

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

October 2001

## ANNUAL MEETING POSTPONES VOTE ON EDUCATION FUNDING

### 2002 MUNICIPAL POLICY ADOPTED, LEAGUE OFFICERS ELECTED

Well over 100 municipal officials from over 70 Vermont cities and towns participated in the 2001 VLCT Annual Business Meeting at Town Fair. The meeting started with a spirited discussion of the education finance proposal presented by the VLCT Finance, Administration and Intergovern-

mental Relations Committee and Board of Directors.

After an hour of debate, members voted to table action on the proposal until a special meeting to be held by the end of November. A straw poll taken indicated that those present were in favor of VLCT pursuing the

new education funding plan. However, it was felt that more education of the general membership was necessary before a vote could be taken on the proposal (see article on Page Ten).

Members also approved the four sections of the 2002 *Municipal Policy* and elected new officers and board members. William Shepeluk, Waterbury Municipal Manager, was elected VLCT President, succeeding retiring President Peter Clavelle, Burlington Mayor. Clavelle will serve another year on the VLCT Board as Immediate Past President. VLCT's new Vice-president is Gail Fallar, Tinnmouth Town Clerk and Treasurer. Retiring from the Board was Immediate Past President Bridget Collier, Greensboro Town Clerk and Treasurer, after almost 12 years of dedicated service to VLCT.

Newly elected Board members are Mona Marceau, Barnet Selectboard member, Rocco Graziano, North Hero Selectboard member and Jeffrey Wilson, Manchester Town Manager. Current board members returned for another term include Jane Chadwick, Dover Selectboard member; Jim Condos, South Burlington City Council Chair; and Charles Lusk, Stowe Selectboard member.

*(Editor's note: The VLCT Board of Directors has further postponed the special meeting referred to in this article. Watch your mail for details.)*



*The yeas had it - voting to take more time to consider VLCT's Next Education Funding Plan.*

## ALWAYS REMEMBER 9-11

The Vermont League of Cities and Towns, in conjunction with the National League of Cities, has established a special fund to support public employees affected by the September 11 terrorist attacks. The *Always Remember 9-11* Fund will allow municipal employees in Vermont to support their colleagues in New York, Washington, DC and Pennsylvania who were killed or injured as a result of the attacks.



"VLCT would like every municipal employee and elected or appointed official in Vermont to have an opportunity to make a small donation to help the cause of his or her municipal family stricken by this tragedy," commented Executive Director Steven Jeffrey. Donations of \$1 or \$5 to the Fund are not too small. Larger amounts would certainly be appreciated, but the intent is to get to as close to 100% participation as possible.

*(Continued on next page )*

### INSIDE THIS ISSUE...

<b>Legal Corner</b> .....	<b>4</b>
<b>Ask the League</b> .....	<b>6</b>
<b>Risk Management Notes</b> .....	<b>8</b>
<b>Education Funding</b> .....	<b>10</b>
<b>Town Fair Wrap-up</b> .....	<b>12</b>
<b>Saving Electricity and Dollars</b> .....	<b>13</b>
<b>New Staff Member</b> .....	<b>15</b>
<b>Classifieds</b> .....	<b>15</b>
<b>Calendar</b> .....	<b>16</b>



# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

89 Main Street, Suite 4  
Montpelier, VT 05602-2948  
Tel.: (802) 229-9111 • Fax: (802) 229-2211  
E-mail: info@vlct.org  
Web: www.vlct.org

## VLCT Board

**William Shepeluk**, President

*Manager, Waterbury*

**Gail Fallar**, Vice-president

*Clerk/Treasurer, Tinmouth*

**Peter Clavelle**, Past President

*Mayor, Burlington*

**Steven E. Jeffrey**, Secretary

**Jane Chadwick**

*Selectperson, Dover*

**James Condos**

*City Councilor, South Burlington*

**William Finger**

*Manager, Middlebury*

**William Fraser**

*Manager, Montpelier*

**Rocco Graziano**

*Selectperson, North Hero*

**Charles Lusk**

*Selectperson, Stowe*

**Mona Marceau**

*Selectboard Chair, Barnet*

**Susan Spaulding**

*Manager, Chester*

**Stephen Willbanks**

*Selectperson, Strafford*

**Jeffrey Wilson**

*Manager, Manchester*

## VLCT Staff\*

**Steven E. Jeffrey**

*Executive Director*

**Karen B. Horn**

*Director, Legislative and Membership Services*

**David Sichel**

*Director, Group Services*

**Jon Groveman**

*Director, Municipal Law Center*

**B. Michael Gilbar**

*Director, Administrative Services*

\*Partial List

**Katherine B. Roe**, Editor, VLCT News

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

## ALWAYS REMEMBER -

*(Continued from previous page)*

Monday, November 11, 2001 (Veterans Day) is the last day of fundraising; municipalities are asked to transmit donations to VLCT by Friday, November 15, 2001.

*VLCT would like every municipal employee and elected or appointed official in Vermont to have an opportunity to make a small donation to help the cause of his or her municipal family stricken by this tragedy.*

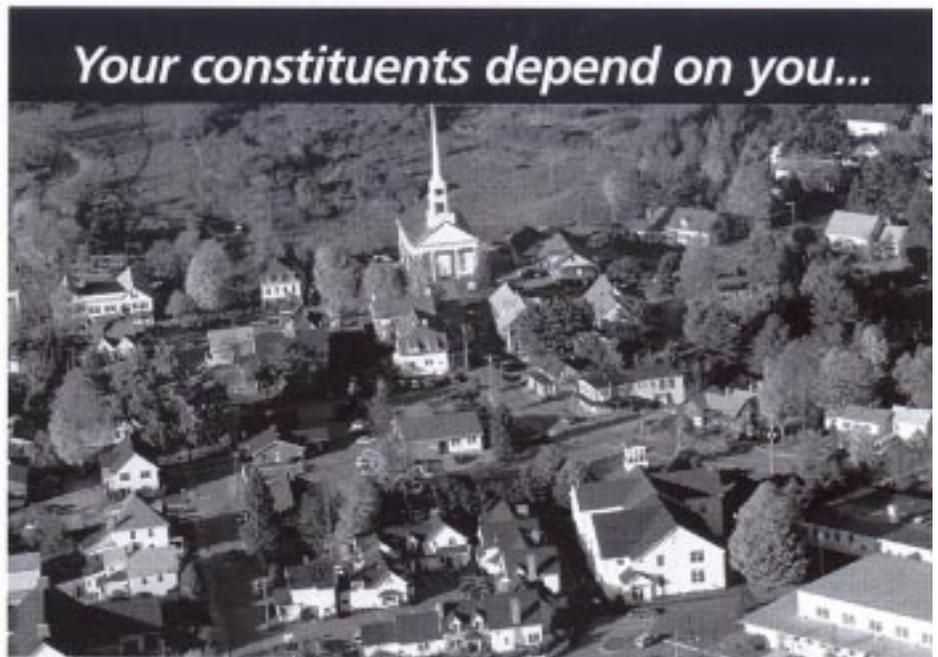
Donations to the *Always Remember 9-11* Fund will be used to meet the short- and long-term health, financial, and educational needs of public employees and families directly affected by the terrorist attacks.

