

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

January 2003

## WHEN DISASTER STRIKES...

On December 5, 2002 the VLCT Property and Casualty Intermunicipal Fund (VLCT PACIF) Claims Department received a call from the Town of Royalton describing a devastating fire loss to their Town Garage and the equipment stored inside.

Immediately, arrangements were made for a PACIF claims representative to get to the scene and assess the damages. This particular case was a bit unique in that our closest claims representative was in White River Junction attending a deposition on another case. No problem, Senior Claims Representative Kelly Kindestin was dispatched from White River Junction to

Royalton to attend to the needs of the folks there. Our claims staff knows it has to be flexible and ready at a moment's notice in order to serve our members' needs.

Once at the site of a claim like the Royalton Town Garage, our obligation to our members is to assure them of the coverage they have available for their property and inform them about what needs to be done to properly expedite the claim. In investigating large losses, especially total loss fires, it is important for us to determine the cause as quickly as possible. Knowing the cause will help determine the next phase. A key question is whether demolition

can proceed or are additional experts needed to help us recover damages from a third party who may be responsible for the damage?

Another way the claims representative will help members immediately following a loss is by looking for temporary solutions to problems so that our members can continue providing the services to the citizens with as little disruption as possible. In this case, Royalton needed to rent



*The Former Royalton Town Garage*

*(Continued on Page Eight)*

## VLCT BOARD OF DIRECTORS PROFILE

**WILLIAM PERKINS,  
SELECTPERSON, TOWN OF  
MIDDLEBURY**

Taking his own advice, Bill Perkins stepped from the sidelines of local politics onto center stage when he ran for and was elected as a Middlebury selectperson 11 years ago.

Of course, if you pry, you will find out that he wasn't truly a spectator before joining the selectboard. Prior to his election, he had served as an appointed member of several of Middlebury's boards and committees.

But back to the advice. "I think," Bill commented, "that people who have strong feelings about their state or town should step forward to help formulate policy, and not just stand aside and complain." Some people have actually taken his advice, but he admits that many more have not. He is quick to point out that he understands why, that the time commitment can be overwhelming for many. "I've been very fortunate," he noted, adding that

*(Continued on next page)*

## LOCAL GOVERNMENT DAY IN THE LEGISLATURE

Wednesday, February 12, 2003, Capitol Plaza & State House, Montpelier  
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### PRELIMINARY AGENDA

8:15	Registration (Capitol Plaza)
9:00 – 9:15 a.m.	Welcome and Explanation of Day's Events
9:15 – 9:45 a.m.	Review of Pending Legislation and Likely Action
10:00 – Noon	Attend Committee Meetings at State House
10:30 – 11:30 a.m.	State House Tour: David Schütz
12:15 – 1:30 p.m.	Luncheon with Legislators Governor James Douglas (invited)
1:45 – 4:00 p.m.	Attend Committee Meetings at State House
2:00 p.m.	Cookies (State House Cafeteria)
4:00 p.m.	Safe Journey Home

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# VLCT NEWS

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\*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.

## BOARD PROFILE -

*(Continued from previous page)*

for the 22 years that he and his wife Virginia have made Middlebury their home, he has always been self-employed. "I have been able to allow myself the time I need for the town – not many people have that opportunity," he acknowledged. (The Perkins family's move to Vermont was occasioned by Bill's decision to opt out of a corporate career in sales and management of pension and actuarial services.)

Being on the selectboard is particularly challenging because of the increasing complexity of the issues. "I find every month that we, as selectpersons, are being asked to be experts in highways, water and wastewater, Act 60 and Act 250," he noted. "It is," he added, "very difficult for people of any level of intelligence to grasp these complex subjects... We do okay because we rely heavily on the Town's staff."

Bill joined the VLCT Board of Directors because he feels that VLCT's goals of promoting and strengthening local government are closely allied with his own belief in its importance. "I have always felt strongly that local government is the best government to solve problems at the local level," he said, adding, "there is no point in the state grabbing local power unless [a municipal-

ity has] inadequate fiscal or staff resources."

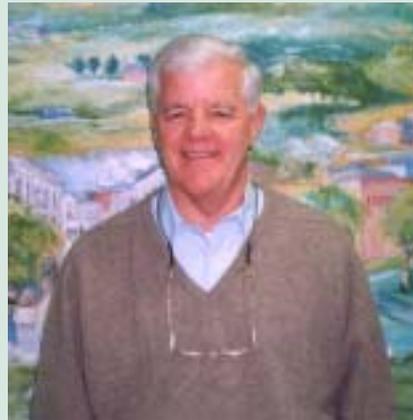
Serving on the VLCT Board of Directors will probably give Bill more insight into two of the current challenges he sees facing the Town of Middlebury: its very high property tax rate and the flow of traffic through town on Route 7. In Middlebury, the selectboard only controls the 25 percent of property taxes raised to pay for Town services. The remaining 75 percent support local schools. However, the selectboard often receives 100 percent of the "heat" generated by disgruntled taxpayers. As to the bottleneck Middlebury creates for drivers between Rutland and Burlington on Route 7,

this, he said, "is a problem where we clearly need help from the state and federal governments in the form of money and ideas."

Growth drives the other challenges Middlebury citizens and the Middlebury selectboard face today. Bill noted that "trying to keep the Town an affordable place to live" in the face of rising property values and taxes is a major

issue, as is determining where growth should go, including the Town's. Voters in Middlebury recently, and narrowly, voted down a town hall renovation project that would have kept their town hall downtown. "The issue of where to locate Town services, downtown or on the outskirts, has split the Town right down the

*(Continued on Page Five)*



*William Perkins*



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# LEGAL CORNER



## PUBLIC RECORDS LAW AND BID INFORMATION

### CERTAIN BID INFORMATION EXEMPT FROM ACCESS TO PUBLIC RECORDS LAW

The Vermont Supreme Court has held that certain financial records of a business that submits a bid for a contract are protected under the public records law. 1 V.S.A. § 317(c)(9). *Springfield Terminal Railway Co. v. A.O.T. et al.*, Vt. No. 2001-447 (Nov. 1, 2002). ("A.O.T." is hereinafter referred to as "VTrans," its new name since this case originated.)

