

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

July 2001

VLCT PACIF WELCOMES UNINCORPORATED TOWNS AND GORES OF ESSEX COUNTY

It took a little legal legwork to determine their eligibility, but the VLCT Property and Casualty Intermunicipal Fund (VLCT PACIF) recently welcomed Essex County's unincorporated towns and gores as new members. Located in the northeastern reaches of the Northeast Kingdom, this unique municipal entity is comprised of the towns of Ferdinand, Lewis and Averill, plus Avery's Gore, Warren's Gore and Warner's Grant.

With its remote location and combined voting population of just 29 (and that's in the summer!), it is somewhat surprising that this unique municipal entity recently came to the attention of the State Department of Labor and Industry. Under orders from the Department to obtain workers' compensation insurance for their supervisor, Essex County Clerk Ellen Ramsdell, the unincorporated towns and gores contacted VLCT PACIF and the rest is, as they say, history.

History is inseparable from any discussion of Vermont's gores and unincorporated towns. Besides those located in the Northeast Kingdom, there is Buel's Gore in Chittenden County and the unorganized towns of Glastenbury in Bennington County and Somerset in Windham County. "Rural legend" has it that Vermont's gores were created by surveying mistakes that resulted from the fact that the earth is not flat. This is confirmed in Esther Munroe Swift's wonderful book of geographic history,

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LEGISLATIVE LEFTOVERS

ACT 250 REVISIONS

Municipal officials should note the following changes to Act 250, which were made when H. 475, the Act 250 revisions bill, was passed this session. These changes were not included in the *VLCT Legislative Wrap-Up* summary of that bill.

Effective July 1, 2001, Act 250 jurisdiction over subdivisions changes to require an Act 250 permit if any person creates "six or more lots, within a continuous period of five years, in a municipality which does not have



duly adopted permanent zoning and subdivision bylaws." This is directly tied to the elimination of the Environmental Board's "800-foot Road Rule," Rule 2(A)(6), also effective on July 1, 2001.

This means that a municipality must have **both** permanent zoning and subdivision bylaws in place in order to retain its "ten" lot status for the determination of Act 250 jurisdiction over subdivisions in that town. If a municipality does not have **both** bylaws in place (only one or the other, or none), then Act 250 jurisdiction will be triggered by a person creating six or more lots (rather than ten) in that particular town. The statute requiring a permit for the creation of ten lots in an environmental district within a continuous period of five years remains

(Continued on Page 10)

LISTERS: AUTOMATIC TIME EXTENSIONS NOT AVAILABLE AFTER 2002

VLCT missed a significant legislative change in our 2001 *Legislative Wrap Up*. Section 163e of the Appropriations Bill eliminates three sections of the property tax law. One of them will result in a new challenge for listers. That section is 32 V.S.A. § 4341, the "automatic extensions of time" for performing a variety of listing tasks. This section now allows towns an extra 30 days (in towns with populations of less than 5,000 population) and 50 days for larger municipalities to perform such tasks as lodging of the grand list abstract, holding grievance meetings, BCA meetings, and completing and depositing the grand list in the office of the town clerk, among others. This section and the automatic time extensions will be repealed for the "fiscal year 2004." We read this to mean for the grand list preparation for 2003, as the state's fiscal year 2004 begins on July 1, 2003. Assuming this change goes into effect, here are the new dates by which

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Katherine B. Roe, Editor, VLCT News

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LISTER DEADLINES -

(Continued from previous page)

the following grand list tasks must be accomplished:

GRAND LIST PREPARATION TASK	CURRENT DATE BY WHICH TASKS MUST BE COMPLETED	DATE BY WHICH TASKS MUST BE COMPLETED
	Municipalities w/ populations of less than 5,000	Municipalities w/ populations of more than 5,000

Individual List Abstracts

lodged with the Town Clerk (32 V.S.A. § 4111(d)) June 4 June 24 May 5

Change of Appraisal Notice Sent (32 V.S.A. § 4111(e)) June 4 June 24 May 5

Grievances must be filed by taxpayers and listers must begin hearings (32 V.S.A. § 4111(c and g)) June 19 July 9 May 20

Grievance hearings end (32 V.S.A. § 4221) July 2 July 22 June 2

Results of grievances mailed (32 V.S.A. § 4221) July 9 July 29 June 9

Grand list lodged in town clerk's office (32 V.S.A. § 4151) July 25 August 14 June 25

We believe that this change is being made so that the "good check" prebate changes can be made for 2003. This is also the year in which the town clerks must electronically file the municipal grand list and tax information with the Tax Commissioner on or before July 15.

VLCT staff apologizes for letting this issue get by. Though its actual appearance is in the 133-page Appropriations Bill that was thrashed out late Saturday night before adjournment, this section repealing 32 V.S.A. § 3241 did appear in the Senate Finance Committee's proposed Act 60 change bill, H. 29.

Listers should review the date changes and make sure that they are aware of them and that they will be able to comply with these new earlier dates. If there are good reasons why they are unworkable, you should make VLCT aware of them so that we can bring your concerns to the Department of Taxes and to the 2002 Legislature. - Steve Jeffrey, VLCT Executive Director

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OFFICER PROTECTED BY QUALIFIED IMMUNITY; LACK OF DATA LOSES PROPERTY TAX APPEAL

U.S. SUPREME COURT EXPANDS QUALIFIED IMMUNITY DOCTRINE

In a recent decision, the United States Supreme Court has enlarged the scope of the legal doctrine known as "qualified immunity." *Saucier v. Katz* 121 U.S. 1251 (2001).

This doctrine may be used to shield a law enforcement officer from civil liability if the officer can establish that he or she believes they were acting "reasonably." The purpose of the doctrine is to protect law enforcement officers from the financial and emotional hardships that lawsuits can evoke, thus preventing them from doing their jobs effectively.

The facts of *Saucier v. Katz* are as follows:

In 1994, then-Vice President Al Gore was visiting the Presidio Army Base in San Francisco. He was on hand to give a speech commemorating the conversion of the Presidio from an army base to a National Park. While the Vice President was speaking, Elliott Katz approached a barricade with his hand in his shirt, pulling something out of his jacket. Katz was about to place a banner on the barricade, even though protesting is prohibited on military installations. Military police officers, watching the event happen, rushed Katz, and shoved him into the van. *Saucier v. Katz* 121 U.S. 1251 (2001).

