

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

August 2001

COME TO THE FAIR!

TOWN FAIR SET FOR SEPTEMBER 27, 2001

KILLINGTON RESORT AND CONFERENCE CENTER, KILLINGTON, VERMONT

VLCT's annual Town Fair is coming up fast. Please make plans to join us for our annual conference and meeting by sending in your registration form now. Forms were recently mailed to all member municipalities. You can also find a form on Page 15 in this newsletter or download one from the What's New section of our website (www.vlct.org).

If you still need some encouragement, here are the top five reasons to attend:

LEARN

This year there is an exceptionally strong program of 16 different workshops on a variety of topics (see list on Page Two). The popular Municipal Law and Small Town Officials Roundtables are back, and new sessions on Working with Your Legislator, Media Relations, E-government and others fill out an exciting program.

VOTE

VLCT will hold its annual meeting from 2:00 - 4:30 p.m., while a combined VLCT

PACIF and Unemployment Trust Annual Meeting will be held from 9:00 - 10:15 a.m. The Vermont Constables Association Annual Meeting and a meeting of the Vermont Association of Chiefs of Police will occur in the afternoon. Please attend the meetings that interest you and have a say in the direction of these important local government organizations.

For those new to the VLCT Annual Meeting, every section of the League's proposed *2002 Municipal Policy* that a member wants discussed will be addressed and voted on individually. Non-controversial sections of the *Policy* are adopted by voice vote at the beginning of each section. (See article and *2002 Municipal Policy* committee listings elsewhere in this issue.)

CHEER ON THE COMPETITORS

Cheer, or play, at the Fourth Annual VLCT Municipal Golf Tournament on Wednesday, September 26. On Thursday,

the annual Snowplow Rally features plow teams from around the state trying to avoid mailboxes and other obstacles while quickly making their way around the course.

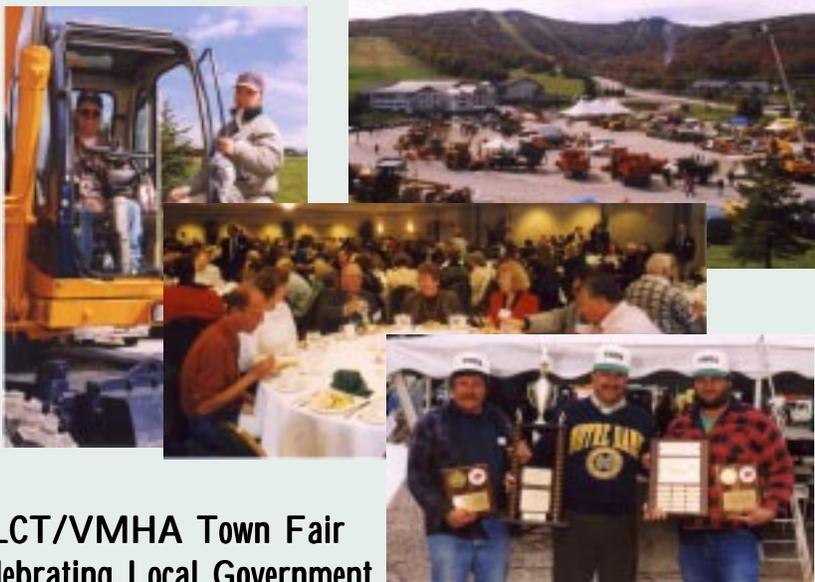
VISIT WITH VENDORS, TOUR EXHIBITS, CHECK YOUR HEALTH

Each year, our inside and outside vendors strive to set up informative and interesting exhibits of their products. If your town is seeking information from a wide variety of sources on a particular product, do your research efficiently at the Town Fair exhibit hall and outside vendor area. While you tour the inside exhibit hall, stop by the VLCT PACIF and Health Trust Wellness area for a health (cholesterol, blood pressure, etc.), hearing and bone density screening, and a relaxing chair massage.

CELEBRATE LOCAL GOVERNMENT

Both the VLCT Turkey Dinner and Awards Ceremony and the Vermont Municipal Highway Association Barbeque and Plow Rally Awards Ceremony are chances for Vermont's local officials to recognize those who are doing an outstanding job in delivering local government services. This year, John DeStefano, Jr., Mayor of New Haven, Connecticut and Second Vice-president of the National League of Cities, will speak at the VLCT luncheon. Mr. DeStefano was elected the 49th Mayor of

(Continued on next page)



VLCT/VMHA Town Fair
Celebrating Local Government

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VLCT Board

TOWN FAIR -

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New Haven in 1993 and is currently serving his fourth term. He has a long history of involvement in municipal issues at the state and national level through his work as Mayor with the Connecticut Conference of Municipalities and the National League of Cities. Don't miss this chance to hear from this seasoned municipal official with a national outlook.

- *Katherine Roe, VLCT Communications Coordinator*

2001 TOWN FAIR WORKSHOPS

10:15-11:45 a.m.

Municipal Law Roundtable. Join us for the annual opportunity to ask questions of a panel of municipal lawyers.

Key Laws on Delinquent Tax Collection in Vermont. A discussion of the recurring legal questions raised by delinquent tax collectors including adopting a delinquent tax collection policy, waiving fees, calculating interest and penalties, tax sales, etc.

Getting Results With Your Legislators. A panel of legislators will share suggestions on how to communicate with legislators to encourage a partnership that will get results.

Bidding Construction Contracts. A discussion of a new construction bid guidebook and municipal experiences with bidding contracts. Plus a short presentation of a new state On-Line Bidding Program.

Media Relations - Beyond the Pothole Pictures. Come hear from veteran municipal and media representatives how to effectively handle information flow in an emergency. Speakers will also address how to get the good news about your municipality into the media.

Small Town Officials Roundtable. Bring your ideas and questions for a roundtable discussion with your peers.

Basic Vermont Laws Governing Constables. A review of the Vermont laws governing the election and appointment of constables, the legal relationship between constables and other town officials, the authority of constables to act, and training requirements for constables.

VT Chiefs of Police Association Training. Presentation on Vermont Crime Victim Services and discussion of Spillman Reports.

Making E-Government Work For You: How Vermont Municipalities are Doing It. Vermont town "webmasters" discuss their municipal websites. You'll hear about the process and the pitfalls of e-government

AND THEN THERE IS THE RAFFLE...

A perennial Town Fair favorite is the Grand Raffle, announced at lunch. This year there will be ten cash prizes of \$100 each. The League extends special thanks to our sponsors for this event: **Blue Cross Blue Shield of Vermont, William M. Mercer, Inc., Jon-Jay Associates, Inc., Delta Dental Plan of Vermont, and Vermont Brokerage Services.**

from the folks on the front line. There will also be a presentation of the League of Minnesota Cities sponsored GovOffice website development tool.

Effectively Responding to Employees with Problems: A Workshop for Supervisors. Invest EAP, VLCT's Employee Assistance Program, will discuss how to effectively deal with an employee whose personal problems interfere with his or her work, including how to talk to such an employee and when to involve EAP.

2:00-3:30 p.m.

Public Drinking Water: A Business Towns Run. Federal public health regulation is moving towns toward independent management of drinking water systems. Find out why and how to cope.

Land Use Policy and Act 250 in Vermont in the 21st Century. Recent land use court decisions, legislation, Act 250 and Water Resources Board decisions.

What Every Employer Should Know About Long Term Care Insurance. Learn why long-term care insurance is becoming one of the most sought-after benefits for the next decade.

Current Housing Issues. The housing crisis, accessibility issues and what towns and the state can do to improve the housing situation.

Work Zone Traffic Control: Caught Between the Cones. Overview of work zone safety between the traffic cones. Setting up for catch basins, emergency repairs, and pavement markings.

The Why and How of GASB 34. A panel of Vermont municipal finance experts will discuss what the last Governmental Accounting Standards Board (GASB) statements, including Statement 34, are all about (in layman's terms), what the impact on towns will be, and what the ramifications could be for non-compliance.



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WHEN A TAKINGS CLAIM CAN BE FILED; STATE BOARD LOOKS AT WATER QUALITY STANDARDS

U.S. SUPREME COURT EXPANDS RIGHTS OF LANDOWNERS IN TAKINGS CASES

The United States Supreme Court recently rendered a decision that expands the ability of landowners to contest regulatory land use decisions under the "Takings Clause" of the United States Constitution. The "Takings Clause" is found within the Fifth Amendment to the U.S. Constitution, which states, in part, that the government shall not take private property "for public use, without just compensation." This clause has been interpreted to mean that the government must compensate a landowner when acquiring land through eminent domain for the "public good," such as for roads or power lines, and when a government regulation has the effect of preventing a landowner from using or enjoying their property (this is known as a regulatory taking). The Supreme Court's recent decision in *Palazzolo v. Rhode Island* focuses on the circumstances under which a landowner may legally challenge the government's denial of a permit that affects land use as a regulatory taking under the Fifth Amendment. *Palazzolo v. Rhode Island*, 121 U.S. 2448, 2451 (2001).

