

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

June 2004

WHAT YOU CAN DO ON THE VLCT WEB SITE

GROUP SERVICES DEBUTS NEW SECTION OF SITE

The amount of information and number of e-business opportunities on the VLCT Web site both increased dramatically this month when the new Group Services section of the site went live.

From the initial design meetings last year to the section's debut early in June, the intent of the VLCT Group Services staff has been to make it easier for members to do business with the three insurance trusts. The site accomplishes this by offering yet another way to communicate with us in addition to the telephone, fax, and mail standbys and by organizing its material in an easy-to-use way. Basic information about each of the Trust's products and services, including Frequently Asked Questions, is also now more readily available.



Some highlights of the new Group Services section are:

- **Doing Business With VLCT Group Services:** An extensive Forms section allows trust members to fill out and submit electronically a workers' compensation First Report of Injury form. (See related article below.) Other claims forms are available on the site for printing, filling out, and faxing/ mailing back to VLCT. Forms are also included that allow members to electronically request a new (or delete an old) Vehicle Identification Card, a Certificate of Insurance, and quotes for Group Life and Disability and Long-term Care insurance. Members can e-mail a general coverage inquiry from the site as

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WOLCOTT CONSIDERS FIRST PUBLIC WASTEWATER FACILITY TRIES TO GET AHEAD OF THE GROWTH CURVE

The Lamoille County Town of Wolcott knew it needed to do something about the Town's lack of public wastewater treatment capacity when it recently considered the potential for growth within its borders.

Peering into the future, Wolcott officials were faced with the "reality of exponential growth and development," said selectboard member Fred Martin. "It is not a problem now," added Wolcott town clerk/treasurer Linda Martin (no relation to Fred Martin), "but we foresee a problem in the future." Wolcott determined that its citizens' existing, private, on-site wastewater systems could not handle the increased burdens of development, and began to plan ahead for public alternatives.

Members of the Wolcott selectboard had many concerns when they began discussing the Town's existing wastewater systems. Mr. Martin remarked on the difficulties for existing residential wastewater systems to

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ATTENTION ALL VLCT PACIF MEMBERS

Beginning July 1, 2004, the Vermont Department of Labor and Industry is requiring that all workers' compensation First Reports of Injury be filed electronically. *This electronic filing is the responsibility of the entity providing the workers' compensation coverage, in your case VLCT PACIF.* We have made arrangements for this electronic filing and just ask that you file your first reports of injury forms with

us in a timely manner. We will, in turn, see that the forms are filed electronically with the Department of Labor and Industry.

As an added convenience to those of you that have access to the VLCT Web site, you can now file all claims by using our newly renovated Group Services section of the site. To file a claim using

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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.

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WEB SITE -

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well, which provides our underwriter with the basic information she needs to respond to a coverage inquiry.

- **Researching VLCT Group Services Products and Services:** The design of the Group Services material on the site was reworked to better respond to our members' needs. We know you probably don't think VLCT Property and Casualty Intermunicipal Fund (VLCT PACIF) first, then automobile or liability coverage. Indeed, it is probably the reverse, so we made Group Services' structure of three insurance trusts melt away and listed specific products and services up front – Dental, Health, Property, Group Life and Disability, Long Term Care, Cafeteria Plan, Employee Assistance Program, Liability, Safety and Health Promotion, Automobile, Workers' Compensation, and Unemployment. You can find basic information about each of these items on the site, as well as more information about, and links to, the underwriters or vendors we work with to provide these services.
- **Wellness Library On-line:** Heidi Joyce, VLCT's Senior Health Promotion Consultant, has assembled an impressive library of books, booklets, videos, etc. on a wide range of health topics. You can now access this library on-line, request materials, and we will send them out to you with a return postage paid mailer enclosed. It's easy; please give it a try.

Finally, you will notice that the navigation bar on the Group Services section of the site performs a little differently from other parts of the site. It is expandable, and consistently present on the right-hand side throughout the Group Services material. It won't let you lose your way.

While the changes to the Group Services section of the Web site have been dramatic, changes to other parts of the site are ongoing and incremental. Over time they do add up, however, so a brief update is in order. On the VLCT site you may:

www.vlct.org

- Sign up for a workshop or order a handbook. We will bill you.
- Download a nomination form if there is an open seat on one of the four boards that run VLCT.
- Search our directory of municipal Web site addresses and local official e-mail addresses.
- Search a VLCT staff list that includes the basic duties of each position to determine who can best help you.
- Read the VLCT Board of Directors meeting agendas and minutes. If you are really curious about how VLCT operates, you can read the bylaws of VLCT and the three insurance trusts.
- Read current and back issues of this newsletter and the *Weekly Legislative Report*.
- Refer students and those interested in running for local office to the site's Vermont Local Government section, for basic information about local government's institutions and offices.

As any municipal Webmaster knows, a Web site is never done. VLCT is currently planning for the next phase of improvements, to hopefully include on-line surveys, a searchable library of the Municipal Assistance Center's resource files, and even on-line PACIF renewals.

We welcome your suggestions of what you would find useful on your Web site. Please send them to kroe@vlct.org.

- Katherine Roe, VLCT Communications Coordinator



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LAW ENFORCEMENT LIABILITY; PUBLIC BUILDING ACCESSIBILITY

STATE SUPREME COURT DRASTICALLY EXPANDS POTENTIAL POLICE LIABILITY

A sharply divided Vermont Supreme Court has made a drastic change in the law of liability. In *Doe v. Forrest*, the Court decided that it is appropriate to impose vicarious liability on public employers for the negligent, unauthorized acts of their employees, at

help. It is important to note that at the time of the incident, Deputy Forrest was wearing his department-issued uniform, badge, gun, and handcuffs.

Deputy Forrest resigned from the Sheriff's Department as a result of the incident, and eventually pled *nolo contendere* to a criminal charge of lewd and lascivious behavior. He also pled *nolo contendere* to a second criminal

suffered as a result of Forrest's criminal conduct.