Springfield Terminal Railway (STR) was one of several companies that submitted a proposal

The Court noted that Vermont's Public Records Law emphasizes "a strong policy favoring access to public documents and records." Records must be disclosed unless the public agency holding the documents can show that they are exceptions under 1 V.S.A. § 317(c). In this case, the analysis hinged on 1 V.S.A. § 317(c)(9) which exempts:

"...trade secrets, [including, but not limited to], any compilation of information, which is not patented, which is known only to certain individuals within a commercial

government agencies asking for public bids which include sensitive financial information will be able to keep such information confidential, preserve the integrity of the bidding process and make well-informed decisions based on the information received.

Relying on this case, municipalities, when asking for bids, can insist on complete and accurate financial information and can assure bidders it will be kept confidential and not released to competitors.

The important point here is that *all* records collected by government are presumed to be public and subject to public inspection. The burden is on the government agency to show why a document is not available upon request.

Note that this public records interpretation is consistent with the Open Meeting provision for executive sessions. Although most meetings of government bodies must be open to the public, a public body may go into executive session to consider sensitive matters that might create an unfair advantage for the public body or for another party if certain information were made public. 1 V.S.A. § 313 (1).

- Libby Turner, VLCT Staff Attorney

*The Court pointed out that this sort of financial information must be protected so that government agencies asking for public bids which include sensitive financial information will be able to keep such information confidential, preserve the integrity of the bidding process and make well-informed decisions based on the information received.*

to provide freight service for VTrans. During the bid process, STR submitted a letter asking that it be allowed to inspect and/or copy documents related to the other bids and the selection of the contractor. VTrans produced some of the documents but withheld others that it judged to be exempt from public disclosure under 1 V.S.A. § 317.

This appeal was taken based on VTrans' refusal to disclose some financial information of the other bidders, including "balance sheets, income statements, profit and loss statements, statements of retained earnings, statement of cash flows, and ... freight and passenger flow projections."

concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know or use it."

*STR v. AOT at 4.* The Court said the Legislature intended to protect the confidentiality of "internal, corporate financial information" which, if provided to competitors, would give them an unfair advantage in a bidding process.

STR admitted that it wanted its competitors' business information in order to gain a competitive advantage and that it was "being nosy." The Court pointed out that this sort of financial information must be protected so that

### KILLINGTON CASE AT STATE SUPREME COURT

VLCT recently filed a friend of the court brief (*amicus curiae* brief) with the Vermont Supreme Court in support of the Town of Killington in the State's appeal of an Act 60 property tax decision. (See write up of lower court case in the September 2002 Legal Corner, *VLCT News*.) The decision in this case has the potential to impact all Vermont municipalities, as the State's equalization methodologies under Act 60 were held to be "arbitrary and capricious . . . and that their

application constituted an abuse of the discretion granted to the Commissioner of Taxes to determine the appropriate methods to be utilized in determining the State's aggregate fair market value (AFMV) [also know as 'equalized education property tax grand list'] The methodologies used simply were not reliable." *In re Town of Killington*, Opinion and Order, Docket # S0192-99RcCa (2002). Stay tuned to the *VLCT News* Legal Corner for updates on this case.

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## BOARD PROFILE -

(Continued from Page Two)

middle," Bill commented, "but we'll get through it."

Bill means it when he says "we." When asked about the accomplishments of which he is most proud in his local government tenure, he demurred, saying, "I am only one of seven [selectboard members], and the town has accomplished a lot. We have a very viable business community and relations with Middlebury College generally swing on a pendulum from good to excellent." He also cites the selectboard's constant efforts to keep Middlebury citizens informed and involved. "Local government needs to make available numerous opportunities for people to come forward and be heard on local issues," Bill believes, and tries to practice, in Middlebury. His best advice to other selectboard members is to slow down, though the democratic process

can already seem slow, to make sure that the public has an adequate chance to be heard.

"We've done it all," he noted. "We broadcast our meetings on public access television, host call-in shows and send out surveys." All of this, he concluded with a smile, "makes our decisions better - not perfect, but better." He notes, too, that communication with voters is a two-way street. "It is equally incumbent for folks to come out early in the process, rather than jumping in later to criticize," he says with a hint of 'been there, done that.'

When he is not busy with Town business, Bill has what seems like an incredibly full plate of other activities for a man who, he notes, is "quickly coming up on 69." He enjoys time with his wife, three children and seven grandchildren. His Middlebury business, A+ Videotec Services, a video production company, keeps him busy on a part-time basis because he still enjoys it, and he plays tennis and works out

at a local fitness because, he admits, "I love to eat." He is chair of the selectboard's investment and personnel committees and is on the Town's sports commission, which runs the privately funded and built Memorial Sports Center. Bill also serves on the Downtown Improvement District Commission.

Throughout the 1990s, Bill was very active with the United Way of Addison County, serving as its President for two years and spending one year as President of the United Way of Vermont. From his experiences with the agencies supported by United Way, Bill says he took away an appreciation for Vermonters' generosity. "It is," he said, "astounding and unique." He noted that while there are some bright spots (domestic abuse is down), there are also problems that need more help from United Way agencies (drug and alcohol abuse, families that need more support to hold them together). "The problems are still there," he commented, adding, "they will never be gone, but hopefully they are minimized by people doing good work."

This modest characterization of the "good work" people like Bill Perkins do, in and out of their local government roles, is not uncommon in Vermont. VLCT is pleased to be among the beneficiaries of Bill's good work.

Welcome to the VLCT Board, Bill.

- Katherine Roe, VLCT Communications Coordinator

## FORMER BOARD MEMBERS MOVE TO STATE GOVERNMENT

With the first change in administration in over a decade, many state government positions opened up to new faces and a new party this year. Among the new faces in the Douglas administration are two former members of the VLCT Board of Directors.