Katz sued the police officers, alleging violations of his Constitutional rights (under the 4th Amendment – unreasonable search and seizure). He also alleged that the doctrine of qualified immunity should not apply, because the officers' actions were egregious in light of the circumstances.

The U.S. Supreme Court rejected Katz's arguments with some of the justices noting that a videotape of the events in question did not show the law enforcement officer even touching Katz, much less touching him "violently" or in an unconstitutional manner. The videotape notwithstanding, the Court clearly held that, "[I]f an officer reasonably, but mistakenly, believed that a suspect was likely to fight back, for instance, the officer

would be justified in using more force than in fact was needed." *Saucier v. Katz* 121 U.S. 1251, at 1258 (2001).

What does this decision mean for Vermont municipalities? It means that a law enforcement officer will be immune from a civil lawsuit based on actions taken while on duty if the officer had a *reasonable belief that what he or she did was necessary* to stop the

\$194,799.

The first argument that the taxpayers raised was that after they had presented credible evidence that their land was worth only \$51,993, the Town had the burden to rebut that testimony, which it had failed to do because it had presented only its land value table and the listers' cards as evidence. The taxpayers argued that the Town must

What does this decision mean for Vermont municipalities? It means that a law enforcement officer will be immune from a civil lawsuit based on actions taken while on duty if the officer had a reasonable belief that what he or she did was necessary to stop the crime from occurring, even if the officer was mistaken.

crime from occurring, *even if the officer was mistaken.*

While this ruling is favorable for local law enforcement officers, it certainly does not mean that a police officer will be unconditionally shielded from lawsuits if he or she were to restrain, injure, or search someone. At the end of the day, immunity from suit will still turn on the facts of the case and whether the officer can establish "a reasonable belief" that a certain action was necessary to prevent a crime. However, as a result of this decision the fact that an officer was mistaken in taking action to stop a potential crime will not preclude the officer from establishing qualified immunity as long as the officer can establish a reasonable belief that the action was necessary.

- Brian Monaghan, VLCT Law Center Intern

TAXPAYERS FAIL TO PROVIDE ADEQUATE DATA IN TAX APPEAL

In this case, the appellants challenged the listers' valuation of a 12.58-acre parcel of land. (There was no challenge to the valuation of the structure on that land.) *Brown v. Town of Grand Isle, Vt.* Entry Order No. 2000-295 (May 10, 2001). After appeal to the BCA and then to the state appraiser, the Brown's lakefront lot and their additional bulk land were valued at

present sales data in order to determine the fair market value and so to prove the taxpayers' valuation wrong.

The Court rejected that argument, pointing out that the \$51,993 figure presented by the taxpayers was also derived solely from information on listers' cards of

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LEGAL CORNER -

(Continued from previous page)

properties they considered comparable. Therefore, the taxpayers had not presented particularly persuasive evidence. In fact, the Town had shown that the “comparable” properties used by the taxpayers were really dissimilar and thus not persuasive at all. In addition to the non-persuasive nature of the taxpayers’ evidence, the Town had introduced a land-value table, support for its equalization ratio and information on a comparable lakefront lot. This was sufficient evidence.

Next, the taxpayers argued that the Town had used different methods of appraisal for their property and the comparable properties which it used in its argument and, therefore, the state appraiser should not have accepted that data. The Court explained that the different methods of appraisal were appropriate because the types of properties were fundamentally dissimilar. For example, two of the taxpayers’ comparables were agricultural and contained rental units and another one did not face the lake and was appraised mostly as non-lakefront property.

Finally, the taxpayers pointed out that the BCA had reduced their taxable land by one-half acre because of a road that bisected the property. They argued that the state appraiser should have done the same. The Court considered four factors:

- the tax map indicated the property was 12.58 acres;
- the town uses the tax map acreage in taxing all properties;
- a tax map is the best evidence of acreage except for a professional survey; and
- tax maps generally already exclude road rights-of-way from the acreage.

Therefore, it was proper for the state appraiser to treat the Browns’ parcel the same as other parcels in the Town, absent any evidence that they had been treated unfairly. The appraiser’s review was de novo and he was not bound by the BCAs unexplained acreage reduction.

The first point here is that the burden of proof is always with the taxpayers. They must present credible data that clearly raises a question as to the validity of the valuation. Then, the municipality has the burden to produce evidence to justify its valuation. A second point is to be sure that “comparables” really are comparable. And finally, be sure to treat all similarly situated taxpayers equally.

- Libby Turner, VLCT Staff Attorney

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ASK THE LEAGUE

WIDTH OF EASEMENT/ROW; EXECUTIVE SESSION MINUTES; REGULATING PEDDLERS

The zoning statutes provide that in order for a lot to be developed, it must have frontage on a public road or public waters or, with the approval of the planning commission, access to such road or waters by a permanent easement or right-of-way "at least twenty feet in width." 24 V.S.A. § 4406(2). Does that mean that the town is locked into that 20-foot standard, or can it set a stricter one?

The plain language of the statute sets "a regulatory floor, and not a limit," said the Supreme Court in *Blundon v. Town of Stamford*, 154 Vt. 227, 230 (1990). In that case, the Town had a general provision in its bylaws that copied § 4406(2), and it also had a provision that required properties in the forest zone to have access via a road built to town highway standards. There, it was clear that the bylaws may contain provisions which are stricter than the statute.

However, there is also a strong argument that the planning commission has discretion to set a stricter standard based on the "at least twenty feet" language even if the bylaws do not specifically provide that. The safest course, until the Court rules on this specific question, is to make your bylaws as specific as possible. That way there will not be any question of the town's intent. It will also encourage equal treatment of applicants if expectations are defined up front.

Do we have to keep minutes of executive session? If we do keep minutes, are they public documents?

"No" to both questions. The statute specifically says "Minutes of an executive session need not be taken, but if they are, shall not be made public subject to [the public information law]." 1 V.S.A. § 313 (a). The caveat here is that if minutes of executive session are kept, they may be subject to disclosure by a court order if the matter is ever the subject of litigation.

The object of an executive session is to give the members an opportunity for a thorough and uninhibited discussion of

certain things such as personnel matters, contract negotiations or public safety. Publicly available minutes could be a deterrent to plain speaking on sensitive issues.