Funds may also be used to provide supplies, equipment, and other support to public organizations directly affected by the attacks and the recovery efforts.

Forms and information about the Fund were mailed to all VLCT members earlier this month. In the mailing, VLCT asked that one official in each municipality become the local coordinator for this effort. If you did not receive the information, and your municipality would like to participate, please contact the League at 800/649-7915 or at info@vlct.org.

We know that you are already very busy, but this is a one-time effort to help in extraordinary circumstances. Thank you!

*(Editor's note: Please see the monthly columns Ask the League and Risk Management Notes for more material related to the September 11 attacks.)*



Your constituents depend on you...

...you can depend upon us to keep your town running smoothly.

We're Team EJP, one of the premier distributors of water, sewer and drain materials in the United States. Among our 22 locations in New England, New York, Indiana and Ohio, we have a facility right here in Montpelier, Vermont, ready and waiting to serve your needs.

For quality products and knowledgeable, experienced and courteous professionals, contact Team EJP today at 802-223-2385.

- Water Main Products
- Sewer Line Products
- Service Line Products
- Gas Line Products
- Storm Drain & Construction Fabric
- Polyethylene & Metal Culverts
- Tools & Equipment
- 24-Hour Emergency Service

Airport Rd. • P.O. Box 369  
Montpelier, VT 05601  
(tel) 802-223-2385  
(fax) 802-223-8967

Pipeline Specialists



Everett J. Prescott, Inc.

1-800-EJP-24HR  
www.ejprescott.com



# put our experience to work for you

Our Government Banking Division serves those public entities providing valuable services to citizens and taxpayers in the Northeast. We offer deposit, investment and loan products and unparalleled service in everything we do.

All of our Relationship Managers have direct experience in governmental affairs and banking. This knowledge, combined with local decision making and the power to personally deliver virtually any banking request you may have, produces results for the citizens and taxpayers you serve.

If you would like to work with a bank that puts your business first, call us today to schedule an appointment.



Jeanie Kelly



Anita Marchessault



John Quartararo



Ted Scontras



Gene Arnold



Marge Barker



Beth Bartlett



Connie Brennan



Nicole Dumais



Arleen Gizard



Paul Martel



Dennis O'Neil



Richard Ranaghan

1-802-223-0519

 **Franklin Lamoille Bank**

*A Banknorth Company*

[www.franklinlamoille.com](http://www.franklinlamoille.com)

 **First Vermont Bank**

*A Banknorth Company*

[www.firstvermont.com](http://www.firstvermont.com)

 **Howard Bank**

*A Banknorth Company*

[www.thehowardbank.com](http://www.thehowardbank.com)

Bank deposits FDIC insured.

 Equal Housing Lender



# APPEAL OF ZONING ADMINISTRATOR OPINION; CONTRACTS AND OPEN MEETING

## ZONING PERMIT CHALLENGE ALLOWED

The Vermont Supreme Court has held that the decision by a zoning administrator that a sawmill does not violate a land use permit is an appealable decision. *In Re Charlotte Farm & Mills*, Vt. Entry Order No. 2000-007 (Aug. 2, 2001)

In 1998, Charlotte Farm applied for a zoning permit allowing an "agricultural operation" and "forestry." The permit was issued in February and there was no appeal. In the summer Charlotte Farm began the operation of a portable sawmill business on the site. In November a neighbor asked the zoning administrator (ZA) to determine whether the commercial sawmill activity on the property violated the town's zoning. The ZA wrote a letter saying that the sawmill operation was "consistent with the permit which I issued for that use."

In December the neighbor and others appealed the ZA's decision to the zoning board of adjustment (ZBA). The ZBA ruled that the sawmill operation did violate the zoning bylaws because it was not "forestry."

Charlotte Farm appealed the ZBA decision to the Environmental Court. First it

moved for summary judgment based on the argument that neither the ZBA nor the Environmental Court had jurisdiction because the ZA's letter was not an appealable decision or act of the ZA, as contemplated in 24 V. S. A. § 4464(a). That Court ruled that it did have jurisdiction and that Charlotte Farm was in violation of its permit because it was not authorized to operate a sawmill, which processed logs and other materials brought in from off-site.

This appeal to the Vermont Supreme Court followed. The basis of the appeal was the argument that when the ZA had issued the permit in February and no one appealed within the statutory appeal period, the ZBA and the Environmental Court had no jurisdiction to consider a collateral attack. This argument is based on 24 V.S.A. § 4472 (d), which says that if interested persons fail to appeal from a decision or act of the ZA, they will be forever bound by that decision or act.

The Supreme Court said that the argument had no merit. The permit issued to Charlotte Farm allowed forestry and agricultural operations, not a sawmill. When the neighbors asked the ZA about the sawmill,

the ZA responded with a letter, which constituted a separate decision or act, which was appealable under 24 V.S.A. § 4464(a).

In addition, the Court said, nothing precludes an interested person from taking action to ensure compliance with the conditions of a permit or from appealing the ruling of a ZA after the ZA has looked into the matter. It cited several earlier cases pertinent to this ruling.

The point here is that anything that is a *decision or act* of the ZA may be subject to appeal. Just because someone gets a permit, it does not mean that they then have carte blanche to do whatever they want on the property. They may still be subject to decisions or acts of the ZA and review by the courts.

## OPEN MEETING AND PUBLIC RECORDS LAWS NARROWLY CONSTRUED

The open meeting law and the public records law were the subjects of *Blum v. Friedman...*, *Town of Winhall Selectboard*, Vt. Entry Order No. 2000-341 (Sept. 12, 2001).

*(Continued on next page)*

Come to Charter One Bank...

## THE MUNICIPAL PROGRAM THAT WORKS FOR YOU.

OUR PRODUCTS INCLUDE:

### Depository Services

- Disbursement Accounts
- Money Markets
- Certificates of Deposit
- Third-Party Collateralization

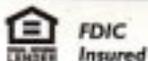
### Financing

- Short Term Notes
- Equipment Financing
- Leasing

### Cash Management

- Internet Banking
- Automated Account Reconciliation
- ACH Direct Deposit & Tax Payment

Call 802-775-0025, ext. 263 today, and see all that Charter One can do for you.



CHARTER ONE  
BANK



## LEGAL CORNER -

*(Continued from previous page)*

Blum lives in a section of Winhall where certain municipal services are provided by the Stratton Corporation, under a contract with the town. The town and Stratton negotiate a contract and then Stratton bills the homeowners directly for the services provided. Blum wanted to be present at a negotiation meeting between the town and the corporation but was told that he could

case-by-case analysis to determine if public attendance will create a substantial disadvantage in a particular situation. In this case, the Court said "it is unclear how [public] access to the negotiation would place the town at a substantial disadvantage since the adversary in the negotiation is already present."

