

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

January 2004

MAC STARTS NEW YEAR WITH NEW WORKSHOPS

BRINGING EDUCATION AND TRAINING TO MUNICIPAL OFFICIALS

With a busy fall workshop program behind it, the VLCT Municipal Assistance Center (MAC) is looking forward to the coming year. The months of January, February and March are filled with excellent opportunities for all VLCT members to gain knowledge from the experiences and expertise of others.

January began with a new workshop entitled *The Policy Issues Surrounding Wind Power*. This workshop provided a variety of perspectives on wind power in Vermont, with a panel of experts for members to question.



The next new workshop, *Municipal Land Management*, will be held in Fairlee, Vermont, at the Hulbert Outdoor Center on January 29th. This is an opportunity for all members to come and listen to experts in the field discuss municipal immunity, drafting rules and policies, loss prevention/insurance, and a topic of concern to most municipalities, all-terrain vehicles (ATVs).

February returns to the more traditional topics, starting with the annual *Moderators' Town Meeting Tune-Up* on February 5th. No moderator or local official instrumental in town meeting should miss this workshop. A great line-up has been prepared, featuring Vermont's favorite professor and commentator, and the author of *Real Democracy: The New England Town Meeting and How It Works*, Frank Bryan. Frank will share some of his findings, stories, and observations gathered while conducting research for his new book. Joining Frank will be VLCT's own Executive Director, and Northfield Moderator, Steve Jeffrey. Steve

(Continued on Page Two)

KEEPING FIRE STATIONS DOWNTOWN

THREE STORIES

Historically, towns or cities grew up around the town hall, firehouse, school, post office and church - cornerstones of community life. Today, as modern fire-fighting needs outgrow the old stations, Vermont's cities and towns are facing the hard decision of whether to stay put and renovate, build anew, or relocate.

Montpelier Fire Chief Norm Lewis believes, "Response time is the main ingredient in serving your mission to 'Save lives, save buildings.' If we moved to the edge of town it would take us twice as long to get to the other end. People paying the same tax dollars would not be getting the same service." So in 1996, **Montpelier** decided to stay in its original Main Street station. Black River Design, Architects helped maintain the landmark building's historic integrity, upgrade its ability to respond to fire, medical, and other emergencies, and provide extensive community services.

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VLCT NEWS PUBLISHING SCHEDULE CHANGES IN 2004

The *VLCT News* will change from a 12-issue per year to an 11-issue per year publishing schedule in 2004. Our current August pre-Town Fair issue will be combined with the September issue. We hope this will result in a better pre-Town Fair issue, and in a little more time for staff to devote to preparing for Town Fair in September.

Starting in January, we will also move up the schedule for getting the electronic version of the newsletter on our Web site. All members for whom we have an e-mail

address will be notified via e-mail when each issue is uploaded, and provided with a link to the issue on our Web site. This will extend the distribution of the e-version of the newsletter to many local officials who are not currently eligible to receive a hard copy. We hope that our members will find this expanded distribution helpful. Of course, you don't have to wait for e-notification that the newsletter is available. You can always check out the current (and past) issues at www.vlct.org/news.cfm.

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MAC WORKSHOPS-

(Continued from Page One)

will provide a solid foundation for managing the meeting and keeping the discussion focused. Governor Jim Douglas, former Middlebury Moderator, has been invited as a lunch speaker, to share some of his observations and experiences. Kristin Carlson, reporter from Channel 3 News, has been invited to share a reporter's perspective. The afternoon panel will allow members to direct questions and hypothetical scenarios to one past and one present Town Moderator, Bill Finger and Ed Chase, respectively. Brian Monaghan, Staff Attorney at VLCT, will present a legal perspective to round out this expert panel.

Another annual event is **Local Government Day**, held this year on February 11, 2004. This is a great opportunity for all local officials to learn about pending legislation, attend hearings, and speak with their legislative representatives. This annual event proves that local government is important, as hundreds of elected and appointed officials are willing to go to great lengths to assure that activities of the Legislature affirm, rather than diminish, governance at the local level.

An additional bonus in February will be an opportunity to learn about potential grant opportunities available to your community.

MAC is busy contacting numerous organizations to come and present their funding opportunities to our members on February 19, 2004. As every community struggles to stick to budget projections, this is a workshop worth investing some resources in, in order to gain a return.

The schedule charges into March as the **Planning and Zoning Series** addresses Childcare Facilities. The 2003 legislative session added a new planning goal to 24 V.S.A. Chapter 117, which seeks to ensure the availability of safe and affordable childcare and integrate childcare into the planning process. This workshop will provide expert guidance for implementing this goal. We will round out the month on March 18th, with the traditional topic of town highways. With 80% of the state's roads under local stewardship, town highway maintenance is of great concern to citizens and businesses. This workshop will focus on the legal, pragmatic, and budgetary concerns involved in managing town highways.

The Municipal Assistance Center remains committed to serving and strengthening our local government and is looking forward to seeing all of its members at these upcoming education and training opportunities. Watch your mail for workshop announcements and registration forms, or visit the VLCT Web site Calendar at www.vlct.org for more information and online registration.

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LEGAL CORNER



THE FOURTH AMENDMENT AND VEHICLE CHECKPOINTS

U.S. SUPREME COURT UPHOLDS POLICE CHECKPOINT DESIGNED TO GATHER INFORMATION ABOUT AN ACTUAL CRIME

In the case of *Illinois v. Lidster*, 540 U.S. ____ (2004), the United States Supreme Court has ruled that a police checkpoint designed to obtain information from motorists about an accident was constitutional and did not violate the Fourth Amendment's prohibition against unreasonable search and seizure. The Fourth Amendment requires that searches and seizures be reasonable and, generally, be based on an individualized suspicion of wrongdoing. *Chandler v. Miller*, 520 U.S. 305, 308 (1997).

the Fourth Amendment. The Illinois Supreme Court agreed, and ruled that the checkpoint violated the Fourth Amendment, basing its decision on the U.S. Supreme Court case of *Indianapolis v. Edmond*, 531 U.S. 32 (2000), which held that a checkpoint whose primary purpose was to detect evidence of ordinary criminal wrongdoing and which is not based on "individualized suspicion" violates the Fourth Amendment.