The safest policy is to conduct discussion of sensitive matters in executive session, without taking minutes and without taking any formal action. Then, vote to go into open session. At that time, action may be taken as a result of the executive session discussion and that action must be recorded in the minutes of the open session. For example, after an executive session during which job applicants were discussed in depth and at length, the minutes of the open session might say, "The Board voted 3 to 1 to offer the position of road commissioner to Sam Sneed." So, even though the discussion was not public, the resulting decision will be a part of the public record.

Is it unconstitutional for a municipality to require vendors, peddlers, and door-to-door salespeople to purchase a vendor's license?

Several towns have had recent challenges to their ordinances, which require vendors to be licensed. These challenges involved the Commerce Clause of the U.S. Constitution and the Free Speech provision of the First Amendment.

Municipalities have broad authority under their police powers to adopt ordinances that protect the health, safety and welfare of the public. So long as an ordinance protects those interests, is non-discriminatory and operates in the least restrictive manner, that ordinance will be upheld in court. For example, an ordinance which requires all itinerant sellers to obtain an ID card/license and which restricts door-to-door selling to daylight hours would probably pass muster as a safety measure. But one which requires ID cards/licenses only for out-of-staters or people of certain ethnic groups and which banned the sale of religious materials would certainly violate both the Commerce Clause and Free Speech.

Ordinances may regulate activity on the

streets, in public places and door-to-door because safety issues are important in all three of those places. Vendors who interfere with traffic or with a person's ability to feel safe in his or her home may be a real or perceived threat and may be regulated.

An ordinance must not interfere with interstate commerce. Therefore, an ordinance that does not discriminate against people or products from other states will probably survive a court challenge. There should be a uniform license and cost of a license or permit for peddlers. However, it has been held that a municipality may impose a higher license fee for peddlers who do not have a fixed place of business, so long as the increased price is not unreasonable and is not a penalty to protect local merchants.

Finally, Vermont municipalities have statutory authority to regulate itinerant, transient or temporary salespeople under 24 V.S.A. § 2291(9). Ordinances which are reasonably drafted to protect the interests of the town and its residents and which do not interfere with commercial free speech and do not interfere with interstate commerce will most likely be upheld by a court.

- Libby Turner, VLCT Staff Attorney

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If you are a planning or zoning official who would like to learn your basic duties in four workshops over the next nine months, the VLCT Law Center's new Planning and Zoning Workshop Series is for you! What's more, the workshops will be held at an interactive television site near you and a "diploma" will be awarded upon your completion of the series in June 2002.

The new series, offered in conjunction with Vermont's regional planning commissions, and with input from the Vermont Planners Association and the state Department of Housing and Community Affairs, will be offered via interactive television in September and December 2001 and in

March and June 2002. While the series is designed to cover all basics, and build upon itself, it will be possible to attend one or more without completing the series.

"We are excited to offer this new learning opportunity for Vermont's planning and zoning officials," VLCT Law Center Director Jon Groveman commented. The Law Center has successfully hosted three workshops via interactive television over the last year and a half, the most recent one being last month on planning and zoning topics. "The need to cover the basics in a systematic way is there," Groveman said, adding, "By teaming up with Vermont's planning organizations and Vermont Interactive Television, we will be able to offer a great series that is well-publicized and accessible to local officials."

The topics in the series are:

September 12, 2001, Planning Principles: The statutory basis for zoning and the role of the Town Plan in the zoning and planning process.

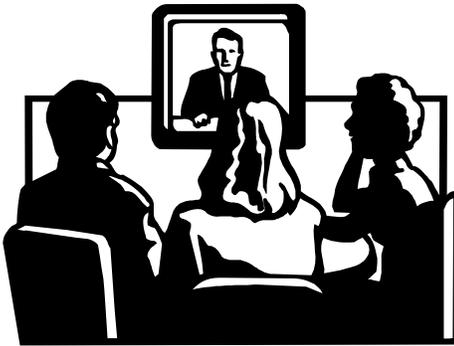
December 12, 2001, The Zoning and Planning Officials: The roles and responsibilities of various zoning and planning officials and how to conduct commission and board meetings and hearings.

March 20, 2002, Bylaw Adoption: How to get the process started, the interaction between bylaws and the town plan, how to write a clear and consistent bylaw, including a review of the required and permitted zoning regulations set forth in Title 24, Chapter 117.

June 12, 2002, Permitting, A-Z: How a permit application should flow between and amongst zoning administrators and planning commissions or development review boards, and including conducting hearings, taking evidence and writing decisions.

The per person, per workshop price is \$55. A series discount will be offered to those who attend two or more workshops (\$175 for attendance at all four; \$135 for three; and \$100 for two). In addition there are group discounts available if more than one person attends from a town. Please watch your mail early next month for a detailed schedule and registration materials for the first workshop in September. For more information in the meantime, contact Jessica Hill, VLCT Conference Coordinator, at 800/649-7915, e-mail, jhill@vlct.org.

- *Katherine Roe, VLCT Communications Coordinator*



A GOVERNMENTAL "E-BAY"

The federal General Services Administration (GSA) has an auction website that may be of interest to municipalities. The items for sale range from office equipment and furniture to heavy equipment and vehicles. Check it out at www.gsaauctions.gov.

TAKE NOTE -

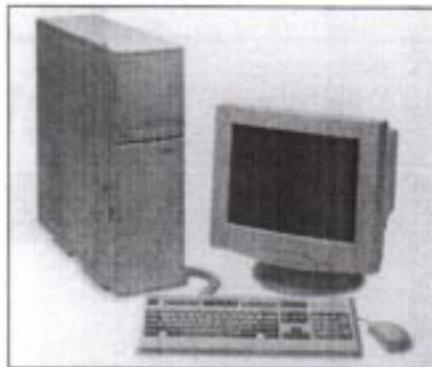
The Vermont Municipal Bond Bank has moved. Its old address was 174 Elm Street, Montpelier, VT 05602. It now can be found at 133 State Street, Montpelier, VT 05633-6200. The telephone number remains the same, 802/223-2717.