The Town further argued that Blum did not have standing to bring this case and the lower court had agreed. The Supreme Court said in order to show standing here "that the plaintiff [must] show threat of injury to a

---

*This is a clear statement from the Supreme Court that the open meeting and public records laws continue to be interpreted liberally, with the public's rights in mind.*

---

not because the meeting would be held in executive session, which is an exemption from the open meeting law under 1 V.S.A. § 313. The pertinent section, 313 (a)(1), applies to contract negotiations "where premature public knowledge would clearly place the ... municipality...at a substantial disadvantage."

The Court agreed that contract negotiations **may** be a legitimate exception to the open meeting law. However, there must be a

protected interest." Since the subject of the negotiation was the amount of fees and charges which Blum would have to pay to Stratton, his financial interests were at stake and he qualified as a "person aggrieved by a violation of" the open meeting law. He was essentially denied the right to hear what position his elected officials would take regarding the fees and charges that he would have to pay.

The second issue which Blum raised was that he had requested property tax documents in electronic format, under the public documents law, 1 V.S.A. § 316. He was told there was a fee for such documents. He paid the fee but never received the documents.

The lower court had found that the Town did provide some records, but Blum said they were unusable and incomplete. The Supreme Court agreed that the statute does not specifically say that copies of records be "usable," but they must be "in standard format." In addition, the records provided must be complete. The lower court was too hasty in dismissing this claim by Blum.

Finally, the Court pointed out that the Town had made a verbal contract with Blum to supply the records as requested for a certain fee. Therefore, even if it was not obligated by statute to provide the records in electronic format, it had voluntarily contracted to do so and it had broken its contract.

This is a clear statement from the Supreme Court that the open meeting and public records laws continue to be interpreted liberally, with the public's rights in mind.

*- Libby Turner, VLCT Staff Attorney*

*Helping To Keep The Holiday Spirit Alive*



Municipal

Commercial

**DISTRIBUTORS OF HOLIDAY DECORATIONS & DISPLAYS  
CUSTOM DESIGNS AVAILABLE**

Sales • Lease • Lease To Own  
Installations • Storage • Refurbishing Available

**800-438-8353**

**(201) 438-8383**

**www.christmasspectacular.com**

**FAX: (201) 939-4333**



# ASK THE LEAGUE

## ROWS AND SUBDIVISION; MILITARY SERVICE; TAX SALE ATTORNEYS

### ***Does a town highway that bisects property in single ownership create a 'natural' subdivision of the land for zoning purposes?***

"Not automatically," says the Vermont Supreme Court. *Wilcox v. Village of Manchester Zoning Board of Adjustment*, 159 Vt. 193 (1992). The answer depends upon the specific facts of the case and is a question the trial court must address. *Wilcox* at 198. This rule applies whether the situation involves a town highway or private road.

In *Wilcox*, the Court held that a private right of way that crossed a parcel of land *could* create a subdivision. A right-of-way that, because of location and function, effectively separates the parcels that it physically connects so they cannot be used in the ordinary manner as a single "lot," may render those parcels separate for zoning purposes. *Wilcox* at 197. A simple example of this situation is two lots under common ownership completely separated by a private roadway, with each lot containing a single-family residence in a zone that allows only one dwelling unit per lot. In this case, a court might recognize each lot as a separate lot. As a result, no zoning permit would be

necessary in order for the owner to sell off one of the lots in its entirety, even if that lot were non-conforming in size under the town's zoning bylaws.

The Court went on to caution: ". . . the existence of a right-of-way contiguous to and separating two parcels in common ownership will not automatically render those parcels separate lots . . . However, a right of way could be a well-traveled road, or simply lines on a plan that pose few practical barriers to the enjoyment of the property as a single parcel." *Wilcox* at 197.

An example of where a court *might* find that a public right of way *does not* create a subdivision is with regard to a farm parcel where the farmhouse is located on one side of a town highway bisecting the farm, and the barns, pasture or hayfield are located on the opposite side of the highway. Although the town highway presents a major physical obstacle to the farmer in the operation of the farm, it does not prevent the farmer from utilizing the land on both sides of the highway as a single farm unit.

As you can imagine, there are many variations of this question – some involving preexisting, non-conforming small lots. Each

scenario has its own set of unique facts that will affect how a court views the question of subdivision. One step that towns can take to eliminate the guesswork is to enact clear zoning bylaws that establish whether or not highways (private and/or public) subdivide property in the same ownership. We believe that it is important for towns to have clearly established policies that would guide zoning decisions on this issue. However, because the Vermont Supreme Court has not spoken on the issue, there is no guideline to follow, and there does exist the possibility that any established guidelines could be overturned by future court decisions. Call the VLCT Municipal Law Center for guidance, if needed.

- Brian Monaghan, Intern, VLCT  
Municipal Law Center

### ***If local officials are called up for emergency military service, should they be replaced and, if so, how?***

There is a provision in 20 V.S.A. § 185 for local elected officials to designate three "emergency interim successors" to replace them in case they are unavailable. For

(Continued on next page)

**Dufresne-Henry**  
Planners, Engineers  
and Landscape Architects





North Springfield - 866-2261  
Montpelier - 229-0711  
Williston - 846-1430  
South Burlington - 864-0223  
www.dufresne-henry.com



**Solutions...**

**EARTH WATER AIR GIS**

**Brownfields Assessments Remediations**

**Supply Protection Wastewaters**

**Permits Compliance Management**

**Assessment Implementation Training**

**RON MILLER, Regional Manager**  
73 MILLET STREET  
RICHMOND VT 05477  
PHONE: 802.434.4500  
FAX: 802.434.6076  
E-MAIL: marlrvt@marlrvt.com  
INTERNET: www.marlrvt.com  
**1.800.520.6065**

**MARIN**  
SCIENTISTS ENGINEERS GIS SPECIALISTS  
CT ♦ MA ♦ NH ♦ NY ♦ VT



## ASK THE LEAGUE -

(Continued from previous page)

example, Ted or Sally would name three people and rank them in the order they would take over. Person One takes over unless he or she is not available, in which case Person Two takes over, etc. The replacement person would serve until the elected official becomes available again or, if the office becomes vacant due to resignation, death, insanity or removal from town, until an

election can be held in accordance with the statutes. 24 V.S.A. §§ 961-63.

There is also a statute giving legislative bodies the authority to name emergency interim successors for local appointed officials. 20 V.S.A. § 186.

Both of these statutes are mandatory and the appointments shall be updated annually and filed in the office of the county clerk. There are further provisions covering bonds, oaths, removal from office, and training of "emergency interim successors." 20 V.S.A. §§

188-191. - *Libby Turner, VLCT Staff Attorney*

***Is the collector of delinquent taxes required to get the permission of the selectboard in order to hire an attorney to assist in conducting a tax sale?***

Yes. Among the fees and costs that the collector of delinquent taxes may charge are "expenses actually and reasonably incurred for legal assistance in the preparation for or conduct of said sale when authorized by the selectmen." 32 V.S.A. § 5258. We interpret this to mean that the selectboard must authorize the delinquent tax collector to hire an attorney to assist with the tax sale.

As a practical matter, the tax sale will proceed more smoothly if the collector of delinquent taxes and the selectboard have an amicable relationship, the selectboard is aware of the plan to hold a tax sale, and has given at least its tacit approval. In addition, the board should be informed of the sale because the town might have an interest in purchasing the property itself. For these reasons, it seems best that the tax collector and selectboard work together and arrive at a joint decision about the sale, the expenses and the use of an attorney.

