

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

August/September 2004

IT'S FAIR TIME!

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Are you ready for Town Fair? Your VLCT staff has been working hard for months to bring you this annual event. Speakers are lined up, exhibitor spaces are filling up and nametags are ready to hit the presses.

After a successful "homecoming" in Barre last year, the two-day VLCT Town Fair will return to the Civic Center September 29-30, 2004.

The theme this year is **Vermont Local Government: Democracy at Work**. Local government is the government closest to the people, and our version in New England is as special as they come. Town meeting, local selectboard, council and trustee meetings, planning commission and highway hearings, recreational programs and libraries – all are necessary to running

our communities and making them great places to live. Vermont local government is neighbor-to-neighbor, participatory democracy at its best. Come learn more about the work you do, and celebrate the special achievements of the annual Town Fair award winners at Town Fair 2004. If you are your municipality's voting delegate, plan to vote at the VLCT Annual Meeting – VLCT's own "Town Meeting."



Field Day events will take place on Wednesday, September 29 and include both the Plow Rally and Backhoe competitions. Winners of both events will be presented with awards. Get revved up for the day with a special treat - fresh cider and donuts sponsored by *Invest EAP*. Gus' barbecue is back and

(Continued on Page Eight)

COLLABORATION SUCCEEDS IN SOUTH BURLINGTON

We often read about clashes between citizen groups and governmental bodies at all levels (municipal, state and national). This past fall, the Voice for Potash Brook, a non-profit citizen group in South Burlington, and the City of South Burlington entered into a collaborative effort to develop a pesticide reduction policy. Using cooperation and compromise rather than confrontation, the two parties created a Policy for South Burlington that will help protect public health and the City's natural resources from the harmful impacts of unnecessary pesticide use.

The Voice for Potash Brook's mission is to protect and restore water quality, and enhance the quality of the environment in the Potash Brook watershed, which drains much of the land area of South Burlington. In the spring of 2003 we initiated a City-wide pesticide reduction campaign to encourage residents, businesses and organizations to reduce their use of harmful pesticides and lessen the impacts of these chemicals on public health

(Continued on Page Two)

NEWS ABOUT THE NEWS

The VLCT Municipal Assistance Center has prepared Part 2 of its Special Section/Chapter 117 Update for the *VLCT News*. You will find the Special Section inserted in the middle of this issue, along with Town Fair workshop and registration information. Please see the July 2004 issue for Part 1 of the Special Section, which discusses changes to Vermont's local planning and zoning laws resulting from the enactment of Act 115 by the 2004 Legislature.

This issue also marks the first combined August/September issue of the *VLCT News*. As our special Town Fair preview issue, we hope you will find it useful as you prepare to attend Town Fair in September.

By combining the August and September issues, VLCT staff will have more time to devote to preparing for Town Fair. Look for your October *VLCT News* to appear in late September, and, in the meantime, keep an eye on the VLCT Web site's What's New section for news.

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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.

The VLCT News is distributed to all VLCT member towns. Additional subscriptions are available for \$25 to VLCT members (\$60, non-members), plus sales tax if applicable. Please contact VLCT for subscription and advertising information.

SOUTH BURLINGTON -

(Continued from Page One)

and water quality.

In the course of the campaign, we realized that the City itself was a significant land and building owner in the community, and that City government could be a leader and role model for citizens and businesses if it adopted a policy to reduce its use of pesticides. We contacted City Manager Chuck Hafter to discuss this issue. He was eager to work together with us to develop a City Policy on this component of the larger issue of storm water pollution.

Hafter called in the City's Director of Public Works and the City Arborist to meet with the Voice and we laid out our concerns. Over several meetings we hammered out an Integrated Pest Management Policy for the City that met the Voice's goals for pesticide reduction and also took into account the City's needs for flexibility in dealing with pest outbreaks.

Integrated Pest Management (IPM) involves using a wide array of pest prevention and pest control methods that depends on least toxic pesticide use only as a last resort. The South Burlington Policy uses these IPM techniques for all City-owned buildings and grounds, such as recreational fields, rights-of-way, parks, etc. It covers work done not only by City employees but all contractors for the City as well.

To avoid the creation of any new bureaucracy, the existing South Burlington Natural Resources Committee was given the role of

overseeing IPM guidelines, community education, and securing expert assistance when needed. The Policy also called for the notification of abutters if pesticides are used.

Together, the Voice and City staff presented the Policy to the South Burlington City Council, which unanimously adopted it. We feel confident that the road to passage would have been more difficult had we (the Voice) written a policy on our own and taken it to the Council without the collaboration of the City staff who ultimately would have to implement the policy.

For further information about the IPM Policy, contact the Voice at fredk@together.net. You may also request a copy of the Policy from the VLCT Municipal Assistance Center (Tara Fischer at tfischer@vlct.org). Additional resources for information about pesticides include the Vermont Department of Agriculture, the Vermont Public Interest Research Group, and the Vermont Green Lawn Coalition (contact Karen Bates, Vermont Dept. of Environmental Conservation water planner).

- Fred Kosnitsky, Voice for Potash Brook

(Editor's Note: In the 2003-2004 legislative biennium two bills were introduced that would have enabled municipalities to regulate the application of pesticides through ordinances. Both bills placed some parameters on that authority. H. 347 never made it out of committee in the House. S. 58 was actually passed by the Senate this spring, but no action was taken in the House. In the new biennium, any such legislation will need to be introduced again.)

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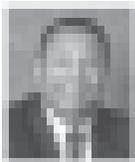
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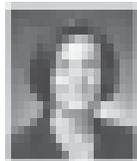
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ENVIRONMENTAL COURT ROUNDUP

(Editor's Note: In this Legal Corner, the VLCT Municipal Assistance Center presents a summary of three recent Environmental Court decisions of significance to municipalities. Please note that this summary indicates how the Environmental Court will treat these particular issues, but as with all Environmental Court decisions, they are subject to review by the Vermont Supreme Court if appealed.)

For municipalities, this decision reinforces the broad power and responsibility to enforce board and court decisions. The court made it clear that the time in which municipalities may institute actions to enforce violations of DRB, ZBA, and court decisions under § 4470(c) is unlimited.

STATUTE OF LIMITATIONS IN LAND USE PERMIT ENFORCEMENT ACTIONS

In a recent decision issued by the Vermont Environmental Court, Judge Merideth Wright explained which enforcement actions are barred by the statute of limitations provided in 24 V.S.A. § 4496(a).

According to § 4496(a), a zoning administrator (ZA) may institute an action to enforce the terms and conditions of any required municipal land use permit within 15 years of the date the alleged violation first occurred. Specifically, § 4496(a) applies to enforcement actions brought under 24 V.S.A. §§ 4444 ("Enforcement; penalties") and 4445 ("Enforcement; remedies"), which allow a ZA to bring enforcement actions against landowners who violate provisions of municipal zoning bylaws. Section 4496(a), however, makes no mention of enforcement actions brought under § 4470(c) against landowners who violate decisions of development review boards (DRB), zoning boards of adjustment (ZBA), or the courts.

In the case of *St. Albans v. Hayford*, Docket No. 161-9-03 Vtec, the court held that when a landowner is denied approval of a project by the DRB/ZBA, the 15-year statute of limitations provided in 24 V.S.A. § 4496(a) does not apply to enforcement actions brought by the municipality under § 4470(c). Note that because § 4470(c) also applies to enforcement of court decisions, the court's

decision applies when municipalities seek to enforce court decisions as well. Reading the relevant statutory provisions in light of this decision makes the statute of limitations issue appear quite straightforward. Sections 4444 and 4445 of Title 24 provide for enforcement actions in court against landowners who violate a municipality's zoning bylaws. Section 4470(c) provides for enforcement

actions in court against landowners who violate decisions of DRBs/ZBAs and courts. Section 4496(a) places a 15-year statute of limitations on enforcement actions brought under the former sections – 24 V.S.A. §§ 4444 and 4445. No mention is made in 24 V.S.A. § 4496(a), however, of enforcement actions brought under 24 V.S.A. § 4470(c).