Indianapolis v. Edmond involved a checkpoint at which police stopped vehicles to look for evidence of drug crimes committed by the occupants of the vehicles. Once stopped, officers would visually examine the interior of

for general crime control purposes (i.e. detecting ordinary criminal wrongdoing) and were not based on "individualized suspicion." (It is important to note, however, that in some circumstances, such as sobriety checkpoints and border inspections, special law enforcement concerns will sometimes justify highway stops without individualized suspicion. *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990).)

In upholding *Lidster's* conviction and ruling that the police checkpoint did not violate the Fourth Amendment's prohibition against unreasonable search and seizure, the Court differentiated *Lidster's* "information-seeking" checkpoint from the "general crime control" checkpoint reviewed in *Edmond*. The Court stated "[T]he stop's primary law enforcement purpose was not to determine whether a vehicle's occupants were committing a crime, but to ask vehicle occupants, as members of the public, for their help in providing information about a crime in all likelihood committed by others. The police expected the information elicited to help them apprehend, not the vehicle's occupants, but other individuals." *Lidster*, 540 U.S. ____ (2004).

(Continued on next page)

This case is important to municipalities because it creates another exception to the Fourth Amendment requirement that motor vehicle stops must be based on reasonable suspicion of wrongdoing. Now, local police can seek the assistance of the general public in investigating a crime by conducting a vehicle checkpoint...

It is also well established that a vehicle stop at a highway checkpoint constitutes a seizure within the meaning of the Fourth Amendment. *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990).

The vehicle checkpoint at issue in *Lidster* occurred one week after a fatal hit-and-run accident, and was set up in the same location and around the same time of day that the accident occurred in an attempt to obtain information about the accident and to identify witnesses. Vehicles were stopped for approximately 10 to 15 seconds, were handed flyers, and were not asked for their names, drivers' licenses or their insurance information. The Respondent was one of the motorists stopped at the checkpoint. After speaking with the Respondent, smelling alcohol on his breath, and noticing that his speech was slurred, police administered several field sobriety tests that the Respondent subsequently failed. The Respondent was then arrested and charged with driving under the influence of alcohol.

The Respondent challenged his arrest and conviction on the ground that the government obtained most of the evidence used against him through the use of a checkpoint that violated

the vehicle from the outside, walk around the vehicle with a drug-sniffing dog, and arrest the occupants if evidence of drug crimes were found. The Court ruled that such stops are unconstitutional and violate the Fourth Amendment because they are designed primarily

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LEGAL CORNER -

(Continued from previous page)

The Court also explained that the law ordinarily allows police to seek the voluntary cooperation of members of the public in the investigation of a crime and that police officers do not violate the Fourth Amendment merely by approaching an individual in a public place and asking him if he is willing to answer some questions or asking questions if the individual is willing to listen. There is a difference, however, between stopping a pedestrian and stopping a motorist to ask for his or her voluntary cooperation in an investigation because the involuntary stop of a motor vehicle constitutes a seizure under the Fourth Amendment. However, the Court held the difference was not important enough to justify the application of “an *Edmond*-type presumptive rule of unconstitutionality.” The Court based this decision on the fact that the information-seeking checkpoints are less intrusive than other types of stops, are less likely to provoke anxiety, and that police are not likely to ask questions designed to elicit self-incriminating information. The Court further recognized that “it would seem anomalous were the law ... to allow police freely to seek the voluntary cooperation of pedestrians but ... to forbid police to seek similar voluntary

cooperation from motorists.”

Once the Court ruled that the information-seeking checkpoint was not presumptively unconstitutional, the Court then reviewed whether the means used to implement the checkpoint were reasonable. In determining the reasonableness of the checkpoint, the Court looked to “the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty. *Brown v. Texas*, 443 U.S. 47 (1979). The Court found the checkpoint reasonable in light of the fact that the public concern was significant (investigating a crime resulting in death), the objective of the checkpoint was to help find the perpetrator of the crime (not of unknown crimes of a general sort) and the checkpoint was narrowly tailored to significantly advance that objective, and the checkpoint interfered minimally with individual liberty interests protected by the Fourth Amendment.

This case is important to municipalities because it creates another exception to the Fourth Amendment requirement that motor vehicle stops must be based on reasonable suspicion of wrongdoing. Now, local police can seek the assistance of the general public in investigating a crime by conducting a vehicle

checkpoint, so long as the vehicle stops are conducted in a reasonable manner, are narrowly tailored to seek the needed information, and do not unreasonably intrude on individual liberties. Furthermore, motor vehicle checkpoints employed for general law enforcement purposes are no longer automatically unconstitutional, if such checkpoints are for information-seeking purposes and are implemented in a reasonable way.

- Julie Fothergill, Attorney, VLCT Municipal Assistance Center

NEW ANIMAL CRUELTY RESOURCES AVAILABLE TO MUNICIPAL OFFICIALS

Does your municipality struggle with animal care and control issues? Do you ever receive complaints about animal cruelty, but don't know what to do about them? If so, the Vermont Animal Cruelty Task Force has some resources that might help. The recently published 284-page book, *How to Investigate Animal Cruelty in Vermont: A Manual of Procedures*, is available for only \$20.

The book uses real-life case examples to outline the basics of a good investigation, from start to finish. Common “Animal Care Practices” for a variety of animals, as well as copies of the state’s animal-related laws and regulations are included for reference. Sample forms, fact sheets and articles on a variety of animal care issues can help you resolve animal complaints locally.

“Over the years, I have been asked to get involved in several animal cruelty issues,” said Hardwick Town Manager Daniel Hill. “Within days of receiving this manual, I was asked to work on an issue with two horses. Using this manual as my guide, I was able to resolve the question within 24 hours, and both owner and complainant seemed to be satisfied with my findings ... The organization of the material in your manual and the completeness of the options to be considered make this a “must have” resource for all of us who deal with animal questions.”

