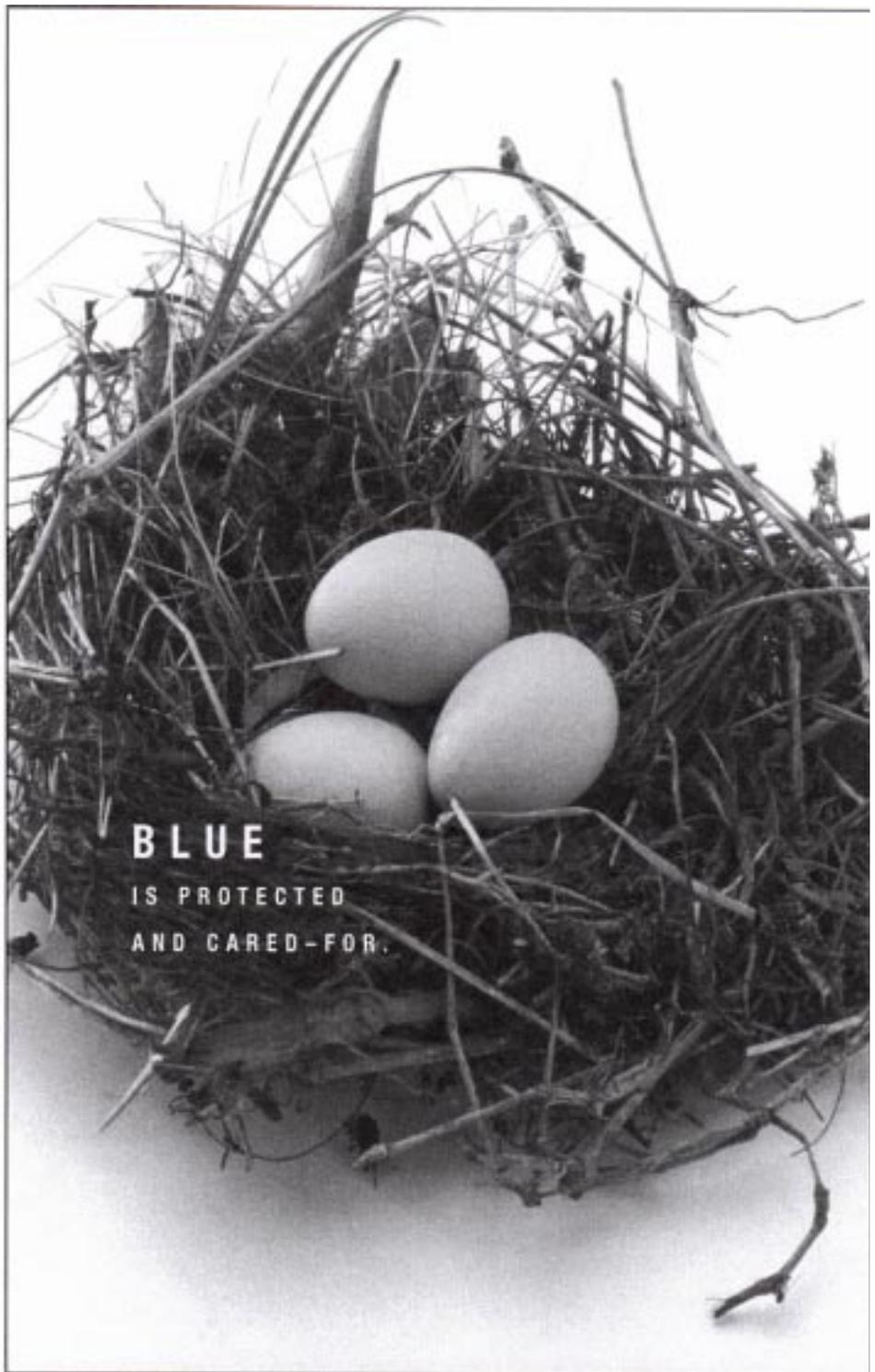
Next, you examine the internal work processes that are currently in place and that may be ready for a technological upgrade.

DETERMINE PROCESSES

Take a hard look at both your information flow and your productivity. How "user friendly" is the process of acquiring information? Is your organization plagued by fragmentation and a lack of communication among staff members or departments, resulting in a bureaucratic bouncing of calls or people from one place to the next trying to get a question answered? How is a request or service rendered from start to finish? At what points do problems occur? What are those problems? How can we make each step more productive? Is there needless duplication that should be addressed?