Prior to the decision in this case, imposing liability on public employers for the unauthorized acts of their employees was "disfavored" in Vermont, and in many other jurisdictions, for a number of reasons. Private employers, on the other hand, have been made subject to civil liability in this context. The law recognizes that potential negligence is a cost of doing business, and requires that those who commit such acts be held liable for damages resulting from injuries they have caused. Even when those acts are committed by an employee "outside the scope of their authority," the law requires that private employers be held liable for those negligent acts. This is the legal doctrine of respondeat superior. In particular, public policy has evolved such that it recognizes the ability of private employers to pass on the costs of doing business to the end-user. The private employer can always raise the price of widgets to pay for the costs involved in their production.

In contrast, public employers have not been burdened with this type of liability. Municipalities and other public entities do

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What does this mean for Vermont communities with police departments? It means that you must make every effort (in addition to what you are already doing) to make sure that your officers are acting within the bounds of the law.

least in the realm of law enforcement. It stated, "if a plaintiff can show that an on-duty law enforcement officer was aided in accomplishing an intentional tort involving a sexual assault on the plaintiff by the existence of the employment relationship with the law enforcement agency, vicarious liability will apply." *Doe v. Forrest*, 2003 Vt 37, at 48 (May 7, 2004).

The facts of this case that led to this change in the law are as follows: In December of 1997, Bennington County Deputy Sheriff Richard Forrest visited a convenience store in the Town of Dorset, which he had already visited twice that night. He was on duty, on a routine patrol in the area, fulfilling his "community policing function," pursuant to a contract between the Town and the Sheriff's Department. Throughout his visits to the store that evening, he jokingly threatened to handcuff or ticket the plaintiff ("Jane Doe"). He also bragged about his exploits as a law enforcement officer and that he was trained to "shoot to kill." On the third visit, Deputy Forrest entered the store while no customers were present, and turned up the store's thermostat to ninety degrees. He then selected some adult magazines from a shelf and showed various explicit pictures to the plaintiff. Eventually, Deputy Forrest forced the plaintiff to perform a sex act on him, after which he left the store, and she telephoned for

charge of neglect of duty by a public officer. He was sentenced to three-to-five years imprisonment (all suspended), placed on probation and ordered to have no contact with plaintiff or her family.

As a result of the incident, Plaintiff Doe filed a civil suit against the Bennington County Sheriff's Department, Deputy Sheriff Forrest, Bennington County Sheriff Richard Forrest, and the State of Vermont. Deputy Forrest was eventually dismissed from the suit because of his lack of assets. The Plaintiff claimed the defendants should be held directly and/or vicariously liable for the injuries she

WELCOME, JUSTIN

Justin Sluka recently took up the phone, the keyboard, and the law books as the VLCT Municipal Assistance Center summer intern. Justin, who will start his last year at the Vermont Law School this fall, will be assisting MAC staff with member inquiries and newsletter articles.

Justin received a Bachelor of Science in Economics from Lehigh University in Bethlehem, Pennsylvania before heading north to study law. We welcome him aboard for the summer term!

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LEGAL CORNER -

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not enjoy the same ability to transmit costs so rapidly to the end-user. As such, the law has developed so that public employers do not have to bear the costs for injuries sustained as a result of negligent acts of their employees, committed outside the scope of their authority. Correspondingly, this policy has developed to protect the taxpaying public, who cannot choose whether to purchase a non-discretionary product such as law enforcement. On the other hand, a consumer can choose whether to purchase a widget which has become more expensive because the costs of liability have been factored into its retail value.

After the *Forrest* case was litigated all the way to the Vermont Supreme Court, three of the five Justices decided that in this circumstance, it was appropriate to impose vicarious liability on the Bennington County Sheriff's Department. Ostensibly, the reason for this change is that law enforcement officers enjoy a unique position in our society, and because of this, their employers should be held liable for the damage inflicted when they commit illegal acts. Law enforcement officers in a civil society must be imbued with strong powers in order to effectuate the interests of a law-abiding community. As such, they have the power to pull over motor vehicles, arrest criminal suspects, and detain them. Addition-

ally, the public generally respects law enforcement officers, and calls upon the law enforcement community for help when emergencies arise. Because of these factors, law enforcers have a "special access" to citizens that the majority believes only exists as a result of their position within society. Justice Dooley, writing for the majority, stated that it was "Forrest's special access to plaintiff created by his job [that enabled] him to commit the tort." *Id* at 52. Moreover, "despite the fact that Forrest never used or threatened to use his gun on plaintiff, his position and implements sufficiently intimidated and scared plaintiff to enable him to commit the tort." *Id* at 56.

It is worth noting that the dissenting Justices, Skoglund and Amestoy, were quite vehement in their discontent with the majority's position. Justice Skoglund wrote, "The majority has created a threat of vicarious liability that knows no borders . . . Whether today's holding stands as a legal aberration, a special departure from the general principles of *respondeat superior* created exclusively for law enforcement agencies, or the first in a new line of cases imposing vicarious liability on public and private employers for the sexual misconduct of their employees, only time will tell." *Id* at 59. She continued, "In either case, irreparable and unwarranted damage will have been done, not only to the law enforcement agencies unfairly singled out for disparate treatment by today's decision, but to every

public and private employer compelled to defend itself against the inevitable spate of lawsuits seeking to extend today's ruling."

What does this mean for Vermont communities with police departments? It means that you must make every effort (in addition to what you are already doing) to make sure that your officers are acting within the bounds of the law. Implicit in this concept is that your officers deserve the best training available, coupled with strong supervisory control to prevent small problems from escalating. One suggestion is that police officers be paired up on patrol. The theory is that an officer whose proclivity is to violate the law will be kept in check by the other. Whether this theory holds water is an open question, but it does show that the employer is making a strong effort to reduce the possibility of employees committing criminal acts on the job. Beyond these efforts, it becomes apparent that no level of training can stop a determined wrongdoer from committing a criminal act on the job. Whether the Legislature will address this issue next session remains to be seen.

- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center

RECENT U.S. SUPREME COURT DECISION ADA HAS LITTLE IMPACT ON MUNICIPALITIES

Despite the stir it has caused, the recently decided Americans with Disabilities Act (ADA) case likely has no effect on municipalities. On May 17, 2004, the U.S. Supreme Court rendered an opinion in the case of two Tennessee citizens who were denied access to several county courthouses. *Tennessee v. Lane*, 541 U.S. ____ (2004). Both were paraplegics. One could not answer criminal charges on the second floor of a county courthouse without elevators. The other could not access some county courthouses to perform her job as a certified court reporter. They brought suit against the state of Tennessee for violating Title II of the ADA, which requires, among other things, reasonable modifications to architectural barriers to physical access for qualifying disabled individuals. 42 U.S.C. § 12131(2).