The manual is also available in an electronic format on the Task Force’s new Web site, www.vactf.org. Visitors can search the entire contents of the manual, and get the answers to some frequently asked questions about how to recognize and report animal cruelty. You can download an order form on-line, or contact the New England Regional Office of The Humane Society of the United States at 802/368-2790 or e-mail jbourbeau@hsus.org for more information.

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ASK THE LEAGUE

NOTES & BONDS; INFORMATIONAL HEARINGS; NOTICE FOR ZONING CHANGES HEARING

The selectboard has warned a special town meeting seeking voter authorization to spend \$180,000 to purchase a piece of property. If the voters approve this article and the selectboard later decides to borrow the funds, must voter approval be obtained again?

The answer depends upon the type of debt instrument the selectboard intends to use to finance the purchase, as well as the length of term of the note or bond.

If the selectboard only needs a short-term note (e.g. matures within one year of the date taken) in anticipation of taxes, voter approval is not required. 24 V.S.A. § 1786.

If the purchase is to be financed for longer than one year but less than five years, the voters must approve the borrowing at a special or annual town meeting duly warned for that purpose. 24 V.S.A. § 1786a(b).

If the term of the note will exceed five years, a vote on the question must be held by Australian ballot. As well, the procedural and notice provisions required for seeking approval of bonded debt apply, whether or not a bond is being proposed. 24 V.S.A. § 1786a(c).

If bonded debt is the financing method of choice, as mentioned above, special public notice and warning procedures apply when seeking voter approval. First, a majority of members present and voting at a regular or special meeting of the board must resolve to seek voter approval to incur bonded debt. Then, publication of the warning for a special or regular town meeting must be published in a newspaper of known circulation in the municipality once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before the town meeting. Notice of the meeting must also be posted in at least five places in the municipality for two weeks immediately preceding the meeting. The vote must be by Australian ballot, with the form of the ballot strictly conforming to the requirements of 24 V.S.A §§ 1755, 1756, 1758. If the

bond vote passes, the legislative body and town clerk must provide bond counsel with documentation that all of the laws were followed. Contact the VLCT Municipal Assistance Center and/or bond counsel if you have questions about these requirements.

- Gail Lawson, Associate, Legal and Membership Services

Our town meeting starts on the Saturday before the first Tuesday in March, which falls on March 2nd this year. We vote some questions by Australian ballot, and other questions by voice vote at the Saturday open meeting. Must the selectboard hold an informational meeting prior to voting on all questions, whether or not the Australian ballot system is used?

No. Informational meetings are only required when a town has voted to adopt the Australian ballot system of voting on a public question. 17 V.S.A. § 2680(g). The informational hearing on public questions, other than a budget revote, must be held within 10 days of the meeting at which the voting is taking place (e.g., March 2nd). This means that the informational hearing can be held at the Saturday open meeting. Public notice of the hearing must be posted in two public places and in the clerk's office at least 10 days in advance of the hearing.

In the case of budget revotes, informational hearings must be held at least five days following the public notice of the revote.

In some cases, the law necessitates voting by Australian ballot, such as when issuing bonds (24 V.S.A. § 1758) or acting on municipal charter amendments (17 V.S.A. § 2645). In other instances, using the Australian ballot system is optional, for example, when voting on union school budgets (16 V.S.A. § 711e) and adopting the town plan (24 V.S.A. § 4385). The informational hearing requirements for charter amendments are different from § 2680(g) and require the selectboard to hold at least two public hearings prior to the vote, the first at least 30 days before the annual or special

meeting. 17 V.S.A. § 2645(a)(3).

The general rule with regard to using the Australian ballot system is that unless specifically required by statute, it *should not be* used at an annual or special town meeting unless the town has elected to use it. To change to the Australian ballot system for electing officers, voting on budgets, or deciding public questions, an article asking the voters to change to the Australian ballot system for one or more of those purposes must be placed on the warning as directed in 17 V.S.A. § 2680. The board can choose to place an article on the warning or, at least forty days before the annual meeting, citizens can submit a petition with signatures of 5% of the checklist to request the article. 17 V.S.A. § 2642. If the article to change to Australian ballot passes, the town or district will begin using the Australian ballot at its next special or annual meeting and continue to use Australian ballot until the town or district votes to discontinue its use. If your town meeting commences prior to the actual vote by

(Continued on next page)

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ASK THE LEAGUE-

(Continued from Previous Page)

Australian ballot, the informational meeting may be held simultaneously with the open meeting preceding the vote, subject to the applicable notice procedures.

- Gail Lawson, Associate, Legal and Membership Services

What constitutes "reasonable effort" when a town chooses to mail or deliver notices of an upcoming hearing to amend the town's zoning bylaws instead of publishing the notices in a newspaper of general circulation?

Title 24 § 4447 sets forth the requirements towns must comply with when providing notice of upcoming public hearings concerning the adoption, amendment, or repeal of zoning or

TRIVIA

She is unstoppable. For the fourth straight month, **Lisa Mancuso**, Administrative Assistant for the Town of Grafton, was first to correctly answer our monthly Trivia question. Congratulations, Lisa. Soon we will have to run two questions – one for Lisa, and one for everyone else.

Lisa knew that the pioneering Vermont woman scientist was Nettie Maria Stevens (1861-1912) and that she was born in Cavendish.

Interestingly, Wallingford Town Clerk Joyce Barbieri, who came in second, noted in her response, "One of the other 'hats' that I wear is that of Commissioner for the Vermont Woman's Commission. We are working on a project that identifies famous Vermont woman - what they did and where they lived. We will be producing a map showing the locations so people can visit the sites. I'll add Nettie to the list. Thanks for finding her for me." You're welcome, Joyce.

Let's give Lisa a "run for her money" this month! January's Trivia question is:

Who was the Vermont appellant in the 1831 U.S. Supreme Court case *Worcester v. Georgia*, where was he from and what was the story behind the case?