THE FOREST ECONOMY

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RISK MANAGEMENT NOTES



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

HAVE A PLAN FOR EMPLOYEE DISCIPLINE AND DISMISSAL

Given our recent increase in wrongful termination claims, VLCT PACIF would like to provide a guideline for municipalities dealing with employee discipline and/or dismissal.

Firing or disciplining an employee is a difficult situation. Not only is it emotional, but municipalities should be prepared if the employee takes legal action. Therefore, it is very important to think before taking any action. Strategies should be in place to reduce the risk of a wrongful termination suit.

The first thing to consider is the term of employment. Most employees are "at will" employees. At will employees can be let go for no reason or for a good reason. Generally, employees who are not at will employees can be let go only if the employer has just cause (defined as a substantial shortcoming, detrimental to the employer). NO employee should be let go for reasons of race, religion, gender, sexual orientation, or any other civil right protected by state and federal law. For a more detailed discussion of at will employment and related issues, consult the VLCT Municipal Law Center's *Municipal Employee Discipline, Discharge and Due Process* handbook. Finally, whether your employee is at will or not, don't forget to consult your personnel policy and/or your municipal attorney when you are faced with a discipline or dismissal situation.

FIRST WARNINGS

It is good practice to avoid firing an employee without first following a progressive discipline plan, unless of course, the employee did something so disturbing that it is necessary to fire the employee without delay. It is important that the municipality be impartial in its use of the plan. Employers should approach employees early, when problems first arise, to discuss the issues. This oral warning makes the employee aware that there is a problem that needs correcting. If the employee fails to improve than the

employer should give the employee a written warning, which is then placed in the employee's personnel record. If the employee still shows no or little improvement, than a written plan of improvement is needed.

PLAN OF IMPROVEMENT

To create a written plan of improvement the employer first needs to observe the employee's performance and identify the problem. Is the problem repeated lateness? Does the employee have a poor attitude? Does the employee know the job and what is expected? Has the employee had appropriate training? The employer and employee should then set goals based on the identified problem. Both the employer and employee

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DISCIPLINE -

(Continued from previous page)

should then determine what steps need to be taken to reach the goals and establish a timeline for completing them. Both the employer and employee should sign this plan. If the VLCT PACIF Employee Assistance Plan (EAP) would be useful at this point, employers should remind employees of its availability.

The plan in place, the employer must now follow up with the employee based on the timeline set to determine if the goal was reached. If the goal was not reached, the employer needs to determine if suspension or dismissal is appropriate. If it is determined that suspension is appropriate; it must be decided if the suspension will be with or without pay. Often it is more helpful to suspend an employee with pay. This sends the message to the employee that the employer cares, but things need to change. When suspended without pay, the employee is angry and focuses on the fact that the employer suspended him or her, not necessarily the reason for the suspension.

DISMISSAL

If the municipality decides that suspension is not appropriate or if suspension failed than the employer is forced to dismiss the employee. Again, regardless of whether an improvement plan was used or not, it is a good idea to contact an attorney before taking any action. Together, you can review the situation and reduce the risk of a wrongful termination action. If the attorney decides dismissal is in order, the municipality then needs to set up a plan for the dismissal.

The employer will have to determine when the dismissal will take place, who will break the news to the employee, what should be said and what should not be said, determine what will be released regarding references, and determine what the employee is entitled to for benefits. The employer may determine that a severance package is appropriate. A severance package can reduce the anger the employee has and therefore reduce the risk of suit.

PACIF recommends that the employee be told he or she is being let go in person. The employee should be given a specific reason for the dismissal. The reason should be as honest and direct as possible. Avoid derogatory comments and too much detail, as any wrong statements could increase suit potential. If the employee is eligible for any benefits, time should be taken to explain

these benefits. The employer's decision on references should also be explained to the employee. A letter should be prepared to present to the employee further explaining the benefits and what will be given as a reference. Employers should not hold back final wages, unpaid vacation, or any other payments. In fact, a dismissed employee needs to be paid within 72 hours of dismissal. Failure to do so could result in substantial fees and penalties from the Department of Labor. The employer at all times should treat the employee with dignity. The employer may even want to offer EAP or a safe ride home if the employee is extremely angry or upset.

If the employee shouts or is disruptive, the employer should remain calm, avoid confrontations and wait for the employee to calm down. If the employee continues with the disruptive behavior, the municipality should contact the police or some other authority to have the employee removed. If there is a safety concern ahead of time it would be wise to contact the police to advise them what is going on.

Angry employees bring most lawsuits. When the municipality has been fair, met with the employee to discuss performance and tried to work out the problems, the employee will have less reason to be angry and therefore less likely to sue.

- Jennifer Patterson, VLCT Claim Representative

PACIF LATE SUMMER, EARLY FALL TRAINING CALENDAR

VLCT PACIF is sponsoring a series of Risk Management Training programs for all PACIF members. Here is a schedule:

PROGRAM	DATE	LOCATION
Personal Protective Equipment	8/8/01	Newport City Hall
Lock Out/Tag Out	8/22/01	Randolph Town Office
Blood Borne Pathogens	9/12/01	Brattleboro Town Hall
Confined Space Training	9/19/01	Essex Jct. Village Offices
Hazardous Communications	10/10/01	Hardwick Town Office
Lock Out/Tag Out	10/24/01	Rutland City WWTF

Please call Maureen Turbitt at VLCT Risk Management Services for more information, 800/649-7915.

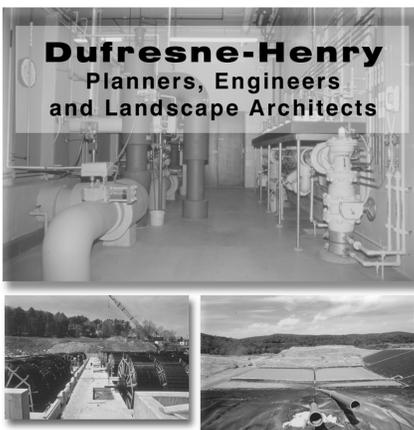
STEVENS ADVANCED DRIVERS TRAINING

The summer session of the Stevens Advanced Drivers Training course will be held from Monday August 13 through Friday August 17 at the Hartness Airport in Springfield, Vermont.

Each daylong session involves training in the proper use of anti-lock brakes; emergency lane changes, backing drills, potential pitfalls of tailgating as well as the difference between driving a car and a Sport Utility Vehicle. One student proclaimed after completing the class that "everyone who has a drivers license should be required to attend this school."