For municipalities, this decision reinforces the broad power and responsibility to enforce board and court decisions. The court made it clear that the time in which municipalities may institute actions to enforce violations of DRB, ZBA, and court decisions under § 4470(c) is unlimited. Discussing § 4496(a)'s statute of limitations, Judge Wright stated that "by its terms it does not apply to enforcement actions filed pursuant to 24 V.S.A. § 4470(c) regarding violations of ZBA or DRB decisions." Moreover, "that omission has been carried forward in the revisions to this statute passed this year." By omitting a statute of limitations for this type of enforcement action, the Legislature made a clear policy decision. On the one hand, the Legislature sought to protect landowners from municipalities that did not enforce their bylaws in a timely fashion. Through § 4496(a) the Legislature is saying that if a municipality fails to bring an enforcement action within 15 years of a violation of its bylaws, it loses that right. On the other hand, however, the Legislature is tougher on

landowners who violate board and court decisions. By not including § 4470(c) actions in § 4496(a)'s statute of limitations, the Legislature is providing towns with broad power to enforce their decisions. When a landowner seeks approval of a project from a DRB or ZBA, towns have unlimited time to bring enforcement actions against landowners who ignore a decision.

This decision benefits municipalities because it reinforces their power to enforce decisions of their boards and the courts. Regardless of whether the source of a municipality's authority to bring an enforcement action is 24 V.S.A. § 4444, 4445, or 4470, however, VLCT encourages municipalities to diligently initiate these actions.

- Justin Sluka, Intern, VLCT Municipal Assistance Center

PHASED DEVELOPMENT AND POINT SYSTEMS

The Environmental Court recently confirmed the constitutionality of using a point system for evaluating subdivision proposals under a system that allocates subdivision permits for phased development. (The number of permits granted depends on an annual study performed by the Planning Commission.)

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LEGAL CORNER -

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The point system reviewed by Judge Merideth Wright in *Appeal of John Remy* is contained in the Town of Williston's Growth Management Review section of its subdivision regulations. *Appeal of John Remy*, Docket No. 93-6-03 Vtec. The purpose of using the point system is to ensure that residential growth is consistent with the Town's Comprehensive Plan and capacity for planned, orderly and sensible expansion of services. Additionally, Growth Management Review purports to ensure that subdivisions are selected pursuant to a clear and orderly evaluative procedure. Williston Subdivision Regulations Article V.

The appellant in *Appeal of John Remy* appealed the Development Review Board's (DRB) denial of his application for preliminary phasing allocation for his proposed subdivision. In particular, the appellant questioned the point value assigned to his proposal and its corresponding ranking among other subdivision proposals before the DRB. According to Article V of the Town of Williston's Subdivision Regulations, the DRB must conduct a "Growth Management Review" for all projects seeking subdivision

approval. Projects can be awarded a total of 100 points based on a set of "Evaluation Standards." The first four standards the DRB will consider are subdivision location, open space planning, housing types, and town facilities. The subdivision proposal may be awarded up to 20 points under each of these standards depending on whether the DRB decides the project deserves a High, Medium, or Low rating with respect to each standard. The fifth standard the DRB will consider is the length of time the applicant has been seeking approval. Under this standard, up to 10 points may be awarded based on a High, Medium, or Low rating. Finally, up to 10 points may be awarded if the proposal furthers goals of the Comprehensive Plan that are not considered by the DRB under the first five standards.

Based on the Growth Management Review, the applicant's subdivision proposal in *Appeal of John Remy* was assigned a point value, ranked among other proposals, and denied preliminary phasing allocation due to a low ranking relative to other proposals that year. On appeal, Judge Wright held that this point system is constitutional, contrary to appellant's argument that the system should be held void for vagueness. Judge Wright explained that although the point system

"could be revised to be more complete or more specific, it meets the test of providing sufficiently objective evaluation standards for the decision-maker to provide a score for each of the competing applications to enable those applications to be placed in a ranking or priority order."

Towns faced with large numbers of residential subdivision proposals might consider innovative techniques like this point system to more effectively manage growth. For a copy of the Town of Williston's Growth Management Review section of its Subdivision Regulations, contact VLCT's Municipal Assistance Center.

- Justin Sluka, Intern, VLCT Municipal Assistance Center

EXERCISING DISCRETION

In another Environmental Court case, Judge Wright addressed an appellant's claim that the Zoning Administrator (ZA) should have applied a discretionary review standard contained in the City of Montpelier's Zoning and Subdivision Regulations to his neighbor's application. In *Appeal of Spaulding*, the ZA granted a permit to build a detached garage - an accessory structure to a permitted use - and the Development Review Board (DRB)

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ASK THE LEAGUE

DESTROYING DOGS; ATVs; TREES IN THE PUBLIC ROW

What procedures should a town follow when considering whether an unlicensed dog needs to be destroyed?

“Even the most soulful eyed canine has rights, privileges and protection only within his master’s shadow as provided by law.” Thiele v. Denver, 312 P.2d 786, 789 (Colo. 1957)

State law authorizes the selectboard to, at any time, issue warrants to a police officer, constable or pound keeper, directing them to humanely destroy all unlicensed dogs within the town (except those brought into the state for a period not to exceed 90 days). 20 V.S.A. § 3621. Such action, without affording their owners the requisite notice and opportunity to be heard, may constitute an unconstitutional taking of property in violation of the Due Process Clause of the Fourteenth Amendment. (See *Lamare v. North Country Animal League*, 170 Vt. 115 (1999). The Vermont Supreme Court conducted a due process analysis to determine whether the Town of Wolcott’s Dog Control Ordinance violated the plaintiffs’ constitutional right to due process.)

One step a town can take to mitigate this action is to maintain a list of *all* dogs with the town clerk as required by 20 V.S.A. § 3590. The clerk could notify owners or keepers of dogs who are not licensed or inoculated of the need to do so. If these dogs remain unlicensed or uninoculated, the clerk could present the selectboard with a revised list and send notice to the owners that their dogs may be destroyed. 20 V.S.A. § 3590. Presumably, this would aid in meeting the notice requirements.

Additionally, VLCT recommends that unlicensed dogs should be impounded if they are found running at large in town. If the address or identity of an impounded dog is not known, a town should provide notice by posting “in the municipal clerk’s office and other usual places for public notice for a one-week period.” 20 V.S.A. § 3806(b). VLCT further recommends that a town wishing to humanely destroy or otherwise dispose of an

unlicensed dog afford its owner additional procedural due process protection by holding a hearing, at a date and time specified, for the selectboard to determine the dog’s fate. If the selectboard decides to humanely dispose of the dog it could issue a warrant for its destruction at this time.

Alternatively, the selectboard could heed the words of the Vermont Supreme Court, “(r)ecognizing . . . the substantial value that society places on domestic animals, it is proper that the law encourage finders to take in and care for lost pets” *Morgan v. Kroupa*, 167 Vt. 99, 103 (1997), and place the dog in the custody of an animal shelter, humane society or rescue league.

- Garret Baxter, Associate, Municipal Assistance Center

Are towns responsible for removing a tree in a town highway right-of-way that is a danger to private property?

No. While towns have the sole authority to cut down trees in a public right-of-way (24 V.S.A. § 2291(3), 19 V.S.A. § 904), this is a power that they *may*, not *must*, exercise. Nevertheless, VLCT recommends that towns cut down a tree if it lies within the public right-of-way and constitutes a hazard to public safety.