The relevant facts in *Palazzolo* are as follows: The landowner, Anthony Palazzolo, came into ownership of a large parcel of land on the coast of Rhode Island. The parcel was originally owned by a corporation in which Mr. Palazzolo was the chief shareholder. The corporation failed to file its corporate income taxes, thus, its charter was revoked and Mr. Palazzolo became the sole owner of the property by operation of law.

While the parcel was owned by the corporation, a number of attempts were made to obtain state and local permits to build either a large beach club, or a 74-lot residential subdivision. These permits were all denied by the State of Rhode Island. After Mr. Palazzolo became sole owner of the corporation, he also tried, unsuccessfully, to gain approval from the State of Rhode Island

for a beach club that was very similar to the previous proposals.

Mr. Palazzolo ultimately sued Rhode Island in state court, alleging that the Rhode Island Coastal Resources Management Council (Council) had, by denying his application for a wetlands permit, effectively taken his property. The claim was based on Mr. Palazzolo's assertion that the Council had

2451 (2001). The State of Rhode Island Supreme Court denied Mr. Palazzolo's claim, and Mr. Palazzolo appealed to the United States Supreme Court.

The U.S. Supreme Court decided two important issues in this case: 1. It defined when a case is "ripe," and thus can be heard by an appellate judicial body, and 2. The Court held that an owner who assumes

...under the Palazzolo decision it may be easier for a landowner to obtain judicial review of a takings claim. However, it still is not easy to establish a takings claim and ... the U.S. Supreme Court did not alter the standards for determining whether a governmental taking has occurred.

taken away all economically beneficial uses of his land, and that it was a "total taking" requiring compensation under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). (*Lucas* is a United States Supreme Court case that sets forth the standards for determining whether a regulatory taking has occurred.)

In his suit Mr. Palazzolo sought damages in the amount of \$3,150,000, a figure derived from an appraiser's estimate as to the value of a 74-lot residential subdivision. *Palazzolo v. Rhode Island*, 121 U.S. 2448,

ownership after the regulation has been promulgated still has the right to challenge those regulations as unconstitutional. It is important to note that the Court did not rule on whether the denial of the permit constituted a taking under the Fifth Amendment. The Court remanded the case back to the Rhode Island Supreme Court to decide this issue.

Ripeness is a legal concept that, in the administrative permitting context, prohibits a landowner from challenging a regulation

(Continued on next page)

Solutions...

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LEGAL CORNER -

(Continued from previous page)

unless the landowner has exhausted all possible avenues with the agency applying the regulation. In this case, the State of Rhode Island argued that Mr. Palazzolo was required to submit an application for a lesser use of the land prior to filing a takings claim. By submitting such an application, the applicant could find out just how far the regulation goes. For example, while the petitioner's application to fill 11 of the property's 18 wetland acres was denied, it is entirely possible that an application to fill five of those acres may have been approved.

The Supreme Court disagreed with this point, stating, "On the wetlands (under Rhode Island's regulations) there can be no fill for any ordinary land use. There can be no fill for its own sake; no fill for a beach club, either rustic or upscale, no fill for a subdivision; no fill for any likely or foreseeable use. And with no fill there can be no structures and no development on the wetlands. Further permit applications were not necessary to prove this point . . . Ripeness doctrine does not require a landowner to submit applications for their own sake . . . there is no genuine ambiguity in the record as to the extent of permitted development on petitioner's property . . ." *Palazzolo v. Rhode Island*, 121 U.S. 2448, 2454 (2001). In sum, the Court concluded that when it is obvious that a regulatory agency will allow no development that obviousness does not require a landowner to keep submitting applications that will most likely be shot down anyway.

Municipalities should be aware that an applicant is not required to exhaust all options to develop a property prior to filing a takings claim. While the U.S. Supreme Court did not draw a bright line to define when an applicant has made enough attempts to develop to justify a takings claim, the Court clearly relaxed the standard for an applicant to proceed with a takings claim.

The U.S. Supreme Court also made it easier for an applicant to proceed with a takings claim by ruling that an owner who assumes ownership after the regulation has been promulgated still has the right to challenge those regulations as unconstitutional. In this case, Rhode Island asserted that because the ownership of the land changed hands (from the corporation to the petitioner who was a chief shareholder in the corporation), the new owner was on notice as to the regulations in effect, and had no right

to bring up these claims. The conventional wisdom has been that a prospective land purchaser is placed on notice before purchasing a piece of property of the regulations in effect that may create obstacles to building on the land.

In this decision the Court went against this conventional wisdom by holding that: "A blanket rule that purchasers with notice have no compensation right when a claim becomes ripe is too blunt an instrument to accord with the duty to compensate for what is taken." *Id* at 2458. Accordingly, based on this decision subsequent landowners have the right to contest governmental regulations that were instituted prior to their purchase of the property. As with the ripeness decision, the Court's ruling may have the effect of increasing the likelihood of a takings claim against a municipality.

While it is important for municipalities to take note of this decision, there is nothing that cities and towns should do differently as a result of the decision. Municipal zoning and planning officials should act on applications for permits by following their municipality's bylaws. If following the bylaws results in a denial, under the *Palazzolo* decision it may be easier for a landowner to

obtain judicial review of a takings claim. However, it still is not easy to establish a takings claim and, as noted above, the U.S. Supreme Court *did not* alter the standards for determining whether a governmental taking has occurred.

- Brian Monaghan, Intern, VLCT
Municipal Law Center

WATER RESOURCES BOARD RULES ON DISCHARGES TO IMPAIRED WATERS

You may have read in the newspaper or heard on the television news about a recent Water Resources Board ruling regarding the issuance of stormwater permits to waters that currently do not meet state water quality standards. There has been some confusion about what the ruling says and what it means for cities and towns. Some news reports have stated that the decision creates a moratorium on the issuance of discharge permits. As detailed below, the Water Resources Board has not placed an absolute moratorium on the issuance of permits. However, the Board has significantly raised the standards for obtaining discharge permits in certain situations. Here is what we know at the time the *VLCT News* went to print.

(Continued on Page Ten)

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ASK THE LEAGUE

POLICY VS. ORDINANCE; ADOPTING ORDINANCES; LOOSE ANIMALS; PC/ZA CONFLICT

Is the process for adopting a policy the same as that for adopting an ordinance?

No. The statutes do not prescribe any formal process for adopting policies. A policy is defined as "The general principles by which a government is guided in its management of public affairs." *Black's Law Dictionary*. As such it can be adopted by vote of the selectboard at a regular meeting. Although there are no notice requirements, it may be a good idea to notice and post the proposed policy, so that people can attend the meeting and comment if they want to. Depending on the type of policy, it may be a good idea to post the policy after it is adopted, so that people are aware of it and know what to expect. For example, if the highway policy sets out criteria for adopting or reclassifying highways, when the question of doing so comes up, there should be no big surprises.

A policy helps the board to make fair and consistent decisions, which is important because municipalities must treat people equally under both the U.S. and Vermont constitutions. Written policies are especially important in a municipality where the

selectboard membership may change each year. The new selectboard can amend an existing policy if it wants to, but the existing one will at least provide some historical perspective and consistency.

- Libby Turner, VLCT Staff Attorney

When an ordinance has been adopted by the selectboard, must each member sign it or can the chair of the board sign it for the board?

There is no statutory requirement for anyone to sign the ordinance. The minutes of the meeting at which it was adopted should suffice. "Minutes shall be taken of all meetings of public bodies ... and shall include at least the following minimal information: ... The results of any votes, with a record of the individual vote of each member if a roll call is taken." 1 V.S.A. § 312 (b)(1). After the minutes are approved, they will be conclusive evidence of the adoption.

The board should have a consistent policy so that all ordinances are treated in the same way, otherwise signatures on some ordinances but not on others could be interpreted to mean that some were never properly adopted. It is a good idea to have the names of the board members who participated in the

process typed at the bottom of the ordinance, but signatures are not needed.

- Libby Turner, VLCT Staff Attorney

What authority does a town have to regulate animals running loose?

"All animals are equal but some animals are more equal than others," said George Orwell, in his classic *Animal Farm*. The Vermont Legislature has taken a dim view of animal "equality," as it has expressly given municipalities broad powers to regulate dogs, wolf hybrids, ferrets, and cats - but not livestock and other farm animals.

As human dominion has escalated to a level many animals feel is unacceptable, they have voted with their hooves, claws and paws, and escaped to lives of freedom amongst the human inhabitants of their towns. Such action typically prompts a call to the VLCT Law Center, where the question arises, "what can a town do to control these creatures?"