For more information or to sign up please call VLCT Risk Management Services and ask for Maureen Turbitt, 800/649-7915.

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GORES -

(Continued from Page 1)

Vermont Place Names. In the book, Vermont's second Surveyor General, James Whitelaw, is quoted about the gores, saying that they were "the result of man's frustrating attempt to lay out right-angled plots of land upon a spherical earth's surface."

Gores are unorganized, but incorporated, while unorganized towns are also unincorporated, leaving them as political subdivisions of the state. For both, recognizing that the roads have to be maintained and the property taxes paid, the Governor appoints supervisors to carry out the basic local government functions. Over time, the Legislature has also delegated to other state, county or neighboring town officials other local government duties. For example, the county clerk indexes and maintains vital records and land records, an adjoining town's health officer may serve a gore or unorganized town if appointed to do so by the Commissioner of Health, and residents may vote in any town within the probate district, though not in that town's local elections. Supervisors generally expend tax monies for road maintenance and other administrative duties. Perhaps most importantly, the state Director of Property Valuation and Review appoints appraisers with duties similar to listers.

This all said, it must be noted that since 1969 the unorganized towns and gores in Essex County have been treated differently by the Legislature. This continued in 2000, when the Legislature granted them the authority to hold an annual meeting on the second Saturday in August to elect a three-

person Board of Governors. (Residents and landowners may provide input on the Board's proposed budget and tax rate, but must leave the final say in this area to the Board - no "Town Meeting" yet.) In addition to its budgetary duties, the Board appoints and oversees a supervisor who functions as a school director, truant officer, constable, clerk, treasurer and collector of taxes. As Supervisor, Ellen Ramsdell also appoints appraisers, subject to approval by the Director of Property Valuation and Review.

LEGISLATIVE LEFTOVERS -

(Continued from Page 1)

unchanged. The new law only affects subdivision activity by a person in any town without **both** permanent zoning and subdivision bylaws within a continuous period of five years.

Under a clarifying 'transition rule' adopted by the Environmental Board, an exemption is provided for any person who has created a six, seven, eight or nine lot subdivision within a continuous five year period prior to July 1, 2001 in a newly designated "six" lot town. However, prior lots will count in the aggregate when a person begins to subdivide new lots in that town and the creation is within a continuous period of five years. In other words, all subdivided lots at or above the threshold of six created after July 1, 2001 will require an Act 250 permit. Conversely, the six, seven, eight or nine lot subdivision created in a newly designated "six" lot town prior to July 1, 2001 will not require a permit unless other subdivision activity in the environmental

Whether or not the unorganized towns and gores of Essex County are creeping toward becoming Vermont's newest towns, or town, they have certainly made history at VLCT PACIF by being our first such members. "We welcome Ferdinand, Lewis, Averill, Avery's Gore, Warren's Gore and Warner's Grant to PACIF membership," VLCT Group Services Director Dave Sichel said, noting that he was proud of PACIF's ability to take care of Vermont's own, "Even when they don't fit the mold!"

-Katherine Roe, VLCT Communications Coordinator

district exceeds the existing threshold of ten. Since these lots pre-exist the effective date of the legislation, they are exempt and no permit will be required.

Any questions regarding implementation of the new law should be directed to the Act 250 District Coordinators in the nine Regional Offices.

RABIES CERTIFICATES

Vermont State Veterinarian Todd Johnson informs us that the Legislature passed new language under H. 490 that allows the use of a stamped signature on rabies vaccination certificates issued by a veterinarian. Twenty V.S.A. § 3581(d) is amended to read "...a person shall deliver to the municipal clerk a certificate ... ~~signed~~ issued by a duly licensed veterinarian..." According to Dr. Johnson, when issuing dog licenses, town clerks should now accept rabies vaccination certificates issued by a veterinarian with a stamped signature.

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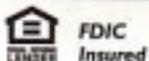
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HEALTH TRUST ADDS LONG TERM CARE TO BENEFIT OFFERINGS

The VLCT Health Trust is pleased to announce the availability of a new group long-term care insurance policy provided through UNUM Life Insurance. This specially negotiated policy offers excellent features that increase the value of this benefit. For example:

- As an employer, you can design and fund a base plan, and offer your employees the opportunity to pay for buy-up options
- The policy is guaranteed issue for the employee, meaning no need to show proof of insurability
- There is a three-year rate guarantee
- An employee can take the policy with him or her to a new employer with the same rates and plan design

- Coverage is available on a voluntary basis for parents, grandparents, spouses, in-laws, spouse's grandparents and employees' siblings
- There is a pre-existing condition exclusion and a level premium

Please don't hesitate to call us if you would like more information about the UNUM long-term care insurance benefit and a quote for your municipality. Employee education about the plan is provided whenever requested.

If interested please contact Suzanne Schittina, Member Relations, VLCT Group Services, tel., 800/649-7915, e-mail, sschittina@vlct.org.

- *Suzanne Schittina, VLCT Manager,
Member Relations*

GROUP LONG-TERM CARE INSURANCE *AN EMPLOYEE BENEFIT OF THE FUTURE*

When we speak of long-term care insurance we are generally referring to financial protection against the devastating costs associated with chronic illness or debilitating physical or mental conditions.

Group long-term care policies typically cover services not covered by medical plans. In addition to nursing home or home health care services, long-term care policies frequently incorporate social services, transportation, meal preparation, and housekeeping.

When a family is faced with a long-term care need, the cost of the care can exhaust their lifetime savings. The annual cost of care in a nursing home can range from \$35,000-\$80,000. A home health aide three times per week can cost \$12,000 per year!

More employers are adding long-term care insurance to their list of benefits for the following five reasons:

1. Our population continues to have a greater percentage of older individuals than before. Older individuals now constitute 10% of the U.S. population; this figure is projected to increase to over 25% in the next 60 years.
2. Medical advances help to extend life but do not necessarily restore health. As a result, more individuals are living in an impaired condition that requires assistance with daily living activities.
3. Many of our employees are falling into the role of caregiver for a parent, relative, or friend. This creates financial and time pressures on employees, which result in lost productivity.
4. Most medical plans do not offer extensive coverage to cover the cost of skilled nursing facilities, home health care, hospice care, and custodial care.
5. The Health Insurance Portability and Accountability Act of 1996 (HIPPA) provides for favorable tax treatment of qualified long term care insurance contracts.