**John Hall**, a former St. Johnsbury Town Manager and VLCT Board member, is the new Commissioner of the Department of Housing and Community Affairs. **Jeffrey Wennberg**, former Rutland Mayor and VLCT Board member, is the new Commissioner of the Department of Environmental Conservation.

**Mel Adams**, former Randolph Manager and VLCT PACIF Board member, has been hired as the new Director of Policy and Planning at the Vermont Department of Transportation and over at the State Treasurer's office, **Jeffrey Wilson**, former Manchester Manager and VLCT Board member, is the new Deputy State Treasurer. Congratulations to all, and we at VLCT look forward to continuing to work with you in your new positions!



Last month, as he prepared to take up the reins of Vermont state government, Governor-elect James Douglas visited with the VLCT Board of Directors. Here he makes a point as Glover Selectperson Nicholas Ecker-Racz (center) and Burlington Mayor Peter Clavelle (right) look on.

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# ASK THE LEAGUE

## MEETING AGENDAS; AGRICULTURAL EXEMPTIONS FROM ZONING

**Does the law say we have to have an agenda prior to public meetings? If so, how specific does it have to be? How do we handle the non-agenda items that inevitably arise?**

Although there is no explicit requirement for an agenda, the implication in 1 V.S.A. § 312(d) is that there shall be an agenda, which "shall be made available to the news media or concerned persons prior to the meeting upon specific request." "Agenda" is not defined in the statutes; therefore it is interpreted according to its ordinary meaning, which is "a list or outline of things to be done, subjects to be discussed, or business to be transacted." *Webster's Third New International Dictionary*.

The law also does not specify how far in advance of the meeting the agenda must be available. For a regularly scheduled meeting, it seems reasonable that it should be available soon enough to be useful to anyone who might want to attend the meeting. For special and emergency meetings, agendas should be available when actual notice is given of the meeting. "Special meetings" must have at least 24 hours notice. 1 V.S.A. § 312 (c) (2). "Emergency meetings" must be given as much notice as possible. The definition of an emergency includes such words as "unexpected," "urgent" and "immediate." It does not include "for the convenience of the board members." "Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body." 1 V.S.A. § 312 (c) (3).

It is also important to note that there is no requirement in the Open Meeting Law that a town post the agenda or publish it. The law merely states that the agenda shall be "made available to the news media or concerned persons prior to the meeting upon specific request." "Available" could mean that the agenda is posted at the town office or the local store. Or it could mean posting a general notice that agendas for all meetings will be available from the town clerk or the board chair

or whomever. Therefore, the agenda should be kept on file by the board clerk and copies provided for those who request it.

The Vermont Supreme Court interprets the Open Meeting Law with a bias towards making information available to the public. 1 V.S.A. §§ 310 et seq. It can be inferred from the few cases that have explored the Open Meeting Law that a vague or inaccurate agenda for a public meeting would not pass muster. Likewise, a meeting that does not follow the agenda pretty closely will also violate the spirit, and likely the letter, of the law.

An agenda should give *actual* notice of the topics to be addressed. Just the topics of "Old [or New] Business" won't do. There should be specifics such as:

- A. Discussion of contract for ambulance services.
- B. Shall the town plow the school driveway and parking lot?
- C. Discussion of the proposed speed limit ordinance.

Such topics may be discussed and acted upon at the meeting because the public has been given notice of what will be discussed and how it might affect them (in this case, either tax dollars or speeding fines). An agenda that just says "Contracts" or "Ordinance" does not give fair warning.

Some agendas include a section for "Public Comment" or "Other Business." Those provisions are necessary but *should be used sparingly* when people wish to introduce a non-agenda topic. They should not be used as a way to bypass the intent of the law, which is to encourage public information and involvement in government. If the topic is one that requires action or extensive discussion, it should be noted and scheduled for a later meeting – a regular or special meeting, whichever is appropriate. Engaging in extensive discussion or taking action on an important or complex non-agenda matter would probably be held to violate the Open Meeting Law. In addition, it is just plain "not fair."

For more information on effective agendas, see "Make Your Meeting Agenda Work for You" in the *VLCT News*, April 2001.

- Libby Turner, VLCT Staff Attorney

**A landowner in town wants to build a horse barn for the purpose of operating a riding stable. Can the town require the landowner to obtain zoning permits for the barn and commercial activity?**

The answer to this question depends upon several factors. As a general rule, "farm structures" and other activities associated with agricultural or "farming practices" are exempt

(Continued on next page)

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## ASK THE LEAGUE -

(Continued from previous page)

from zoning. 24 V.S.A. §4495. Thus, the first thing the zoning administrator needs to determine is whether or not the proposed building and equine activity constitute a “farm structure” or “farming” within the meaning of the Vermont Department of Agriculture, Food & Markets’ (the “Department”) accepted Agricultural Practice Rules (AAPs). Section 2.07 of the AAPs provides guidance through established thresholds for “farm structures.” As defined, a building is a farm structure if it is used by a person for agricultural production that meets one or more of the following criteria:

- ♦ is used in connection with the raising, feeding or management of four or more adult horses;

- ♦ is used in connection with the sale of \$1,000 or more of agricultural products in a normal year;
- ♦ is used by a farmer filing an IRS 1040(f) income statement; or,
- ♦ is on a farm operating under a business and farm management plan approved by the commissioner.

According to the Department, horse barns are considered to be farm structures within the meaning of 24 V.S.A. §4495 provided that the four or more horses are *permanently* stabled or boarded *full time* in the barn. In essence, the barn functions as a “home” for horses. In making this determination, ownership of the horses is immaterial, so it does not matter whether the animals are owned by the landowner or by other persons who are stabling their horses at the facility. As well, giving riding

lessons using the horses that are permanently stabled full time at the facility is illustrative of a commercial activity that is exempt from zoning because it qualifies as ‘farming’ under the Department’s rules. However, according to the Department, activities such as hosting horse shows and exhibitions do not qualify as “farming” and the buildings associated with those activities would not qualify as “farm structures.”