Vermont municipalities have a number of tools to control animals that on are on the loose. As noted above, towns have the power to write ordinances that regulate dogs and

(Continued on next page)

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ASK THE LEAGUE -

(Continued from previous page)

wolf hybrids, as well as cats, within their boundaries. 20 V.S.A. §§ 3541(2), 3549 and 24 V.S.A § 2291(10). While the Legislature has not expressly authorized municipalities to regulate other animals that are found running through cities and towns (e.g. goats, horses, bulls and cows), the VLCT Law Center believes that the conduct of such animals may be regulated under the town's authority to define and control a "public nuisance." 24 V.S.A § 2291(14).

To administer and enforce its animal control ordinances many municipalities appoint an animal control officer (typically the constable or the local health officer). In addition the selectboard is required to appoint a poundkeeper for each pound. 24 V.S.A. § 871(2).

In fact, all towns are expected to maintain a pound, or more than one if necessary. If a town fails to maintain a pound for more than six months, they can be fined \$30. 20 V.S.A. § 3383. The poundkeeper has the power to impound a beast found in an individual's (not the owner's) enclosure, that is doing damage. 20 V.S.A. § 3411. He or she may also impound stallions, cattle, horses, or swine running at large. 20 V.S.A. §§ 3451, 3454. While neither of these statutes refer to goats or sheep, one can assume that these animals, if found doing harm to someone's property, could be impounded by the poundkeeper as well.

*- Brian Monaghan, Intern, VLCT
Municipal Law Center*

Can our zoning administrator also be a member of the planning commission?

Yes, so long as the duties of the planning commission are not commingled with those of the zoning board of adjustment (ZBA). In some towns, the planning commission and the ZBA are composed of the same members. The job of the ZBA is to sit in a quasi-judicial capacity and hear appeals of decisions made by the zoning administrator.

If the zoning administrator sat on this board, or even just appeared at its hearings without voting on the issues, it would present a number of problems, beginning with the appearance of impropriety, poor judgment on the part of the officer, and ending up as a violation of the due process clause of the 5th Amendment to the U.S. Constitution.

*- Brian Monaghan, Intern, VLCT
Municipal Law Center*

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RISK MANAGEMENT NOTES

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



HEALTHY HYDRATION

WATER BASICS

Water is one of the most essential components of the human body, yet many people do not understand the importance of a well-hydrated body nor how much water is lost during the day. Water regulates the body's temperature, cushions and protects vital organs, and aids the digestive system. And, because water composes more than half of the human body, it is impossible to sustain life for more than a week without it.

WATER LOSS

Necessary to the healthy function of all internal organs, water must be consumed to replace the amount lost each day during basic activities. Water not only composes 75 percent of all muscle tissue and 25 percent of fatty tissue, it also acts within each cell to transport nutrients and dispel waste.

Water also regulates the body's temperature, allowing heat to evaporate from the body in the form of sweat. In one hour of exercise the body can lose more than a quart of water, depending on exercise intensity and air temperature. If there is not enough water for the body to cool itself through perspiration, the body enters a state of dehydration. Remember, too, that caffeine and alcohol can have a diuretic effect, so be sure to compensate for this additional water loss.

DEHYDRATION

In a dehydrated state the body is unable to cool itself, leading to heat exhaustion and possibly heat stroke. Without an adequate supply of water, the body will lack energy and muscles may develop cramps.

For regular exercisers maintaining a constant supply of water in the body is essential to performance. Dehydration leads to muscle fatigue and loss of coordination. Even small amounts of water loss may hinder athletic performance. To prevent dehydration, exercisers must drink before, during and after the workout.

FLUID BALANCE AND REPLENISHMENT

It is important to drink even before signs

of thirst appear. Thirst is a signal that your body is already on the way to dehydration. It is important to drink more than thirst demands and to continue to drink throughout the day. One way to check your hydration level is to check the color of your urine. The color should be light to clear unless you are taking supplements, which will darken the color for several hours after consumption.

Water is the best fluid replenisher for all individuals, although sports drinks may replace lost electrolytes after high-intensity exercise exceeding 45 to 90 minutes. And remember – not all fluid has to come from pure water. Other choices include fruits, juices, soups and vegetables. It is easy to prevent dehydration with pure, healthy, refreshing water, so drink up!

(Reprinted with permission from the American Council on Exercise.)

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VLCT APPOINTS NEW LOSS PREVENTION SUPERVISOR

The Maine Municipal Association's loss was recently VLCT's gain as Brian Fitzpatrick switched states and state municipal leagues. Brian served for seven years as the Maine Association's Loss Control Manager, and assumed the similar Loss Prevention Supervisor position at the League last month. He replaces Rob Gentle, who left the League in April.



Brian FitzPatrick

Prior to his Maine Municipal Association experience, Brian worked for 30 years in the private insurance industry, in both loss control management and marketing and general management. He received his undergraduate degree in mechanical engineering from the University of Connecticut's Hartford State Technical College, and has obtained numerous certifications from insurance industry continuing education associations.

"We are thrilled to have a person with Brian's depth of experience join the League," said Patrick Williams, Deputy Director, VLCT Group Services. For his part, Brian is looking forward to filling the two currently vacant Loss Prevention Representative positions at the League and then expanding upon the prior successes of the VLCT PACIF Risk Management Program.

"At the Maine Municipal Association, I had the opportunity to create and build a program," Fitzpatrick said, noting that as his position there became more of a "maintenance" position, he became open to new opportunities. "I like a new challenge," he said, "and am excited about the chance to

reenergize VLCT's loss prevention efforts."

In the month-plus he has been at the League, Brian has jumped in and developed some ideas about where he'd like PACIF's Risk Management Program to go. "I'd like to provide more structure and organization to what we do," he noted. For his staff, he would like to assign each Loss Prevention Representative a geographic territory and make him or her responsible for the municipalities within it, to create a sense of "ownership" over their work. For the program, Brian would like to see it become more proactive. "I'd like to see us get out into the communities based on their claims record with specific solutions to offer, instead of waiting for them to come to us," he said. In what will certainly become a theme for the VLCT PACIF Risk Management Program, Brian concluded, "in the future, we should be problem solvers, not just service providers."

Brian is in the process of moving to Vermont with his wife Linda (their two grown children, Timothy and Rebecca, live elsewhere). These days, his free time is spent balancing the demands of selling their Maine home and finding a new one in the Montpelier area. When things calm down, he is looking forward to getting out to explore his new state. Welcome Brian!

- Katherine Roe, VLCT Communications Coordinator

UPDATE ON GROUP LIFE & DISABILITY PROGRAM

The VLCT sponsored Group Life & Disability Insurance Program provided through the Standard Insurance Company has started to spark the interest of many of our Health Trust members. Many members are requesting quotes as they start to look at their overall employee benefits packages in relation to budget planning. The VLCT Group Services Member Relations Department has worked closely with Trust members and the insurance broker, Vermont Brokerage Services, to explain the program features to interested municipal officials and town employees. Twenty cities and towns have purchased the benefit to date. Thirty-eight more quotes have been delivered and are pending.

The process for receiving a quote for your town is very simple: two forms need to be filled out: a quote request form and a census (payroll) form. Each member town decides which type of plan they want to have quoted. For example, a town will decide if they want to offer life and accidental death

& dismemberment, short-term disability or long-term disability, or any combination of the above. Most towns are requesting quotes for all three coverages as a means to plan the cost of benefits they may wish to consider at a later date.

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For more information and to receive a quote, please call the Member Relations Department, VLCT Group Services, tel., 800/649-7915.

- Suzanne Schittina, VLCT Manager, Member Relations

Haven't registered for Town Fair yet? For your convenience, there is a tear-out registration form found on Page 15. Just fill it out and send it in!

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SUPERVISORS: INVEST EAP CAN HELP

As a supervisor you are responsible for the work performance of the people you oversee. If someone has a personal problem he or she brings to work, it can become your problem if it begins to interfere with work performance, work quality or the general atmosphere of the workplace. Knowing how to respond when personal problems spill over into the workplace is not always easy. This situation often creates more questions than answers. Supervisors need to know how to identify and respond to problems employees present.

The VLCT Property and Casualty Intermunicipal Fund and the VLCT Health Trust are sponsoring Invest EAP's services as a free benefit to member municipalities' employees and their family members. If you are having difficulty with something at work or at home, you can easily access Invest EAP's trained counselors by calling 800/287-2173.

How do I know if a problem is something that I should deal with?

Look for a pattern of problems related to some combination of the following: Decreased productivity, unusual absenteeism or lateness, behavioral problems, change in mood or conflict with others.

What am I supposed to do about an employee's conduct or personal problems?

First, speak with the employee. If you're unsure what to say or how to approach the person, you might contact EAP for an objective opinion. Second, you might suggest the employee contact EAP. If you talk to the employee, focus your comments on performance issues and be respectful and clear about your expectations of the employee's work.

How do I speak to an employee, who is also my friend, about a work problem?

Focus on work performance, using documentation. Be clear about your goal to

assist them. Gain agreement on a reasonable time period for problems to be addressed. Show respect and concern.

Where can I go for help with how to deal effectively with an employee problem?