A public right-of-way is an easement that allows the public to traverse private property. The most obvious are highways and trails. The less visible include that right-of-way which extends 24 ¾ feet (unless otherwise recorded) out from each side of the center of highways and trails, often times extending onto private property. 19 V.S.A. § 32.

Questions such as “Who owns these trees?” and “Who is responsible for their care?” often arise when this overlap occurs. Typically, the answer is the same for both questions – the owner of the property is responsible for the tree’s care. This is not the case with trees in the public right-of-way.

Think of property rights as a bundle of sticks. Each stick represents a different right on the property. The landowner holds the

stick of ownership while the town holds the stick to cut the tree down (pardon the pun). Despite the landowner’s ownership of the tree, it is the town that has the final say in who may cut it down. “(A) public shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his deputy or by a person having the written permission of a tree warden.” 24 V.S.A. § 2507.

The tree warden must afford interested parties an opportunity to be heard by holding a public hearing before cutting down a public shade tree in residential areas. An exception exists if the tree is infected or infested or “constitutes a hazard to public safety, (then) no hearing shall be required.” 24 V.S.A. § 2509. Ideally, the landowner will cut down the tree after the town determines that the tree is in the public right-of-way, is a hazard to public safety, and grants permission; however, if the landowner persists in asking the town to cut the tree down, it should.

The duty for caring for trees in the public right-of-way or on any public property resides exclusively with the town. 24 V.S.A. § 2291(3). It is that exclusivity of control that

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ASK THE LEAGUE-

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makes it potentially liable for any damage resulting from breaching that duty.

From this loss prevention perspective it will be far cheaper for a town to pay the cost of cutting down a tree than to pay the court-ordered costs of repairing a home it may fall upon.

- Garret Baxter, Associate, Municipal Assistance Center

What are the general rules of thumb regarding all-terrain vehicles (ATVs) and town roads?

The local governing body has the authority to open any Class 2, 3, or 4 road or public

trail for ATV use, and post it as such. 23 V.S.A. § 3506(b)(1). Therefore, it is illegal to operate an ATV on the aforementioned roads if the selectboard has not declared them open and posted them for ATV use. The local governing body may also enact regulations concerning the time or manner of use, such as speed or direction. 23 V.S.A. § 3510. Class 1 roads are the exception. The state controls the opening of these roads to ATVs; only the Agency of Transportation Traffic Committee has the authority to open and post Class 1 roads as such. 23 V.S.A. § 3506(b)(11).

There are additional rules of thumb that apply whether or not a road is open and posted for ATV use. All-terrain vehicles may cross all town roads, with no distinctions made between classes of roads. The crossing must take place at a 90-degree angle with the road.

23 V.S.A. § 3506(b)(2)(A). All-terrain vehicles may also be used "within the confines" of a farm, no closer than three feet from the traveled portion of the road, again with no distinction made between classes of roads. 23 V.S.A. § 3506(b)(1).

All-terrain vehicles may also be used on Class 4 highways in the winter, if the highways are not being maintained and plowed. The statute reads, "An all-terrain vehicle may not be operated...along a public highway unless it is not being maintained during the snow season..." 23 V.S.A. § 3506(b). This statute has met different interpretations. VLCT's opinion is that the word "being" implies a temporary duration. Thus, if the road is not maintained during the winter, this does not create an automatic license to operate an ATV on the road during the summer.

There is a reference chart detailing this information available on the VLCT Web site (www.vlct.org) in the Municipal Assistance Center section. A model ordinance may be obtained by contacting the Municipal Assistance Center.

- Tara Fischer, VLCT Research and Information Assistant

(Editor's Note: Questions about ATVs are among the most frequently asked of the VLCT Municipal Assistance Center. Accordingly, they have also been addressed in previous Ask the League columns. Please see the July 1999 and November 2001 issues of the VLCT News for prior Ask the League questions on ATVs. See also "ATVs and Local Roads" article in the August 2003 VLCT News.)



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TOWN FAIR -

(Continued from Page One)

will serve up lunch to contestants and attendees alike. Educational training and demonstrations as well as health screenings for public works personnel will also take place on Wednesday.

Town Fair will take place Thursday, September 30 and will include all of your favorites - VLCT's Annual Meeting, VLCT PACIF and Unemployment Annual Meeting, educational workshops, health screenings, VLCT raffles, and our annual awards program. Start your day off right and join us for networking and wonderful food at the Conversation Corner, sponsored by both the Chittenden Bank and the Citizens Bank. Also featured in this election year is a forum for the major party candidates for governor. Invited so far are former VLCT President and Burlington Mayor Peter Clavelle and Middlebury Moderator and Governor James Douglas. Finally, a Town Fair favorite, the traditional turkey dinner, will be served this year by Montpelier's renowned New England Culinary Institute.

We have lots of companies ready to show their wares. The Exhibit Hall in the B.O.R.

arena will be open on Wednesday and Thursday. The Exhibit Hall in the Auditorium will be open on Thursday. Both are open to all attendees. Be sure to stop and visit with them and enter one of many raffles they are sponsor-

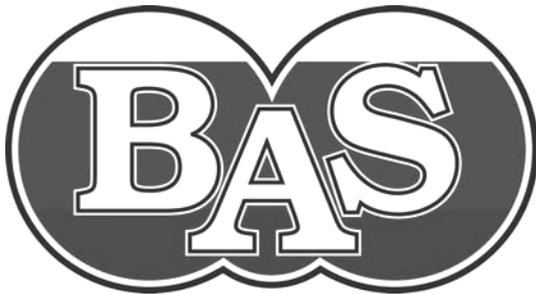
ing. Exhibitors will be selling everything from safety supplies to furniture and insurance.

- Jessica Hill, VLCT Conference Coordinator,
and Katherine Roe, VLCT Communications
Coordinator

YOUR TOWN FAIR CHECKLIST

- Register.** On-line at www.vlct.org (Calendar section) or by sending in the registration form inserted into this newsletter. You may also print out the form from our Web site (Town Fair section). Your registration must be postmarked by **September 10** to get the early bird discount.
- Make sure your highway crew is sending a team to the Snowplow Rally and Backhoe Competition.** Registration forms are on our Web site (Town Fair section) for printing; register on-line in the Calendar section.
- Review the Exhibitor list in this issue.** Are you planning your 2005 budget? Do you have any questions about any of the products or services you might be including in it? Come ready to grill the exhibitors about their wares, and see samples for yourself.
- Send in your municipality's Voting Delegate Form.** This form designates the representative from your municipality who can vote at the VLCT Annual Meeting. It is on the VLCT Web site, in the Town Fair attendee section, and due at the VLCT office on **September 20**.
- Submit your proposed changes to the draft 2005 Municipal Policy.** Four volunteer VLCT committees worked over the summer to update the League's legislative platform. (See article elsewhere in this issue.) Read the draft on-line in the Legislative Affairs section of the VLCT Web site. If you would like to suggest changes, print the accompanying form from the site (located in the Town Fair attendee section) and return it to VLCT by **September 27**.

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2005 VLCT MUNICIPAL POLICY

HEALTH CARE TOPS LEGISLATIVE AGENDA

Following the close of the Legislative session in May, VLCT legislative staff began preparing for the next biennium by reviewing VLCT's legislative platform in light of 2004's accomplishments and setbacks.

Given the number of changes wrought by the 2004 Legislature - passage of Act 250 permit reform, a re-write of the local planning and zoning laws (Chapter 117 of Title 24), and enactment of storm-water management - it was clear that major revisions in all four policy areas of the *Municipal Policy* would need to be proposed.

VLCT's four policy committees: **Finance, Administration, and Intergovernmental Relations (FAIR); Transportation; Public Safety; and Quality of Life**, began work in July. Their challenge was to accommodate all the changes resulting from the 2004 Legislature in the draft *2005 Municipal Policy*, while continuing last year's effort to streamline the document in order to make it more readable and, ultimately, more effective.