In accordance with 24 V.S.A. §4495, any housing associated with the equine activity or facility, such as grooms’ quarters or housing for farm managers, is not considered to be a “farm structure” and would be subject to municipal regulation. Likewise, a sign is not an agricultural structure. Consequently it also would not be exempted from municipal jurisdiction under §4495.

- Gail Lawson, Associate, VLCT Legal and Membership Services

(VLCT thanks the Vermont Department of Agriculture, Food & Markets for its contribution to this article.)

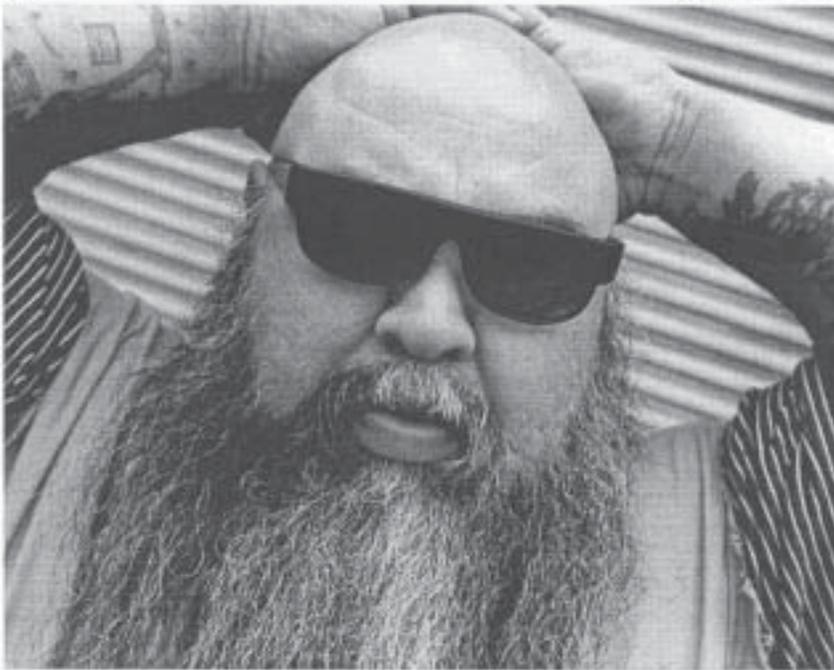
## URBAN AND COMMUNITY FORESTRY GRANTS PROGRAM SUSPENDED

Budget cuts at the Vermont Department of Forests, Parks and Recreation have cancelled for this year its Trees for Local Communities grants program. Municipalities and volunteer groups have used this program to fund street tree inventories, roadside tree planting, maintenance of large, historic trees, and other related work. A total of \$750,000 has been granted by the program since 1991.

While it won’t be offering the Trees for Local Communities grant program this year, the Urban and Community Forestry Program will continue to provide training opportunities, workshops, information and on-site technical assistance. Its in-depth technical assistance program offers help with conducting a program audit; training for public works crews, road crews or volunteers; developing a management plan; and assessing trees for hazard risk. For more information, contact Jill Mahon, Vermont Urban and Community Forestry Program, tel., 223-2389, e-mail, [jill.mahon@uvm.edu](mailto:jill.mahon@uvm.edu).



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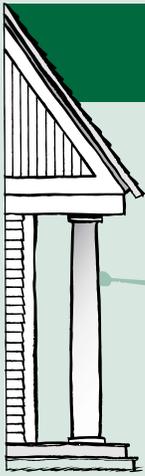
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## CUTS (COMMUNICATIONS UNDER TEN SENTENCES)

### ATTENTION UNEMPLOYMENT TRUST MEMBERS

2002 Annual Wage Report forms were mailed to each member early in January. **These reports are due back at VLCT by February 28, 2003.** The Trust will use this report in determining 2004 rates. Please do not include any volunteer firefighter wages in this report. If you did not receive this form and need one, please call Niki White in Member Relations at 800/649-7915. Thank you!

### WELCOME TO VLCT PACIF

**Town of Addison  
Town of Barton  
Town of Coventry  
Town of Craftsbury  
Town of Sharon  
Solid Waste Alliance Communities  
Tri-Town Water District #1**

### WELCOME TO VLCT HEALTH TRUST

**Tri-Town Water District**

### ATTENTION PACIF MEMBERS

Annual certificates of insurance were mailed to each of you plus each certificate holder earlier this month. Please review each certificate to be sure the information still applies. If the information no longer applies or the dates for any certificates have expired, please let us know as soon as possible. Please file your copy of the certificate in a safe place. Thank you!

## COMPUTERS AND YOUR EYES

### HOW TO AVOID EYESTRAIN WITH PROPER PRECAUTIONS

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**Setup:** Workstation setup is critical to ease of vision. Arrange your computer screen:

- About 12 to 18 inches from your face with the top line of the display just below your eye level.
- At a comfortable angle that doesn't strain your neck and eliminates backlight glare.
- Close to a blank wall, if possible.

**Lighting:** Proper lighting is essential to prevent eyestrain. Make sure lighting is:

- Dimmer than you'd use for other tasks but still adequate to see both the screen and documents.
- Not causing glare or hiding what's on the screen.

- Shining away from your eyes.
- Supplemented by individual, adjustable task lighting.

**Glare:** Reducing glare can also help reduce eye problems:

- Place the screen at right angles to the window.
- Adjust window blinds or shades as needed.
- Shield lighting as much as possible to prevent glare.
- Adjust the screen brightness to low and set the contrast to high.

Be sure to have your eyes checked if you do a lot of work on a computer. Don't wait for your annual checkup if vision problems are not solved by adjusting lighting and eliminating glare.



## DISASTER -

*(Continued from Page One)*

another facility to temporarily house rented equipment and continue to conduct business as usual for the Town. The roads had to be plowed!