CALL EAP. Discuss a formal referral option. EAP can provide an objective viewpoint to help YOU figure out the best course of action.

Work is very important to most people, and they want to do well and be thought of as a good employee. When someone's problems come to work, it is in the best interest of both the employee and the city or town that the problem be resolved and everyone "get back to work." Employee Assistance is a great tool for supervisors. It can help assure that everyone they supervise is performing at his or her potential.

So, supervisor, use your EAP. Encourage your staff to use it by speaking positively about it. Remind your staff about this benefit at any staff meetings. If you have any questions, call 800/287-2173. EAP is there to make your job more rewarding and to help the workplace be a more productive and satisfying place for all employees.

- Karre Patterson, Invest EAP

LEGAL CORNER -

(Continued from Page Five)

In *Re: Hannaford Bros. Co and Lowes Home Center, Inc.*, the Water Resources Board was asked to rule on the question of the standard that must be applied to the appeal of a stormwater discharge permit issued by the Agency of Natural Resources to the applicant. *Re: Hannaford Bros. Co and Lowes Home Center, Inc.*, No. WQ-01-01 Memorandum of Decision (Vt. Water Res. Bd. June 29, 2001). The question of the proper standard to apply is an issue in the case because the applicant proposes to discharge stormwater to a stream that currently does not meet the Vermont Water Quality Standards (such waterbodies are known as "impaired" waters). There are currently hundreds of impaired waters that have been identified by the state.

In a ruling on a preliminary issue, the Water Resources Board stated, "Vermont law does not allow a new or increased discharge of measurable and detectable pollutants of concern into impaired waters for which there is not an adequate wasteload allocation." If no wasteload allocation exists for the impaired water, the Board stated that "[I]n the absence of a wasteload allocation, discharges into impaired waters may be

permitted under Vermont law only if the proposed discharge will not increase the chemical, physical or biological load of pollutants for which the receiving waters are impaired."

The Board also ruled that the Agency of Natural Resources Stormwater Procedures are *not* regulations that have the force of law and any presumption of compliance with the Water Quality Standards that meeting the Procedures creates is rebutted by the fact a discharge is proposed to an impaired water. The Stormwater Procedures include practices that applicants can take to ensure that a discharge does not violate Vermont Water Quality Standards, which establish parameters to measure the condition of Vermont's streams, rivers, lakes and ponds.

It is important to note the true significance of this decision. This ruling marks the *first* time that the Water Resources Board has recognized that a different standard should be applied to discharges into waterbodies that do not meet the Water Quality Standards. Prior to the decision the Agency of Natural Resources would issue a stormwater permit based on compliance with its Stormwater Procedures. *The Board has altered*

the review process for proposed discharges to impaired waters by ruling that complying with the Stormwater Procedures is not enough to create a presumption that the discharge will meet the Water Quality Standards.

What does this ruling mean for cities and towns? It is not entirely clear at this point. However, issues that the ruling raises include how will proposals to increase discharges from municipal wastewater plants to impaired waters be affected by the ruling? How many wasteload allocations has the Agency of Natural Resources issued? In the absence of a wasteload allocation, how does an applicant meet the high standard that the "discharge will not increase the chemical, physical or biological load of pollutants for which the receiving waters are impaired?" *Id* at 19.

VLCT will continue to track this case and seek out answers to the above questions. Motions to alter the Water Resources Board ruling have already been filed, and the case is likely to be appealed to the Vermont Supreme Court, which will have the final say. We will keep you posted.

- Jon Groveman, Director, VLCT Municipal Law Center



ANR's WATERSHED PLANNING EFFORT UNDERWAY

Last August, we urged municipal officials to get involved in the Agency of Natural Resources's (ANR's) new watershed planning efforts. (See August 2000 *VLCT News*, "Watershed Planning Happening in Your Community.") The Agency recently issued an update on the planning process, which began with the White River watershed and is now starting in the Lamoille River watershed. Several watershed groups have commenced work on their own as well. Over the next five years the Agency's efforts will be replicated in the 15 other major watersheds in Vermont as it works with communities to lessen pollution of Vermont's rivers.

These efforts bear scrutiny as the decisions made in the watershed planning process will have an impact on land use decisions in your communities, possibly restricting the range of

choices available at the local level. It is vital that local officials stay closely involved in this process, which will culminate with final adoption of the plans by ANR.

The Lamoille River Watershed Council held its first meeting recently in Johnson to introduce the watershed planning process and discuss the Council's role. Meanwhile, a state-wide working group developing guidelines for the councils finalized its draft report (see sidebar, "Watershed Planning Principles").

The Lamoille River Watershed Council consists of farmers, municipal officials, regional planning commission staff, large landowners, local businesses, local representatives from state and federal agencies, and angler, river and lake organization representa-

tives. The Council will establish Issue Groups to address the concerns of local citizens, assist in the drafting and implementation of the watershed plan, and co-facilitate public forums throughout the watershed. The forums will introduce the watershed planning process and encourage residents of the watershed to share their concerns and vision for the Lamoille River.

Several watershed restoration projects have already been planned and completed in the Lamoille River Watershed. Projects include stream bank buffer plantings, stream stabilization projects, stormwater management projects, an upper Lamoille River watershed stream stability assessment and municipal road improvement projects.

For more information about the watershed planning process, please call Jim Ryan at 802/241-3679.

- Jim Ryan, Watershed Coordinator, Vermont Agency of Natural Resources and Karen Horn, VLCT Director, Membership and Legislative Services

NEW FROM ANR

The Vermont ANR recently published *The Streamside Sentinel*, a booklet on "riparian buffers," which are streamside trees, scrubs or other vegetation that are allowed to grow. These buffers stabilize the stream bank, prevent polluted runoff from reaching rivers and streams, and protect animals and fish. The booklet explains the benefits of the buffers and notes how farmers, municipalities and others are working toward restoring buffers along Vermont's waters. For a copy, contact ANR's Water Quality Division at 802/241-3770.

WATERSHED PLANNING PRINCIPLES

To begin the statewide watershed planning process, ANR convened a group of interested parties to develop a template for watershed planning councils to follow. The group has been working for almost a year and is close to issuing a report, *Guidelines for Watershed Planning*. With municipal representation from Karen Horn, VLCT Director, Membership and Legislative Services, the group developed principles to guide the basin planning process that are not so prescriptive as to discourage local volunteers from participating in their local watershed planning effort. The draft principles are as follows:

- 1) The purpose of the statewide effort is to provide an overall framework and inclusive process to guide each of the 17 individual plans in order to ensure a certain level of consistency.
- 2) The plan should emphasize voluntary actions to solve identified problems.
- 3) The completion of these 17 individual plans will be given the highest priority by ANR and thus it will seek, and should be given, the appropriate resources to ensure that all of the plans are completed by the statutory deadline of January 1, 2006.
- 4) The process should be inclusive – maximize public participation and involvement in decision-making and action.
- 5) The state program should both complement and support existing and new stewardship efforts in each watershed and be flexible and responsive to the needs and priorities of the people.
- 6) Each of the 17 individual basin plans will contain objectives, policies, benchmarks and tasks in order to facilitate the implementation of the plans. The basin planning process will need to be action-oriented in order to maintain public enthusiasm and make real progress in improving the management of Vermont's water resources.
- 7) When completed, the 17 individual basin plans should act as guiding planning documents for water quality management in Vermont and resource documents for the respective regions and their municipalities.
- 8) Vermont by tradition has a working landscape. This process is committed to working together to achieve the public's water quality goals, while respecting the rights of landowners.

When the guidelines are complete, they will be available from the Agency and mentioned in the *VLCT News*.

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2002 MUNICIPAL POLICY TAKING SHAPE

Over 80 local officials have volunteered this year to draft the League's *2002 Municipal Policy*. Divided into four committees, they recently met to formulate the League's legislative positions on issues affecting local government. Their work in the areas of finance, administration and intergovernmental relations; public safety; transportation; and quality of life and environment will result in draft policies to be reviewed and voted upon by the VLCT membership at Town Fair on September 27, 2001 in Killington.

FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL AFFAIRS (FAIR)

Committee Chair

William Shepeluk, Municipal Manager, Town/Village of Waterbury

Committee Vice-chair

Jane Chadwick, Selectboard Chair, Town of Dover

Sonia Alexander, Town Manager, Town of Wilmington

Frank J. "Jay" Barrett, Jr., Selectboard Chair, Town of Fairlee

William Cioffi, City Manager, City of St. Albans

Bridget Collier, Town Clerk/Treasurer, Town of Greensboro

Brad Denny, Selectboard Chair, Town of Northfield

Scott Dunn, Town Administrator, Town of Stowe

Gail Fallar, Town Clerk/Treasurer, Town of Tinmouth

Beverlee Pembroke Hill, Tax Collector, City of Montpelier

Brendan Keleher, City Clerk/Treasurer, City of Burlington

William S. Perkins, Selectperson, Town of Middlebury

Mary Peterson, Selectperson, Town of Williston

Peter Rimsa, Lister, Town of Proctor

Carl Rogers, Town Manager, Town of Barre

Glenn Smith, Town Manager, Town of Westminster

Linda Spence, Town Clerk, Town of Manchester

Barbara B. Vinci, Finance Director, Town of Brattleboro

Katherine White, Town Clerk/Treasurer, Town of Barton

Once the committees have done their work, the VLCT Board will review the draft policy and, if necessary, fine-tune it before the general membership votes on it at Town Fair on September 27. The draft will be sent out to members shortly, with a form that can be used to submit proposed changes to the VLCT Board. Please take this opportunity to review the *2002 Municipal Policy* and see that it addresses the legislative concerns that you have as a local official. Feel free also to contact VLCT legislative staff members Karen Horn and Steven Jeffrey or the committee members listed below with your ideas.

TRANSPORTATION

Committee Chair

Larry Kempton, Town Administrator, Town of Highgate

Committee Vice-chair

Bryan Osborne, Public Works Director, Town of Colchester

Mel Adams, Town Manager, Town of Randolph

James Condos, City Council Chair, City of South Burlington

William Gillam, Jr., Alderperson, City of Rutland

Steve Goodkind, Director of Public Works, City of Burlington

Peter Gregory, Executive Director, Two Rivers-Ottawaquechee RPC

Everett Hammond, Public Works Director, Town of Rockingham

Duncan Hastings, Town Administrator, Town of Georgia

Bruce Hoar, Public Works Director, City of South Burlington

Peter Keating, Selectperson, Town of Huntington

George Lague, Village Manager, Village of Swanton

Henry R. Lambert, Director, Vermont Local Roads Program, St. Michael's College

John Lulek, Selectboard Chair, Town of Fair Haven

Roderick Maclay, Selectperson, Town of Strafford

Richard McQuire, Town Manager, Town of Williston

Martin Myers, Selectboard Chair, Town of Essex

Fredrick Nicholson, RPC Representative, Town of Rutland

Joseph Pollio, Jr., Selectboard Chair, Town of Grafton

John Richardson, Selectboard Chair, Town of Windsor

John L. Roy, Selectboard Chair, Town of South Hero

Philip B. Swanson, Municipal Manager, Woodstock

Newell "Russ" B. West, Jr., Selectperson, Town of Brattleboro

Gerald Woodard, Selectperson, Town of Arlington

PUBLIC SAFETY

Committee Chair

Susan Spaulding, Town Manager, Town of Chester

Committee Vice-chair

Joseph G. Estey, Chief of Police, Town of Hartford

David R. Bemis, Selectboard Chair, Town of Athens

William Bryant, Town Administrator, Town of Waitsfield

David J. Emery, Fire Chief, Town of Brattleboro

Alana Ennis, Chief of Police, City of Burlington

Lee Graham, Chief of Police, City of South Burlington

Douglas Hoyt, Chief of Police, City of Montpelier

Ralph Jackman, Fire Chief, City of Vergennes

Ernest Lamphere, Fire Chief, Town of Springfield

Norman Lewis, Fire Chief, City of Montpelier

(Continued on next page)



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MUNICIPAL, SCHOOL AND STATE AGENCIES MEET

GASB 34 COLLABORATION DISCUSSED

(Editor's note. GASB 34 and subsequent statements issued by GASB (Governmental Accounting Standards Board) have made some significant changes in the accounting requirements for local governments (see June 2001 issue of the VLCT News). In summary, the reporting format has a new look that will require changes to municipal accounting and reporting systems and municipalities will need to account for infrastructure as well as fixed assets. State and local government associations in Vermont are working to provide the training and resources Vermont municipalities will need to meet the new GASB 34 standards. Below is a report of their preliminary efforts.)

Representatives of VLCT, VSBA (Vermont School Boards Association), VGFOA (Vermont Government Finance Officers Association), VASBO (Vermont Association of School Business Officials), State Auditor's Office, Department of Education, Sullivan and Powers, CPAs, and the Vermont Municipal Bond Bank met last month to discuss collaborative efforts for GASB 34 training for government officials and public education. The VMCTA (Vermont Municipal Clerks and Treasurers' Association) representative was unable to make the July meeting but will be participating in future

discussions.

Much of the initial discussion was on the necessity of compliance. Fred Duplessis, CPA, of Sullivan and Powers indicated that auditors are still waiting to hear from the AICPA (American Institute of Certified Public Accountants) to determine whether or not to issue adverse opinions when a municipality, school district or governmental agency is not in compliance. An adverse opinion on an audit is the equivalent of a failing grade on a test and it could have some serious ramifications for governments receiving federal aid, tax anticipation notes (TANS), loans or leases of any kind, or ones attempting to sell bonds or make application to the bond bank.

The school districts are most concerned about what the federal agencies will require since special education and hot lunch funding make up such a large portion of many districts' revenues. Both Fred Duplessis and Floyd Blodgett (Department of Education) said that so far the federal agencies had been silent on the issue of whether or not funding could be approved in the event of an adverse opinion due to

(Continued on Page Seventeen)

MUNICIPAL POLICY-

(Continued from previous page)

Margaret (Peg) Martin, Selectboard Vice-Chair, Town of Middlebury

Raymond McQuoid, Selectperson, Town of Stamford

Theodore Miller, 1st Constable, Town of Brighton

Bruce Pratt, Chief of Police, Town of St. Johnsbury

Jayne Pratt, Town Clerk, Town of West Rutland

J. Robert Sebaskey, Selectboard Chair, Town of Clarendon

David Sharpe, Selectboard Chair, Town of Bristol

Matthew W. Speno, Selectperson, Town of Brattleboro

Raymond Tanguay, Town Administrator, Town of St. Albans

Joseph Tilden, Alderman, City of Rutland

Lawrence C. Yandow, Jr., Village Trustee and Fire /Police Officer, Village of Essex Junction

QUALITY OF LIFE AND ENVIRONMENT

Committee Chair

William Finger, Town Manager, Town of Middlebury

Committee Vice-chair

Mark Eldridge, Dir. Of Planning & Zoning, City of Burlington

Elsie Beard, Selectperson, Town of Orange

Philip Covelli, Administrative Assistant, Town of Warren

William Fraser, City Manager, City of Montpelier

Charles Hafter, City Manager, City of S. Burlington

Charles Lusk, *Selectperson*, Town of Stowe

Lee Krohn, Planning Director, Town of Manchester

Virginia Lyons, Selectboard Chair, Town of Williston

Stephen Magowan, City Councilor, City of South Burlington

Clinton Martin, Director, Parks, Recreation & Leisure Services, Town of Springfield

Dennis McCarthy, Town Administrator, Town of Shaftsbury

Richard W. Moulton, Jr., Selectboard Chair, Town of Huntington

Paul Tomasi, Executive Director, Northeast Kingdom Waste Management District

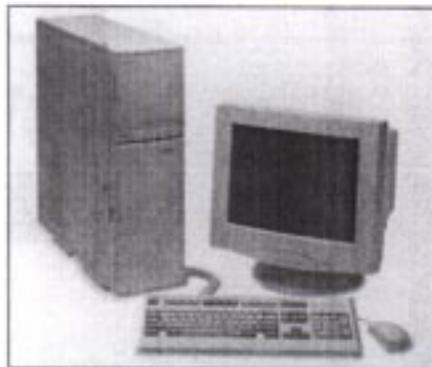
Carol Tremble, Selectperson, Town of South Hero

Stephen Willbanks, Selectboard Chair, Town of Strafford

Greg Worden, Selectperson, Town of Brattleboro

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2001 TOWN FAIR EXHIBITORS

The businesses, government agencies and organizations below had already signed up to exhibit at Town Fair 2001 as this issue of the *VLCT News* went to press. More will surely be added before Town Fair on September 27.

Though the Town Fair schedule is tight, free time has been built in for visiting these inside and outside exhibitors. We hope you will enjoy learning about their products and services.

Banknorth Group

Municipal banking services & products

Blue Circle Aggregates (New York), Inc., dba QPR

QPR high performance permanent cold mix

Blue Cross & Blue Shield Of Vermont

Health insurance

Boise Cascade Office Products

Office supplies, furniture & computer supplies

Cargill Salt

Road de-icing products

Carroll Concrete

Red-rock retaining wall system & concrete supplies

Cartographic Technologies, Inc.

Tax mapping & GIS

Charter One Bank

Financial services

Citistreet Associates LLC

Deferred compensation retirement program

Clarks Truck Center

International trucks

Clough, Harbour & Associates

Consulting engineering services

Dig Safe System, Inc.

Non-profit call center for underground utility damage prevention

Dopp & Dopp Associates, Inc.

