

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

October 2004

PREPARING THE BUDGET

TIPS FROM SOUTH BURLINGTON

Many businesses prepare budgets to set product rates and services. Budgets for a city, town, or village are pretty much the same although they come in different shapes and sizes, and, unlike the private sector, result in taxes. As a government, budgeting becomes easier the more one knows about its taxing authority, service responsibilities, and internal operations. The process we have developed in South Burlington is efficient and effective, making for more informed and constructive decision-making.

Most town budgets require voter approval. If the voters do not initially approve the budget at town meeting, it will take additional time and resources to complete. We operate a little differently in South Burlington because the City is "chartered" under state statutes. As long as its budget meets certain criteria - for example,



limiting the tax revenue increase over the previous year by growth in grand list – the City Council can approve it without voter approval. One advantage to this is that the individual preparing the budget knows exactly what the outcome must be in order to maintain the charter limits. Inflation,

contract negotiations and other outside factors might produce a budget requirement higher than the charter limits, in which case the voters would have ultimate approval.

In South Burlington, the homeowners are provided a detailed accounting of the

budget with allocations to its various cost centers – public works, planning and zoning, recreation, etc. Preparing the details can be the most time-consuming process, but with the computing power today, spreadsheets

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HOW TO SOLVE PRISON

OVERCROWDING?

GOVERNOR'S COMMISSION MAKES RECOMMENDATIONS

In late August, the Governor's Commission on Corrections Overcrowding presented a report providing a number of recommendations the state could employ to reduce prison overcrowding without building another jail facility.

For municipal officials, this could mean more offenders in the community and, ultimately, a cost shift from the state to municipalities for providing corrections services.

With the goal of reducing or at least controlling the state's corrections budget, it should come as no surprise to municipal officials that the Commission's first recommendation is to release 400 additional sentenced or detained inmates into communities. The Commission does condition their release upon the use of a Global Positioning System (GPS) tracking technology. However,

(Continued on Page Eight)

IT'S ALL ABOUT THE BUDGET

The budget season has arrived! Many Vermont municipalities have begun to prepare their budgets for the new calendar year. Several resources are included in this issue to assist our members with this task.

Above, South Burlington Assistant Manager Dennis Gravelin shares how the budget process works in his city.

In Ask the League, VLCT MAC Manager Dominic Cloud discusses how much discretion selectboards have over the budget, once it is approved by the voters.

In Tech Check, VLCT Administrative Services Director Michael Gilbar offers pointers to follow when budgeting for new technology. It can be a tough sell, he notes, but with adequate advance preparation, necessary new technology can be justified.

Finally, VLCT MAC will hold its annual budgeting workshop, "Managing the Municipal Budget," on October 28, 2004 at the Best Western Hotel in Waterbury. Please visit www.vlct.org/calendar/ to register.

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Katherine B. Roe, Editor, VLCT News

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SOUTH BURLINGTON -

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make it faster and much easier.

The devil is always in the details, so it is important to begin with a good working basis. As better than 47% of the South Burlington budget is made up of personnel costs and payroll overheads, a detailed listing and allocation to cost centers (other departments or divisions) is prepared. This provides a basis to easily allocate all payroll-related cost, group insurance premiums, pension liabilities and others, if you choose to allocate these costs. Keep in mind that when allocations of different costs are made, a separate spreadsheet is helpful to refer to when asked later how the allocation was done. Linking these spreadsheets can avoid errors when changes to your basis occur.

When completed, this data is disseminated to the department heads for verification. They will add to it detailed costs associated with their individual cost center (supplies and materials, contracted services, etc.) and additional capital needs. The individual cost

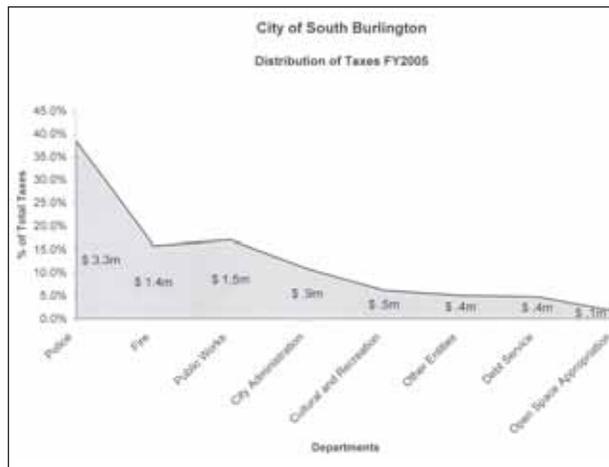
center goals and budgets are scrutinized by the City Manager for accuracy and need. They the City's bonded debt and support for outside entities (CCTA, Regional and Metro-Planning) are added.