In dealing with all claims, but particularly large ones such as this one, communication with our members is probably our best tool. Municipal claims are our specialty and we try to make the process as easy and painless as possible. We take a difficult situation and make it less so by communicating a plan of action to our members and partnering with them to resolve the claim.

Much as you, employees of municipalities, work to serve the respective members of your communities, we are here to serve you. This is a job that we take very seriously and do with a great deal of pride. We want you to expect the very best from us because we think that you deserve it.

And, yes, we found the culprit electrical wire. Royalton has been given the go-ahead to rebuild. We all worked to make the best of a bad situation, and are thankful that there was only a loss of property.

*- Patrick Williams, Deputy Director, VLCT Group Services, and Kelly Kindestin, Senior Claims Representative*

## HEROISM AT ROYALTON FIRE

*(Reprinted from The Herald, December 12, 2002, Letters to the Editor)*

The early morning fire at the Royalton Town Garage, which completely destroyed the building, came as a shock. The outpouring of support by the people of the greater Royalton area is nothing short of inspirational.

As town officials, we often witness the more contrary sides of human nature. The events that began to unfold on Dec. 5th became the benchmark of our community's security, cohesiveness and real strength. A passing motorist first aroused neighbors, one neighbor placing the call to the South Royalton Volunteer Fire Department and a member of the road crew. Another neighbor, anticipating that the firefighters would need working space, began moving rigs making room for what would soon become a yard full of equipment. The Fire Department's prompt arrival coincided with that of the road crew member whose operational knowledge of each piece of entrapped equipment became invaluable.

We all, as citizens, can find security in the competency of the South Royalton Volunteer Fire Department in carrying out their duties to save lives and property. Heroic is a word that comes to mind, and it was the heroism of the Royalton citizens that came together as a team that saved the day.

In the aftermath of the fire, many images remain vivid. Seeing a neighboring town's road crew worker with his arm over the shoulder of his Royalton counterpart, the charred ruins of the garage in the background, spoke volumes about camaraderie that exists among crews. It is this spirit that virtually links every town in Vermont and certainly defies job descriptions or town lines. The road crews from every surrounding town offered to take up some slack. Businesses offered mobile offices, plowing, sanding, trucks, equipment, garage space, and electrical hookups among other things. The Vermont League of Cities and Towns (our insurance carrier) should also be commended for its prompt services.

We, the members of the Royalton Selectboard, as a means of saying thank you to our community, offer the following proclamation: You, the citizens of the community, have done yourselves proud. That's five years, and no nays.

*The Royalton Selectboard*



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# VLCT STAFF NEWS AND NOTES

VLCT recently welcomed two new members to our staff, and recognized the promotion of several existing staff members.

**Nicole Bride** joined the League in November as our new Information Technology Technician, taking the place of Dennis Roberts. (Dennis shortened his Swanton to Montpelier commute considerably by taking a position in Burlington.) Nicole is a recent graduate of Vermont Technical College's (VTC's) Computer



Nicole Bride



Todd Odit

Engineering Technology program and has provided technical support at VTC, as an intern at Blue Cross Blue Shield, and as a volunteer for Prevent Child Abuse, a Montpelier non-profit. Nicole lives in Randolph.

**Todd Odit's** first day as our new Associate, Legislative and Information Services, coincided fittingly enough with Governor James Douglas's inauguration at the State House earlier this month. Todd received his Masters in Environmental Law from the Vermont Law School in November, 2002, and his BS *cum laude* in Environmental Conservation Affairs from the University of New Hampshire in 1999. Todd will work with Karen Horn, Director, Legislative and Membership Services, and Steve Jeffrey, Executive Director, on legislative issues,

and on VLCT's annual surveys and census projects. Welcome, Todd and Nicole.

VLCT's Group Services announced a number of promotions and the addition of a claims representative late last year to accommodate the VLCT Property and Casualty Intermunicipal Fund's (VLCT PACIF's) rapid growth in 2002. **Patricia Boyle** assumed new duties and a new title, Administrative Assistant – Claims Associate, after receiving her license to adjust Workers' Compensation claims. **Jennifer Patterson** has been promoted to the position of Senior Claims Representative, and filling the new Claims Representative position is **Terri McAdams**, former Assistant Underwriter. (Some of you may remember that Terri started with the VLCT claims department in 1993 before taking a "detour" into underwriting for some years.)

Finally, as a first step in reorganizing the VLCT Municipal Law Center, former Senior Legislative Associate **Dominic Cloud** has been named to the new position of Manager, Local Government Services. This new division

at VLCT will incorporate the Law Center and expand VLCT's service offerings for members into new areas. Look for more information on this exciting new initiative in next month's issue of the *VLCT News*.

- Katherine Roe, VLCT Communications Coordinator

## TRIVIAL PURSUIT

Congratulations to **Susan Spaulding**, Chester Town Manager, who sent in the first correct answer to last month's question. She named Windham County as the county with the previous names of Cumberland County and Unity County.

Special mention also goes to **Alex Weinhausen**, Hinesburg Town Planner, who traced most current counties in the Eastern half of the State back to the original Unity County.

January's query is:

**Where is Runaway Pond located and how did it get its name?**

Contact us with your answer: VLCT, 89 Main Street, Ste. 4, Montpelier, VT 05602; 800/649-7915; fax, 802/229-2211, e-mail, [kroe@vlct.org](mailto:kroe@vlct.org).