During its July meeting, the **Quality of Life Committee** spent the majority of its

time debating health care policy. Members of the Committee saw health care policy as the preeminent issue of the next biennium and called for "bold changes" to be made. The **FAIR Committee** focused on policy calling for changes that would ease the administration of Act 68 and how to deal with the issue of so-called old roads. The **Transportation Committee** discussed at length ways to increase state funding for transportation projects and the need for municipalities to retain permitting authority for town roads and the ability to set those fees. The **Public Safety Committee** decided it was time to create a separate Corrections section and to call for the Legislature to study ways the state and municipalities could provide incentives to retain and recruit volunteers.

The VLCT Board of Directors met at the end of July to review the committees' suggested changes. The result of that meeting, the draft *2005 Municipal Policy*, was sent to members early in August, with a form that can be used to submit proposed changes to the VLCT Board. The draft *2005 Municipal Policy* and the accompanying proposed change form are also both available on the VLCT Web site (www.vlct.org, the draft is located in the Legislative Affairs section and the change form in Town Fair Attendee section.) Please take a moment to review this important document to ensure that it reflects your municipality's needs for action in the 2005 Legislature.

The VLCT Board of Directors will review all suggested changes to the existing *Policy* at its meeting on September 29, 2004. At the meeting, Board members will make recommendations to accept, reject or modify your proposals. These recommendations will be presented for your action at the Town Fair annual meeting the following day.

- Todd Odit, Senior Associate, VLCT Legislative and Membership Services

TOWN FAIR GLOSSARY

If you are new to Town Fair, the following "glossary" should explain the event's ins and outs:

Annual Meetings, PACIF/

Unemployment: The VLCT Property and Casualty Intermunicipal Fund and the VLCT Unemployment Trust hold a combined annual meeting to hear reports from the past year and elect board members and officers.

Annual Meeting, VLCT: Voting delegates (one from each member city and town) discuss and approve VLCT's legislative platform, the *VLCT 2005 Municipal Policy*. Officers and members of the VLCT Board of Directors are elected.

Awards Luncheon: A traditional turkey dinner with all the fixings (catered this year by Montpelier's New England Culinary Institute) is a Town Fair tradition. The awards ceremony recognizes the Municipal Person of the Year; Legislator of the Year; Town Government Award; Town Citizenship Award; and VLCT Lifetime Achievement Award.

Conversation Corner: An informal café, set up in the exhibit area on Thursday morning, offers a place to enjoy a continental breakfast with your local government colleagues. Sponsored by The Chittenden Bank and Citizens Bank.

Raffle Fun: VLCT gives away \$100 gifts to ten lucky raffle winners. Many exhibitors raffle off lovely gifts as well.

Snowplow Rally and Backhoe Competition: Municipal highway crews from around the State enjoy these good-natured competitions that test municipal drivers' and equipment operators' skills.

Trade Show: Over 100 companies and organizations dedicated to serving municipalities around the State will be exhibiting their products at Town Fair.

Workshops: Local government officials, volunteers and employees can pick from a wide variety of educational workshops offered by VLCT staff and outside experts. The "curriculum" is very broad, with something for everyone.



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2004 VLCT TOWN FAIR EXHIBITORS

The businesses, government agencies and organizations listed below are signed up to exhibit at Town Fair as of mid-August. Many of them also are advertising in this special Town Fair Preview issue of the *VLCT News*. Please take a moment to visit these businesses and others at Town Fair on September 29 & 30. Don't forget to mention that you saw them in the *VLCT News*!

A & S Collection Associates

Check recovery and debt collection

Aebi New England, LLC

Sales, service, parts - Aebi tractors and attachment

All States Asphalt

Highway construction and maintenance

Banknorth VT

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Forcier Aldrich & Associates

Consulting services

Franklin Paint Company, Inc.

Manufacture traffic & athletic field marking paint. Distribute striping equip. & supplies

General Code

Codification and electronic document management

Gorman Brothers, Inc.

Paving processes, recycling, liquid chloride

Grainger Industrial Supply

Lighting products, safety, tools and industrial supplies

Green Mountain Credit Union

Financial

H. L. Turner Group, Inc.

Architectural, engineering, building science services

Howard P. Fairfield, Inc.

Truck equipment, sweepers

Hoyle Tanner & Associates, Inc.

Consulting engineers

The Humane Society of the US

Animal welfare organization

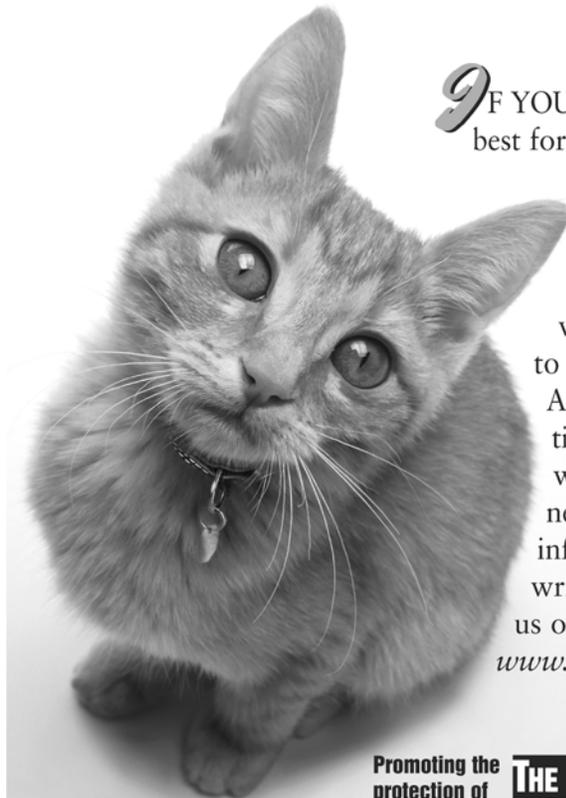
Hydron, Inc.

Stanley hydraulic hand tools

(Continued on Page Fourteen)



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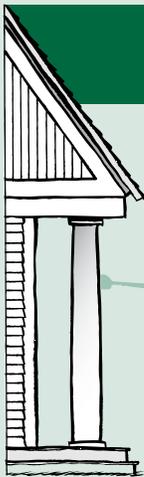
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FILING YOUR WORKERS' COMPENSATION FIRST REPORTS ON-LINE

In late June, VLCT Group Services debuted a new feature of its Web site – the ability for VLCT PACIF members to file their Workers' Compensation First Reports of Injury on-line.

The initial high volume of incoming electronic First Reports took us by surprise! Small towns, and large, you are submitting your electronic First Reports at a good clip. This is great news, and we thank you for your patience while we tweaked the form during the first few weeks of its availability on the site.

Here are a few pointers to make filling the forms out and sending them in as easy as possible:

- Use 2004, not 04
- Fill out *all* shaded boxes, even if you have to put None, or 000s
- use /, not – for abbreviating dates

The devil is indeed in the details, and we hope these reminders will help. If you do enter data incorrectly, you will be reminded of your shortcoming via a bright red message when you hit Send, which points out exactly what you have to correct before you can try again.

Once you have successfully hit Send to submit your form, you will have the option to save your completed form for your records by printing it in PDF format or saving it electronically, again in PDF format. You will also get a confirming note that explains that a VLCT PACIF Claims Representative will confirm your filing by mail or e-mail, and mail the injured employee a letter with his or her accompanying forms.

You will also find on the Web site (www.vlct.org, Member Services, Group

CUTS (COMMUNICATIONS UNDER TEN SENTENCES)

WELCOME

The **Rutland Regional Planning Commission** recently joined VLCT PACIF, bringing total membership up to 337.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Money a problem? Not enough to go around? Living paycheck to paycheck? Credit card debt piling up? Wondering about financing a house, college or retirement?