Finally, it is important to remember that long-term care insurance is not just for the elderly. Statistics tell us that 40% of the people receiving long term care benefits are under the age of 65.

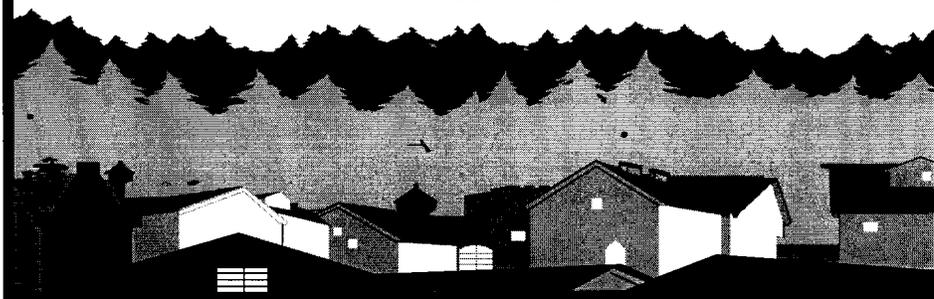
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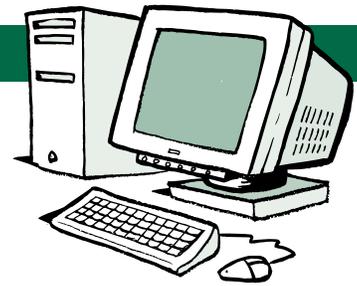
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Tech Check



MICROSOFT WINDOWS AND OFFICE TIPS

LOCAL HARD DRIVE MAINTENANCE - CLEANUP FILES

All of your basic hard drive maintenance functions can be found by clicking on your **My Computer** icon. By right clicking on the **C: Drive** and clicking on **Properties**, you get a dialogue box that includes tabs titled **General** and **Tools**. There are a couple of levels of maintenance to consider here. We will examine the Tools option in another edition of the newsletter; for now we will look at basic file cleanup.

In the **General** tab is a nifty little graph with data showing the capacity of the drive, the amount of used space and the amount of free space. Monitor this frequently to ensure that you are not eating up hard drive space too quickly. The "danger zone" depends on the applications you are running and how much data is stored on a regular basis. However, just to be on the safe side you might want to count on keeping about 25% free. If you have disk capacity of 12 gigabytes and 11 gigabytes are used, you should do some file cleanup ASAP!

Click on the button to the lower right of the dialogue box that says **Disk Cleanup**. Another dialogue box appears that gives you some options for files to be deleted. You can delete Temporary Internet files, Offline Web Pages, Downloaded Program files, Recycle Bin, and Temporary files. Next to each category of files is the number of bytes for each type of file that will be deleted if you have checked the box to the left. You may view the files to be sure you want to delete them by clicking on the **View Files** button to the lower right of the dialogue box. Check the boxes for each category of files you wish to delete and click **Okay**.

Periodic disk and file cleaning is important. Letting your hard drive and your network directory fill up with old files that are no longer needed can slow up your

system as well as needlessly overload the drives. Remember to delete old files as they become obsolete. Once a month, take about a half hour and review your files to determine what should be deleted and what should be archived. Create a special folder for archived files with sub-folders if you need to separate the files into categories for easier access. If you have a network user folder, create the folder there. Otherwise, place it under **My Documents** on your desktop. If you right click when you are in either the **My Documents** folder or in your user folder on the network, a pull-down menu appears. Click on **New** then click on **Folder** in the next pull-down menu. (Or you can click on **File** from the menu bar at the top of your dialogue box, then **New** and **Folder**.) This creates your new folder. By clicking once on the title "New Folder," you will be able to replace the name with a folder name of your choice.

Type "Archives" to create your folder in which to store your archived files. You can now open any of your folders to examine files and click on and drag the ones you wish to archive into your Archives folder.

How do you decide what to dump, what to keep and what to archive? You want to delete anything you are sure you will never use again and archive whatever hasn't been used in a while but you know you'll need again, either as a template or for research purposes. All the rest will be files you are currently using. The easiest way to evaluate your files is to click on **Windows Explorer** (the icon of a folder with a magnifying glass or click on **Start**, then **Programs**, and **Windows Explorer**.) You can then easily find the folders you want to look in. Just click on the folder and you will see a list of all the files contained within. You should see the file name, file size, file type and the last date the file was modified. Resize the window if you can't see all four columns. Just click on the right border and drag it to the right until all columns come into view.

To look at a file, just double click on that

(Continued on next page)

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TIPS -

(Continued from previous page)

file's icon. To delete the file, right click on the file and click **Delete**. To move the file to your Archives folder, you can drag the file to the correct folder or right click on the file and click **Cut**, then click on the Archives folder, right click again, and click **Paste**.

OFFICE TIPS - CALENDAR APPOINTMENTS

Make life easier for yourself when trying to set up meetings. Have you ever tried to coordinate a meeting between three or four staff members (or more, if you've been really unlucky!) and spent time going back and forth either by phone or e-mail trying to find a convenient time for everyone? If you're on a network and using Microsoft Outlook (with the Outlook files kept on the network), you can create calendar meetings much less

painfully and a whole lot more efficiently.

Click on the **New** Appointment icon on the top left Calendar tool bar. Your New Appointment will appear on the screen and you can type in the Subject and Location of the meeting along with the date and times. Notice that there are two tabs: Appointment and Attendee Availability. You've just completed the Appointment information. Now click on the Attendee Availability tab. There are two ways to look at the Attendee information: Show Attendee Availability, which will show the attendee's calendar, and Show Attendee Status, which will show whether or not they have responded to your invitation to the meeting. Click on **Show Attendee Availability**. You can then type in the names of each of the staff you wish to attend the meeting. You will see the time you chose for the meeting highlighted. If the staff member is unavailable during that time, you will see color coding that corresponds to

the legend below the schedule (Tentative, Busy, Out of Office, and No Information). When you've chosen a time that everyone appears to be available, click on **Save and Close** on your tool bar at the top left. This will save the appointment and e-mail each attendee an invitation to the meeting, which they can accept or decline. Once they've done so, you will get a return e-mail indicating whether they have accepted or declined. If you need to reschedule, another e-mail will be sent indicating the change in time.