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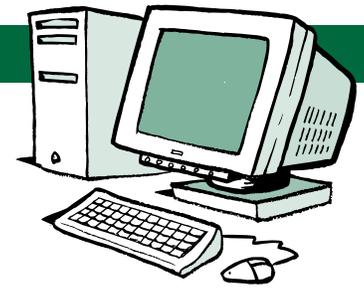
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**\*\*Licensed In Massachusetts, Vermont Pending**



# Tech Check

## WEB SITE ACCESSIBILITY

### WHAT YOU NEED TO KNOW

Making your web site accessible to individuals with disabilities is an important part of your site design process. There are four laws that municipal web designers should be aware of: **Americans with Disabilities Act of 1990 (ADA), Section 255 of the Telecommunications Act of 1996, Section 504 of the Rehabilitation Act of 1973, and Section 508 of the Rehabilitation Act of 1986 (amended in 1992 and again in 1998).**

The ADA requires that provisions be made to accommodate the disabled; state and local government and any places of "public accommodations" must furnish appropriate aids or services necessary for effective communication. A letter to Senator Tom Harkin from the U.S. Attorney General's Office clarifies the issue of whether the Internet is subject to the ADA. It states that "covered entities under the ADA are required to provide effective communication, regardless of whether they generally communicate through print media, audio media, or computerized media such as the Internet." (See <http://www.usdoj.gov/crt/foia/tal712.txt> for the full text of the document.)

**Section 255 of the Telecommunications Act** states that any provider of telecom-

munications services must ensure that the service is accessible to disabled individuals. The Access Board, a federal agency responsible for issuing the rules and guidelines for accessibility, has produced many documents that explain the Telecommunications Act and Section 508 of the Rehabilitation Act in great detail. (See <http://www.access-board.gov/indexes/pubsindex.htm> under Communications.)

**Section 504 of the Rehabilitation Act** basically says that you cannot discriminate against a person with a disability by excluding them from participation in or denying them the benefits of any program or activity funded by federal dollars. This includes any instrumental-ity of a state or local government. (See <http://www.section508.gov> and click on "About 508" for detailed information.)

**Section 508 of the Rehabilitation Act** amends and clarifies Section 504 by specifically identifying electronic and information technology as a program or activity subject to nondiscrimination rules. This includes software and operating systems, web-based applications or information, and hardware of any type (phones, computers and peripherals, calculators and fax machines, etc.). Section 504 and 508 apply to state and local governments

receiving any kind of federal aid. (See <http://www.section508.gov> and click on "About 508" for detailed information.)

The bottom line in all of this discussion is that local government has a legal obligation to provide access to persons with disabilities, and you should keep that in mind when you are designing a web site or contracting with a vendor to do so.

Content must be provided that can be understood by people with visual or auditory impairment; images, animations, audio and video tracks should have a text equivalent that will convey the same information. Individuals who are visually impaired are unable to see graphic images and require text that is readable by screen reading devices. The use of frames, a web page layout technique, can prevent these devices from reading anything outside the frame. Color images, such as graphs, must be able to be understood without the color. If a bar graph, for instance, has various colored bars signifying different fiscal years, someone who is visually impaired will not be able to distinguish between the different bars, and therefore not understand the graph.

People with hearing impairments will need a way to understand any sound communicated on a web site, probably in a text format to convey the proper effect. For those with cognitive or neurological problems, inconsistent navigation, complex language, lack of sufficient illustrations, and flickering or strobing designs could cause the page to be unreadable. (See <http://www.w3.org/Talks/WAI-Intro/Overview.html>.) For each feature you include in your web site, consider how individuals with varying disabilities will be able to access it.

The World Wide Web Consortium (W3C), the international organization that sets standards for the web, issued "Web Content Accessibility Guidelines 1.0" in May of 1999. (See <http://www.w3c.org/TR/WAI-WEBCONTENT> for the latest guidelines.) This document includes 14 guidelines that will enhance accessibility. W3C uses the term "device independence," meaning that any device

*(Continued on next page)*

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## TECH CHECK -

*(Continued from previous page)*

used by an individual with a disability will be able to activate all elements of a web page.

Documents should also be clear and easy to navigate. This is a principle that can be used for web site accessibility for all users, disabled or not. Language should be clear and simple, and page layout consistent. Navigation bars and site maps should be designed to help the user to find information quickly. Again, consistency in your format is important in making your site as user friendly and accessible as possible.

To assist you in determining if your web site is accessible, a couple of tools are available online. "Bobby" (see link below in Resources) is a free tool that was created by CAST, a nonprofit organization that focuses on helping people with disabilities learn through computer technology. By typing a web address into "Bobby," you can then run a "Bobby Scan" on the web site and return results that explain why the Web site is or is not compliant with W3C. "AskAlice" is another free online tool developed by Adobe and SSB Technologies that provides a similar service.