In a 5-4 decision, the U.S. Supreme Court upheld Title II of the ADA as a valid abrogation of the states' right to sovereign immunity under the Eleventh Amendment to the U.S. Constitution. The narrow holding, despite vehement dissent from Chief Justice

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ASK THE LEAGUE

PROPERTY TAX APPEALS; RETIREES & UNEMPLOYMENT BENEFITS; CONTAMINATED PROPERTY & UNPAID TAXES

When the appellant fails to appear at a property tax appeal hearing, should the Board of Civil Authority (BCA) reschedule the hearing or hear the appeal anyway?

The BCA has statutory authority to hear appeals when the appellant fails to appear at the hearing. 32 V.S.A. § 4408. While it may reschedule a hearing at the appellant's request, the BCA cannot reschedule a hearing once the last appeal has been heard.

Vermont law allows appellants to submit written objections to an appraisal rather than appear in person at a property tax appeal hearing. However, the statutes do not provide for the situation where the appellant fails to submit objections to the BCA and does not appear at the hearing. 32 V.S.A. § 4408. Here, the BCA only has the brief description of the basis for the appeal that the appellant filed with the town clerk. It appears that the BCA must continue with the appeal because there is no statutory authority to the contrary. The BCA will hear testimony from the listers first. The burden of persuasion rests with the appellant who must provide evidence of why the appraisal was erroneous. If the appellant is not present, as noted above, the BCA will only be able to review the grounds for appeal that the appellant filed with the town clerk. In many instances this probably will not be enough for the BCA to find in favor of the appellant. Instead, the BCA is likely to affirm the listers' decision.

The only leeway the appellants might have is based on the fact that the BCA is likely to schedule hearings over a period of time rather than hear all appeals on one date. In the interest of fairness, the BCA should give an absent appellant the opportunity to be heard if he or she requests a hearing on a different day than originally scheduled. But remember, once the last appeal is heard, the BCA cannot schedule another meeting to hear additional appeals.

- Justin Sluka, Intern, VLCT Municipal Assistance Center

Are retirees permanently barred from receiving unemployment compensation benefits?

Unemployment compensation benefits are governed under 21 V.S.A. §§ 1301 *et seq.* As a general rule, these benefits are only available when an individual becomes involuntarily unemployed through no fault of his or her own. For instance, when an individual is laid off due to budgetary constraints or when his or her job is outsourced, he or she *may* be eligible for unemployment compensation. The underlying rationale provided by Vermont's Supreme Court is that such benefits are provided to "alleviate economic disability and distress which results from involuntary unemployment." *Riddell v. Department of Employment Security*, 140 Vt. 82 (1983). Therefore, because retirement is a manner of "voluntary unemployment," retirees would not be eligible for unemployment benefits upon retirement. However, this does not mean that a retiree is permanently barred from receiving such benefits.

For example, if an individual works for one employer, retires, then later obtains employment with another employer and is subsequently discharged, he or she could receive unemployment benefits if the statutory requirements are met. The catch, however, is that in such an instance, the individual's weekly unemployment benefits would be reduced (but not below zero) by the prorated weekly amount of his or her pension, after first deducting his or her percentage of contribution. 21 V.S.A. § 1344(a)(5)(E)(i).

To illustrate this point, an individual with a monthly pension of \$1,153.00, of which 50 percent was contributed by the employee, would see his or her unemployment benefit reduced by \$576.50 and then prorated weekly. The end result would be that the individual's unemployment compensation benefits would be reduced by \$133.00 a week. *Littlefield v. Department of Employment and Training*, 143 Vt. 495 (1983).

As a final note, it is important to keep in

mind that the nature of unemployment compensation is extremely fact-specific, and as such, all inquiries concerning individual situations should be directed to VLCT's Director of Group Services David Sichel or Vermont's Department of Employment and Training.

- Garrett Baxter, Associate, Municipal Assistance Center

Is a municipality liable for the clean-up costs on a contaminated property that is sold through a municipally-conducted tax sale?

While the general rule is that "owners" and "operators" of a property may be held liable for clean-up costs under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the answer to this question is "probably not." Under CERCLA, also known as "Superfund," the federal law which governs hazardous waste sites, a municipality is not considered an "owner" or "operator" of property which it acquires "involuntarily" through bankruptcy, tax delinquency, abandonment or other circum-

(Continued on next page)



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ASK THE LEAGUE-

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stances in which the government *involuntarily acquires* title by virtue of its function as a sovereign.” (emphasis added) 42 U.S.C.A. § 9601(20)(D). Since only an “owner” or “operator” is subject to CERCLA liability, a municipality is exempt in these limited circumstances. This exemption, however, does not extend to a municipality that has either caused or contributed to the release or threatened release of a hazardous substance at a property that it involuntarily acquired.

The recent passage of S.42 by the Vermont Legislature effectively mirrors the federal law by providing that, “(a) municipality shall not be liable under this section provided that the municipality can show all the following: The property was acquired by virtue of its function as sovereign through bankruptcy, *tax delinquency*, abandonment, or other similar circumstances.” (emphasis added) 10 V.S.A. § 6615(d)(3). With this layering of state and federal protections, municipalities can rest assured that the law gives a reasonable blanket of protection from liability for properties they involuntarily acquire prior to tax sale. Of course, if it appears that a property may be contaminated, a prospective municipal purchaser should still steer clear of the property. Even when the law grants these types of protections, a purchaser of contaminated property will likely have difficulty insuring the property, and will likely be involved, even peripherally, in litigation related to the contamination of the site.

- Garrett Baxter, Associate, Municipal Assistance Center

LEGAL CORNER -

(Continued from Page Five)

Rehnquist and three others, states that Title II validly abrogates state sovereign immunity “as it applies to the class of cases implicating the fundamental right of access to the courts.” What this means is that the sovereign immunity conferred on the states by the Eleventh Amendment no longer protects them from suit by private individuals when that state violates Title II of the ADA by failing to provide access to the courts.