EAP can help! Call 800/287-2173 for assistance. The VLCT Employee Assistance Program is co-sponsored by the VLCT Health and PACIF Trusts for their member municipalities. Employees *and their household members* are eligible to use the EAP for free.

Please also note that Invest EAP Director Steve Dickens will be presenting a workshop at the VLCT Town Fair on September 30.

Services) other forms for reporting a claim: General Liability Accident Report, Property Loss Report, and Vehicle Accident Report. These forms are in printable format. You may also fill out forms electronically to request a

vehicle insurance card, a certificate of insurance, and report a property listing change. Please visit the site today!

- Katherine Roe, VLCT Communications Coordinator

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WORKPLACE HYGIENE

PROTECTION AGAINST HEALTH HAZARDS ON THE JOB

Potential workplace health hazards include air contaminants and chemical, physical, biological, and ergonomic hazards.

• **Air contaminants** can include dusts, fumes, mists, aerosols, fibers, and vapors. When there are contaminants in large enough quantities in the air you breathe, they can make you sick. That's why we recommend use of ventilation and, in some situations, respirators to eliminate air contaminants or at least to reduce them to safe levels.

• **Chemical hazards** can also make you sick. How sick you get depends on the amount of exposure, the length of exposure, and the toxicity of the chemical. VLCT PACIF works hard with our member municipalities to eliminate chemical hazards. When they can't be eliminated, we recommend safety procedures and personal protective equipment (PPE) that will protect workers.

• **Physical hazards** include excessive levels of noise, vibration, illumination, and temperature. Employees can minimize these hazards by using available protective devices, following safety procedures, and always wearing assigned PPE.

• **Biological hazards** include bacteria, viruses, fungi, and other living organisms that can cause infections by entering the body either directly or through breaks in the skin. A clean and sanitary workplace can help reduce these hazards. So can frequent hand washing.

• **Ergonomic hazards** in the workplace, such as repetitive motion, awkward working positions, heavy lifting, and prolonged periods of sitting or standing, can cause health problems known as musculoskeletal disorders (MSD). These hazards can often be controlled by redesigning jobs, processes, tools, and workstations. When this approach doesn't solve the problem, use safe work procedures.

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.

WORKPLACE HYGIENE: AN OLD IDEA

The relationship between the workplace environment and worker health was recognized as early as the fourth century B.C. when the ancient Greeks realized that prolonged exposure to lead could make workers sick. Five hundred years later, the Romans noticed increased health risks to those working with zinc and sulfur. They devised a face mask (possibly the world's first PPE) made from an animal bladder to protect workers from exposure to dust and lead fumes.

In 1556, a German scholar described the diseases of miners and prescribed preventive measures. In 1700, an Italian scholar published a book that contained accurate descriptions of the occupational diseases of most of the workers of his time.

By the early 20th century in the United States, Dr. Alice Hamilton was leading efforts to improve industrial hygiene. She startled factory managers, state officials, and mine owners with evidence that there was a connection between worker illness and exposure to toxic substances.

Today, you can make history, too, by doing your part to identify and control workplace health hazards and helping to make your municipality an even healthier place to work.



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EXHIBITORS -

(Continued from Page Ten)

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M.E. O'Brien & Sons, Inc.

Manufacturer's representative for park and playground equipment

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Public entity property & casualty insurance

Miles Supply Co., Inc.

Cutting tools and safety supplies

Mobile Sales & Service

Pressure washers, parts, detergents, service, parts washers

Municipal Leasing Consultants

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National Fire Sprinkler Association

Fire sprinkler education materials

New England Pipe Cleaning Co. Division

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Assistance to rural water/wastewater systems/operator training

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Pipe, valves and fittings

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Automotive and heavy duty truck parts, tools and equipment

Severn Trent Services

Hydra-stop products

Southworth Milton, Inc.

Caterpillar sales, service, product support

Stone Environmental, Inc.

Environmental consulting

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To protect human health and safeguard the natural environment

U.S. Small Business Administration

Federal agency that helps small businesses start, run and grow through loan programs and technical assistance

UVM MPA Program

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Ventilation USA, LLC

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Vermont Deferred Compensation/Great West

Deferred compensation plans

VT Dept. of Emergency Mgmt.

Emergency services

VT Dept. of Housing & Community Affairs

VCDP, downtown program, historic preservation and planning

VT Dept. of Labor & Industry

Fire prevention division

VT Local Roads Program

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VT Mack, Inc.

Mack trucks

VT Mailing Systems

Postage meters, mail machine, folder/inserters

VT Municipal Bond Bank

Municipal finance and bonding

VT Municipal Employees Retirement System

Vermont municipal retirement

VT Offender Work Program

Furniture, signs, printing, prison work programs

VT Secretary of State Office

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VT Treasurer's Office

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BICYCLE AND PEDESTRIAN PROJECT FUNDING

The Vermont Agency of Transportation (VTrans) recently announced the availability of funding for bicycle and pedestrian related projects through the 2004 Bicycle and Pedestrian Program.

The 2004 Program is comprised of Project Construction. Up to \$ 2 million is available for design, acquisition of right-of-way and construction of bicycle and pedestrian projects statewide. Projects **must** have completed a conceptual alignment analysis or feasibility study to be eligible for consideration of funding under this program.

Program applications **must** be submitted through your respective regional planning commission or the Chittenden County Metropolitan Planning Organization. Municipalities will be responsible for 10% local match. Applications are to be submitted to VTrans by **Friday, October 1, 2004**.

For additional information, contact your respective regional planning commission, the Chittenden County Metropolitan Planning Organization or Amy Bell, VTrans Bicycle & Pedestrian Coordinator at 802/828-5799 or Amy.Bell@state.vt.us.

CULTURAL FACILITIES GRANT

The Vermont Arts Council recently announced its 2004 Cultural Facilities Grants Program. The program, which is open to nonprofits and municipalities, offers grants of \$750 to \$5,000 to improve facilities used to provide cultural activities to the public. Applicants may apply for either general facilities improvements or for Americans with Disabilities Act (ADA) accessibility renovations, but not both. The deadline is **October 4, 2004**.

The guidelines and application for the grant are available on the Vermont Arts Council's Web site, www.vermontartscouncil.org. If you are unable to access the Web site, or have additional questions, please contact Janet Ressler at the Vermont Arts Council, tel., 802/828-3778, e-mail, jressler@vermontartscouncil.org.

Readers who are interested in further grant opportunities should refer to the March, 2004 issue of the *VLCT News* for an extensive listing of state and federal grants available to municipalities.

the signs of a healthier vermont.



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

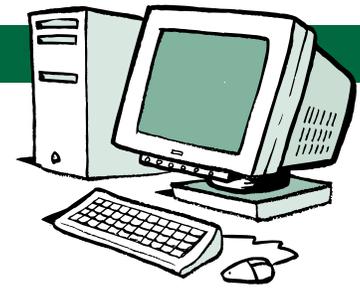
Vermont's ambulances now come equipped with new tools that help provide comfort and treatment to children—teddy bears. Blue Cross and Blue Shield of Vermont and The Vermont Health Plan learned that emergency crews use such toys to open the lines of communication between EMTs and children, who respond 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.



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Tech Check

COLCHESTER UPDATE

A DETOUR ON PATH TO ELECTRONIC RECORDS

(Editor's Note: Colchester Town Manager Al Voegle reported in the October 2002 Tech Check on the town's ambitious plans to convert Colchester's municipal and land records to an all-electronic format. Several factors have intervened to slow the project down, so the VLCT News asked Mr. Voegle to update VLCT members on Colchester's progress.)

Little did we know, when we started the Town of Colchester's electronic records project in 2002, that it would be so complicated. First, the Town became Vermont's flashpoint for the argument over which records are part of the public domain, and which should be protected to ensure citizens' safety and privacy. This occurred when the Town went to court to challenge QueVt's right to obtain certain assessment records.