- *Jon Groveman, Director, VLCT Municipal Law Center*

## CORRECTIONS

Our August 2001 "Ask the League" stated that a zoning administrator (ZA) should not be present at a meeting where an applicant is appealing his or her decision. That is wrong.

It would deny zoning administrators the right to justify their decisions if a zoning board of adjustment (ZBA) or a development review board (DRB) prohibited them from attending such a hearing. Allowing the ZA to present his or her reasoning for a decision is *necessary* to shed light on the case. However, it should still be noted that a ZA should not be a

voting member of either a ZBA or a DRB, nor should the ZA be present for closed board deliberations of an appeal of his or her decision.

In the September 2001 "Ask the League" two incorrect statutes were cited in support of the need for the town voters to approve spending of reserve fund monies. Please note that monies in a reserve fund can only be spent with express approval of the town voters, and it must be a fund set up by the voters for a special purpose. 24 V.S.A. § 2804. The *VLCT News* apologizes for the errors.

Through Northeast Delta Dental, the Vermont League of Cities & Towns offers dental plans designed to meet the needs of your municipality.

Call Delta Dental Plan of Vermont  
135 College Street  
Burlington, VT 05401-8384  
at 800-329-2011  
for more information.

 **DELTA DENTAL®**  
Northeast Delta Dental  
[www.nedelta.com](http://www.nedelta.com)



## ATLANTIC DETROIT DIESEL-ALLISON

*Serving Vermont*

*Featuring - & The Northeast*  
**Detroit Diesel  
Engines**

**Allison World  
Transmissions**

*Factory Authorized Distributor*

- Diesel Engines: 11 HP - 3500 HP
- Exchange Engines
- Atlantic DDA Sauertron Remanufactured Transmissions
- Rental Gen Sets and Load Banks
- Generator Systems
- Carrier Transcold Authorized Service Warranty Center
- Filters, Batteries & More

*Expert Sales • Genuine Parts  
Factory Trained Service Technicians*

 **ATLANTIC  
DETROIT DIESEL-ALLISON** 

**802-865-4672**

Albany, NY: 518-452-0000 • Saugerties, NY: 845-247-9045  
Ronkonkoma, NY: 631-981-5800  
Middletown, CT: 860-632-8218 • Norwalk, CT: 960-536-6726  
Lodi, NJ • Piscataway, NJ • Brielle, NJ



Promoting healthy lifestyles and safe work practices for Vermont's municipal employees



# RISK MANAGEMENT NOTES



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

## EMERGENCY PLANNING TIPS

In light of the recent events that have occurred in our country, much attention is being focused on emergency and disaster planning. Remember how, at the turn of the century, a lot of preparation and planning took place to ward off the Y2K computer bug? This type of planning is also effective for other types of emergencies, crises, and natural or man-made disasters. Here are some steps that local officials can take to help in the event of a crisis.

- Meet with your local emergency management agency and review your community's contingency and emergency plans.
- Find out where you need to report in an emergency and what your role is.
- Learn what your evacuation and declaration authorities are.
- Establish protocols for decision-making in a disaster situation.
- Examine the different roles and responsibilities of emergency personnel so response will not be delayed by indecision or duplication of efforts.
- Designate a disaster public information officer.
- Have a media strategy in place and consider using an information hotline, web site, handouts, fact sheets and press releases.
- Have a system for locating community officials when they are needed for decisions.
- Review the insurance coverage on all your public buildings.
- Schedule an informal tabletop exercise with department heads to simulate an emergency.
- Review your community's school disaster preparedness plan.
- Work with your neighboring communities

and state officials to develop protocols for mutual aid arrangements, joint response and community education.

We all know that you can never plan for every situation, but with a little planning an emergency situation can be dealt with in an efficient and effective manner. For more information on emergency planning, please

contact VLCT PACIF Risk Management Services at 800/649-7915.

- Patrick Williams, Deputy Director, VLCT Group Services

Please note: The Vermont Department of Emergency Management released earlier this month a draft protocol for opening mail safely. You may access the protocol through the Department of Public Safety's web site at [www.dps.state.vt.us](http://www.dps.state.vt.us).

### VLCT PROPERTY AND CASUALTY INTERMUNICIPAL FUND, INC. (VLCT-PACIF)



#### A GROUP SERVICES PROGRAM

Meeting Vermont's Municipal Insurance and Risk Management Needs

#### COVERAGES INCLUDE:

- Comprehensive General Liability
- Property • Auto Liability
- Auto Physical Damage
- Workers' Compensation
- Boiler & Machinery
- Law Enforcement Liability
- Specialized Coverages
- Public Officials' Liability
- Employment Practices Liability
- Public Officials' Bonds

#### ADVANTAGES:

- Financial Benefits
- Risk Management
- Loss Prevention
- Local Control
- Education



89 Main Street, Suite 4, Montpelier, VT 05602  
1-800-649-7915 • 802-229-9111 • FAX 802-229-2211



## **REMINDERS –**

### **2001 VLCT HEALTH TRUST ANNUAL MEETING FRIDAY, NOVEMBER 30, 2001 THE INN AT ESSEX ESSEX, VERMONT**

On the agenda –

1. 2000 Claim and Financial Reports
2. The Outlook for 2002 and Beyond
  - The Health Care Environment in Vermont
  - 2002 Rates
  - Plan Changes
  - New 3-tiered Prescription Drug Plan
  - Return of Member Surplus
3. Election of Directors

Please watch your mail for registration information or call VLCT at 800/649-7915.

### **VLCT PACIF MEMBER RENEWAL PACKETS**

Renewal applications for VLCT PACIF members were mailed out earlier this month. Please fill out these materials and return them to VLCT by November 9, 2001. Thank you!

### **U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE UP AND RUNNING**

Visit [www.uscommunities.org](http://www.uscommunities.org) to find out how your municipality can join in with larger government contracts around the country to receive competitive prices on computers, industrial and office supplies, and office furniture. If you did not receive the memo VLCT recently sent to members on this new program, contact us for another copy.

### **VLCT EMPLOYEE ASSISTANCE PLAN**

The VLCT Property and Casualty Intermunicipal Fund and the VLCT Health Trust are sponsoring Invest EAP's services as a free benefit to the 4,000 municipal employees they jointly cover. Family members of these employees are also eligible for Invest EAP's services.

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.

Fire Safety Management  
Inc.  
170 Salt Box Road  
Randolph Center VT 05061  
802-728-4501

- ◆ Fire safety and safety planning for towns and businesses.
- ◆ Haz-mat assessment of towns and businesses to assist with emergency planning.
- ◆ Evacuation planning for towns, businesses, schools, inns and churches.
- ◆ Fire safety inspections.
- ◆ Fire department training.
- ◆ 27 years experience in fire operations, fire safety and evacuation planning.