Now, how will these costs be paid for? Approximately 30% of the total budget is paid for by user fees to support its operating utilities (water, wastewater and ambulance). Another 8% is made up from other revenues such as permit fees, recreation receipts, court fees and other miscellaneous items. After computing all of these revenues sources, the balance of the budget - net of these revenues - will be used to set the appropriate tax rate to be applied to its grand list. A good solid estimate of the grand list value will give confidence that the dollars collected in taxes will be sufficient to cover costs.

Now that the final draft is ready, it is advisable to check and re-check details, and develop "balancing" worksheets to compare the final sum of revenues and expenditures. It can save a lot of embarrassment and rework in the long run. City Council will then hold budget workshops for the public, when each department will present its budget and answer questions regarding the budget request. This is a good opportunity for education and team building.

The budget is a planning tool, never an exact science, but it will provide a good benchmark to monitor progress and its associated costs throughout the year, as well as provide managers with confidence that they are making good decisions.

- Dennis Gravelin,
Assistant City Manager, South Burlington



BUILDING RESTORATION GRANT

Vermont municipalities seeking to study the feasibility of restoring property located in a town or village center may apply for grants up to \$10,000 under a new state Department of Housing and Community Affairs (DHCA) grant program.

Activities may include environmental assessments, building conditions analysis, cost estimating, and other services necessary to ascertain the suitability of the property for renovation, construction, or utilization for a specific purpose. Grant recipients are required to provide a 25% match.

Applications are available from DHCA with a **submission deadline of October 1, 2004**. For more information on the program contact Jim Saudade, Deputy Commissioner of DHCA at 802/828-5200 or e-mail jim.saudade@state.vt.us.

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



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LEGAL CORNER



EMERGENCY RESPONDER LIABILITY

COURT LIMITS LIABILITY OF EMERGENCY RESPONDERS

In a case with far reaching consequences for municipal emergency responders, the Vermont Supreme Court recently raised the bar of culpability for drivers of emergency vehicles. In *Rochon v. State of Vermont*, the Court decided that plaintiffs must demonstrate that their injuries were sustained while an operator

Following the accident, the Rochons brought a civil suit in Addison Superior Court against the State of Vermont claiming that it should be held liable for the injuries they suffered as a result of the trooper's negligence. The State moved for, and was granted, summary judgment arguing that it was immune from suit under the doctrine of sovereign immunity. The doctrine of

of the road when responding to an emergency - for example, running stop signs or red lights and driving in excess of the maximum speed limit. Even though an emergency responder is granted this limited privilege, he or she must exercise it with due regard for the public's safety. Furthermore, this privilege doesn't relieve him or her of "the consequences of his reckless disregard for the safety of others." 23 V.S.A. § 1015(c). The trial court interpreted the incorporation of the word "reckless" to mean that emergency responders are to be held to a higher level of culpability than mere negligence. The Vermont Supreme Court agreed.

Vermont municipalities should be pleased with the outcome of this case ... As a result of Rochon v. State of Vermont, emergency vehicle operators will now be held to a higher standard of culpability - recklessness.

of the emergency vehicle acted *recklessly*, rather than just negligently, while responding to an emergency call. The Court held that "23 V.S.A. § 1015(c) acts as a bar to a suit of negligence, and imposes liability only upon a showing of recklessness..." *Rochon v. State of Vermont*, 2004 VT 77 at 16 (August 27, 2004).