When we have the answers to these questions, and have determined what processes we need to address, our next step is

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TECHNOLOGY PLAN -

(Continued from previous page)

to decide what technologies are available to improve our information flow and productivity. In our example above, we have two employees to handle counter and phones. Routine over-the-counter transactions will frequently occur at the same time as incoming calls. In order to improve service, you could either hire another employee or find a way to ease the counter and phone traffic by providing alternative ways to meet taxpayers' needs. The possibilities include:

- ♦ E-mail access for fielding questions;
- ♦ Website that provides basic information about registering to vote, paying taxes, getting a copy of your birth certificate, etc.;
- ♦ Public access workstation to look up grand list information.

CBA AND BUDGETING

Cost benefit analysis (CBA) can be a difficult exercise but a valuable one. You want to know that the technological tool you purchase is cost effective and right for the job. If you paid \$1,999 for a computer that will serve your needs as well as a brand that costs \$1,599 and both cost the same to maintain, you have paid \$400 extra with no added benefit. The costs of implementing new technology or upgrading current technology are relatively easy to measure. The value of the benefits may not be so easy to assess.

Let's complicate the computer example by analyzing the benefit of adding internet access so that we can have e-mail. We know that the approximate first year cost will be \$350, ensuing annual costs will be \$240. What benefit will be derived from this added cost? We have already determined that we can improve service by giving taxpayers an e-mail address to forward questions to. If we get 100 questions a year by phone or over the counter that we can now deal with via e-mail during slower periods of the day, we are able to speed up processing other customers. It cost us \$350 the first year to handle 100 questions more efficiently. Although it is difficult to assign a value to the 100 questions being rerouted, you can at least make a value judgment as to whether or not the improved process is worth \$350. Now you have reasonable cost benefit analysis and a figure to budget.

One cost item that is sometimes overlooked is training. With more complex software or hardware, training can be

extensive and costly. It can also mean the difference between a successful initiative and a failure. Be sure you know exactly what type of training is needed to get your staff fully operational and feeling comfortable with the technology.

MARKET THE PLAN

Assuming you have done all your homework and documented your plan properly, you have all the tools you need to sell your plan to your board or council and taxpayers. The example used above is really only a small piece of a plan. In reality, you

might look over a five- year period, putting together potential technology budgets for each year that will improve or create the processes you need to achieve the goals and objectives that were developed based on the needs of your taxpayers.

The end result should be a planning document that is flexible enough to change as technology changes and new "tools" are available to meet your needs. It should provide guidance for your annual budgeting process and assist you in making reasonable, well-thought-out purchasing decisions.

- Michael Gilbar

Classifieds

HELP WANTED

Town Manager. The Town of Colchester, Vermont (pop. 17,000) seeks an experienced individual for town manager. Situated on beautiful Lake Champlain with 27 miles of shoreline, Colchester, the third largest community in Vermont, is in rapidly growing and dynamic Chittenden County. The manager is appointed by a five-member selectboard and supervises eight department heads and an assistant manager. The town has 84 employees and a budget of \$8.9 million. College degree required. Advanced degree in business or public administration and five years progressively responsible local government management experience desired. Salary commensurate with qualifications.

Send resume and cover letter to: Colchester Town Manager Search, VLCT, 89 Main St., Suite 4, Montpelier, VT 05602-2948, by Friday, March 2, 2001. EOE.

City Manager. Barre, Vermont (pop. 9,500) seeks a city manager for full service city. Budget, \$8 million; 90 full-time employees. Appointed by mayor elected-at-large and six-member council by wards. BA/BS and/or equivalent management experience required. MPA preferred. Salary range, \$50,000 - \$60,000. Send resume post-marked by Friday, March 2, 2001, to: Mayor Harry S. Monti, City of Barre, 6 N. Main St., Suite 2, Barre, VT 05641-4193. Mark envelope "Manager's Application." EOE/MF.

Calendar

Town Recreation Board and Committee

Members Workshop. Wednesday, March 21, 2001, Capitol Plaza, Montpelier. Evening workshop. Sponsored by the Vermont Recreation Group of Springfield College and VLCT, this workshop will unveil a new "Small Town Recreation Checklist" developed by the Recreation Group and the Vermont Recreation and Parks Association. Contact VRPA Executive Director George Plumb at 802/883-2313.

Vermont Tree Wardens Meeting. Saturday, March 31, 2001, Vermont Technical College, Randolph Center. Sponsored by the UVM Extension Service and the Vermont Depart-

ment of Forests, Parks and Recreation, this workshop is designed for tree wardens, their deputies, tree boards and other community forestry volunteers. To register, call Jill Mahon at 802/223-2389.

Town Officer Educational Conferences.

Monday, April 2, 2001, Castleton State College, Castleton; Wednesday, April 4, 2001, Lyndon State College, Lyndon; Tuesday, April 10, 2001, Grand Summit Lodge, Mt. Snow; Thursday, April 12, Lake Morey Inn, Fairlee; Monday, April 16, 2001, St. Michael's College, Colchester. Contact the University of Vermont Extension Service at 802/223-2389.



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