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

subdivision bylaws. There are two ways towns can give notice of the impending public hearing. The first is to publish in a newspaper of general publication and to post in one or more public places either the full text of the proposed material, or a notice including a statement of the purpose of the hearing, the geographic areas affected, a table of contents or list of section headings, and a description of a place within the municipality where the full text may be examined. 24 V.S.A. § 4447(b)(1)(A)-(D).

If a town wants to avoid the cost of publishing the notice, there is an alternative. Towns may "make reasonable effort" to mail or deliver copies of the full text (or a concise summary of the text as provided for in subdivision (b)(1)(A)-(D)) of the proposed material and the public hearing notice to each voter, as evidenced by the voter checklist of the municipality, and to each owner of land within the municipality, as evidenced by the grand list of the municipality. 24 V.S.A. § 4447(b)(2).

Regardless of the method used, notice of a public hearing under Chapter 117 must be given at least 15 days prior to the date of the hearing.

VLCT was recently asked if a town could send out a "saturation mailing" addressed to all "postal patrons" in the town to ensure that everyone who was entitled to notice received it. One reason the town suggested the saturation mailing is because the grand list and voter checklist were not current with actual property transfers and that if the town relied solely on the grand list and voter checklist, some of the town's newer voters or property owners might not receive notice of the public hearing. The statute requires that the town "make reasonable effort to mail or deliver" copies of the hearing notice. The suggested method of mailing certainly appears to be a "reasonable effort" as it

ensures that all current voters and/or property owners receive notice of the public hearing. However, to ensure compliance with the requirements of the statute, the saturation mailing should not be addressed merely to "Postal Patron" but should be specifically addressed to "(Name of Town) Property Owner/Voter." Specifically addressed individual notices must also be mailed to all property owners who reside out of town.

- Julie Fothergill, Attorney, VLCT Municipal Assistance Center

NEW IN THE VLCT LIBRARY

The International City/County Management Association (ICMA) recently published three new books, copies of which have been added to the VLCT library.

- *Homeland Security: Best Practices for Local Government*. A collection of contributions from public safety professionals involved in all phases of emergency management.
- *Economic Development: Strategies for State and Local Practice*. Covers theory; tools; business attraction, retention and creation; influences of high technology and education; and how to understand and evaluate your community's readiness for economic development.
- *Evaluating Financial Condition*. A completely revised fourth edition of ICMA's classic book on building fiscal sustainability.

Copies of these books may be borrowed from VLCT (e-mail dgunn@vlct.org), ordered from the ICMA Distribution Center at 800/745-8780, or ordered online at bookstore.icma.org.

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ATTENTION HEALTH TRUST MEMBERS

The sharp increase in health insurance rates for 2004 prompted many municipalities to look again at their choices for health insurance plans. The 2004 VLCT Health Benefits Survey seeks to collect and eventually share with members the results of these choices. The Survey was mailed to you in mid-January and **is due back in our offices by Friday, February 27, 2004**. If you need an additional copy of the survey, please call Niki White in Member Relations at 800/649-7915. Thank you!

ATTENTION UNEMPLOYMENT TRUST MEMBERS

Two thousand and three Annual Wage Report forms were mailed to each member on January 2, 2004. **These reports are due back at VLCT by February 27, 2004**. The Trust will use this report in determining 2005 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!

VLCT PACIF WORKERS' COMP AUDITS

Member Relations staff will be contacting each PACIF member shortly to set up a date and time to conduct your 2003 Workers' Compensation payroll audits. We realize many of our members prefer to wait until after Town Meeting Day before our visit. However, if we can come to your municipality before March, please call Member Relations at 800/649-7915. Thank you!



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BEWARE OF WINTER GLARE

It isn't enough that we have to worry about road conditions during winter driving but we also must worry about driving on the sunny winter days as well.

The Vision Council of America says that problems with glare from the winter sun go largely unrecognized by most drivers. Lens technology expert David Rips says:

The danger comes primarily from two different conditions of light from the sun. One occurs when driving directly into the bright sunlight, temporarily blinding the driver. The other condition comes from reflected light off another vehicle, the roadway, or any reflective surface.

Glare-induced blindness is prevalent in winter because the sun stays lower in the sky all day. Highly reflective snow and ice in many parts of the country also contribute to the danger of winter glare. The Vision Council of America urges drivers to:

- Drive cautiously in winter and leave proper distances between vehicles.
- Lower the visor to help block some of the reflected light.
- Avoid using high-gloss vinyl cleaners on dashboards.
- Keep your windshield clean and the washer fluid reservoir full.
- Turn on headlights during the day to improve visibility.
- Wear sunglasses on sunny winter days.
- Pull over to the side of the road and stop when using a cell phone.

Glare hazards in winter can also endanger people who work outdoors or enjoy outdoor recreation. And it appears that as people age, they become more susceptible to glare and require a longer period of time to recover from exposure. So please be aware of the potential hazard of winter glare and take precautions to keep yourself, and others, safe. We all want you to arrive at your destination safely.



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CUTS -

(Continued from Previous Page)

WELCOME TO VLCT PACIF

Town of St. Johnsbury, City of Barre, and the Poultney-Mettowee Natural Resources Conservation District, bringing membership up to 333.

WELCOME TO VLCT HEALTH TRUST

Unorganized Gores and Towns, bringing membership to 287.

WELCOME, AND GOODBYE

Assistant South Burlington City Manager **Dennis Gravelin** recently joined the VLCT PACIF Board of Directors as an alternate member. Dennis fills a vacancy that was created when Essex Junction Village Trustee **George Dunbar** retired from the Board after nine years of service. Thank you, George.

SCHOLARSHIPS FOR PRIMA CONFERENCE IN JUNE

Employees, elected officials and board members of smaller local governments are eligible to apply for financial assistance to attend the Public Risk Management Association (PRIMA) Annual Conference, June 13-16, 2004 in Ft. Lauderdale, Florida. For more information, visit www.riskinstitute.org or www.primacentral.org. You may also call Audre Hoffman at 703/352-1846; e-mail, ahoffman@riskinstitute.org.