Note, however, that the states are not subject to suit every time a disabled individual cannot physically access a courthouse. Title II requires only architectural modifications that are “reasonable.” 42 U.S.C. § 12131(2). In addition, regulations enacted pursuant to the Act provide states with alternative means by which they can achieve ADA compliance. In particular, a state may “relocat[e] services to alternative, accessible sites and assign aides to assist persons with disabilities in accessing services” in buildings that were built prior to 1992. 28 CFR § 35.150(b)(1). Moreover, states are not required to “undertake measures that would impose an undue financial or administrative burden, threaten historic preservation interests, or effect a fundamental alteration in the nature of the service.” §§ 35.150(a)(2), (a)(3).

Practically speaking, this decision has no bearing on Vermont municipalities because while they are “state actors for purposes of the Fourteenth Amendment...the Eleventh Amendment does not extend its protection to units of local government.” *Bd. of Trs. of the*

Univ. of Ala. v. Garrett, 531 U.S. 356, 368-9 (2001). *Lane* merely stands for the proposition that Eleventh Amendment sovereign immunity does not protect the states from private suit for violating Title II of the ADA when a state denies a qualifying individual physical access to the courts. Municipalities never benefited from the protection of Eleventh Amendment sovereign immunity and, therefore, were always subject to private suit in federal court for violating Title II of the ADA.

As noted in the opinion, a state does not violate the ADA whenever a building is inaccessible to a disabled individual. The same is true of municipalities. Department of Justice regulations enacted pursuant to the Act contain the requirements for compliance with Title II of the ADA. Municipalities are not required to “make each of its existing facilities accessible to and usable by individuals with disabilities.” 28 CFR § 35.150(a)(1). In particular, municipalities do not have to take any action that would “threaten or destroy the historic significance of an historic property” or that would “result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.” 28 CFR §§ 35.150(a)(2), (a)(3).

In general, municipalities can comply with Title II’s program accessibility requirements “through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities.” 28 CFR § 35.150(b)(1). New buildings and alterations to existing buildings, however, must conform to either the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). 28 CFR § 35.151(c). The relevant date for these regulations is January 26, 1992. Any building constructed prior to that date can use the alternate means to provide accessibility. Buildings constructed or altered after that date must conform to the UFAS or ADAAG. 28 CFR §§ 35.151(a), (b).

- Justin Sluka, Intern, VLCT Municipal

MUNICIPAL SERVICES

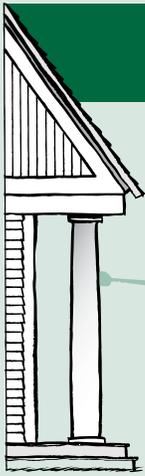
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CUTS

(COMMUNICATIONS UNDER TEN SENTENCES)

HEALTH TRUST MEMBER SURVEY UPDATE

Group Services is in the process of compiling and analyzing the 2004 VLCT Health Benefits Survey data. Since many of you have been calling for updates, we'd like you to know that we hope to have comprehensive statistics available for members by early fall, once all the data has been tabulated. A resounding thanks to all of our members who took the time to complete the survey.

COBRA NOTICE REGULATION CHANGES IN THE FEDERAL REGISTER

On May 26, 2004, the Department of Labor published Final COBRA Notice Regulations in the Federal Register. These regulations set minimum standards for timing and content of required continuing health coverage notices. These new regulations are effective July 26, 2004, and are applicable to notice obligations on or after the first day of the plan year beginning on or after the date six months after May 26, 2004.

Please refer to the newest Federal Register located at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-11796.pdf> for information on these regulatory changes. We will continue to keep you updated as more specifics become available.

ATTENTION HEALTH TRUST MEMBERS

Do you know what happens to your employees' and their dependents' health insurance coverage once they turn age 65? We want to give you a heads-up on how their insurance coverage will work, as there are decisions your municipality may have to make regarding this topic. For more information, please call the Member Relations Department at 800/649-7915. We will help you sort through the paperwork!

WELCOME

The **Town of Bethel** recently joined VLCT PACIF, bringing total membership up to 335.

WORKERS' COMP FORM -

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the Web site, log on to www.vlct.org, click on Member Services and then the Group Services section. Click on the forms section at the right of the screen and then on the type of claim form that you wish to file. If you are filing a workers' compensation claim, you can fill it out and submit it on-line to our office. For all other types of claims, print out a claim form, fill in the required information, and either fax the form to us a 802/229-2211 or send it via mail.

You will be receiving other notices about this change in the reporting requirements for workers' compensation claims. In the meantime, if you have any questions please feel free to contact the claim office at 800/649-7915. Thank you for your continued support of the PACIF program.

LONG TRAIL PEDOMETER ADVENTURE REACHES CANADA!

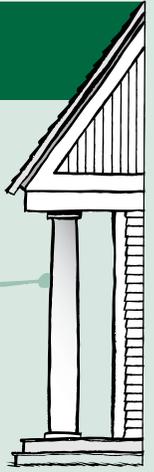
Well, in a manner of speaking, it did. Participants in the VLCT Safety and Health Promotion Program's late winter, early spring step counting "Adventure" were recognized for their efforts at the recent VLCT Group Services Day in Springfield.

An impressive 1,800 employees and family members from 74 Vermont municipalities participated in the program, which involved wearing pedometers and plotting steps taken on a special map of Vermont's Long Trail hiking trail. While the overall goal was to get VLCT Health Trust members to move more, some took the challenge all the way and walked the average four miles per day it would take to complete the Long Trail in ten weeks. Awards were given to these Health Trust members, as well as to those who had the greatest number of participants, the fewest number of dropouts, the most improved number of steps over the ten weeks, the largest number of family members participating, and even for the best finale party!

Congratulations to all, keep walking, and stay tuned late this year for next winter's Adventure.