The facts that led to this decision are as follows: At around nine o'clock on the night of August 10, 1998, State Trooper Thomas Hodsdon was at home when he was dispatched to a domestic assault complaint two miles away. The dispatcher relayed to the trooper that the alleged assailant was trying to break into the bathroom where the victim had secured herself. Trooper Hodsdon responded to the call while adhering to the posted speed limit of 50 miles per hour. His emergency lights were on, but he left his siren off so as not to give the assailant advanced warning of his arrival. As Trooper Hodsdon drove down Route 22A, he came upon the vehicle driven by the plaintiffs, Marcel Rochon and his wife Raymonde, about 200 yards in front of him. Noticing that the car's brake lights were on and that it was moving towards the right of the road, Trooper Hodsdon assumed that the vehicle was pulling over to let him pass, as required by law. As he moved into the left lane to pass, the vehicle simultaneously turned left into the Rochon's driveway resulting in a collision of the two vehicles.

sovereign immunity, which developed under the common law, held that the king could do no wrong and thus could not be sued and held liable for his acts. In modern law, sovereign immunity insulates governments from liability when undertaking governmental, as opposed to proprietary functions. The trial court agreed with the State, holding that emergency responders are only liable for those injuries resulting from reckless, not negligent, conduct.

On appeal, three of the five Vermont Supreme Court Justices held that although the State is generally immune from suit it can, and did, waive this sovereign immunity through passage of the Vermont Tort Claims Act (VTCA). The VTCA states that the "state of Vermont shall be liable for injury to persons or property or loss of life caused by the negligent or wrongful act or omission of an employee of the state while acting within the scope of employment, under the same circumstances, in the same manner and to the same extent as a private person would be liable to the claimant..." 12 V.S.A. § 5601. Although the VTCA did permit the Rochons to bring a cause of action in negligence against the State, the issue before the Court was whether they could bring such an action for injuries stemming from an accident with an emergency responder.

Twenty-three V.S.A. § 1015 allows emergency responders to violate certain rules

Justice Amestoy, writing for the majority, stated that the "due regard" language in 23 V.S.A. § 1015(c) doesn't create a legal duty of care, but rather "is a general admonition to emergency responders that, while other cars have an obligation to pull to the side of the road, emergency responders must still drive with 'due regard for the safety of others.'" *Rochon v. State of Vermont*, 2004 VT 77 at 12. To construe the "due regard" language as creating a negligence standard, as argued by the Rochons, would "make the reckless disregard language surplusage" and run

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LEGAL CORNER -

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counter to the Legislature's intent to balance "the competing interests of allowing emergency personnel to respond to an emergency situation without unduly compromising public safety." *Id at 13*. For the Court to hold otherwise, proffered Amestoy, would lead to second-guessing of the very split-second decision that Trooper Hodsdon had to make in responding to an emergency call. Since the Rochons failed to plead recklessness in their complaint, the Court upheld the trial court's grant of summary judgment for the State.

Vermont municipalities should be pleased with the outcome of this case, especially when taking into account that a factually similar case, *Tuller v. Armitage*, settled before the

Vermont Supreme Court had a chance to rule on it, resulted in a jury verdict for plaintiffs of nearly \$500,000. As a result of *Rochon v. State of Vermont*, emergency vehicle operators will now be held to a higher standard of culpability - recklessness. For a refresher on recklessness, we look to the Restatement (Second) of Torts § 500 (1965) which defines recklessness as "conduct taken, or not taken when otherwise necessary, despite the actor's knowledge that conduct presents an unreasonable risk of harm to others." It is the elimination of the negligence "threat" that the Vermont Supreme Court believes will allow emergency vehicle operators to act "decisively using the judgment required to balance protecting the public with responding to emergencies." *Id at 13*.

- Garrett Baxter, Associate, VLCT
Municipal Assistance Center

FAIR LABOR STANDARDS ACT UPDATE

In the May *VLCT News* we outlined the changes to the federal Fair Labor Standards Act (FLSA) that went into effect on August 23, 2004. Those changes were enacted in order to update and clarify "white collar" exemptions to overtime requirements and strengthen certain overtime protections.

It is essential to be aware, however, that the Vermont Department of Labor and Industry has taken the position that the old regulations will, at least for the present, be retained in our state. Rationales on its Web site (www.state.vt.labind) include:

1. The Department feels that, despite the federal revisions, it cannot make any substantive changes to Vermont rules for overtime exemptions before it undertakes the formal rulemaking process (which may require changes to Vermont law).
2. Since the state and federal rules regarding overtime have differed in some respects, most Vermont employers have had to comply with the former federal provisions anyway because they have provided greater protection than the state law.
3. If Vermont were to adopt the federal changes, additional costs could be imposed on small Vermont employers who are not covered by the federal law because they might be forced to choose between increasing the salaries of white collar employees from \$250 to \$455 per week or lose the existing overtime exemption for these employees.