TREES FOR LOCAL COMMUNITIES GRANT

The Vermont Urban and Community Forestry (U&CF) program is pleased to announce the availability of competitive grant money. This year up to \$65,000 dollars will be available through the Trees for Local Communities (TLC), a cost-share grant program. TLC Grants are designed to encourage citizen involvement in creating and supporting sustainable, long-term community forest projects throughout the state. Four different grant options are available: Community Planning/Educational Grants, Tree Planting Grants, Tree Maintenance Grants and Mini Grants.

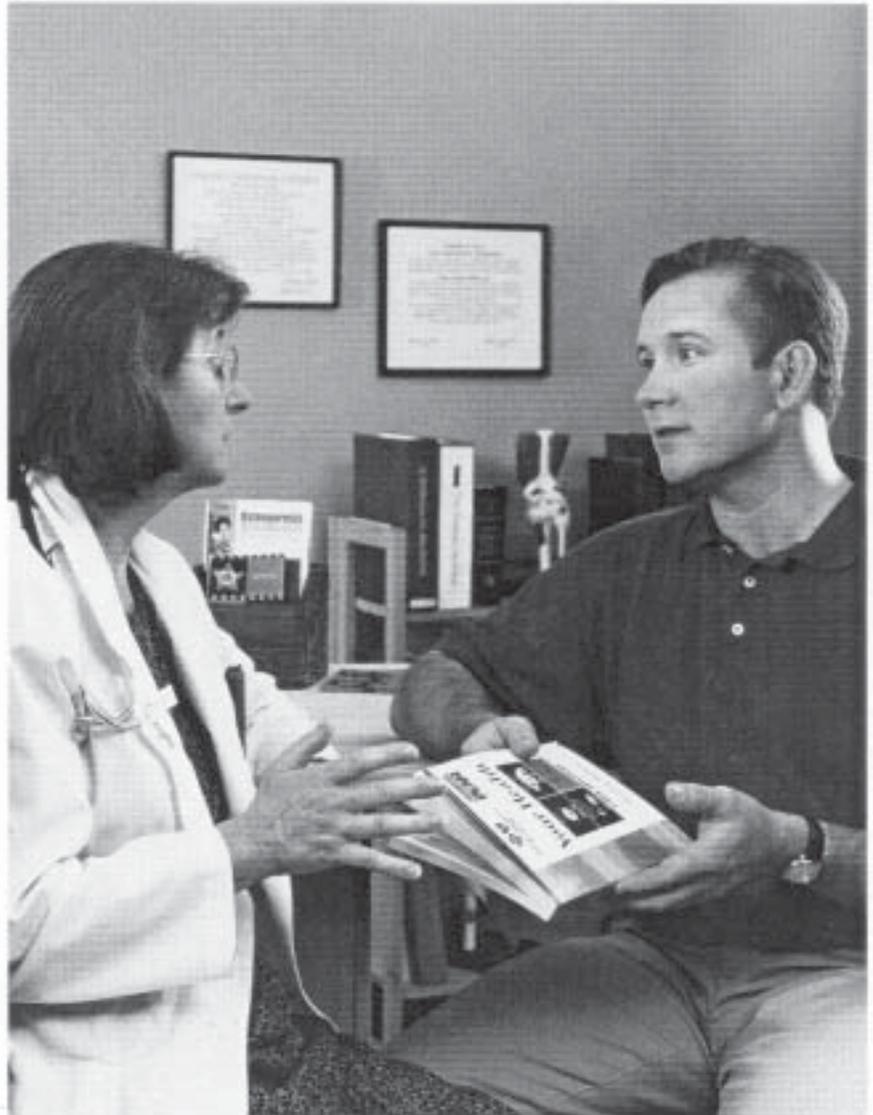
Since the program's inception in 1991 as a program within the Vermont Department of Forests, Parks and Recreation, the U&CF program has provided over \$810,000 in competitive grants to municipalities and volunteer organizations across the state. Past projects include the development of community urban forestry management plans, street tree inventories and maintenance, large and small-scale tree plantings, and educational publications. Grants may be awarded to municipalities, community tree boards, local volunteer organizations, educational institutions, civic groups and approved nonprofit organizations. Applications are available for download at <http://www.vtcommunityforestry.org/grants.htm> or by calling 802/241-3678 and **must be post-marked by February 20, 2004**. For more information, contact Danielle Fitzko at 802/241-3673 or danielle.fitzko@anr.state.vt.us. This grant may be all your community needs to start or revitalize a community forestry program.

WE GOOFED!

There is an error in the 2003-2004 VLCT Municipal Calendar. Please disregard the entry for February 10 that reads "Last day for all notaries public to renew their commissions by applying to the county clerk's office. 24:441, 24:442."

In fact, renewals are not due again until February 10, 2007. We apologize for any confusion this errant entry may have caused.

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.



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Tech Check



GOAL SEEKING IN EXCEL

Here's a nifty little Excel trick that can be used for a variety of analyses. Goal Seek allows you to make a change to a particular cell and its effect on other cells. As an example, let's say the Town of Kingdom selectboard has just begun its budget process and wants to determine a reasonable tax rate at the front-end of the process rather than wait until all budget requests come in. This will allow the board to set a target for the budget increase in order to avoid a lot of budget cutting later on.

In its spreadsheet, the board has last year's summarized budget information table, including the tax rate, grand list, tax revenue, all other revenue, and the appropriation. The board anticipates a \$10 million increase in valuations

and a \$10,000 decrease in non-tax revenues. Carrying forward the same tax revenue and appropriation from last year, the summarized table looks like this:

	A	B	C	D	E
1		2003	2004	Variance	%
2	Tax Rate	0.90	0.82	(0.08)	-9.1%
3	Grand List	100,000,000	110,000,000	10,000,000	10.0%
4	Taxes	900,000	900,000	-	0.0%
5	Non-Tax Revenue	100,000	90,000	(10,000)	-10.0%
6	Appropriation	1,000,000	1,000,000	-	0.0%

This is important: *the tax rate and the taxes are calculated cells.* The rate cells (B2 and C2) are formulas that calculate the rate by dividing the taxes by the grand list per \$100 (example: B2 =

B3/(B4/100)), and the cells containing the taxes are formulas that subtract the non-tax revenue from the appropriation. To do our *Goal Seek*,

the only cells that we can adjust are the ones that are numbers and *not formulas*. *Goal Seek* cannot change formulas in order to achieve a result you are seeking. The cell we wish to have adjusted to meet our goal *must* be a formula. The following example should clarify this.