*- Michael Gilbar, Director, VLCT  
Administrative Services*

### RESOURCES:

- ♦ <http://bobby.watchfire.com/bobby/html/en/index.jsp>
- ♦ <http://askalice.ssbtechnologies.com:8080/adobe-askalice/index.html>
- ♦ <http://www.w3.org>
- ♦ <http://www.trace.wisc.edu/text/guidelns>
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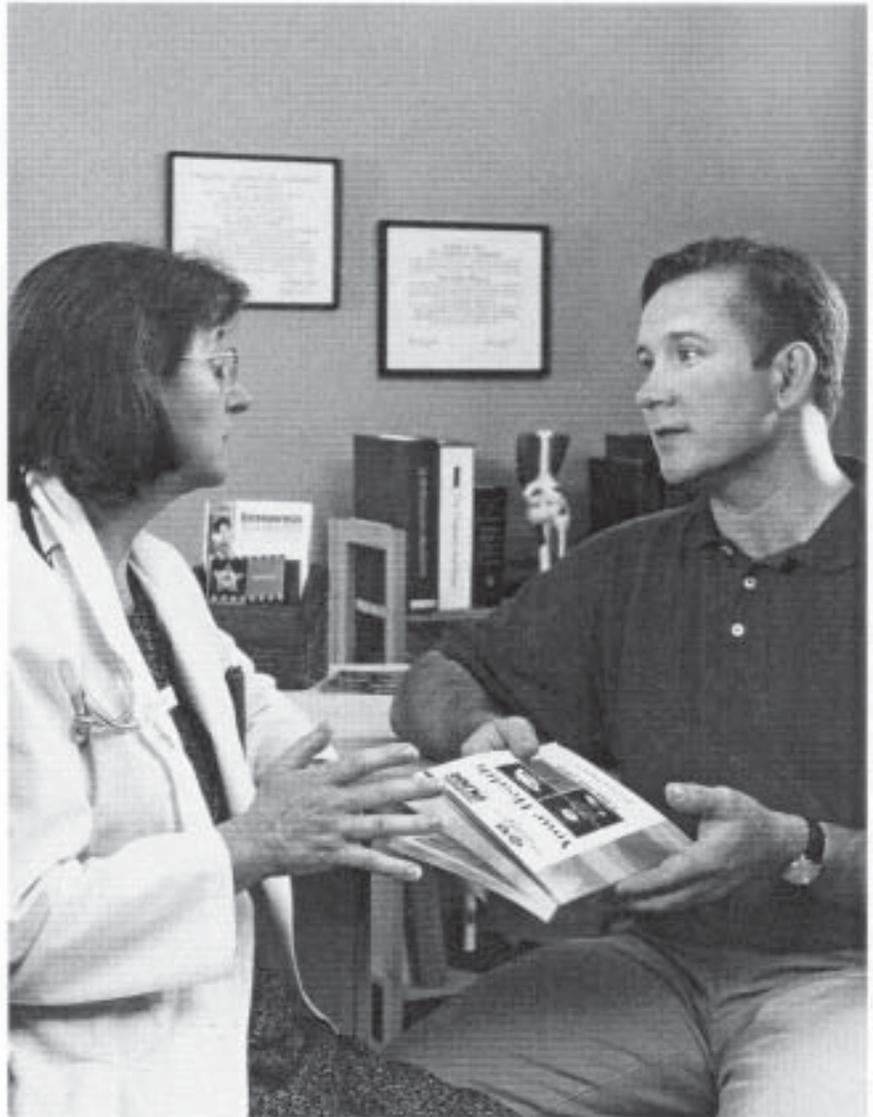
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# EXIT INTERVIEWS

When an employee decides to leave, you might have any number of reactions, depending on the circumstances. One of the positive ones can be to view the parting as a potential opportunity. Conducting an exit interview contributes to that aim by helping you find out about the employee's perspective on his or her experience working for your town. You can gain some valuable insight and ideally be able to make improvements you may not have thought of otherwise. The improvements to work conditions or supervisor's behavior may help other staff members and can lower the likelihood of turnover for future individuals you hire.

It is recommended that such an interview be done in person rather than having the individual respond in writing to a questionnaire. That way you can ask follow-up questions, probe in greater depth, get clarification and take in non-verbal communication as well. If possible, the interview should not be conducted by the supervisor to whom the employee directly reports, as such a situation will likely cause the employee to be less candid. The person who handles human resources is often a natural choice, as would be another unbiased and non-intimidating third party.

Here are some additional tips to help to get the most out of the exit interview:

- ◆ Establish the exit interview as a part of the normal process for any departing employee so that it is expected. Include it in an exit checklist (along with returning keys, explaining benefits, final paycheck, etc.) so that it isn't inadvertently omitted.
- ◆ Create and use a standard set of questions based upon what you are trying to learn (such as those in the sample below). Try to keep questions open ended as much as possible. Some areas to focus on include the quality of: the recruiting and employee orientation processes, pay, benefits, training, supervision as well as the degree to which the job met the employee's expectations, and why the person is leaving. Although you are using a form, feel free to probe more deeply into other areas that arise.
- ◆ Let the person know his/her feedback is valued. Treat every interviewee with respect and courtesy. Set a time and location where you will not be interrupted. Take notes to help you remember the information.

- ◆ Display good listening skills, keep an open mind and don't react strongly. Even if the employee says something negative with which you disagree you should not get defensive. Remember that an employee's perception may be shared by others and is therefore important. If unclear, repeat back to the person your understanding of what was said to get clarification and to make sure the person feels heard.
- ◆ In order to increase the likelihood of honest answers it is essential to guarantee confidentiality around sensitive issues (such as feelings about a supervisor), as many departing employees will be concerned about "burning bridges." Any trends you discover through aggregate information, or that won't jeopardize confidentiality, can be shared with management.
- ◆ Often the most pressing thing you want to find out is the real reason(s) the employee is leaving. Not all such reasons will be within your control (e.g. relocation of the spouse's work), but you should always ask, even if you think you already know the answer. Sometimes there are multiple reasons and contributing factors you may be able to address, so take the time to probe a bit further. The person might have received a better financial offer, but that often isn't the real reason a person leaves. You want to know why he or she was looking in the first place.

Finally, end the interview on a positive note and thank the person for his or her time. Give the person the opportunity to make any further comments. Ask the employee for feedback on the exit interview process in order to improve it. Once complete, the exit interview will give you as an employer valuable feedback on the position being vacated and your workplace as a whole. It should also leave the departing employee with the sense that he or she was able, even in leaving, to contribute to the betterment of the town or city. It should be a win-win proposition!

*- Jill Muhr, VLCT Human Resources Administrator*

*(Please contact VLCT at [kroe@vlct.org](mailto:kroe@vlct.org) for a sample exit interview questionnaire based upon this article. Please include your name and municipal position, and use Exit Interview Questionnaire in the subject line.)*

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# MUNICIPAL TRAINING NEEDS DEFINED

VLCT is pleased to announce the completion of a statewide assessment of the training and education needs of local officials across all levels and branches of municipal government. (See "Landmark Training Needs Assessment Launched," June 2002 *VLCT News*.)

Working in partnership with the Vermont Local Roads program, several local official membership organizations, and the State Department of Personnel, VLCT contracted with Vermont Technical College (VTC) to develop and implement a statewide assessment of the training and education needs of Vermont's municipal workforce. The assessment will guide VLCT's education and training efforts for the next three to five years.