Remember that this tool is only useful if all staff are using the Outlook Calendar. It is a great tool and only one of many useful features of Microsoft Outlook that can make your office more efficient and productive. Take a few minutes to explore what Outlook can do for you!

- Mike Gilbar, VLCT Director of Administrative Services

VLCT STAFF NEWS AND NOTES

CONGRATULATIONS

Kathi Chaloux, a member of the VLCT PACIF claims staff for five and a half years, has been promoted to Senior Claim Representative. During her time at VLCT, Kathi has demonstrated expertise and dedication to workers' compensation claims handling and to the PACIF membership. Kathi recently obtained her property and liability adjuster's license and is now a multi-line, licensed insurance adjuster in the state of Vermont. Please join us in thanking Kathi for almost six years of dedicated service to our members and also in congratulating her on her promotion to Senior Claim Representative.

Kim Gauthier was recently promoted to the newly created position of Member Relations Assistant for Group Services. Kim will work closely with **Suzanne Schittina**, Member Relations Manager, and **Terri McAdams**, Assistant Underwriter, to complete workers' compensation payroll audits and meet with members to review VLCT Health Trust products.

Nicolette White, currently Finance Assistant, Trusts, will move into Kim's old position of Administrative Assistant for Group Services. We hope to fill the Finance Assistant position next month.

GOODBYE

VLCT bids goodbye this month to **Molly Dugan**, Associate, Legislative and

Information Services. Molly worked for the League for just under five years, preparing our surveys on salaries, water rates and municipal administrative practices, and lobbying on issues concerning public safety, transportation and local government administration. Most recently, Molly took over administering the federal START grant VLCT receives annually for the prevention of underage drinking. Fortunately, Molly will continue to work with municipalities in her new position with the Vermont Department of Housing and Community Affairs. As the Senior Community Development Specialist there, Molly will supervise the Department's Community Development Block Grant Program. Best wishes Molly!

Dave Sears, Loss Prevention Representative, resigned from the League late last month. We wish Dave good luck in his future endeavors.

WELCOME

Brian Fitzpatrick joins the League this month as Loss Prevention Supervisor. We will have a more detailed article on Brian next month, but can say that he comes to the League from the Maine Municipal Association where he was the Loss Control Manager for their property and casualty insurance pools.

- Katherine Roe, VLCT Communications Coordinator

MUNICIPALITIES CAN JOIN GOVERNMENT CONTRACTS

VLCT is pleased to announce that it has joined the National League of Cities (NLC) as a sponsor of the U.S. Communities Government Purchasing Alliance (GPA). This program provides local governments with the ability to piggyback on publicly bid government contracts.

The GPA is managed by a committee of purchasing agents from large counties, cities and schools. This committee selects products to bid, constructs bid documents, manages the bid process and awards contracts through lead public agencies. Most local governments are able to piggyback on these contracts, thus gaining access to best government pricing without having to re-bid.

The U.S. Communities program charges no fees to public agencies and requires no minimum purchases.

Details of the program will be mailed to municipalities by the end of this month. If you would like information e-mailed to you sooner, please contact Mike Gilbar at VLCT, or visit the U.S. Communities website (www.uscommunities.org) for additional information.



FIRST START COORDINATORS TRAINING A SUCCESS

Coordinators and representatives from all but one START Team in the state gathered together for a daylong training on June 22nd in Randolph, Vermont to exchange ideas and brainstorm creative ways to utilize funds targeted to combating underage drinking.

START, the Stop Teen Alcohol Risk Team, is a program funded by a grant from the federal Office of Juvenile Justice Delinquency Prevention and administered on a statewide basis by VLCT since 1998. Annually, approximately \$200,000 is distributed within Vermont.

Each county in Vermont is represented by a START team made up of law enforcement agencies, state's attorneys' offices, Department of Motor Vehicles, diversion boards, local community prevention coalitions, among others. Crucial to START's success has been the cooperative and multi-agency response to the underage-drinking problem in Vermont.

START activities include patrols to prevent and respond to gatherings and parties where underage drinking may be occurring. Equally as important are START sponsored educational efforts to inform teenagers and the public of the laws relating to underage drinking as well as the dangers and risks inherent to alcohol use by youth.

The daylong training included sessions on effectively spending START funds, working with community partners, marketing the START efforts and youth issues. Many creative ideas were swapped such as the Rutland County START's "beach patrol" where police officers are detailed to state parks where underage drinking is prevalent during the warm weather months. The Chittenden County START group shared a

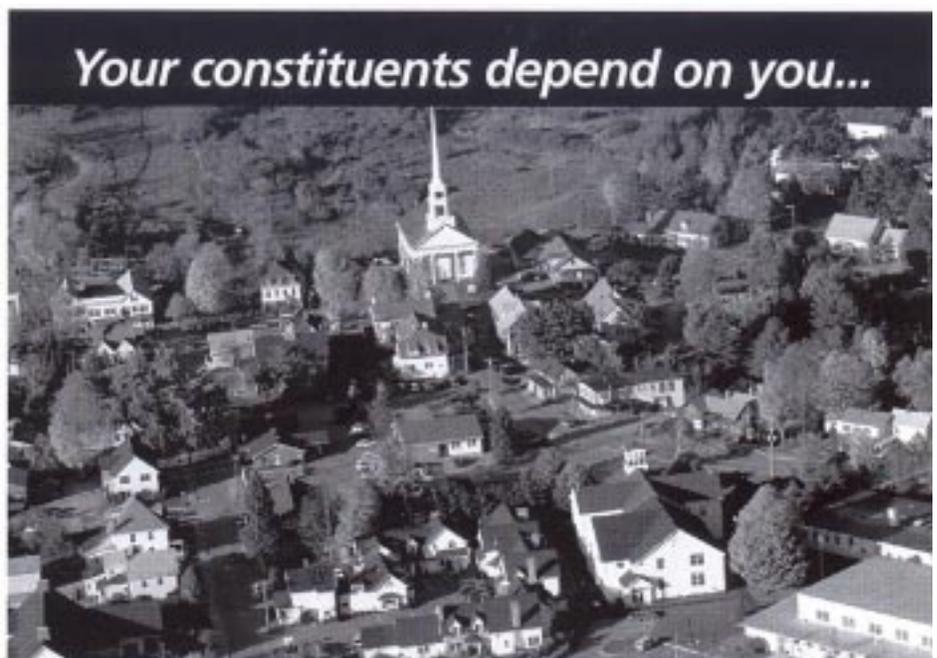
video and radio public service announcement they had developed with students in a local high school to spread the word about START's presence in their community. Many of the other county START groups showcased educational pamphlets and handbooks they had developed regarding Vermont underage drinking laws. All in all the day was a big success with many of the coordinators meeting each other for the first time and spreading lots of great ideas! For more information on the START program contact Maureen Turbitt at VLCT.