The Town lost its argument. The fatal flaw, unbeknownst to Colchester, was that the software database Colchester was trying to protect from electronic distribution contained a bit of software that was in the public domain. This key bit of software was the "translator" of raw data into pictures, addresses, and names. Colchester had been led to believe that the software it bought was totally "proprietary." It was not.

While this technical flaw meant that the public versus private records arguments were not fully examined by the court, two developments occurred as a result of the issues raised by Colchester in questioning the "public good" of QueVt's request for electronic records under the public records act.

First, the Vermont House Government Operations Committee, with leadership taken by Joyce Sweeney, a Colchester Representative, guided a bill through the Legislature which basically gave the State and all its municipalities using the Computer Assisted Mass Appraisal (CAMA) system one year to study the issues and recommend to the Legislature options to address the conflicting needs of open government, access to public records, and citizen safety/welfare that are

created by a dual paper and electronic records system. In the interim, the Legislature authorized CAMA records to be only available to the public in standard paper format.

Second, the Vermont General Assembly, with the leadership of Sen. Richard Mazza of Colchester and the approval of the Governor, established an Electronic Document Storage Pilot Project (Act 121, Sec. 9). (See article on next page.) Colchester, along with four other municipalities, will participate in this project. The goal of the project is to develop a statewide, universally compatible software/data base system for electronic conversion and storage of public records.

Of significance, and setting a precedent, the Legislature also protected all records converted under this pilot project "...from the definition of 'public record' or 'public document' in 1 V.S.A. § 317(b) until the general assembly amends the section to address the new format. The project shall include protocols to protect the disclosure of

personal identifying information, such as Social Security numbers." This is what Colchester was seeking in its earlier refusal to release its property assessment electronic database to QueVt.

While awaiting resolution of public accessibility to electronic records, Colchester stopped researching and planning the conversion of its records into electronic form. Hopefully, by a year from now, the Legislature will have set a course for the State and its municipalities to concurrently assure for the safety of its citizens when converting paper records into electronic records with searchable databases. Without such safety, maintenance of paper records for access by interested people will need to remain an expensive service in terms of space needs for vaults and public viewing areas of vital records, land deeds, government minutes, along with all the *Bianchi* Records.

- Al Voegle, Colchester Town Manager



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TWO PROJECTS UNDERWAY TO SHIFT MUNICIPAL RECORDS TO E-RECORDS

The FY05 Capital Construction bill passed this last legislative session included language creating an Electronic Document Storage Pilot Project. The project's purpose is to "develop and implement a pilot project designed to create a coordinated municipal filing system appropriate to the needs of all Vermont municipalities, regardless of the municipality's volume of land transactions."

This effort is in response to a problem many municipalities are facing: continually shrinking vault space. The cause of the problem is the myriad of documents municipalities are required to store in paper form for varying lengths of time, ranging from a few months to in perpetuity.

The legislation appropriated \$50,000 to the Department of Buildings and General Services to carry out the pilot project. These funds can be used to prepare surveys, perform research, prepare specifications related to scanning, purchase necessary computer hardware and document management software and prepare a final report.

Five municipalities have been selected to participate in the pilot project. They are **Berlin, Brandon, Colchester, Hartford and Richford**. Overseeing the pilot project is a committee comprised of the State Archivist, the commissioner of Buildings and

General Services, a VLCT representative, a representative of the Vermont Municipal Clerks and Treasurers Association and a representative of the Vermont Town and City Management Association.

So far, the committee has met twice and decided to focus the pilot project on non-permanent records, creating technology standards and then leaving it up to each participating municipality to perform a needs assessment to determine what documents to scan. The committee will review standards from other states, begin to draft standards and a model RFP and invite vendors to do presentations on their services and software. It must report to the Legislature by 1/15/05.

The committee chose to focus on non-permanent records because another group, also set up by the Legislature this year, is looking at permanent records. The Municipal Land Records Commission is charged with reporting to the Legislature by 1/15/06 on its findings relative to formatting, filing, recording, and preserving land records.

If you would like to know more about these projects as they progress, please contact VLCT staff member Todd Odit at 800/649-7915 or via e-mail at todit@vlct.org.

- *Todd Odit, Senior Associate, VLCT Legislative and Membership Services*

LEGAL CORNER -

(Continued from Page Five)

affirmed that decision. *Appeal of Spaulding*, Docket No. 131-8-03. The appellant, presumably owners of a neighboring property, appealed to the Environmental Court for a determination of whether Article 8, paragraph 815.G. of Montpelier's Zoning and Subdivision Regulations should have been applied in making the ZA's decision. Paragraph 815.G. is contained in a section called "Site Protection and Design" and requires that "development and location, height, bulk, design, and materials of the buildings be designed in harmony with the surrounding area."

In issuing her decision on whether the ZA should have applied 815.G.'s "in harmony" standard, Judge Wright noted that "[the ZA's] duty to enforce the bylaws is a non-discretionary or ministerial one" and that "Administrative Officers are constrained by state statute to administer the zoning bylaws or regulations 'literally.'" Moreover, Judge Wright explained that Administrative Officers exercise discretion in very limited circumstances. For instance, a ZA will exercise discretion when determining which types of permits are required for a particular application, issuing enforcement notices of violation, and determining certification of compliance.

After establishing the fact that the ZA's duty is to literally administer the city's zoning and subdivision regulations, Judge Wright concluded that it is not the ZA's duty to apply 815.G.'s discretionary "in harmony" standard. Using rules of statutory construction, Judge Wright explained that "under [Montpelier's] regulations as a whole, the Administrative Officer performs no aesthetic or design review functions to determine whether a proposal is compatible with the character of the area or whether a building, open space or other feature of an application is designed in harmony with the surrounding area... That type of discretionary aesthetic or design review function is specifically given to the DRB in the conditional use, site plan review or design review process." Because the ordinance does not explicitly "vest discretionary design or aesthetic decisions in the Administrative Officer, [the Environmental Court] cannot do so by inference."

The result of this decision is that unless expressly granted the authority, a ZA should not apply discretionary standards. This Court will not read such authority into a bylaw and neither should ZAs.

- *Justin Sluka, Intern, VLCT Municipal Assistance Center*

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ON-SITE SEWAGE DRAFT RULE

READY FOR REVIEW!

The Vermont Department of Environmental Conservation (DEC) has just issued new draft rules for the **Wastewater System and Potable Water Supply** permitting program. After an almost two-year delay, these draft rules include requirements for municipalities to take delegation of the on-site program if they determine that it is in their interest to do so. The Department has also provided its schedule of hearings on the rules (see sidebar).

WHAT IS IN THE DRAFT RULES?

The first rules adopted after statutory revisions to the Wastewater System and Potable Water Supply program took effect on August 16, 2002. At the time, DEC was clear that it would add to those rules as issues arose and as it developed standards for delegation of the program to municipalities. The draft rules discussed below amend and add to the 2002 rules.

Professional engineers and designers may design a potable water supply or wastewater system requiring a permit or designer's certification if they have obtained a designer's license from the secretary of the Agency of Natural Resources (ANR). A professional engineer would be deemed to have a license if he or she is practicing within the scope of his or her engineering specialty and has taken a soils course, passes a soils identification course or hires designers who have taken the course or test. Designers who are not professional engineers would not be able to design systems subject to the "Indirect Discharge Rules," designs using innovative alternative systems or projects that have received pilot or experimental use approval; or designs using innovative/alternative systems or products that have received general use approval if the approval specifies the design must be prepared by a professional engineer. The rules specify additional situations in which professional engineers would be required. The rules would establish three classes of designers, reserving Class 1 for professional engineers, who would not be subject to continuing education or designer license renewal requirements. In an important revision, designers who were certified as site technicians prior to April 26, 1977 would remain licensed if they paid their fees and fulfilled continuing education requirements.