Kevin F. O'Donaghue, President  
Battalion Chief, FDNY(Ret.)  
Member NFPA



# VLCT's "NEXT" EDUCATION FUNDING PLAN

## PART ONE - HOW DID WE GET HERE FROM THERE

*(Editor's note: This month the VLCT News looks at the whys of VLCT's new education funding proposal. Next month, in Part Two of this two-part article, we will delve into the specifics of how the proposal would pay for education in Vermont.)*

### BACKGROUND

#### **1. The Vermont League of Cities and Towns represents cities and towns, not schools. Why is VLCT involved in the education finance debate?**

For two reasons. First, the property tax is Vermont's largest tax and municipalities are responsible for administering it (in 2000 municipalities appraised the \$40.5 billion in taxable property in Vermont and collected \$805 million in taxes on that property).

Second, 72% of those taxes collected was remitted to school districts. Over the past decade, municipalities' share of the property taxes collected has slipped from one-third to just over one quarter. Relying so heavily on the property tax to fund education has put the squeeze on municipalities trying to provide essential public services such as highways and public safety.

#### **2. You say that Vermont is "over-reliant" on the property tax. How so?**

The \$805 million that cities and towns collected last year is more than the state's personal income, sales, corporate income, meals and rooms and insurance taxes combined. Comparing Vermont with other states shows that of all state and local taxes collected, the property tax in Vermont represented 44.6% of the total compared to just 30% nationally.

For funding education, the average state pays for 49% of the cost of elementary and secondary education from state sources other than the property tax. In Vermont, only 30% of the cost of schools comes from state sources other than the property tax.

#### **3. So Vermont is over-reliant on the property tax. What is wrong with that?**

First, as we mentioned above, high property taxes may keep some municipalities from being able to provide the services that their citizens need. Second, the property tax

fares well on only one of the nine criteria tax experts use to evaluate taxes – stability. The property tax does remain stable through good times and bad (this is not always the case, as a VLCT survey in the early 1980's showed that property tax delinquencies rose 27% in the first year of a recession).

Most other states have realized the shortcomings of being so heavily reliant on the property tax and have increasingly used other tax sources, both state and local, to raise funds. This is not true in Vermont, where property taxes are enlarging their share of the state's overall financing "pie." Since 1987, the average state has held its property tax share of total state and local property taxes at 30%, whereas in Vermont, it has increased from 39.5% to 44.6%.

### ACT 60

#### **4. Didn't Act 60 fix all of this?**

Act 60 did two things when it was passed in 1997. First, it addressed the inequity of resources among our school districts by creating the statewide property tax and the "sharing pool" property tax. That met the concerns raised in the *Brigham* decision. Second, the legislature did that year make a

substantial increase in state non-property tax revenues to pay for education. However, since that time, such aid has hardly increased at all (\$347.1 in FY99 to \$350.7 in FY02), while school spending has increased at about 6% per year. The gap has been made up by a 25% rise in education property taxes in just three years. Whether or not the rise in education spending is a good thing is part of another debate; the fact remains that Act 60 has no built-in mechanism to make state non-property tax aid rise proportionally.

#### **5. So, Act 60 can't reduce Vermont's over-reliance on the property tax. Can it be improved in other areas?**

Act 60 tried to remedy one of the major problems of our over-reliance on the property tax, and that is that the property tax is a regressive tax. This means that the tax takes a larger percentage of the income of lower income individuals than of higher income individuals. It also does not reflect changes in people's ability to pay. If they lose their job, they would still have to pay their property tax.

Therefore, it was passed with an "income sensitized" education property tax for residents. Homeowners with household incomes of generally under \$75,000 (there are exceptions) would have their education property taxes capped at a percentage of income of 2% plus an amount that reflected the spending of their local school district. Currently that total income cap amount

*(Continued on next page)*

## Computers for Municipal Services

Specializing in business and government computer systems, UMS offers on-site installation and training, expert support and competitive pricing for all your municipal computer needs.



# Universal Micro Systems

Route 100 Waitsfield, VT 496-5500



**EDUCATION FUNDING-**  
(Continued from previous page)

averages 3.024% statewide. It is accomplished through a series of complicated transactions involving the taxpayer, the taxpayer's city or town and the state Tax Department. Most have come to realize that this is indeed an income tax in all but name and is too complicated for it to work effectively.

A second problem with the existing Act is that, depending on which town a convenience store, bed and breakfast or manufacturing plant is located, its education property tax rate could be as low as \$1.10 and as high as \$2.468, a difference of 125%. These non-residential property owners should be treated equally, regardless of their location in the state.

**6. What portion of the education property tax is paid by residents and by non-residents now?**

This year, residents will contribute an estimated \$301 million of their income in education taxes.

Non-residential property owners (e.g. industrial, commercial, vacation homes, woodlands) were billed and are in the process of paying \$250 million.

- Steven Jeffrey, VLCT Executive Director

**HEADS UP – LWCF  
GRANT APPLICATIONS  
DUE IN EARLY SPRING**

The Vermont Department of Forests, Parks & Recreation is soliciting proposals from municipalities for grants under the **Land & Water Conservation Fund Program**.

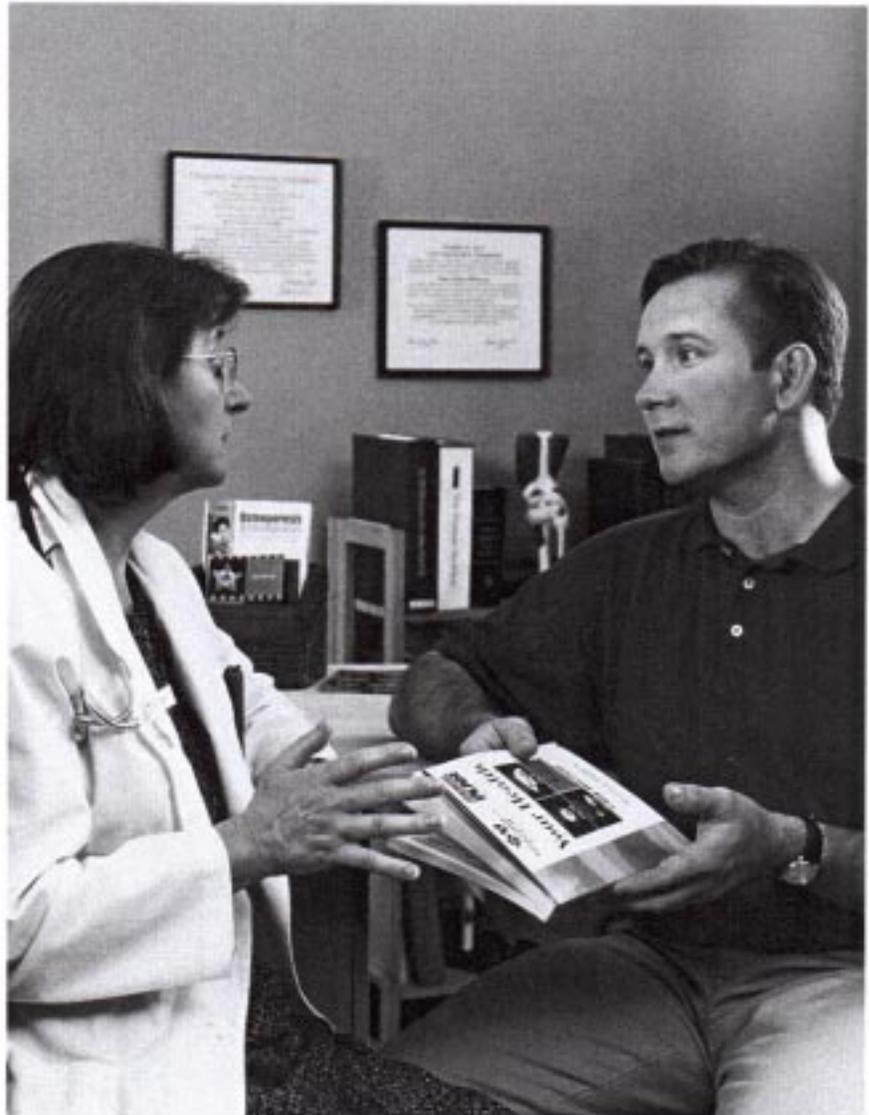
Approximately **\$360,000** in federal matching funds were available for competitive grants last year; at least as much is anticipated for the current year. A minimum 50% local match will be required.