Let's say our goal is to have a tax rate increase of only \$.02, rather than a decrease of \$.07. We want to maintain small, steady increases year to year and not risk decreases that turn into large spikes the following year. With the extra tax, we can tackle an extra highway project or make an equipment upgrade, thereby eliminating this need in the future.

Click on *Tools* in the main menu, then *Goal Seek*. You will see a dialogue box that asks for three pieces of information: the cell you want to see changed, or the "goal" you are attempting to achieve (this can be any cell); the value you want to see in that cell; and the cell that must be adjusted in order to achieve that goal.

In our example, we want to change the cell that contains the tax rate variance (D2). You can click on the worksheet icon (the miniature white and blue worksheet with a red arrow) at the right of the *Set Cell* edit box. Then click on cell D2 and click on the worksheet icon to return to the dialogue box.

(Continued on next page)

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TECH CHECK -

(Continued from previous page)

The next step is to set your goal in the *To Value* edit box. In the edit box, type .02. Next, in the *By Changing Cell* edit box, you must enter the cell that you want changed in order to achieve the goal of a \$.02 tax rate increase. In this case, you must adjust the appropriation. This in turn will adjust the taxes, which are calculated by subtracting non-tax revenue from the appropriation. And, of course, your tax rate is adjusted by the tax amount. So you click on the worksheet icon at the right of the edit box and choose the cell containing the 2004 appropriation (C6). Click on the worksheet icon and return to the *Goal Seek* dialogue box, then click *OK*.

As you can see, *Goal Seek* has found a solution by increasing your appropriation by \$102,000. If you now click *OK*, it will replace your table with the new figures. If you click on *Cancel*, it will return the table to its original numbers. Here is your adjusted table:

	A	B	C	D	E
1		2003	2004	Variance	%
2	Tax Rate	0.90	0.92	0.02	2.2%
3	Grand List	100,000,000	110,000,000	10,000,000	10.0%
4	Taxes	900,000	1,012,000	112,000	12.4%
5	Non-Tax Revenue	100,000	90,000	(10,000)	-10.0%
6	Appropriation	1,000,000	1,102,000	102,000	10.2%

Experiment with this tool by making your goal a tax rate percent increase of 2%, or a tax increase of \$50,000. As with any other

technique, the more you practice, the better you'll understand and be able to successfully apply it.

Goal Seek can be a very effective way of finding solutions for a number of other applications, including salary schedules,

benefits, and capital project planning, as well as budgeting. If you have any questions or tips about this tool or any other Excel function, contact me at

mgilbar@vlct.org.

- Michael Gilbar, Director, VLCT Administrative Services

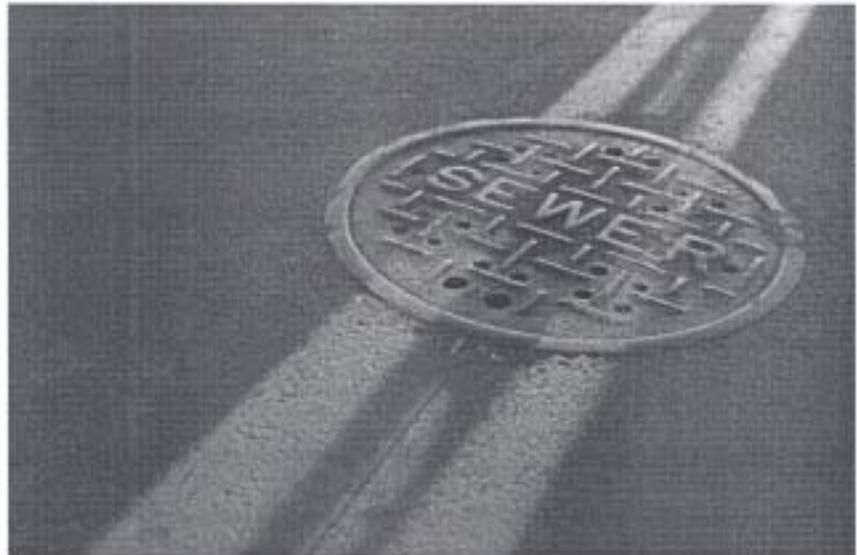
GOVOFFICE ADDS ITS 500TH LOCAL GOVERNMENT

GovOffice, a technology initiative designed to provide state-of-the-art Web site systems to local governments, has enlisted its 500th local government customer, Jacksonville Beach, Florida.

The GovOffice system is offered nationwide through a partnership including the International City/County Management Association (ICMA) and 16 state municipal leagues, including the Vermont League of Cities and Towns. It was first launched in June 2001 and its base of government customers has grown rapidly as government entities seek to provide on-line information and services to citizens.

Vermont municipalities using GovOffice include **Brattleboro, Calais, Chittenden County Regional Planning Commission, Central Vermont Chamber of Commerce, Dover, Essex Town and Village, Georgia, Greensboro, Hartland, Jericho, Lamoille County Regional Planning Commission, Middlebury, Reading, Rutland, St. Johnsbury, Westminster, Weybridge, and Wilmington.**

For more information, please visit www.GovOffice.com, e-mail info@govoffice.com or phone toll-free, 877/564-4979. You may also contact Michael Gilbar, Director, VLCT Administrative Services, at 800/649-7915 or mgilbar@vlct.org.



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THIS TOWN ROCKS!

(Editor's Note: Space considerations prevented us from running this article in our November and December issues, but we hope you will still enjoy it this month. Please also don't forget to mark your calendars for Town Fair 2004, to be held again in Barre on September 29 and 30.)