The Department adds that it "will be paying close attention to the interplay between the new federal rules and our state rules and that, if serious discrepancies emerge, [it] may propose statutory or rule changes to avoid confusion." Unless and until that occurs, the Department's position means that for compliance purposes, Vermont employers need to be aware of the requirements of both the federal and state laws, i.e. the old and new regulations, because when such requirements differ, the one that is most advantageous to the employee is the one which must be adhered to. Please keep in mind that job title alone does not indicate one way or another whether a position is exempt or non-exempt. Each position must be evaluated based on job duties and responsibilities. If you need help analyzing positions, please contact VLCT's Municipal Assistance Center.

- Jill Muhr, VLCT Human Resources Administrator

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ASK THE LEAGUE

BUDGET DISCRETION; SPEED LIMIT SIGNS; LIFE ESTATES

Are there any general guidelines about how much discretion selectboards have over the budget?

Generally speaking, a town may only spend funds for which it has voter approval. The primary statute of reference here is 17 V.S.A. § 2664, which provides, "A town shall vote such sums of money as it deems necessary for the interest of its inhabitants..."

However, once the voters have approved the budget, the selectboard has the responsibility to manage the budget, which sometimes requires it to transfer money between line items. This is usually permissible so long as they stay within the overall spending limits authorized by the voters.

Note that the statutes provide procedures for retiring a deficit (24 V.S.A. § 1523) and there is no requirement that towns maintain a positive fund balance. Thus the general rule can be summarized as follows: selectboards need voter approval for all spending; after obtaining approval, the board has authority to manage spending on individual line items within the overall amount approved by the voters; if a particular line item goes over budget, this is permissible, though introduction of a new line item or program is not unless it is approved by the voters. Be aware that there are some special provisions that limit discretion over the salaries of independent officers.

Another caveat concerns highway spending. Highway funds shall not be used for any purpose other than that for which the tax was voted and any surplus must be applied for the same purpose the following year. 19 V.S.A. § 312. Note also that towns are required to keep their class 1, 2, and 3 highways and bridges in good and sufficient repair during all seasons of the year. 19 V.S.A. § 310. Thus, the rule here can be summarized as follows: highway funds can only be spent on highways; any surplus must be carried forward; and the requirement to keep roads and bridges in sufficient repair during all seasons grants

additional discretion to do whatever necessary to meet that standard.

At the end of the day, perhaps the best question to determine if the board has the authority to authorize a highway expenditure is whether it passes "the straight face test." If the board can reasonably justify that an expenditure is necessary to fulfill its statutory obligation to keep roads passable, it is likely on solid ground.

- Dominic Cloud, Manager, VLCT Municipal Assistance Center

What is the threshold for how many speed limit signs are necessary to make a speed limit enforceable? Does one need to be on every street?

No, signs must only be placed at points of change from one speed limit to another, beyond major intersections, and at other locations where it is necessary to remind road users of the speed limit.

Vermont municipalities have the power to set speed limits on public highways. Such speed limits must be established via a duly adopted municipal ordinance. 24 V.S.A. § 2291(4), 23 V.S.A. § 1007. In order to enforce such speed limits, a municipality must adequately warn motorists of the regulations in effect on the highways on which they are traveling. Vermont state law requires municipalities to post speed limit signs pursuant to the Manual on Uniform Traffic Control Devices (MUTCD). 23 V.S.A. § 1025(a).

The MUTCD requires speed limit signs to be posted "at the points of change from one speed limit to another." MUTCD § 2B.15. Moreover, "additional speed limit signs shall be installed beyond major intersections and at other locations where it is necessary to remind road users of the speed limit that is applicable." *Id.*

Unfortunately, the MUTCD does not give any guidance as to determining when speed limit signs are necessary to remind motorists of the limit. VLCT interprets this lack of

guidance as requiring the municipality to exercise judgment in placing speed limit signs. In challenging a ticket, a defendant would need to demonstrate sufficient evidence to prove that there was not enough signage to adequately warn motorists of the speed limit. This is a difficult hurdle to clear, as the law establishes a strong presumption of validity in favor of the regulation: "Testimony of a witness as to the existence of a traffic control sign, signal, or marking, or sign establishing a speed zone, shall be prima facie evidence that any such traffic control device existed pursuant to a lawful statute, regulation or ordinance and that a defendant was lawfully required to obey the directions of such device." 23 V.S.A. § 2206 (b).