Eligible activities include outdoor recreation development or enhancement and land acquisition to serve conservation or future outdoor recreation development.

Applications must be received no later than **4:30 PM on Friday, March 2, 2002**.

For more information, contact Sherry Smecker, Vermont Department of Forests, Parks & Recreation, 103 South Main Street, Bldg. 10 South, Waterbury, VT 05671-0604, or call 802/241-3690, e-mail [ssmecker@fpr.anr.state.vt.us](mailto:ssmecker@fpr.anr.state.vt.us) or visit <http://www.state.vt.us/anr/fpr/recreation/index.htm>.

the signs of a healthier vermont.



**When a patient has the knowledge to ask his doctor the right questions**

...when health support and information are just a phone call or click away, these are the signs of a healthier Vermont. Blue Cross and Blue Shield of Vermont's *Your Health Program* provides subscribers with state-of-the-art tools including a handbook, website and 24-hour, nurse-staffed phone line, to help them make informed decisions about their health. For information about Blue Cross and Blue Shield of Vermont coverage, call 800-255-4550 or visit us at [www.bcbsvt.com](http://www.bcbsvt.com).



**BlueCross BlueShield  
of Vermont**

Blue Cross and Blue Shield of Vermont is an independent licensee of the Blue Cross and Blue Shield Association.



# TOWN FAIR 2001 WRAP-UP

## OUT OF ADVERSITY CAME THANKFULNESS AND COMFORT

Coming just a few weeks after the September 11 terrorist attacks, Town Fair 2001 gave a record number of attendees the chance to acknowledge their public safety colleagues in New York, Washington, DC and Pennsylvania, and their local government colleagues around Vermont. Drawing comfort and strength from the gathered community of Vermont local government officials and employees, Town Fair attendees joined together to make the Fair one of the most successful and memorable ones in recent years.

The annual awards luncheon was particularly poignant, as a moment of silence was observed for those killed on September 11. Keynote speaker John DeStefano, National League of Cities Second Vice-president, reminded his audience of the good work they do and the potential to always do better. The awards ceremony showcased one talented and dedicated Vermont local official after another, as volunteerism, professionalism, dedication and leadership were recognized. The fabric that weaves our communities together, in good times and in bad, was clearly in evidence during Town Fair 2001.

### THE FAIR IN NAMES AND NUMBERS

With over 900 attendees comprised of local and state officials, vendors and speakers from every point on the spectrum, there were a lot of new and familiar faces at Town Fair! A record number of local official attendees this year (671) represented 138 towns from Andover to Worcester.

The sun shown on 20 outside vendors showcasing everything from concrete to tractors. Inside, there were 66 vendors representing companies distributing everything from insurance to office supplies. There was even some Ben & Jerry's ice cream thrown in!

The ten lucky winners of \$100 each in this year's Grand Raffle were:

- Bobbi Brimblecombe**, Marshfield
- Donna Duling**, Windsor
- William Eastman**, Corinth
- Sherrill Gould**, Windsor
- Steve Hier**, Weathersfield
- Beverlee Pembroke Hill**, Montpelier
- Carol Merritt**, Windham
- Carl Rogers**, Barre Town
- Claude Stone**, Montpelier
- Sylvia Tosi**, East Montpelier

Thanks again to our raffle sponsors: Blue Cross Blue Shield of Vermont, Northeast Delta Dental, William M. Mercer, Inc., The Taylor Group and Jon-Jay Associates.

Winners in the Annual VLCT/VMHA Snow Plow Rally were:

- 1<sup>st</sup> Place, Town of Stowe**

Driver: Ron Kerin, Wingman: Melvin Wells

#### **2<sup>nd</sup> Place, Town of Middlebury**

Driver: Isreal Dwyer, Wingman: James Harrison

#### **3<sup>rd</sup> Place, Town of Northfield**

Driver: Chris Alger, Wingman: Peter Demasi

In addition, the following awards were presented at the Annual Awards Ceremony following the barbecue under the Tent.

#### **Highway Person of The Year (Towns over 4000)**

**William C. Lyon, Northfield**

#### **Highway Persons of The Year (Towns 1000-4000)**

**Roland Dubuque, Grand Isle**  
**Mike Garand, East Montpelier**

VLCT award winners were:

#### **Municipal Person of the Year**

**Beverlee Pembroke Hill**, Assistant City Manager, Montpelier

#### **Legislative Service Award**

**Senator Jim Condos**, South Burlington City Council, and **Representative Leigh Larocque**

#### **Town Government Award**

**William Haines**, Project Citizen and Selectboard member, Worcester

#### **Town Citizenship Award**

**Linda Norton**, Librarian, Lincoln

#### **Lifetime Achievement Award (awarded posthumously)**

**Representative Martin Myers**, Selectboard member, Essex Town

## ANOTHER SUCCESSFUL DAY ON THE LINKS...

The 4th annual Town Fair Golf Outing was held on Wednesday, September 26 at the Green Mountain National Golf Course. Twenty, four-person teams competed in a scramble format, which was followed by a buffet lunch and award presentations. The weather turned out to be beautiful again this year and a great time on the links was had by everyone who participated. Prizes were awarded to the top 12 teams and everyone who participated received a beautifully embroidered VLCT golf hat and golf towel.

**PROVIDING  
SOLUTIONS  
SINCE 1911**

- ▲ Wastewater Management
- ▲ Water Supply ▲ Civil Engineering
- ▲ Solid Waste Management
- ▲ Hazardous Waste

### **Tighe & Bond**

25 Village Square  
PO Box 621  
Bellows Falls, VT 05101  
802-463-2200 Fax: 802-463-1188  
[www.tighebond.com](http://www.tighebond.com)



- ★ Complete wastewater and drinking water treatment chemicals
- ★ Swimming pool chemicals
- ★ Delivery anywhere in Vermont

**CALL 1-800-649-5952  
TOLL FREE**

P.O. BOX 613 • ROUTE 4 EAST • RUTLAND, VERMONT 05701  
(802) 775-5952



# ELECTRIC BILL SAVINGS A CALL AWAY

Here's an idea that makes sense for your town: get free professional energy efficiency advice to find out how to lower your energy bills, install energy efficient lighting and other improvements, and receive cash incentives to pay for the improvements. Then, watch your electric bills go down!