Long Trail Pedometer Adventure participants accept awards on behalf of their municipalities. From left to right are Neysa Russo, VSHA; Chuck Hafier, City of S. Burlington; Lyn Gallipo, City of Rutland Police Dept.; Lauren Morriseau, Village of Essex Jct.; Tim Tuttle and Christine Gugario, City of Rutland Police Dept.; Sherry LaBarge, Town of Colchester; Susan Hill, Village of Essex Jct.; Joe Kowalski, Windham County SWMD; Loretta Bresette, City of Montpelier; Barb Cochran, Town of Morristown; Heidi Joyce, VLCT Senior Health Promotion Consultant; Kathleen Harris, Windham County SWMD; Flo-Ann Dango, Town of Weathersfield; and Louisa Olson, VSHA.



HAVE A GREAT VACATION

HELPFUL TIPS FOR ENJOYING A SAFE BREAK FROM WORK

You've worked hard all year; now it's time to have fun. Thinking about safety should not stop simply because you are not at work. Stay safe with these tips.

Planning

- Make a list of things to take.
- Let family, friends, or neighbors know when you'll be gone.
- Take a map or get directions, if necessary.
- Make sure your vehicle is in good condition.
- Plan activities to help children pass the time.
- Don't drive too long without stops to eat, rest and stretch.
- Have the Post Office hold your mail, or make arrangements for someone to pick it up each day.

Hot Weather Precautions

- Always wear sunscreen and replenish it often.
- Don't overdo the heat and sun. A bad burn is not fun!
- Drink lots of liquids (but not alcohol - it dehydrates you even more).
- If you start to feel uncomfortable, get out of the sun into a cool place and rest.
- If this doesn't help, seek medical attention. Heat exhaustion and heatstroke can be deadly.

Activities

Swimming

- Never swim alone. If possible, choose an area with a lifeguard.
- Keep a close eye on your kids.
- Never dive unless you know the depth of the water.
- Don't fight a current - float or swim at an angle to safety.

Boating

- Get safe boating instruction before piloting any boat.
- Always check the weather forecast.
- Carry and use a Coast Guard-approved life jacket for each passenger.
- Tell someone your destination and expected time of return.

Hiking

- Follow established trails and use a map.
- Carry emergency supplies in case you become lost or hurt.
- Stay well away from any animals you meet en route.
- Tell someone where you are going and when you'll be back.

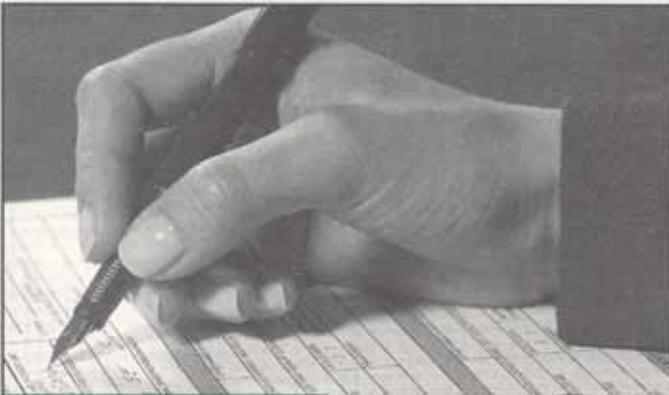
Food

- Use a cooler to keep cold food cold. Food spoils rapidly in hot weather.
- Take precautions with propane or fire-starter fluids.
- Eat hot foods promptly. Don't leave them sitting out too long.
- Make sure campfires are completely out before leaving the area.

If You Are Traveling by Car –

Save space for safety. Remember to take:

- A flashlight and extra batteries
- Flares for breakdowns
- A first-aid kit
- An extra set of car keys
- Insurance information
- Prescription drugs (if needed) in original containers



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(Continued on next page)



WOLCOTT -

(Continued from Page One)

accommodate a shift to heavier commercial use. Also, new subdivision development could impact existing, on-site systems. A solution considered by the selectboard was an off-site cluster wastewater system, also called a community leach field. The leach field would be less radical than a wastewater treatment plant, yet serve the community well. User fees would need to be collected, but the cost would be kept to a minimum, while placing the wastewater system off-site would eliminate the individual homeowner's expensive burden of fixing on-site systems when problems arose. With the removal of on-site sewage systems, the homeowner's land would become more valuable and increase resale value.

Wanting to know more about all of its options, the selectboard applied for and received a \$20,000 Engineering Planning Advance grant from the Agency of Natural Resources to conduct a wastewater feasibility study in Wolcott Village and North Wolcott Village. The feasibility study is to "stay ahead of the curveball," said Mr. Martin. The study's purpose is to determine if a real problem exists, the depth of the problem, and outline potential alternatives and solutions.

After sending out a Request For Proposal to conduct the study, Stone Environmental Inc. (Stone) received the bid and began work. Stone, based in Montpelier, provides "environmental scientists that do planning, outreach, data management, and needs analysis," according to Project Scientist Mary Clark. Stone conducted a public meeting and designed handouts on the basics of design and maintenance of systems, and their environmental impacts. A survey questionnaire was distributed to property owners in the study area to gather individual property information important to the study. Stone subcontracted the construction design to the engineering firm of Forcier Aldrich & Associates of Essex Junction. Results of the study show that "there is a significant need for a new wastewater system, and there are soil capabilities in both locations (Wolcott Village and North Wolcott Village) to support off-site cluster wastewater systems," said Mr. Martin. Mr. Martin is "extremely pleased with the results of the study and the professionalism of the two firms working on the project."

Mr. Martin noted the Village's planning and zoning department has also benefited from the study. The zoning administrator has used the results of a community survey and

the feasibility study as a tool to map out future growth, and the potential of the land around Wolcott Village and North Wolcott Village.

The citizens of Wolcott will determine the next step at a public hearing. "People are scared," said Mr. Martin, but he sees that any objection can be solved through education. The public hearing will cover many items that should address citizens' concerns, including an overview of existing problems and environmental needs, and six wastewater alternatives from which the public will determine how to proceed. There will be discussion on the screening process and potential user costs, followed by discussion on potential funding needs and sources. It is a challenging and exciting time for Wolcott as it plans for the future.

- Tara Fischer, Research and Information Assistant, VLCT Municipal Assistance Center

VACATION SAFETY -

(Continued from previous page)

Before you go, have a mechanic check and tune your vehicle. Be prepared to handle roadside problems:

- Know your ideal tire pressure and check it regularly when tires are cold.
- Be sure belts and hoses are in good shape.
- Have a good, usable spare tire and jack.
- Replace your windshield wiper blades and fill the windshield washer tank.
- Check coolant levels.
- Make sure lights and signals work.