For a model speed limit ordinance, please contact the Municipal Assistance Center.

- Dominic Cloud, Manager, and Brian Monaghan, Attorney, VLCT Municipal Assistance Center

Who should be listed as the owner of real property when the property is subject to a life estate?

Attorneys and other title examiners are conflicted on how to properly list real estate when it is subject to a life estate or some other type of property interest (as opposed to fee simple ownership). VLCT's opinion is that listers can list either the life tenant, or the "remainderman," as the owner of property in the grand list.

One Vermont attorney has stated that "this type of transfer constitutes a gift, but the gift is not completed, and therefore no transfer actually occurs until the grantor (generally the life tenant) dies." This is the common law rule that the life tenant, and not the remainderman, has the duty to pay property taxes on a piece of real property.

The Vermont Supreme Court, however, has rejected the common law rule, and has held that both the life tenant *and* the

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ASK THE LEAGUE-

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remainderman can be listed as the owner for tax purposes. The Court reasoned that if the Legislature intended only life tenants to be responsible for taxes as the “owner” of real property, it would have explicitly said so. The statute relevant to this inquiry is 32 V.S.A. § 3651, which states, “taxable real estate shall be set in the list to the last owner or possessor thereof on April 1 in each year in the town, village, school and fire district where it is situated.” The Court stated,

it seems reasonable to conclude that the Legislature intended to make [the listing of real estate] as simple and easy as possible for the listers and that it evidenced this intention by the use of the unqualified word “owner” so that the listers could properly list property to any person who was an owner of it within the generally accepted meaning of that word. It seems to us that this intention is also evidenced by permitting the listing to either an owner or a possessor of the property. It appears unreasonable to conclude that the Legislature intended to cast upon the listers the burden of determining the nature of the titles of various owners of different interests in a piece of real estate and at their peril assess the tax on the same to the owner or the life estate if such there was. If the Legislature had intended that in a case of divided ownership the life tenant, if any, should be the only one to be considered the ‘owner’ of the property it could easily have so provided in express terms.” Town of Brattleboro v. Smith, 117 Vt. 425 (1953).

Brattleboro v. Smith remains good law in Vermont. Therefore, listers are *not* required to determine the nature of the titles of the owners of different interest in the same piece of real estate and can list *either* the life estate holder or the remainderman, as the Court has held that both are “owners” for tax purposes.

- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center

the signs of a healthier vermont.



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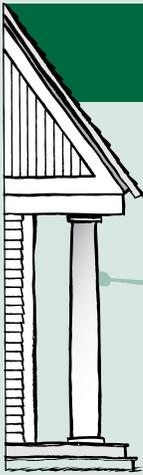
Vermont’s ambulances now come equipped with new tools that help provide comfort and treatment to children—teddy bears. Blue Cross and Blue Shield of Vermont and The Vermont Health Plan learned that emergency crews use such toys to open the lines of communication between EMTs and children, who respond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

(Continued from Page One)

while GPS technology can show the location of an offender, it cannot be used to determine what an offender may actually be doing. Thus, GPS technology alone does not guarantee an offender will not re-offend or violate the conditions of his or her release.

Another Commission recommendation is to find ways to speed the release of inmates ready to be discharged. The Commission estimated over 200 offenders are eligible to be discharged from prison facilities but are unable to leave. This is because, in some cases even with Department of Corrections (DOC) assistance, they cannot find housing. As a result, they continue to occupy expensive prison beds, driving up the corrections budget. The report cites NIMBYism (Not In My Back Yard) as the main restrictor to providing housing and pre-release centers for offenders. To overcome NIMBYism, the Commission suggests "legislative and executive leadership will be needed to allow supervised pre-release facilities to be sited." Without further detail, one is left to wonder if the statement means the pre-emption of local control over siting such facilities as a way to overcome NIMBYism.

Some of the other recommendations contained in the 26-page report include:

- 1) Substantially reducing the number of detainees;
- 2) Constructing work camps;
- 3) Establishing term limits for probation;
- 4) Changing the status of inmates;
- 5) Restoring "earned" good time off; and
- 6) Eliminating mandatory minimum sentences for all non-dangerous offenders.