Working with Efficiency Vermont, the statewide energy efficiency utility, two towns recently reported success in doing just that.

As if preparing for the Tunbridge World's Fair wasn't enough activity, Tunbridge residents recently pushed garden carts full of books to their new town library. The library moved into a renovated 1830 brick house that features attractive and energy-efficient lighting. Librarian Jean Wolfe says people are thrilled. "When the Town was looking for lighting, Efficiency Vermont helped us find and pay for attractive, affordable and energy efficient lighting fixtures that complement the renovations in this historic building."

Ken Hamelin, wastewater treatment plant operator for the Towns of Troy and Jay, worked with Efficiency Vermont to reduce his plant's electric bills. "Efficiency Vermont helped the towns reduce our energy costs by giving us a cash incentive to buy a variable speed drive." The drive enables Hamelin to operate the plant aerators at slower speeds, saving the towns energy and money.

"These projects are examples of how Vermont's unique energy efficiency utility can help Vermont cities and towns meet their energy needs and lower their electricity costs," said Blair Hamilton, managing director of Efficiency Vermont.

The Public Service Board and the Vermont General Assembly created Efficiency Vermont last year. It is the nation's first statewide energy efficiency utility that pools ratepayer dollars collected in utility electric bills and uses them to provide a variety of services and programs for municipalities, homes and businesses, including free technical advice, cash incentives and rebates on appliances and lighting.

Thus far, Efficiency Vermont has worked with more than 35,000 Vermonters across the state to install energy efficient measures that will save more than 40,000 Megawatt hours (MWh) of electricity. "That's approximately the amount used annually by 5,000 Vermont households," Hamilton said. The dollar value of these savings from efficiency improvements to date is more than \$25 million. That's the total of the costs Vermonters avoid by not purchasing or generating the electricity that the Efficiency Vermont programs save over the life of the measures installed.

"It's been called the invisible power plant," Hamilton said. The energy we save is energy we'll never have to generate. "Several of our projects are for cities and towns," Hamilton said, "and there's a lot more we could do here."

If your town, city or village would like to have Efficiency Vermont review your options to conserve energy, please call its toll-free line (888/921-5990) or visit [efficiencyvermont.com](http://efficiencyvermont.com).

- Barry Lampke, Communications Specialist, Efficiency Vermont

## ENERGY SAVINGS CHECKLIST

Vermont municipalities are making libraries, town halls, traffic lights, and wastewater treatment plants more efficient, saving taxpayer dollars. By specifying efficient equipment and systems, electrical savings of 30% to 50% are possible. Here's a checklist of efficiency measures to consider:

### LIGHTING EQUIPMENT

- Replace older linear fluorescent lamps** – Replace T12 lamps and ballasts with T-8 lamps and electronic ballasts.
- LED exit signs** – Retrofit or replace incandescent exit signs with long-life, low-wattage signs that use LED technology.
- Occupancy Sensors** – Automatically turn lights on and off as they are needed.

### HVAC EQUIPMENT

- Efficient heating, ventilation and air conditioning equipment** – Increase building comfort with properly-sized, efficient HVAC equipment.
- Replace electric heat with alternative fuels** – Electric resistance heat is frequently the most expensive way to heat a facility. Consider converting to alternate fuels to replace electric baseboard heat and electric unit heaters.

### MOTORS AND DRIVES

- Select efficient motors** – Large motors (5 to 400 horsepower) can be improved at the time of replacement by specifying more efficient models.
- Upgrade to variable speed drive equipment** – Motors and pumps operating on partial loads, such as those at wastewater treatment plants, can benefit from new control technologies that vary the speed in accordance with the load.

### OFFICE EQUIPMENT

- Specify Energy Star office equipment** – The Energy Star label ensures that office equipment meets efficiency standards.

### TRAFFIC SIGNALS

- Upgrade to LED traffic signals** – Increase efficiency and reduce maintenance costs by upgrading to long-life light-emitting diodes (LED) traffic signals.

### ENERGY AUDITS

- Review energy use and cost** – Hire a specialist to review energy use in municipal facilities. Often, significant savings result from low-cost operational changes. Call Efficiency Vermont for referrals.

## Where Is Your Community Headed ?

## Where Do You Want It To Head ?

## What Can Be Done To Head It That Way ?

The best answers rest with citizens themselves. But bringing out the answers requires experience and skill in assembling facts, getting diverse views, and achieving consensus.



**Matteson Associates of Bennington**  
**802/447-2566 Fax 802/447-3831**

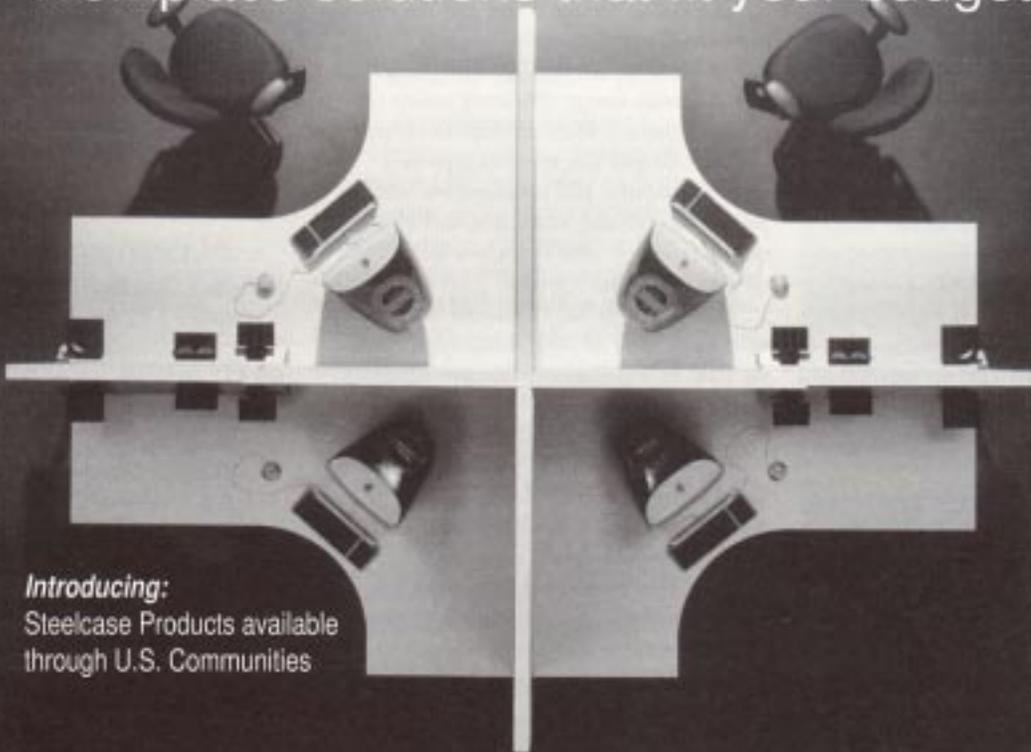


★ Experts in Community Futures ★

*Goal Setting, Policy Development, Implementation Strategies*



Workplace solutions that fit your budget!