A new **exemption** would be added to the rules. A single family residence on its own pre-existing or exempt lot would be exempt if the wastewater and potable water systems were constructed in accordance with a municipal permit issued prior to November 1, 2004 that required technical approval of those systems. If a lot containing two single family residences as of January 1, 1999 does not have the permit required under these rules, it would be eligible for subdivision as long as the subdivision only creates a boundary between the two residences putting them on their own lots.

Much was made of the state's onerous requirement for **grease interceptors** during the legislative session. This rule would exempt commercial facilities from obtaining a grease interceptor permit if the wastewater will be disposed of in a municipal wastewater treatment system. Although the section needs clarification as written, a note in the rule says that a municipality may have its own requirements for grease interceptors.

The rules would allow for **reduction of separation distance** required between the bottom of a wastewater disposal system and seasonal high water table if certain conditions are met, including that the owner of the system owns or controls all the property within a "two-year time of travel" management zone. The rules would also allow a system that stores effluent during periods

(Continued on next page)



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ON-SITE -

(Continued from previous page)

when the groundwater level is near the surface and sends the wastewater into a leachfield when the groundwater is low, provided certain conditions are met.

HEARINGS

If your town or city is interested in the on-site program, plan to attend one of these hearings! All hearings are 7:00-9:00 p.m.

Monday, Sept. 13, 2004

Black Bear Tavern

205 Hastings Hill, St. Johnsbury

Tuesday, Sept. 14

ANR Regional Office

100 Mineral St., Springfield

Wednesday, Sept. 15

ANR Regional Office

450 Asa Bloomer State Office Bldg., Rutland

Thursday, Sept. 16

ANR Regional Office

Fish & Wildlife Bldg. 111 West St., Essex Jct.

Friday, Sept. 17

Auditorium Pavilion

109 State St., Montpelier

The provisions regarding **delegation of the program** to a municipality would prohibit partial delegation of the program. In a municipality that has been delegated the administration of the Wastewater System and Potable Water Supply Program, no state permits for on-site systems, potable water supplies or connections to municipal wastewater treatment facilities would be required. The ANR secretary would retain authority to address non-compliance issues even in municipalities to which the program had been delegated.

A request for delegation would need to include a copy of a contract between the municipality and designer; a copy of the appointment of the sewage officer, if any; copy of the agreement, signed by the authorized municipal representative, to administer the program; and authority for the

ANR secretary or designee to enter municipal property during normal business hours to review documents related to the delegation of the program. The rules would also establish which records must be sent to ANR, annual reporting requirements, and performance expectations for the administering municipality. Finally, the rules would establish revocation of delegation process.

VLCT staff has heard from several municipalities that are eager to take delegation of the program. Local officials have the opportunity now to suggest changes in the way that delegation would work. Posting of the draft rules on DEC's Web site (<http://www.anr.state.vt.us/dec/ww/wvmd.cfm>) is imminent. Please take the time to look at the rules and to attend a hearing!

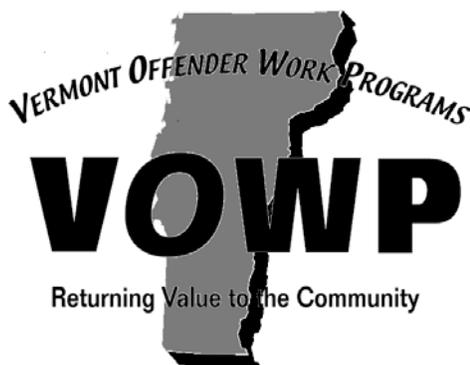
- Karen Horn, Director, VLCT Legislative and Membership Services

TRIVIA

Congratulations to Jericho Town Administrator **Cyndi Humphrey**, who was first in with the answer to July's Trivia: the initial Vermont colonial coin design (produced 1785-1786) had on one side the sun rising over the Green Mountains with a plow in the foreground and one of three variations of the motto *Res Publica Vermontensium* (The Republic of Vermont). These coppers are frequently referred to as the landscape, plow or Green Mountain varieties. The reverse displayed a central, all-seeing Eye of Providence emanating rays and surrounded by 13 stars with the motto *Stella Quarta Decima* (The Fourteenth Star), a reference to Vermont's desire to become the 14th state in the American Confederation. Here is August's question:

The 14-branch pine tree depicted on the Vermont State seal is believed to be modeled after an old pine in what town?

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.



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VLCT COMPUTER CLASS ATTENDANCE TAKES OFF

Participation in the VLCT-sponsored KnowledgeWave training for FY04, our second year, more than doubled over FY03. One hundred and one local officials and employees from 47 different towns and special districts took advantage of the \$99 desktop application courses. The attendance numbers are below. Excel 1 was the most popular class, followed by Excel 2 and Access 1. Clearly, financial numbers and data form the backbone of local government!

Acrobat	7
Publisher	1
Power Point	2
Windows	1
Excel 1	26
Excel 2	16
Excel 3	4
Word 1	5
Word 2	11
Word 3	2
Access 1	14
Access 2	6
Access 3	6



The total saving was \$9,090 to VLCT members for these desktop applications classes.

We also had seven members register for some of the many technical courses offered by KnowledgeWave at a 25% discount from the regular cost.

The total savings for these technical courses was \$1,308.75, bringing the total savings for FY04 to \$10,398.75.

The program continues to grow as more members from different towns and other municipal districts become aware of the program and take advantage of the opportunity for computer training at lower prices. Because of this, classes are now being scheduled in Rutland and Brattleboro as well as South Burlington and Montpelier. Besides the suite of desktop classes noted above, KnowledgeWave is introducing QuickBooks classes in October. Many other technical courses are also offered at the 25% discount to VLCT members.

Class evaluations and feedback from VLCT members has been tremendous. In fact, all of the joint VLCT/KnowledgeWave program's growth has been based upon word of mouth from those who attend the classes. For more information about the KnowledgeWave's fall schedule of classes, please visit www.knowledgewave.com or contact Jessica Hill, VLCT Conference Coordinator, at jhill@vlct.org.

- Michael Gilbar, Director, VLCT
Administrative Services

Municipal Assistance Center



**Serving and
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Vermont Local
Governments**

VLCT's Municipal Assistance Center specializes in the issues confronting Vermont municipalities today. Please give us a call if we can provide your municipality with any of the following services:

- ◆ Advice from municipal experts and attorneys.
- ◆ Technical assistance with the preparation of policies, ordinances, job descriptions, etc.
- ◆ On-site workshops on topics such as financial management, land-use planning, and the proper functioning of municipal boards and commissions.
- ◆ Consulting services such as meeting facilitation, mediation, and personnel recruitment.
- ◆ Manuals and handbooks which provide a plain-English guide to state and federal laws.
- ◆ Regular surveys on salaries and benefits, municipal practices, rates and fees, etc.
- ◆ Model ordinances, bylaws, and policies.

89 Main St., Ste. 4, Montpelier, VT 05602; tel., 800/649-7915; fax, 802/229-2211; e-mail, dcloud@vlct.org

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CLASSIFIEDS -

(Continued from Page Twenty-two)

candidates should send cover letter, resume, and list of three references to Human Resources, VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602 or via email: jobsearch@vlct.org. **Application review begins August 23, 2004** and continues until filled. Equal Opportunity Employer.