While the Commission "believes there is a need for a thorough analysis of the policies,

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CUTS

(COMMUNICATIONS UNDER TEN SENTENCES)

ON-SITE VISIT REQUEST FORM AVAILABLE ON-LINE

The 2005 health renewal season is fast approaching. In August, all VLCT Health Trust members received a mailing that included an On-Site Visit Request Form. Please note this form is now available on the Group Services portion of the VLCT Web site. Simply log on to www.vlct.org and navigate to the Group Services portion of our Web site to retrieve a printable copy of this form. Please fill it out and return it to us; we will contact you to arrange a meeting at your convenience.

The Member Relations Department stands ready to answer any questions you may have for the upcoming renewal process regarding health plans, coverage issues, or any other health-related issues your municipality may have. Please call on us and send in this completed form if you would like someone to visit your municipality.

GUIDE TO 65 ALSO AVAILABLE ON-LINE

The Member Relations Department is pleased to announce our Guide to 65 is now available on-line as well. The Guide is located at the Group Services section of the VLCT Web site. The Guide is a helpful tool in understanding the many changes which take place with respect to health coverage once active or retired employees turn 65, and the steps towns and municipalities must take to address these changes.

Please feel free to contact Member Relations at 800/649-7915 if you have questions regarding the content of this Guide or to discuss over 65 coverage issues in general.

WELCOME

The **Milton Fire District #1** recently joined VLCT PACIF, bringing total membership up to 338 members.

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IT'S REALLY UP TO YOU

TAKE PERSONAL RESPONSIBILITY FOR SAFETY

With all the government safety regulations, as well as company policies and procedures, it's easy to forget that safety is primarily a *personal responsibility*. The workplace can be covered with warning signs, safety posters,

and bulletin boards. Safeguards can be installed on each piece of equipment. You can attend training sessions and be told about safe ways to do your job. But none of these things can ensure freedom from accidents and injuries. Only you can do that.

Who puts tools and equipment into motion and controls their movements? Who but you can control the placement of your body, the movement of your arms, legs, and eyes? Perhaps most importantly, who but you can control the focus and activity of your brain?

After all, machines don't reach out and bite. Tripping hazards don't grab a person's feet. Hand tools don't slice and jab into flesh by themselves. Your personal protective equipment doesn't refuse to be worn. But to hear some people trying to explain why an accident happened, you'd think it was these things that were to blame.

Don't make excuses. Take responsibility. Be accountable for safety. Your ability to control your own actions carries with it the responsibility not to let your actions on the job place you or co-workers in harm's way.



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U.S. CENSUS INTRODUCES AMERICAN COMMUNITY SURVEY

The federal Census Bureau is implementing a new method of collecting census data. The American Community Survey (ACS) will replace the decennial Census "long form" that has been the primary means of measuring income, poverty, employment, and other types of data, and will instead provide an annual moving average of these numbers. The ACS was created to provide accurate, timely and comparable information to policymakers and community leaders.

The Bureau's new approach means an update of community and regional trends will occur annually instead of each decade. On the positive side, the ACS will result in current numbers being available each year to measure community growth and changes. On the other hand, the numbers will be on a moving average, and it will be difficult to effectively link these numbers to a clearly defined period of time.

At present, the ACS does not include people living in group quarters, such as jails, nursing homes or college dorms. Therefore, it is important to note that the Census Bureau will still be doing its total count of *all* people, and limited other data, every decade.

These changes will not affect Vermont municipalities for about seven years. Currently, the ACS is focusing on statewide data and data for larger counties and cities. Thus, only Vermont statewide data is currently available. As smaller communities are phased into the ACS, Will Sawyer, from UVM's Vermont State Data Center, believes we will start seeing the addition of more Vermont information between 2008 and 2010.

Keep in mind that changes will continue to be made as the Census Bureau works out any glitches it finds in the new ACS. The Vermont State Data Center and UVM's Center for Rural Studies will be working to get the new ACS data out to the public and explain its use. You may visit their Web site at <http://crs.uvm.edu> for more information. Information about the new ACS is available at the Census Bureau's Web site at <http://www.census.gov/acs/www>.



CORRECTIONS REPORT -

(Continued from Page Eight)

practices, and procedures relating to offender supervision," it does not address the potential cost to municipalities of implementing any of its recommendations.