"This town rocks," said *National Geographic's* Margaret Zackowitz in a recent article about Barre. At Town Fair in October, the Weston & Sampson Engineers, Inc. display shared this notable article with attendees. In keeping with the Hometown Homecoming theme, Weston & Sampson held a "City and Town Contest" to find out what people from around the state had to say about their communities.

Feedback from Town Fair attendees was plentiful and interesting, with people at times

lined up in front of the display booth to fill out the questionnaire. Local government officials have obvious pride in the character of their hometowns, and they provided insights on community enhancements from proposed bike paths to downtown revitalizations. The

Local government officials have obvious pride in the character of their hometowns, and they provided insights on community enhancements from proposed bike paths to downtown revitalizations.

working relationship in many communities among city and town officials, local businesses, and citizen volunteers on a variety of levels is impressive.

When asked about what they see as their top challenge, local officials cited concerns ranging

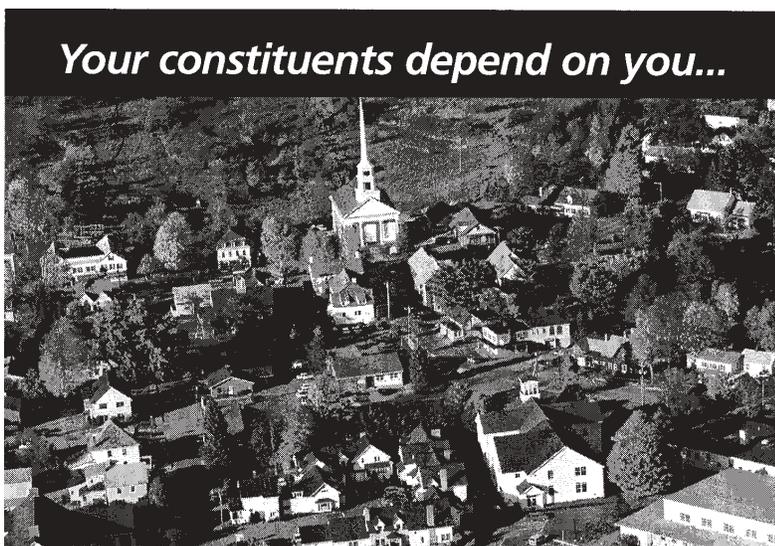
from the need for securing better fire protection to seeking viable solutions for intersections plagued by traffic congestion.

Congratulations go out to Waterbury's Community Planner, Steve Lotspeich, who won the artwork prize with his reflections of past successes and plans to meet future challenges and goals. "I'm most proud of how community groups and other volunteers have partnered

with our local government to revitalize our downtown," Lotspeich said.

The common thread of the input received wove a picture of communities that come together and thrive because of their diversity. It is clear that, in addition to Barre's proud local heritage and notable place in the world of granite, many Vermont communities can aptly claim that "This town rocks!"

- Joanna Turner Bisceglia, Assistant Office Manager, Weston & Sampson Engineers, Inc.



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FIRE STATIONS -

(Continued from Page One)

Let's face it. Downtown fire departments do a lot more than put out fires. They:

- promote a feeling of security, community pride, and civic unity;
- provide role models for children; and
- raise visibility, enhancing support for funding staffing, trucks, equipment, and supplies.

Moretown's old fire station, built in the 1940s, was falling down, inadequate for 21st century equipment. Locals Don Wexler and Jack Byrne got the selectboard's blessing and spearheaded a citizen's committee to investigate options for a new fire station. For three years they hand-delivered notices, identified concerns, posted updates, organized public meetings, interviewed people, and investigated proposals. "You have to keep building public consensus," said Wexler. "We wanted to maintain the town center rather than contribute to village sprawl." Final approval for a plan to build a new station in the village on the site of the old station came last spring and the contract was awarded to the Russell Corporation, a design-build company. Today, the 27,000 square foot building is going up rafter by joist by purloin. "Hopefully," Wexler said, "it will take us into the next 50 years."

In **Bennington**, the five independent volunteer fire companies each had their own neighborhood identity. They consolidated and built a new single facility on a donated piece of central land, a spot that carried no pre-existing loyalties. The truck bays have glass doors, allowing public visibility. A brick faced 'fire tower' houses stairs and accessibility-friendly elevators. Black River Design designed the fireproof \$1.8 million project, using a local concrete contractor to keep materials and labor close to home.

Of course there are problems with old stations: bigger equipment will not fit in bays designed for horse-drawn wagons, ceilings are too low, doors too narrow, floors too weak, and equipment washing facilities are out of compliance with current environmental regulations. But if the shell is in fairly good shape, it is probably cheaper to keep and work with it. One fire chief said, "The value we got for our \$900,000 was more than worth it." Working with what is already there is recycling on a grand scale.

Consider a not uncommon scenario. A town decides to relocate the fire department to the outskirts of the village. The original building, valued for its style and ambiance, engenders a huge outpouring of public support, goes

through historic preservation, adaptive re-use, and, *voila*, opens as a fern bar or cafe. Having witnessed this more than once, Chief Lewis says, "They gain a restaurant but lose a key piece of the community." Other vital government buildings often meet the same fate. Some of those are schools and post offices. It is this unquantifiable element - the amorphous need for community - which is often all there is to weigh against a bottom line budgetary decision. Think of it, "They gained a restaurant but lost a key piece of the community."

- *Tarin Chaplin, Staff Writer, Black River Design, Architects*

VERMONT MUNICIPAL BOND BANK 2004 APPLICATIONS

The Vermont Municipal Bond Bank is accepting applications from city, town, village, school, union school, county, water/sewer district, fire district, solid waste district, library district, and transportation authority borrowers for its prospective offering in July, 2004. **The final due date is May 1, 2004** but early applications are appreciated.

To request more information or to request an application, please call Nancy Gonneville at the Bond Bank, 802/227-2717, or e-mail bondagency@tre.state.vt.com.



Norton Austin retired from the Barre Town Department of Public Works on December 31, 2003. Norton worked 32½ years in local government – almost 12 years with the Town of Danville and nearly 21 years with Barre Town. As a highly skilled grader operator, Norton was instrumental in Barre Town's paved and gravel road reconstruction projects. His skills were also employed in constructing the Town's soccer field and ice skating site, and Barre City's new soccer and softball fields. Congratulations, Norton.