*Introducing:*  
Steelcase Products available  
through U.S. Communities

**Steelcase** and **Turnstone** products give you the tools to transform your business image. Durable, affordable desks, tables, files and accessories in a wide range of styles that are as easy to install as to change!

It's a custom look, without the price tag: A simple, affordable and technologically advanced way to mobilize and energize people — one at a time.

*For more information about  
Steelcase & U.S. Communities contact:*



**BUSINESS INTERIORS**

**BUSINESS SOLUTIONS TO ENHANCE WORKPLACE PERFORMANCE**

85-91 Main Street  
Brattleboro, Vermont  
802-254-7151 or 800-381-1229

150 Pioneer Drive  
Williston, Vermont  
802-862-0434 or 800-635-4874



# WELCOME DOMINIC CLOUD

VLCT recently welcomed to its staff Dominic Cloud, our new Associate for Legislative and Information Services. Dominic takes the position previously held by Molly Dugan, who left the League in early August.

Dominic is a June graduate of Syracuse University's Maxwell School of Citizenship and Public Affairs with a Master of Public Administration.



*Dominic Cloud*

Prior to attending graduate school, Dominic worked for the Vermont Youth Conservation Corps. He lists politics and skiing among his outside interests. Welcome!

## Classifieds

### HELP WANTED

**Executive Director.** Upper Valley Lake Sunapee Regional Planning Commission in Lebanon, NH, seeks mature, energetic planner with broad experience to lead agency. Responsible for overall work program, staff management, budget, contracts, grant applications, liaison with member towns, state and federal agencies. Report to board composed of representatives from 30 member communities in NH and VT. Must have political savvy, public speaking ability, and top-notch writing skills. Expertise in historic preservation, engineering, transportation and economic development would complement current staff skills. Qualifications include a master's degree in planning or closely related field, plus seven years professional planning experience, including at least three years of supervisory experience, and a good sense of humor. Send cover letter, resume, salary requirements and references to Search Committee, UVLSRPC, 77 Bank Street, Lebanon, NH 03766. No faxes or e-mails accepted. Applications accepted until November 23, 2001. EOE

**Municipal Administrator.** The Village/Town of Johnson seeks a municipal administrator to support the trustee/selectboards in carrying out its duties and responsibilities to the ultimate benefit of the Village/

Town of Johnson. The preferred candidate will have knowledge of: public administration, with particular reference to municipal administration, including the basic principles of organization and budget preparation; village/town organization and functions; knowledge of the laws, ordinances, and other requirements governing state and local government; research methods and techniques utilized to assemble, organize, and present in written or oral form statistical, financial, or factual information derived from a variety of sources; and computer literacy, good writing and presentation skills. Bachelor's Degree in Business or Public Administration requested or minimum of three years experience in an administrative capacity in either a municipal or business environment. Interested candidates should submit a cover letter, resume, and three letters of reference with phone numbers to: Town of Johnson, P.O. Box 383, Johnson, VT 05656. Deadline is November 5, 2001.

**Part-time Town Administrator.** Organized, self motivated person with education or experience in government or business administration sought by the Town of Winhall. Call 802/297-2119 for job description and information, or send cover letter and resume to Town of Winhall, P.O. Box 420, Bondville, VT 05340

**Planning & Zoning Administrator.** Search reopened. The City of Barre, Vermont, with an active interest in planning, responsible growth to protect historic settlement patterns, and quality of life, is seeking an enthusiastic planning and zoning administrator. Background in planning is strongly desired as well as knowledge of land-use concepts, zoning issues, grant writing, and administration. Excellent benefits and salary commensurate with qualifications and experience. Application deadline is 5:00 p.m., Wednesday, Oct. 31, 2001. Please send resume, informative cover letter, and three references to Richard L. Fitzgerald, City Manager, City of Barre, 6 N. Main St., Suite 2, Barre, VT 05641. Mark envelope "Application - Zoning Administrator." For a more detailed job description, call 802/476-0240. EOE-M/F



## Let's Talk!

We can help your community with budgets, cost estimates of capital improvements, ideas for funding and rate schedules.



**Phelps Engineering, Inc.**

3 Mill Street  
P.O. Box 367  
Middlebury, VT 05753

(802) 388-7829

info@phelpseng.com  
www.phelpseng.com



89 Main Street, Suite 4  
Montpelier, VT 05602-2948

PRSR STD  
U.S. Postage  
PAID  
Montpelier, VT  
Permit No. 358

## Calendar

### **Community Investment: Helping to Produce Long-term, Smart Growth Results.**

Wednesdays, November 7 and 14, 2001, Vermont Technical College, Randolph. Sponsored by the Orton Family Foundation, this two-evening workshop will draw on materials developed by the Vermont Forum on Sprawl and address the linkage between everyday and long-term public investment decisions in infrastructure and thoughtful community planning. It is specifically designed for selectboards, school boards, planning commissioners, public works commissioners, town managers and administrators, and interested citizens. Vermont case studies and examples from cities around the country will be discussed. Topics will include design of a local street network, Class 4 roads, investments that revitalize downtown areas, the future of town forests, and matching sewer and water line extensions with town growth plans. For further information or to register, please

contact The Orton Family Foundation at 802/773-6336 or online at [www.orton.org](http://www.orton.org), or contact Martha Perkins at 802/425-5761 or [perkins@together.net](mailto:perkins@together.net).

**Special Topics in Planning and Zoning Workshop.** Thursday, November 8, 2001, Suzanna's Restaurant, Berlin. The VLCT Municipal Law Center presents this workshop on municipal planning and zoning tools to protect natural resources and open space. Sessions will also address Act 250 and state wetlands and water regulations. For more information, contact Jessica Hill, VLCT Conference Coordinator, 800/649-7915 or [jhill@vlct.org](mailto:jhill@vlct.org).

**Green Mountain Water Environment Association Trade Show and Technical Program.** Thursday, November 8, 2001, Radisson Hotel, Burlington. Biofilm, phosphorus, drinking water loan funds and electrofusion are some of the topics to be addressed at this popular, annual program

of the state's water and wastewater facility professional association. For more information, contact Jessica Hill, VLCT Conference Coordinator, 800/649-7915 or [jhill@vlct.org](mailto:jhill@vlct.org).

**Community Design: Incorporating Design Concepts and Practices into Community Planning.** Fridays, November 9 and 16, 2001, Vermont Law School, South Royalton. Sponsored by the Orton Family Foundation, this two-day workshop is geared to understanding the dynamic between citizens and professional planners and to clarifying design concepts. Professional planners will work with workshop participants and will utilize actual Vermont case studies, exploring tools and successful ways in which to address specific design issues. For further information or to register, please contact The Orton Family Foundation at 802/773-6336 or online at [www.orton.org](http://www.orton.org), or contact Martha Perkins at 802/425-5761 or [perkins@together.net](mailto:perkins@together.net).