- Molly Dugan, VLCT Associate, Legislative and Information Services

CLEAN CITIES PROGRAM COMES TO VERMONT

Vermont was recently inducted into the U.S. Department of Energy's Clean Cities Program. Clean Cities is a nationwide program that promotes the use of alternative fuel vehicles.

If your municipality is interested in joining the Clean Cities Coalition, please contact Erin Russell, Executive Director of EVermont, 241-3556. Benefits of Coalition membership include access to U.S. DOE competitive grants and to the Coalition's technical experts, as well as networking with other municipalities using alternative fuel vehicles.



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Summer and fall is road construction season in Vermont. This year is the Agency of Transportation's busiest season ever with more than 300 projects planned.

For the latest information on road construction in Vermont, check www.vermontroads.com. This web site provides up-to-date information about road construction and delays.



Classifieds

HELP WANTED

City Planner, Zoning Administrator. The City of Montpelier is seeking qualified individuals for two positions open in its Planning and Community Development department. **City Planner** to perform a wide range of short and long range planning functions, including development review; implementation and update of the Montpelier Master Plan; staff support to the planning commission, design review committee, and other boards as appropriate; and a variety of special projects. Starting salary range \$31,465 to \$34,690, depending on qualifications. Excellent benefits package. **Zoning Administrator** to administer and enforce the Montpelier Zoning and Subdivision Regulations, including staffing the zoning board of adjustment and assisting in other departmental functions as appropriate. Starting salary range: \$29,967 to \$33,039, depending on qualifications. Excellent benefits package. Detailed job descriptions can be downloaded from the City's Announcements page at <http://www.montpelier-vt.org>. Applications will be considered until positions are filled. Mail/fax/e-mail letter and resume to Director of Planning & Community Development, City Hall, 39 Main Street, Montpelier, VT 05602-2950, FAX: 802/223-9524, e-mail: vcapels@montpelier-vt.org. Montpelier is an equal opportunity employer.

Executive Director. The Barre Partnership, a downtown, community-based organization, is seeking an Executive Director. The position is for approximately 20 hours/week for coordinating downtown revitalization activities, which include managing daily operations and working with a Board of Directors, committees and volunteers. Must have strong communication skills, be a strong advocate for Barre's downtown, be a self-starter and organized. Please send resume and letter of interest by August 6, 2001 to Al Flory, President, Barre Partnership, P.O. Box 1032, Barre, VT 05641.

Police Chief. The Town of St. Johnsbury seeks qualified applicants for Chief of Police. Police jurisdiction encompasses the

former St. Johnsbury Village area - Special Services District (estimated population 4,500). Salary range is \$38,000 - \$44,000. The Town offers excellent fringe benefits. Police Chief is responsible for management of full service department that includes 10 FT officers, reserve officers, meter personnel, and 5 FT emergency dispatch personnel. Letter of application and resume must be received at the Town Manager's Office, 1187 Main St., Suite #2, St. Johnsbury, VT 05819 - on or before July 31, 2001. For information and complete job description, contact Town Manager, 802/748-3926. The Town of St. Johnsbury is an Equal Opportunity Employer.

Director of Planning/Development. The Town and Village of Ludlow, Vermont seek an experienced individual to oversee community development, planning and zoning functions. Responsibilities include staff support of the Planning Commission, Development Review Board, preparation and administration of grants, management of the GIS program and administrative support of the Town Manager. Will also include administration of Town and Village zoning regulations. Candidates should have a Bachelor's degree in planning, public administration or related field, two years progressively

responsible experience in related work, ideally in a Vermont municipality, and knowledge of database, spreadsheet, word processing and GIS systems. Salary: mid-thirties. Complete municipal benefit package applies. Submit resume, cover letter and three references postmarked by July 25, 2001 to: Keith Arlund, Municipal Manager, P.O. Box B, Ludlow, VT 05149. Questions may be directed to the Municipal Manager at 802/228-2841. EOE.

FOR SALE

Equipment for Sale. The St. Albans Town Selectboard is accepting bids on the following equipment: Turner **hydramower** LR 16, 4-foot cut; John Deere 7-foot **flail mower**; Hydro Clipper 7-foot **belly mower** with several knife sections; 10-foot Fisher **snowplow**. Bids marked "Equipment Sale" may be mailed to: St. Albans Town, c/o Town Administrator, P.O. Box 37, St. Albans Bay, Vermont 05481 or may be delivered to the Town Clerk's Office. Please include your name, address, and telephone number with each bid. Bids will be accepted until all items have been sold. The equipment is being sold "as is, where is," and may be seen at the Public Works Garage during business hours. The selectboard reserves the right to waive any or all bids.

Calendar

Planning Principles. Wednesday, September 12, 2001, Vermont Interactive Sites Around Vermont. This workshop, sponsored by the VLCT Municipal Law Center and Vermont's regional planning commissions, is the first in a series of four to be held through the fall, winter and spring on zoning and planning basics. (See article elsewhere in this issue.) For more information, contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915, e-mail, jhill@vlct.org.

Municipal Officers' Management Conferences. Thursday, October 11, 2001, Johnson State College, Johnson; Wednesday, October 17, 2001, Holiday Inn, Rutland; Thursday, October 25, 2001, Mt. Snow, West Dover; Tuesday, October 30, 2001, Lake Morey Inn, Fairlee. This annual fall series is sponsored by the UVM Extension Service in conjunction with VLCT and other local government organizations. For more information contact the Extension office at 802/223-2389.



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