Pre-fab, pre-engineered steel bridges

Dufresne & Associates, PC

Consulting engineers

Dufresne-Henry

Engineers, planners, landscape architects & environmental science

Efficiency Vermont

Energy efficiency products & services

Forcier Aldrich & Associates

Consulting engineers

Franklin Paint Company, Inc.

Traffic paint, athletic marking paint, marking equipment & supplies

GMWEA

Non-profit water & wastewater professionals' association

Grainger Industrial Supply

Industrial & safety supplies

H L Turner Group, Inc.

Full-service architectural & consulting engineering firm

Howard P. Fairfield, Inc.

Truck equipment

Invest EAP

Employee assistance program

Jambro, Inc.

Pavement maintenance materials, equipment & supplies

Lithonia/Holophane

Historically-styled light fixtures & poles

Louis Berger & Associates, Inc.

Civil engineering

Marin Environmental

Environmental consulting & GIS specialists

New Hampshire Hydraulics, Inc.

Hydraulic component sales & repair

Northeast Delta Dental

Dental insurance

Northeast Rural Water Assoc.

Technical assistance & training

Otter Creek Engineering

Civil engineering

Provan & Lorber, Inc.

Consulting engineers

Red Hed Supply, Inc.

Pipes, valves, etc.

Reynolds & Sons, Inc.

Equipment supplier

Sears Ecological Applications Co.

De-icing, dust control & base stabilization products

Spec-Lines

Outdoor lighting & site amenities

The Standard

Insurance

Tighe & Bond

Civil/environment engineering services

University Of Vermont Continuing Education

Education of adult learners

Unum Insurance

Insurance

U.S. Census Bureau

Census 2000 data & American Fact Finder demo

VALIC/American Financial Group

Retirement & financial services

Vermeer Northeast

Wood chippers

VLCT Group Services

Health, property & casualty, workers' compensation and unemployment insurance

VLCT Health And Wellness

Health and safety programs for municipal employees

VLCT Law Center

Legal advice & education for municipal officials

Vermont Chloride, Schoenberg Salt

Dust control & winter ice maintenance

Vermont Film Commission

Helping Vermonters & the film industry

Vermont Local Roads Program

Information, education & technology transfer

Vermont Municipal Employees Retirement System

Retirement financial services

Vermont Municipal Truck Equipment

Plow equipment & parts

State Of Vermont, Dept. of Economic Development

Economic development service to Vermonters

State of Vermont, Dept. Of Environmental Conservation

Information & assistance about state & federal environmental regulations

State Of Vermont, General Services Center

Public records retention

State of Vermont, Dept. of Public Safety

Safety & emergency planning services

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.



VLCT TOWN FAIR AND FIELD DAY

**THURSDAY, SEPTEMBER 27, 2001
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PRE-REGISTRATION FORM

(PLEASE SUBMIT ONE FORM PER ATTENDEE. PHOTOCOPY THIS FORM FOR ADDITIONAL REGISTRATIONS.)

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Address: _____
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Lunch is included in your registration fee. Dinner on Wednesday night is available at an additional charge.

<u>Registration and Meals</u>	<u>Cost</u>
Thursday, September 27, 2001 (includes buffet in the Grand Hotel)	\$40 = _____
Thursday, September 27, 2001 (no lunch)	\$25 = _____
Wednesday, September 26, 2001 (Evening Dinner)	\$40 = _____

Vegetarian meals are available. Please check if desired.

Total Registration Fee \$ _____

New for 2001: Please indicate which workshops you will attend on the list below. (See Workshop Descriptions on Page Two.) Of course, you are free to change your mind later, but this will help us with our preliminary space planning. Thank you!

A.M. Session (10:15-11:45)	Will Attend	P.M. Session (2:00 - 3:30)	Will Attend
Working with your Legislator	<input type="checkbox"/>	Work Zone Traffic Control	<input type="checkbox"/>
Tax Collectors Workshop	<input type="checkbox"/>	Housing Issues	<input type="checkbox"/>
Media Relations	<input type="checkbox"/>	Public Drinking Water	<input type="checkbox"/>
Bidding Construction Contracts	<input type="checkbox"/>	The Why and How of GASB-34 Compliance	<input type="checkbox"/>
Municipal Law Roundtable	<input type="checkbox"/>	Land Use/Act 250	<input type="checkbox"/>
Small Town Officials Roundtable	<input type="checkbox"/>	UNUM Long Term Care	<input type="checkbox"/>
Making E-Government Work For You	<input type="checkbox"/>		
Police Chiefs Training	<input type="checkbox"/>		
Invest EAP	<input type="checkbox"/>		
Constables Workshop	<input type="checkbox"/>		

PLEASE PRE-REGISTER SO WE CAN HAVE YOUR REGISTRATION MATERIALS AVAILABLE AT THE DOOR. RE-FUNDS will be made in full ONLY if cancellation is made before September 14, 2001. This form, with your payment, **MUST be received no later than September 14, 2001. Mail to:**

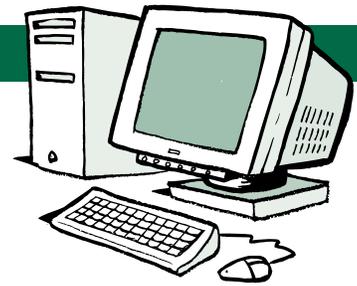
Conference Coordinator, Vermont League of Cities and Towns
89 Main St., Suite 4; Montpelier, VT 05602-2948
(800) 649-7915

Overnight accommodations are available at the Killington Conference Center. Please call us and we will fax you a form, which must be submitted **directly to Killington.**

For office use only. Date Rec'd. _____ Amt Pd. _____ Check # _____



Tech Check



MORE MICROSOFT OFFICE TIPS TO IMPROVE EFFICIENCY

MICROSOFT WORD - TRACKING CHANGES IN DOCUMENTS

Microsoft Word has a great tool for tracking changes made to documents that need either review or approval before finalizing. This is particularly useful for policy changes and documents such as union agreements or personnel handbooks. It will essentially highlight any changes, additions or deletions you make and allow whoever has final approval authority to accept or reject any or all of your changes. You can also use the same tool to compare two documents. It will highlight the differences between an original document and an amendment to the original. Let's look at setting up a document to track changes first.

Open an existing document that you wish to make changes to. Click on **Tools**, then **Track Changes**. You'll see a pull-down menu with three options: Highlight Changes, Accept or Reject Changes, and Compare Documents. You will want to click on **Highlight Changes**. You will then see a box with three check-offs: Track changes while editing, Highlight changes on screen and Highlight changes in printed document. Be sure to check all three so that changes will be tracked as you make them and they show up both on the screen and on your printed copy. You will see a button for **Options** at the lower right of the box. Click on it to choose the different color options for your insertions, deletions, changes in formatting, and line changes. For this exercise choose **Underline** for the Mark and **Blue** for the Color of Inserted Text, **Strikethrough** for the Mark and **Red** for the Color of Deleted Text, and leave the Changed Formatting and Changed Lines the way they are set currently. Click **OK** at the bottom of this box and **OK** again in the Highlight Changes box. You are now ready to make your changes.

Start making changes. Be sure to add some text and delete some text. You will see that inserted text will show up colored blue and underlined, and deletions will be red with a line through them. Here's my example below, minus the color:

Four score and ~~thirty-two~~ years ago our fathers brought forth upon this continent a new nation conceived in liberty and dedicated to the ~~preposition~~ proposition that all men are created equal.

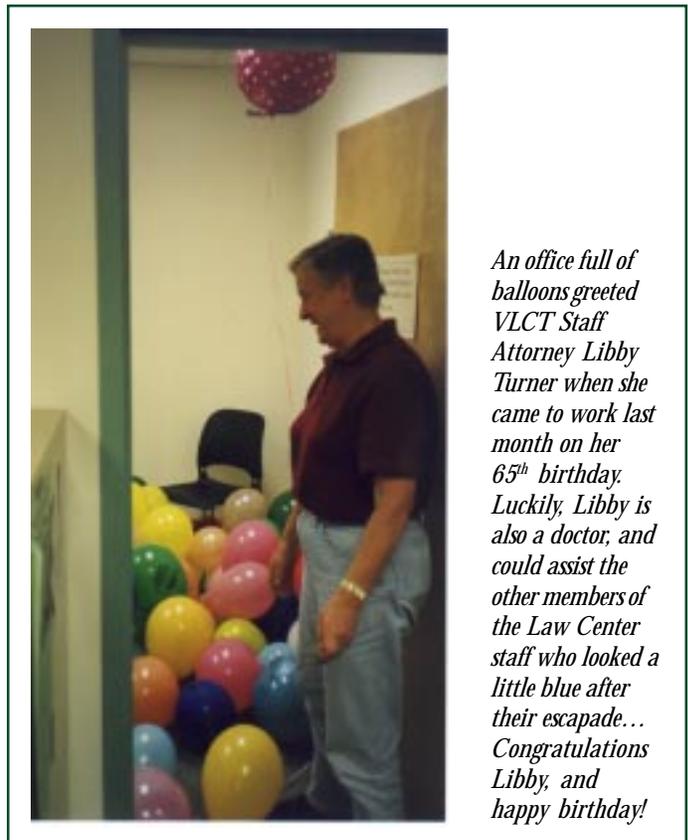
Notice the vertical line in the left margin. The Track Changes feature places this line before each line of your document that has any changes so you can quickly look down the left side of each page to find all the changes.