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HELP WANTED

Patrol Officer/EMT. The Town of Winhall, Vermont Police & Rescue Department is accepting applications for a full-time patrol officer/EMT position. The Town of Winhall is located in south central Vermont in the heart of ski country. The Winhall Police & Rescue Department is a progressive full-service (24/7) community-based Department providing policing and medical services to the Town of Winhall and Stratton Mountain communities. Starting pay is commensurate with training and experience. Benefits include: Salary range \$29,400 to 36,150; Paid vacation; Paid holidays; Paid sick leave; VMERS plan C retirement; Health insurance; Dental insurance; Life insurance;

Disability insurance. Applicants with full-time law enforcement certification will be given preference for this position. The successful applicant may be eligible for a hiring bonus based on knowledge and experience. Applicants must have a valid driver's license, a high school diploma or equivalent and must be able to work well and interact with our community. The hiring process will include police entrance exam, physical fitness, as well as a medical exam, polygraph, psychological exams, interview and a complete background investigation. The successful applicant will work night shift, including some weekends and holidays and will be required to work overtime from time to time. Mail cover letter, resume and three letters of reference to Attn: Applications, Chief Jeffery Whitesell, Winhall Police & Rescue, PO Box 139, Bondville, Vermont 05340. The Town of Winhall is an equal opportunity employer.

equivalent experience. Excellent oral and written communications skills and the ability to work as part of a team are a must. VLCT offers a competitive salary and benefits package and great working conditions in a convenient downtown location. Interested candidates should submit cover letter, resumé and salary requirements by January 30, 2004 to: Human Resources, Vermont League of Cities & Towns, 89 Main Street, Suite 4, Montpelier, VT 05602-2948 or via email to: jobsearch@vlct.org. VLCT is an Equal Opportunity Employer.

Zoning Administrator. The St. Albans Town Planning Commission is seeking applicants for the full-time position of Zoning Administrator for the Town of St. Albans, Vermont. The position is responsible for administering the St. Albans Town Zoning Bylaws, assisting the public with permit applications, processing permit applications, attending all Development Review Board meetings, maintaining databases, filing systems and accounting systems for all zoning-related matters, responding to all zoning complaints and allegations of zoning violations and taking appropriate action on behalf of the Town in accordance with state statutes and the zoning bylaws. The Zoning Administrator also assists and provides staff support to the Development Review Board and Planning Commission. Candidates must have personal transportation. Salary to be commensurate with experience and knowledge. For a complete job description, please call 802/527-8346. To apply for this position, send a letter of interest and a resume by **January 30, 2004** to: Dan Lindley, Town Administrator, PO Box 37, St. Albans Bay, VT 05481.

Road Supervisor. The Town of Wilmington, Vermont is accepting applications for the position of Road Supervisor. CDL and experience with road construction and/or road maintenance required. Supervisory experience preferred. Job description is available on our Web site www.wilmingtonvermont.us or at the town office, tel. 802/464-8591. Apply before January 29, 2004 at 5 p.m. to Town Manager's Office, PO Box 217, Wilmington, VT 05363. EOE.

Insurance Underwriter. VLCT is seeking candidates for an Underwriter position to oversee all aspects of the underwriting process for its self-insured municipal property, casualty and workers' compensation insurance fund. Having experienced enormous growth within the past two years, we require an individual with a strong insurance/underwriting or municipal finance background. Responsibilities include administering all underwriting and reinsurance activities, assisting with development/revisions of programs, coverages and new lines of business, approval of workers comp audits, working with actuaries and reinsurers, and making presentations to municipal officials. Candidates should have knowledge of insurance and risk management, underwriting and/or local government operations and a bachelor's degree in business administration, insurance, public administration, or related field or

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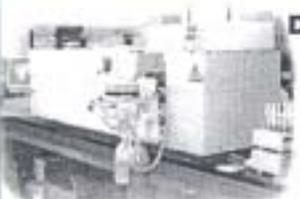
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Calendar

HIPAA Compliance Workshop.

February 3, Cortina Inn, Mendon; February 4, Quechee Club, Quechee; February 6, Hampton Inn Colchester. Regional workshops let you pick the location closest to you. Sponsored by the VLCT Health Trust to assist its members to maintain the private health information of covered employees in compliance with HIPAA. Please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org, for more information. For on-line registration, visit www.vlct.org, select the Calendar, and select this workshop.

Moderator's Town Meeting Tune-up.

Thursday, February 5, 2004, Suzanna's Restaurant, Berlin. Sponsored by the VLCT Municipal Assistance Center. A parliamentarian's paradise, this annual day-long workshop is designed for seasoned and new town moderators and will focus on the statutory requirements of town meeting, Robert's Rules, and best practices for making

it through unscathed. Please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org, for more information. For on-line registration, visit www.vlct.org, select the Calendar, and select this workshop.

Local Government Day in the Legislature.

Wednesday, February 11, 2004, Capitol Plaza Hotel, Montpelier. Co-sponsored by VLCT and the Vermont Municipal Clerks and Treasurers' Association, this day-long program features presentations by VLCT and VMCTA on important legislation, meetings with legislators and testimony before legislative committees. Please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org, for more information. For on-line registration, visit www.vlct.org, select the Calendar, and select this event.

Making Grants Work for Your Municipality.

Thursday, February 19, 2004, Capitol Plaza Hotel, Montpelier. Sponsored

by the VLCT Municipal Assistance Center. This workshop will bring together multiple private and public grant funders for municipal projects ranging from downtown revitalization to public works. Please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org, for more information. For on-line registration, visit www.vlct.org, select the Calendar, and select this workshop.

Planning and Zoning Series #3, Child

Care Facilities. Thursday, March 11, 2004, Vermont Interactive Television, sites throughout the state. Co-sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. Please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org, for more information. For on-line registration, visit www.vlct.org, select the Calendar, and select this workshop.