For more information about VLCT Group Services' health and safety programs, contact Brian FitzPatrick, Manager, Safety and Health Promotion, at 800/649-7915 or bfitzpatrick@vlct.org.

GREEN MOUNTAIN PASSPORT

Town clerks seeking the source for the Green Mountain Passport should contact the Vermont State Office of Aging and Disabilities. The Passport, which clerks are authorized to sell, grants free admission to Vermont state parks' day recreation use areas to those 62 or older.

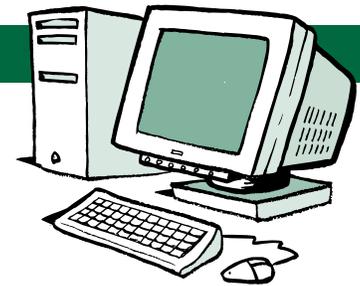
Clerks should contact Mary Trahan or Janet Merrill at the Office of Aging and Disabilities, tel., 802/241-2400, to obtain the Passports.

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Tech Check

THE TECH HUMOR COLUMN

Okay, so I have to admit that our newsletter editor has begged me to lighten up this month and give her an article that won't make her want to run out into the streets screaming and tearing out her hair. No more complicated Excel functions and capital budgeting nuances, at least for now. It is summer, she said, and time for something a little different.

Therefore, I'll attempt to poke a little fun at the tech world and take a break from the dull and unimaginative world that I generally inhabit while writing the dense technical articles you've been used to.

Here are four insightful quotes (from whatis.techtarget.com) to keep in mind as I ramble (post these on your computer – not on the screen, dummy):

Technology is dominated by two types of people: those who understand what they do not manage, and those who manage what they do not understand.

- Anonymous

Computers make it easier to do a lot of things, but most of the things they make it easier to do don't need to be done.

- Andy Rooney

In a few minutes a computer can make a mistake so great that it would have taken many men many months to equal it.

- Anonymous

Never let a computer know you're in a hurry.

- Anonymous

Having done my share of technical support in local government over the past 17 years, I can understand the frustrations of technicians who have to deal with those annoying employees who know just enough about computers to be dangerous, or those who, with a self-satisfied little smirk, ask you why something else always breaks when you fix the problem they called you for. These are the same folks who, when asked what the problem is, respond by stating emphatically "it's broken," or "it doesn't work." Well, NO KIDDING!! Ever tell fellow employees who insist they didn't delete that file they need that files don't just disappear on their own like some kind of poltergeist?

And speaking of poltergeists, how many of you have experienced those pesky database phantoms? You know what I'm talking about: those nasty little bugbears in your application that make data disappear. I scheduled an appointment for a cleaning with my dentist for September 22nd at 8:40am. About a half hour after I made the appoint-

ment, the secretary from the dentist's office called me and said that for some reason, the appointment had vanished and she wanted to get the date and time from me. I gave her the date and time she had given me. Ten minutes later the phone rings and, by gum, it's her again asking for the same darned thing! My dentist's office must be on an old burial ground.

When I got home that night, there was a message on my answering machine from this same secretary saying she had again discovered that my appointment was gone. So I called once more and this time didn't get a call back. VLCT's super technicians Jill and Nicole would tell me that the secretary probably didn't save the appointment (known as "operator error" in the tech world), however, I know better, being a BELIEVER.

Ever hear of "sticky data syndrome"? Yup, it's true, data can indeed stick like Krazy Glue. Last year I changed insurance companies and gave the new company my new address, which happens to be at 19 Waterman Street in East Barre. Well, there is also a 19 Waterman Street in Barre City and for some unknown reason my address was recorded as Barre City. Needless to say, I never received the policy or a bill. However, the residents at 19 Waterman in Barre City did receive a bill and policy, and called us. I called my agent

(Continued on next page)

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TRIVIA

Congratulations to **Patti Lewis**, Town of Fayston Assistant Town Clerk. Patti lead the pack, and it was a large one this month, with the correct answer to last month's Trivia. Patti answered that the Town of Billymeade, Vermont changed its name to Sutton in 1810. Billymeade was chartered in 1782 by Dr. Jonathan Arnold and associates who named the town after his son William. Jocktan Putnam, born in Sutton, Massachusetts, proposed the new name at the 1810 town meeting.

Here is June's trivia question:

What were the names of the original counties of Vermont?

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



TECH CHECK -

(Continued from previous page)

and she put in the change and, lo and behold, the same thing happened again! My address never changed and I never got a shred of paper from my new insurance company. However, they were able to clear up the problem in time to send me a notice that we were being dumped for non-payment.

Now I suspect (though I haven't posed the question) that our tech team, Jill and Nicole, would again attribute this phenomenon to operator error (of the chimp variety). But I know for a fact that something fishy is going on, and I suspect that if we dug a little deeper, we'd find out that there was some sort of Microsoft conspiracy going on.

In closing, I'll leave you this gem I found in the January issue of the League of Oregon Cities *Local Focus* newsletter:

Eye halve a spelling chequer
It came with my pea sea
It plainly marques four my revue
Miss steaks eye kin knot sea
Eye strike a key and type a word
And weight four it two say
Weather eye am wrong oar write
It shows me strait a weigh
As soon as a mist ache is maid
It nose bee fore two long
And eye can put the error rite
Its rare lea ever wrong
Eye have run this poem threw it
I am shore your pleased two no
Its letter perfect awl the weigh
My chequer tolled me sew

- Mike Gilbar, Director, VLCT
Administrative Services

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When Vermont's children receive the coverage, care, and comfort they deserve, these are signs of a healthier Vermont.

Vermont's ambulances now come equipped with new tools that help provide comfort and treatment to children—teddy bears. Blue Cross and Blue Shield of Vermont and The Vermont Health Plan learned that emergency crews use such toys to open the lines of communication between EMTs and children, who respond positively to the familiar comfort of a teddy bear. Teddy bears for children, the most innovative health plans, and the largest provider networks in the state—these are signs of a healthier Vermont. To learn more about The Vermont Health Plan, our teddy bear initiative and other programs, visit www.bcbsvt.com.