The next step is for whoever is reviewing and approving the changes. The changes can be quickly accepted or rejected by clicking again on **Tools**, then **Track Changes**, and **Accept or Reject Changes**. It allows you to move from change to change and accept or reject them at will. You can also either accept all or reject all by clicking on the appropriate button at the bottom of the box. Click on the **Find** with the left arrow to move left across your page or click on the **Find** with the right arrow to move to the right. Then click on either

Accept or Reject.

Now let's look at the Compare Documents feature under the Track Changes tool. First you'll need to open a completed document. Choose a short letter. Make changes but don't use the Track Changes feature. Then save the letter with a different file name by clicking on **File**, **Save As**, and calling it Test. Close the document, then reopen the original document. Click on **Tools**, **Track Changes**, and **Compare Documents**. You then will be asked to choose the file to compare to your original letter. Choose the revised document you named Test. Once you click on the Test document, your original letter will reflect the changes you made in the Test document and the Compare Documents tool will highlight those changes by showing added text in underlined blue font, and deleted text with strikethroughs and red font.

(Continued on next page)



An office full of balloons greeted VLCT Staff Attorney Libby Turner when she came to work last month on her 65th birthday. Luckily, Libby is also a doctor, and could assist the other members of the Law Center staff who looked a little blue after their escapade... Congratulations Libby, and happy birthday!



TIPS -

(Continued from previous page)

MICROSOFT EXCEL – CHANGING TEXT TO COLUMNS (PARSING)

This tool is particularly useful for anyone importing data from another file format, when the text needs to be split into separate fields for database use. We can use as an example a text file with names and addresses that are used as mailing labels. Below is an example of such a file with a couple of labels:

Joe Smith
PO Box 6
Derby Line, VT 05830

John Doe
PO Box 54
East Barre, VT 05649

Let's assume that when the file was imported into Excel, the line that includes

the city, state and zip code is all in one cell and you want to separate the text into three distinct cells for each field. You can do this in two quick steps.

First, we'll separate the city from the state and zip code. Highlight the column with the data you wish to parse. Click on **Data**, then **Text to Columns**. The Wizard will take you through the text conversion steps. The first step asks you to choose between Delimited and Fixed Length text. We will choose Delimited, since the characters in our cells are separated by a comma (between city and state). Click on the **Next** button on the bottom of the box to proceed to the next step. You can now choose the type of delimiters that separate your text. Click on **Comma**, then **Next** to proceed to step 3. This next step allows you to choose specific formats for the data as well as the destination cells for the data. Leave the defaults and click

Finish. (The defaults are General for the format, which will convert text to text and numbers to numbers, and the destination cell will be the same cell the data is in.) You will notice that now the city is in one column and the state and zip are in the next column.

The second step to parsing the text is to separate the state from the zip code. Follow the same procedure. Highlight the column with the state and zip code. Click on **Data**, then **Text to Columns**. Again, choose Delimited in the first step of the wizard since the characters in our cells are separated by a space (between state and zip). Click on the **Next** to choose the delimiter type. Click on **Space**, then **Next**. At the next step, click on **Finish** without changing the defaults. You now have separate columns for each data type and can import the table into a database.

- Michael Gilbar, VLCT Director of Administrative Services

GASB 34 -

(Continued from Page Thirteen)

non-compliance. Since GASB governs accounting standards at the federal level as well, federal agencies would essentially be ignoring the new requirements should they decide to fund districts that were not complying, yet if they adhere to the new standards, a number of small school systems who have the least capacity to get into compliance could be in trouble.

A consequence of non-compliance that hits both schools and municipalities is the ability to finance debt. Malcolm Rode of the Vermont Municipal Bond Bank and Bond Bank Board member David Coates, CPA, of KPMG, participated in the discussion about the possibility of bond rating agencies (Moody's, Fitch, and Standard and Poors) requiring compliance. It is likely that at least Standard and Poors will push for compliance since one of their senior partners is on the Board of GASB. In the event of an adverse opinion, bond ratings would be in jeopardy, however, if auditors are allowed by the AICPA to issue qualified opinions (essentially saying that the financials are okay, but not totally in compliance), the rating agencies have some discretion in how they decide to weigh the financials in making their rating determinations.

These three issues: AICPA requirements for auditors, federal funding requirements for receiving agencies, and bond rating agency requirements, will all have an impact on the

subsequent discussion about how or even if we comply with GASB 34. Most organizations will be forging ahead with compliance efforts, under the assumption that compliance is the most sensible course of action given the circumstances. David Beatty and Paul Rousseau of the State Auditor's Office indicated that state agencies would be complying, including the Department of Education. Winton Goodrich of the School Boards Association, William Scherr, President of VASBO, Peter Frankenburg, President of VGFOA, and the three attending members of VLCT, Michael Gilbar, Karen Horn and John Grosvenor, as well as John Cushing of the VMCTA, are all looking for ways to help members of their organizations comply with the new reporting standards required by GASB 34. The larger school districts and municipalities have more resources to set up the fixed assets and infrastructure accounting needed, as well as to make changes to their finance accounting and reporting systems. The smaller communities, however, will need some help, both in understanding the new standards, as well as in implementing them.

The next steps to be taken by the officials that attended this meeting will be to prepare a white paper that will outline the why and how of the GASB 34 new reporting standards, and to plan and implement training sessions through interactive television to assist government officials in the steps needed to

comply. The white paper is intended to explain what GASB 34 is and why it was necessary, as well as discuss the consequences of non-compliance. It is aimed toward the public and the policy makers (boards and administrators) and will try to explain a complex set of rules in layman's terms. The training sessions will deal with the nuts and bolts of the reporting requirements, including how to set up your fixed assets and infrastructure accounting system, how to complete the Management's Discussion and Analysis (MD&A) and what needs to be changed in your general ledgers in order to comply.

There was also some discussion about the possibility of a collaborative purchasing of the services needed to do the assets valuation as well as consulting for the accounting changes that may be needed. No decision has been made yet with regard to these initiatives.

Both the white paper and the training session planning will be completed in the fall. We will include the white paper in a future *VLCT News* and notify members as soon as training is available. If you have any questions, please contact Mike Gilbar at VLCT, 802/229-9111, or e-mail mgilbar@vlct.org.

- Michael Gilbar, VLCT Director of Administrative Services



IT'S BACK TO SCHOOL TIME!

LAW CENTER KICKS OFF 2001-2 WORKSHOP SERIES

On September 6, 2001 the VLCT Municipal Law Center will offer the first of the 13 workshops it will present through June of next year (see schedule in the June 2001 *VLCT News*).

The **Health Officers Workshop** will be held at Suzanna's Restaurant in Berlin on September 6. Following this popular, annual workshop will be the first workshop in the Law Center's new **Planning and Zoning Basics Series** on September 12. The four workshops in this series will be offered around the state via interactive television.

There have been other changes in the Law Center's workshop "lineup" as well. A few previous topics have been dropped, to make room in the schedule for new workshops on obtaining grants, adopting and enforcing

ordinances, and the legal aspects of property taxes. The Law Center's regular workshops for moderators, town clerks, selectboards and municipal attorneys will fill out the year's

schedule.

Please watch your mail for workshop announcements, check the calendar on the VLCT website (www.vlct.org) or call VLCT, 800/649-7915, for information on upcoming workshops. We look forward to seeing you at one, and remember, there is always time for questions and a good lunch!

WHAT OUR MEMBERS HAVE SAID ABOUT THEIR VLCT MUNICIPAL LAW CENTER WORKSHOP EXPERIENCES -

"The whole ball of wax was a pleasant experience: helpful, thoughtful and informative."

"Great variety of topics and knowledgeable speakers."

"The speaker took tons of extra time for Q&A. Good topics. The roundtable is the best way to learn."

"I especially liked interacting with a wide-ranging group of planners and facilitators from across the state."

NEW WEBSITE MATCHES VENDORS AND CUSTOMERS INCLUDES BID REGISTRY

It's aptly named – thinkvermont.com.

If your city or town is pondering where to turn for suppliers or vendors, there's a new website that can help you. There's also a great new user-friendly online Bid Opportunities System that is used extensively by the state and some municipalities.

The new and improved Vermont Business Registry allows businesses to enter and maintain their contact information, information on their products and services, and who to speak with for what information. From this data, visitors to the website can obtain a list of companies that offer the products or services they seek.

"This can be extremely useful for finding the right supplier," said Greg Lawson, director of the Government Marketing Assistance Center at the Department of Economic Development.