The top ten training and education needs identified by the assessment are listed below:

1. Reading and Interpreting Legal Documents
2. Meeting Unspoken Public Needs
3. Word Processing
4. Time Management
5. Business/Report Writing Skills
6. Speaking Effectively in Public and to Groups
7. Pro-active Listening
8. Building a Foundation of Trust
9. Working with Diverse Groups / Populations
10. Giving and Receiving Constructive Feedback

Data for the assessment was collected via three techniques: personal interviews, focus groups, and a written survey. The personal interviews were conducted with ten management level officials representing a diverse selection of cities and towns across the state. The focus groups were conducted in 14 regional sessions, in which 72 local officials participated. Finally, a comprehensive survey was sent to all municipal officials; 935 were returned.

Using all three data collection techniques to validate each other, VTC made a number of observations about how local officials feel about present education and training programs and delivery methods. Some observations focused on suggested improvements to the content, such as "more focus on practical applications instead of conceptual theory," while other observations suggested more coordination among training providers to provide a "centralized curriculum for public employees and officials."

"The needs assessment is well-timed and coincides with VLCT's restructuring our Law Center in order to increase our focus on training and education in addition to legal advice," commented Dominic Cloud, VLCT Manager,

Local Government Services. "We hope to use this assessment to determine what type of training we should offer our members as well as which organizations we should partner with to deliver these trainings."

In addition to the top ten training needs, VTC offered the following recommendations:

- ◆ Form a steering committee to meet monthly to discuss and plan comprehensive education and training programs for local officials.
- ◆ Develop a comprehensive plan for providing or facilitating delivery of critical education and training needs for municipalities.
- ◆ Review, restructure, and expand education

- and training delivery models.
- ◆ Consider certification programs in management.
- ◆ Provide "Train the Trainer" type courses to maximize existing resources.
- ◆ Utilize regional technical centers to provide specific technical and trade skills training.
- ◆ Provide education and training opportunities via the VLCT web site.

Over the next couple of months, VLCT and the needs assessment steering committee will evaluate these recommendations and decide how to best incorporate the recommendations into the training activities and models of VLCT and our partners. For more information on the municipal training needs assessment, please contact Dominic Cloud at 800/649-7915.

*- Dominic Cloud, VLCT Manager, Local Government Services*

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## HELP WANTED

**Loss Control Consultant.** The Vermont League of Cities & Towns is expanding its risk management team. We seek an additional Loss Control Consultant to provide 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 training in safety, employment liability 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 a competitive salary/benefits package. Candidates should send cover letter, résumé and salary requirements by **January 31, 2003** to: Human Resources – VN,

Vermont League of Cities & Towns, 89 Main Street, Suite 4, Montpelier, VT 05602, or via email to [jobsearch@vlct.org](mailto:jobsearch@vlct.org) with "Loss Control – VN" as subject.

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**General Manager.** The Town of Hardwick, Vermont Electric Department, located in north central Vermont, is now accepting applications for the position of General Manager. With an annual budget of \$3.7 million, this distribution utility has 14 employees, serves 4,000 consumers in 11 towns with 375 miles of distribution line, and produces 10 percent of its electric needs through local hydro generation. The successful applicant will have proven utility management experience and be knowledgeable on current electricity re-regulation matters. We are looking for an energetic manager with strong financial management, customer service, power supply and union negotiation skills to work in a strong regulatory environment. The successful applicants must have proven leadership qualities and be an excellent communicator. The Manager reports to a five-person Board of Commissioners, who are locally appointed. Starting salary commensurate with qualifications. Please send resume with

qualifications, letter of interest and professional references before **February 28, 2003** to: Ms. Joyce Bellavance, Office Manager, Town of Hardwick Electric Department, P.O. Box 516, Hardwick, VT 05843. The Town of Hardwick Electric Department is an equal opportunity employer.

**Director.** St. Johnsbury WORKS!, a downtown revitalization organization, is seeking qualified applications for the challenging, part-time, contractual position of Director. This unique position offers an opportunity for an individual with strong interpersonal, communications, and organizational skills to guide the growth and development of this exciting downtown revitalization program. Business education and independent program management experience a plus. Director responsible for recruitment, coordination and training of numerous volunteers, community outreach, grants management, public relations, downtown program development, project coordination, marketing, and financial management. Letter of Application and Resume must be directed to David Weed, St. Johnsbury WORKS, P.O. Box 327, St. Johnsbury, VT 05819, on or before Monday, February 17, 2003. For information and complete job description, contact Mike Welch, tel., 802/748-3926; fax, 802/748-1267.

## REQUEST FOR PROPOSALS

**Preparation of Open Space and Natural Resources Assessment** for the Town of Enosburgh, Vermont. The Town of Enosburgh is soliciting bids from qualified consultants to provide assistance completing an Open Space and Natural Resources Assessment for the Town. This work is being funded through a municipal planning grant from the Department of Housing and Community Affairs. Proposal deadline is 4:30 p.m. on **February 18, 2003**. Project Completion Date: April 2004. For more information contact: Nancy Patch, Planning Commission, c/o Enosburgh Town Clerk, P.O. Box 465, Enosburgh Falls, VT 05450; telephone, 802/933-2642. Qualified WBE/DBE consultants are encouraged to apply. The Town of Enosburgh is an equal opportunity employer.

# Calendar

**Management and Wellness Coordinator Workshop.** Repeated at eight locations around the State from January 22 – February 20, 2003. Sponsored by the VLCT Health and Safety Promotion division, this free workshop is designed to help municipalities set health promotion goals for 2003, with the idea of maintaining a healthy workforce and keeping the cost of health insurance down. Managers, selectboard members, wellness coordinators and others are invited to attend. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915, e-mail [jhill@vlct.org](mailto:jhill@vlct.org). You may also register on-line for this workshop at [www.vlct.org](http://www.vlct.org), in the Calendar section.

**Workshop for Vermont's Moderators.** Thursday, February 20, 2003, Suzanna's Restaurant, Berlin. Sponsored by the VLCT Municipal Law Center, this annual workshop will review the role of the moderator, *Robert's Rules of Order*, and Vermont law on Town Meeting. A special session will address "real life" scenarios from the attendees' Town Meeting experiences. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915, e-mail [jhill@vlct.org](mailto:jhill@vlct.org).



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