Administrative Officer. The Capital City of Montpelier (pop. 8,100) is seeking a competent individual to administer Montpelier's Zoning and Subdivision Regulations. The Administrative Officer (a.k.a. Zoning Administrator) is a "front line" position that involves many responsibilities. Duties include applying the regulations literally and consistently to permit applications; assisting persons

through the permit process; review and analysis of permit applications; site inspections; providing staff support to the DRB and DRC; preparing records of board actions; enforcement; interdepartmental development review coordination; and assisting in other departmental functions as appropriate. To help achieve the City's goal of a "one stop shop," duties may include involvement in the administration of building permits in the future. A detailed job description and qualifications is available upon request and can be obtained through the Notices page at <http://www.montpelier-vt.org>. Salary range: low to upper thirties, depending on qualifications. Excellent benefits package. The City seeks to fill this position as soon as possible. Though submissions will be accepted until the position is filled, respondents are urged to submit a letter and resume by **August 18, 2004**, after which interviews will be scheduled. Mail or e-mail letter and resume to Director of Planning & Community Development, City Hall, 39 Main Street, Montpelier, VT 05602-2950, e-mail: vcapels@montpelier-vt.org. Equal Opportunity Employer. Link to job description: http://www.montpelier-vt.org/pdf/Administrative_Officer_Job_Description_August_2004.pdf

Land Use Planner. The Chittenden County, Vt. Regional Planning Commission seeks an individual to assume the responsibilities of land use modeling and policy analysis tasks, especially relating to natural resources. We desire a combination of sophisticated modeling skills and a strong

land use planning background. Permanent, full-time position filled as Senior Planner (\$46-\$56K) or Staff Planner (\$36-\$46K) depending on qualifications. For a full position description, go to <http://www.ccrpcvt.org>. **Application review begins August 30, 2004** and will continue until the position is filled. Send a cover letter, resume, professional writing sample and salary history to Greg Brown, E.D., Chittenden County Regional Planning Commission, 30 Kimball Avenue, Suite 206, South Burlington, VT 05403, or email gbrown@ccrpcvt.org.

Public Works Director. The Town of Shelburne, Vt. (population 7,000, located seven miles south of Burlington on Lake Champlain) is creating the position of Public Works Director. The Director is responsible for the coordination and oversight of the Highway, Water and Wastewater Divisions and their infrastructures. The Director will represent the Town at regional and state meetings and will oversee municipal projects. The successful candidate must exhibit experience as a team player and be quality driven. An engineering degree and 10 years of related experience is required, with at least two years as a supervisor. Salary range: \$49,500-\$62,700. Excellent benefit package. Send letter of interest and resume to Paul W. Bohne III, Town Manager, PO Box 88, Shelburne, VT 05482. or e-mail pbohne@shelburnevt.org. **Deadline, August 31, 2004.** Equal Opportunity Employer.

Temporary Town Manager. The Town of Fair Haven, Vt. (pop. 2,928) is recruiting for a Temporary Town Manager. The Manager is responsible for daily operations of this Town with a \$2 million dollar budget and 16 full-time employees. Responsibilities include planning, organizing and directing all Town activities. Candidates should have a working knowledge of municipal government, the ability to direct and coordinate activities of others, and strong communication skills. Additional qualifications include knowledge of public works, budgeting, public relations and relevant state and federal laws. Salary commensurate with experience. **Please send a cover letter and resume as soon as possible** to Attn: Fair Haven Temporary Town Manager Search, John Lulek, Selectboard Member; 3 North Park Place; Fair Haven, VT 05743. Equal Opportunity Employer.

VLCT NEWS CLASSIFIED ADVERTISING POLICY

The *VLCT News* welcomes classified advertisements from municipal entities, public agencies, businesses and individuals. This service is free for VLCT members (regular, contributing and associate); the non-member rate is \$37.00 per ad. Ads are generally limited to 150 words and are accepted in the following categories: Articles for Sale, Help Wanted, Situations Wanted and Services.

The *VLCT News* is published 11 times per year (the August/September issues are combined) and usually reaches readers by the third week of the month. Ads are also placed on the VLCT Web site as soon as they are received.

The copy deadline for advertisements is the first Friday of the month for the next month's issue. However, space is occasionally available for late additions. Please feel free to check with the editor for availability.

For more information on classified and display advertising in the *VLCT News*, please contact Katherine Roe, Editor, *VLCT News*, 89 Main Street, Suite 4, Montpelier, VT 05602, tel. 800/649-7915, fax 802/229-2211, e-mail kroe@vlct.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

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. 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, tel., 802/422-3241.

HELP WANTED

Road Foreman. The Town of Milton, Vt. is seeking a qualified person to fill the position of Road Foreman in the Public 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 Manager'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. **Position 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. **Position open until filled.** Equal Opportunity Employer.

Interim Town Manager. The Town of Williamstown, Vt. (pop. 3,277) is recruiting for an Interim Town Manager. The Manager is responsible for day-to-day operations of the Town, including planning, organizing and directing all Town activities. Candidates should have a working knowledge of municipal government, the ability to direct and coordinate activities of others, and strong communication skills. Additional qualifications include knowledge of public works, budgeting, public relations and relevant state and federal laws. Salary commensurate with experience. **Please send a cover letter and resume as soon as possible** to Attn: Williamstown Interim Town

Manager Search, Adam Boyce, Selectboard Chair, P.O. Box 646, Williamstown, VT 05679. Equal Opportunity Employer.

Town Manager. Historic Exeter, within the New Hampshire seacoast area and 50 miles north of Boston, a community of 14,300 with an excellent public school system and home to prestigious Phillips Exeter Academy. Two Town Managers in past 20 years; municipal budget of approximately \$15 million with 115 full-time employees. Position requires working knowledge of municipal practices, public finance, personnel law, organizational leadership and relocation to Exeter upon hiring. Manager reports to five-member elected Board of Selectmen. BA in related field, Masters preferred, plus 7-10 years related experience. Confidentiality guaranteed until finalists selected. Salary: \$65,800-\$88,500 DOQ, plus an outstanding benefit package. Full job description and community information available at www.exeternh.org. **Resumes will be accepted until September 10, 2004.** Please send cover letter and resume to: Town Manager Search Committee, Town Office, 10 Front Street, Exeter NH 03833. Equal Opportunity Employer.

Trust Accounting Specialist. VLCT seeks a Trust Accounting Specialist to join its administrative team. Reporting to the Director of Administrative Services, this position primarily supports the accounting/financial management systems of our three insurance trusts and supervises one assistant. We seek a team player with strong computer skills and self-motivation. Candidates should have an Associate or Bachelors degree in accounting plus 3-5 years experience and knowledge of FASB and GASB guidelines. Insurance background or experience with Great Plains Dynamics software helpful but not required. CPA preferred. VLCT offers excellent benefits and an enjoyable office environment in downtown Montpelier. The hiring range is \$30,000 to \$37,000 depending upon qualifications. Interested

(Continued on Page Twenty-one)



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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, jbill@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 (on-line registration option available for VLCT-sponsored events only).

VLCT MAC ON THE ROAD

Call VLCT MAC today for an on-site training customized to fit your Town's needs. Topics offered include new selectboard orientation; retreats and goal setting; conducting effective meetings and hearings, etc. Call 800/649-7915 or e-mail info@vlct.org for pricing and availability information.

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. For more information visit www.greenmountainpayroll.netfirms.com or contact Janis Blais at 802/229-3457.

VLCT Town Fair and Field Day. Wednesday, September 29 and Thursday, September 30, 2004, Barre Municipal Civic Center. Registration information included in this newsletter as an insert and is also available on the VLCT Web site under Member Services, Town Fair. We look forward to seeing you at Town Fair.

Zoning Administrator's Workshop.

Thursday, October 7, 2004. Cortina Inn, Mendon. Sponsored by the VLCT Municipal Assistance Center, this workshop will cover recent changes to Vermont's land use planning laws and perennial topics such as notice requirements and deadlines, drafting findings of fact and conclusions of law, and others.

Watch your mail this month for the **2004-2005 VLCT Training Calendar**. This useful tool will help you plan ahead to meet your training needs in the next year. This calendar will also be available on our Web site in the Calendar section.