BlueCross BlueShield
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CLASSIFIEDS -

(Continued from Page Fifteen)

Works Department. This position serves as the supervisor for the Highway Department and involves responsibility for administering and supervising all activities of the highway department including street, sidewalk, and storm drain maintenance, equipment repair and maintenance. Starting rate: \$ 18.00-23.00 per hour, DOQ/E. A complete job description is available in the Town Manger's Office. Any person who is interested in this position is asked to complete an application and submit it with a resume to the Milton Town Manager, 43 Bombardier Road, Milton, VT 05468-3205. **Open until filled.** Equal Opportunity Employer.

Superintendent of Highways. The Town of Morristown, Vt., a community of 5,500 and the hub of Lamoille County, seeks candidates for the position of Highway Superintendent. The Superintendent is responsible for budget development, implementing construction projects, repairs and maintenance of highways and related equipment. The department has two highway facilities, which requires

coordinating of operations. Applicants must be high school graduates and have five years of highway experience. Engineering training would be beneficial. A class B CDL is preferred, but not required. Salary is commensurate with education and/or experience. A detailed job description may be obtained by contacting the Administration Office at 802/888-5147, or write to Paul D. McGinley, Town Administrator, Town of Morristown, P.O. Box 748, Morrisville, VT 05661. The Town reserves the right to deny any and all applications. **Open until filled.** Equal Opportunity Employer.

Town Planner. The Town of Milton, Vt. is seeking a qualified person for the position of Town Planner. Under the direction of the Planning Director, this position serves as an in-house resource for planning issues involving a variety of tasks that require technical analysis, sound decision-making capabilities and creativity. The Planner provides staff support to the Planning Commission and Development Review Board, developers, and the public. Starting salary, \$30s, DOQ/E, with an excellent benefit package. To apply, send cover letter, resume and salary history/requirements to "Town Planner" c/o

Sanford I. Miller, Milton Town Manager, 43 Bombardier Road, Milton, VT 05468-3205, or e-mail smiller@town.milton.vt.us. **Open until filled.** Equal Opportunity Employer.

Public Works Director. The Town of Windsor, Vt. is seeking a qualified person for the position of Public Works Director to supervise the Highway, Water and Sewer departments. Position calls for technical, administrative, supervisory and leadership capabilities. Person will respond to the dictates of the Selectboard as interpreted by the Town Administrator, provide oversight for all aspects of the Town's physical and public infrastructure and oversee the maintenance and repairs of the Town Municipal facility. Requires an in depth knowledge of modern day public works management, four years experience in PW operations – highways and/or utilities, knowledge of civil engineering principles, budget preparation and management, knowledge of motor vehicles and heavy equipment, communication skills, computer database maintenance skill including GIS reports/maps. The Director must live within Town limits, possess at least a high school diploma, a valid State driver's license with CDL endorsement or the ability to obtain one prior to hire. Salary, \$40,000-49,000, DOQ/E. Position includes full benefits: BC/BS, Dental, Life, LTD, STD, Cafeteria Plan, and Retirement Plan. Send resume to Town of Windsor, Town Administrator, P.O. Box 47, Windsor, VT 05089. **Open until filled.** Equal Opportunity Employer.

Development Review Board/Planning Commission Assistant. The Town of Warren, Vt. seeks a Development Review Board and Planning Commission Assistant. Duties include scheduling meetings; preparing and posting meeting agendas; seeking, writing, and administering grants; updating and maintaining town Web page (www.warrenvt.org); preparing annual reports; coordinating planning projects; assisting applicants through permitting process; and performing other clerical research and administrative tasks as requested. Site visits may involve exposure to construction sites during all weather conditions and may involve traversing rough terrain. Requirements: The candidate should have excellent written and verbal communications skills, strong computer skills, the ability to work with

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(Continued on Page Sixteen)



DIG SAFE MEMBERSHIP FOR MUNICIPALITIES

Vermont municipalities with water, sewer or drainage facilities might want to consider a Dig Safe membership, so they will be notified when contractors and utilities plan to dig near their facilities.

Dig Safe is a non-profit organization that transmits excavation notices from its callers to its members, allowing members to mark ahead of time their underground facilities. In this way, Dig Safe promotes public safety, prevents damage to underground utilities, and protects life, property, and the environment.

For more information about Dig Safe membership (\$1.00 per notification for municipalities that own or maintain less than 100 miles of underground utilities), please visit www.digsafe.com and click on the Membership Enrollment page, or call 781/721-1191.

CITIZEN'S GUIDE TO SCHOOL FUNDING PUBLISHED

The Vermont Children's Forum (VCF) has produced *A Citizen's Guide to School Funding – Vermont's Act 68*. This new, 24-page booklet is designed to explain the basics of Vermont's education funding system in simple, accessible terms.

Act 68 is a cornerstone of Vermont's public education system and VCF hopes this booklet will help citizens better understand the law and better participate in making the system work. As the booklet notes, public education is Vermont's single largest expense – nearly a quarter of the state's total spending.

Complicated as it is, school funding is important to understand. The page devoted to explaining how the state determines fair market value, and the timeline for educational budgeting at the back of the booklet are particularly useful to the beginning student of education funding.

Copies of *A Citizen's Guide* are available from VCF at \$2.00 each. Please call 802/229-6377 or e-mail bpostman@childrensforum.org for your copy.

Information on Act 68 is also available on VCF's website at www.childrensforum.org.



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Classifieds

Please visit the VLCT Web site to view many more classified ads: www.vlct.org/classifieds.cfm. You may also submit your ad via an e-mail link on this page of the site.

FOR SALE

Breathing Air Compressor. Used 4500 psi Poseidon unit includes a five-bottle cascade storage system, two regulators and all associated piping and fittings. This system, used by the Bellows Falls Fire Department, is in good condition. The compressor has 452 total running hours and has a fill rate of 6.4 cubic feet/minute. Air quality for this unit has been tested every six months and has always met NIOSH/OSHA Grade E standards. This system will be sold as is for \$2,500 or best offer. Call Chief William Weston, Bellows Falls, Vt. Fire Department, at 802/463-4343.