And the best part – it's FREE.

"It's a great 'buy Vermont first' tool," said Governor Howard Dean. "I'd encourage every business and organization in Vermont to visit thinkvermont.com and click on the Vermont Business Registry to enter their data – and I hope municipalities, businesses, universities and the public use it when they're looking for vendors of any kind."

The site also houses the Bid Opportunities System – an online tool for state and federal agencies, municipalities and private companies to post bid information for products and services of all kinds. If you wish to put a service out to bid, you simply post your bid description, closing date, contact information and any special instructions you may have. The system allows prospective vendors to tell it the kinds of bids for which they may have interest. When new bids are posted that match those areas of interest, it sends an e-mail message to notify the user to check the system.

For more information visit <http://thinkvermont.com>. Click on "Business to Business," "Find a Business" or the "Bid Opportunities System." Or you can call 802/828-5770 and ask for Beth Ann, or e-mail gmac@thinkvermont.com.

And did we mention – it's FREE?

- Ken Horseman, Director of Communications, Vermont Department of Economic Development

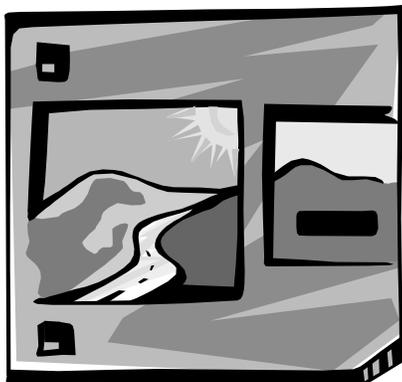
PLEASE SHARE YOUR ISSUE OF THE VLCT NEWS

The *VLCT News* is a membership benefit that each VLCT member municipality receives free from the League. One copy is automatically mailed each month to the following local officials: mayors, managers, clerks, treasurers, selectboards, administrative assistants and zoning administrators.

Associate and contributing members of the League also receive one copy each of the *VLCT News*, as do members of the VLCT Board.

We encourage selectboard members to circulate the *VLCT News* amongst themselves and to their department heads, especially to highway, police, and fire departments, and to planning commissioners.

If circulating the newsletter is not an option in your municipality, there are two solutions. One is to read the newsletter on the VLCT web site (www.vlct.org). The second is to order an extra subscription for a particular official or department. An extra subscription costs \$25, plus sales tax if a municipal tax identification number is not available. Please contact the League (800/649-7915 or e-mail info@vlct.org) if you would like to order an additional subscription for your municipality.





Classifieds

HELP WANTED

Program Supervisor. The Town of Manchester, Vermont, Parks and Recreation Department, is seeking a full-time recreation professional to coordinate a variety of programs for a population base of approximately 6,000. Program areas will include, but are not limited to sports, leisure education, fitness, trips, day camps, and special events. Candidates must have a Bachelor's Degree as well as experience in the field of parks and recreation. CPRP desired. Position requires individual to be able to adapt to a varied work schedule. Solid organizational, communication and computer skills are also essential. Salary range is \$24,000-26,500 DOQ. Excellent benefits offered. Please submit resume by 9/15/01 to Manchester Parks and Recreation Department, P.O. Box 909, Manchester Center, VT 05255, or dfmpr@sover.net (e-mail). EOE.

Code Enforcement Officer. Town of Brandon, Vermont. Full-time position in a professional/technical field with office and site work. Involves local planning, development review, compliance and enforcement of various Town rental, zoning ordinances and health codes as well as State statutes/regulations. Qualifications: any combination of training and experience equivalent to: degree from an accredited college/university in planning, public administration or allied field, with some experience in inspectional or investigative fieldwork. Excellent benefit package. Starting salary commensurate with experience. Applications must be received by 8/31/01. Please send resume with cover letter to Michael Balch, Town Manager, 49 Center Street, Brandon, VT 05733. EOE

Town Manager. The Town of Waterville Valley, New Hampshire is seeking qualified applicants for the position of Town Manager. Waterville Valley is a four-season resort in New Hampshire's White Mountain National Forest and home to the Waterville Valley Ski Area. It is a unique and special community that offers an excellent quality of life, a fine school system, and outstanding recreational and natural amenities. The Town offers a wide variety of high-quality

municipal services. The Town Manager's job responsibilities encompass the administration, direction, and supervision of all aspects of Town government, including daily operations, financial control, budgetary preparation, personnel management, and liaison with the community. The Town Manager reports to a three-member Board of Selectmen in accordance with the applicable New Hampshire statutes. The Town Manager must be a strong communicator (oral and written) with solid interpersonal and organizational skills; must be familiar with accounting principles and financial reporting and capable of creating and implementing budgets; proficient in computer applications; and have the ability to establish and manage multiple priorities and meet deadlines. Requirements include at least five years of progressively responsible financial, administrative, and personnel management experience and at least a Bachelor's degree or equivalent education. Significant municipal management experience is preferable. Deadline is 9/15/01. Please send resume including salary history to: Chairman, Board of Selectmen, P.O. Box 500, Waterville Valley, NH 03215.

Associate, Legislative and Information Services.

VLCT seeks an Associate, Legislative and Information Services, to provide information and advocacy services for Vermont's municipal governments. Responsibilities include conducting surveys and research, report preparation, legislative advocacy, writing articles, and serving as liaison with affiliate organizations. Requirements: Facility with MS Word, Excel and Access and excellent communication skills are necessary. Experience in a public interest association and a basic understanding of local government are highly desirable. Must have bachelor's degree in political science or related field; advanced degree preferred. **Loss Prevention Representative (search reopened).** This position provides loss prevention/control services to member municipalities for VLCT's statewide property, casualty and workers' compensation insurance fund. Responsibilities include identifying sources of loss/

potential loss, working with members to develop action plans, providing off-site training in safety, sexual harassment awareness and other topics. Extensive travel throughout Vermont is necessary for which employer-owned vehicle is provided. Requirements: Ability to establish priorities and work independently, familiarity with local government and excellent communications skills are necessary. A background in risk management and loss prevention techniques is helpful as is training experience. Must have bachelor's degree in business administration, public administration, risk management or related field or equivalent experience. VLCT offers competitive salaries and an exceptional benefits package. Candidates for either position should send cover letter (reference position title), résumé and salary requirements by 9/7/01 to: Human Resources, Vermont League of Cities & Towns, 89 Main Street, Suite 4, Montpelier, VT 05602 or via email to jmuhr@vlct.org. VLCT is an Equal Opportunity Employer.

City Assessor. Claremont, New Hampshire (pop. 14,000) seeks an experienced Assessor responsible for appraising all real property for local tax purposes and managing the assessing office. The City is located near exceptional outdoor, cultural and educational opportunities. The qualified individual will be responsible for all facets of the Assessing Function, including, but not limited to: the valuation of 5400 parcels, review/inspection of building permits, subdivisions, tax maps, exemptions, tax credits, current use, timber tax, abatement appeals and requests; preparation of MS-1, ratio study, property tax commitment. Candidates should have at least five years experience in property appraisal and municipal experience. BS and New Hampshire Assessor's Certification highly desirable. Highly competitive salary available for right candidate. Resume and cover letter to Human Resources, City Hall, 58 Tremont St., Claremont, NH 03743 or by email to: hr@claremontnh.com by 8/31/01. EOE.



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Calendar

Health Officer Training. Thursday, September 6, 2001, Suzanna's Restaurant, Berlin. Presented by the VLCT Municipal Law Center, this popular annual workshop will cover topics such as local health board responsibilities, public health hazards, public drinking water supplies and animal cruelty investigations and enforcement. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915, e-mail, jhill@vlct.org.

Planning Principles. Wednesday, September 12, 2001, Vermont Interactive Television Sites around the State.. 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.

Planning Tools of the Trade. Thursday and Friday, September 13 and 14, 2001,

Eastland Park Hotel, Portland, Maine. Sponsored by the Northern New England Chapter of the American Planning Association, this annual conference will focus on building the skills that planners need in their day-to-day work. For more information on the conference, contact Maureen O'Meara, tel., 207/799-0115, or visit www.nnecapa.org.

Getting Wired in Vermont: Community Telecommunications Planning Models that Work. Tuesday, September 18, 2001, Vermont Interactive Television Sites around the State. The Vermont Council on Rural Development's (VCRD) Telecommunications Committee, in conjunction with the Vermont Telecom Advancement Center, is sponsoring this workshop to help rural communities and regions develop plans to improve broadband (high speed) telecommunications access. For information, e-mail meg@delaneymeetingevent.com.

Vermont Downtown Program's 2001 Annual Conference. Friday, September 21, 2001,

Capitol Plaza, Montpelier. The third annual Downtown Conference will feature speakers Neal Peirce, columnist with the Washington Post Writers Group, and Kennedy Smith, Director of the National Main Street Center. For additional information about the Conference, please call David Provost at 802/828-3053.

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.