Okidata Pacemark 3410 Wide-carriage Dot Matrix Printer. \$300 or best offer. Comes with original documentation, and drivers to support Windows 95, 98, 2000 and XP can be downloaded. Contact Dick Desautels at 802/862-4621 or e-mail waterdept@mallettsbayfire.com.

Printer. Okidata Microline 591 24-pin wide-carriage dot matrix printer. Asking \$300 (sells new for \$700). Used lightly only four months. Great for multi-part forms and checks. Connects via parallel. 450 CPS in High Speed Draft Mode. Comes

with original documentation and software. Drivers to support Windows 95, 98, ME, 2000, NT can be downloaded. Contact Jill George at VLCT, tel., 800/649-7915.

Dump Truck. The Town of Killington has for sale a 1998 Mack RD690P dump truck with a 7cy body, plow frame, reversible front plow, wing plow, and hydraulic tailgate sander. Asking \$45,000. This like-new truck is available immediately and can be seen or driven at the Town Garage by appointment. Write or call David Lewis, Town Manager, P.O. Box 429, Killington, VT 05751, 802/422-3241.

Alamo Ditch Bank Mower. Five-foot rotary head. Reach extends hydraulically four feet. Rear-mounted, so it doesn't tie up tractor for other chores. Complete service by Betco, December 2001, not used since. \$4,500 (half price of new), includes some spare parts and manual. Machine is at Brookside Equipment, tel. 888/763-4656.

CPR Manikins. Used Adult BLS manikins in good shape with single use face shield/lung bag system, and anatomical landmarks including sternum and sternum notch. Asking \$50 for each manikin or \$200 for all six. Contact Scott Flieger at 802/655-3555 or scooter229@adelphia.net for more information.

HELP WANTED

Town Manager. Berwick, Maine (pop. approx. 7,500). Five-member Board of Selectmen, elected at-large for overlapping three-year terms; \$3 million budget (non school), 30 full-time employees. Bachelor's degree in relevant field preferred. Equivalent experience and qualifications may be considered. Minimum 5-10 years municipal management experience required with demonstrated leadership capabilities in all aspects of government. Salary

range up to \$75,000 plus generous benefits package. Person selected shall be required to relocate to the area. Resumes will be accepted until **July 15, 2004**. Send resumes to: Manager, Search Committee, Town of Berwick, P.O. Box 696, Berwick, ME 03901.

Chief Assessor. The Town of Bennington, Vt. is seeking qualified applicants for the position of Chief Assessor. This is a departmental position requiring a high level of expertise in tax assessing, construction techniques and general appraisal techniques. Some personnel management experience and office management experience is required. The assessor must possess an ability to deal with the public and private sector in matters involving tax assessments in Vermont, as well as related matters including rolling reappraisals and is directly responsible to the Town Manager. Excellent benefits package. Salary negotiable. Send resume to the Town of Bennington, Attn: Michele Johnson, Human Resources & Contracts Administrator, 205 South Street, P.O. Box 469, Bennington, VT 05201. The closing date for applications is **July 15, 2004**.

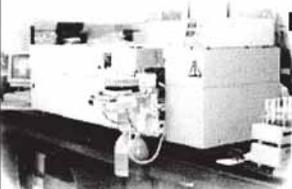
Village Manager. The Village of Enosburg Falls, Vt. is seeking qualified candidates for the position of Village Manager. The Village has 15 full-time employees divided into Administrative, Water and Electric, Sewer, and Highway Departments. Candidates will have at least three years of progressively responsible management experience in the public management area, a Bachelor's Degree, and preferably experience with a light department. The Village Manager reports directly to the Village Board of Trustees and is responsible for providing the overall leadership and development of various Village functions. Please submit a letter of application, resume, and three letters of reference by **4pm, July 23, 2004**, to Valentine W. Bonk, Chair, Board of Trustees, Village of Enosburg Falls, 42 Village Drive, Enosburg Falls, VT 05450.

Road Foreman. The Town of Milton, Vt. is seeking a qualified person to fill the position of Road Foreman in the Public

(Continued on Page Thirteen)



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Calendar

For more information about VLCT-sponsored events, please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915 or e-mail, jhill@vlct.org. You may also visit www.vlct.org, select the Calendar, and select a workshop for more information or to register on-line for VLCT events.

Green Mountain Payroll Conference.

Thursday, September 23, 2004, Capitol Plaza Hotel, Montpelier. Sponsored by the Green Mountain Payroll Association. Registration fee is \$75.00 (includes lunch). First come, first served, limited to 100 registrants. GMPA is celebrating its 10th Anniversary. The day will include educational sessions focusing on the payroll and human resource professions. Registration deadline is August 9th. For more information visit www.greenmountainpayroll.net/firms.com or contact Janis Blais at 802/229-3457.

Classifieds

(Continued from Page Thirteen)

diverse groups, be detail-oriented and organized, have three years experience in planning, zoning or related field, and reliable transportation. Experience with map production and GIS software, Web page administration or database design and administration are desired but not required. This is a 32 hour/week position with benefits. Compensation will be based on experience and performance. For more information, contact Kim Crosby at selectboard@warrenvt.org or 802/496-2709 x23. Mail resumes to Town of Warren, P.O. Box 337, Warren, VT 05674; email to selectboard@warrenvt.org. **Open until filled.** Equal Opportunity Employer.

Town Manager. The Town of Norwich, Vt. seeks an energetic leader for the position of Town Manager. Norwich (population 3,600) is the quintessential New England community and is located near Dartmouth College in the Connecticut River Valley.

The Manager reports to a five-member selectboard and supervises all town departments. Current operating budget is \$3.1 million, with 20 full-time employees and 50 part-time employees. Responsibilities include financial management and budgeting, community relations, personnel administration, and care and maintenance of public facilities. A full job description is available at www.vlct.org under Classifieds. Working knowledge of municipal practices, public finance, personnel law, and public relations is essential. Bachelor's degree in appropriate discipline and five years management experience required. Hiring range: \$55,000–\$65,000, depending on qualifications. Excellent benefit package. Send cover letter and resume in confidence to Norwich Manager Search, VLCT, 89 Main St., Montpelier, VT 05602. Resume review will begin **June 28, 2004**. Equal Opportunity Employer.