After receiving the Commission's report, the Governor announced that the Secretary of the Agency of Human Services, the agency which contains the Department of Corrections, would:

- 1) Analyze the costs, benefits, timelines, operations issues, and public safety considerations of the report's recommendations;
- 2) Propose a plan of priority actions aimed at reducing and eventually eliminating the use of out-of-state prison facilities;
- 3) Develop a Phase I of that plan, addressing FY06 budget recommendations for more transitional housing, substance abuse and mental health treatment, job skills development, development of a second offender work camp, and a pilot program using GPS technology; and
- 4) Engage legislative and judicial branch leaders in a review of sentencing policies to assure proper balance between punishment and rehabilitation of non-violent offenders, and review the ongoing relationship between probationers and the sentencing courts.

Due to the immense pressure the corrections budget has increasingly put on the overall state budget (between 1993 and 2003 the corrections budget increased from \$33 million to \$95 million), it is very likely the

Legislature will be looking for ways to save money in what is expected to be another tight budget year with tough decisions to be made. The recommendations of the overcrowding Commission might be seen as a way to cut costs. Thus, municipal officials should take the time to read the report and convey their thoughts and experiences to their representatives and the Governor in order to ensure the burden of reducing the corrections budget is not put on municipalities.

The report may be found at: <http://www.vermont.gov/governor/priorities/Overcrowding-Commission-Report.pdf>. The Department of Corrections FY03 Facts and Figures may be found at: <http://www.doc.state.vt.us/pageflip/pageflip.pl/index?book=FF2003>.

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

TRIVIA

Congratulations to Londonderry Assistant Town Clerk **Shirley Twitchell**, who was the first to answer August/September's Trivia Question. Shirley knew that the 14-branch pine tree depicted on the Vermont State seal is thought to be modeled after an old pine in Arlington, Vermont.

Here is October's trivia question:
Which three Vermont towns have the same name as: A British general in World War II? A major British University? A famous English 17th century poet?

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.

INMATE NOS. GOING UP

According to Department of Corrections figures, in 1990 in Vermont there were 850 incarcerated offenders and 6,100 offenders under some form of community sentencing or supervision. Of the 6,100 in the community, 35 were considered violent/serious offenders. In contrast, in 2003 there were 1,890 offenders incarcerated and 12,197 under community supervision or sentence. Of those in the community, 444 were serving a community sentence and considered to be violent/serious offenders.



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Tech Check

BUDGETING FOR TECHNOLOGY

Technology – both hardware and software – can be one of the most difficult budget items to sell to boards and taxpayers. Benefits are difficult to quantify, and, without experienced in-house staff or a consultant to assist in a proper analysis, obtaining funding for new technology is challenging at best.

Satisfying two prerequisites will allow you to present a convincing and accurate analysis of your budget needs. One is having a clear picture of how the technology will make your operations more efficient and cost-effective. Two is having a clear understanding of the full costs of the technology: up-front capital costs as well as staff training, future maintenance and upgrades.

1. Examine all quantifiable benefits.

This is where your analysis gets sticky and where you'll see a lot of rolling eyes as you attempt to apply textbook cost-benefit analysis. The best you can probably do here is to be sure that you can prove that what you've budgeted meets some very real need, not some manufactured need designed to rationalize a request that has not been thoroughly researched and analyzed. Do your homework!

If you are addressing an efficiency or productivity problem, clearly identify the problem and how the budget request will address the problem. For example, if you have a request for accounting software to replace a manual system, you can document the amount of time that your payroll and

payables administration takes currently, and compare it to the amount of time it would take with the new system. A savings of X hours will allow you to devote more time to staying on top of the tax administration without having to hire additional help.

The improved efficiency and productivity argument will only work if there is a perceived problem **and** a solution to that problem; unlike the private sector, government isn't forced to be productive. Taxpayers see no savings in their tax bills when productivity increases, so they tend to be skeptical of any argument that says the town will save money if government is more efficient.

A budget request for technology that is more cost-effective is an easier sell.

2. Examine all costs.

Compare the cost of the new technology with the cost of keeping the status quo. This includes all costs associated with purchasing and installing new hardware or software, licensing, training, upgrades and maintenance, and supplies and materials.

Understand the licensing arrangements of your software options and how they may change in the future. Licensing is becoming increasingly costly, particularly as Microsoft opts to end support for its older software and charge full price on what were once inexpensive upgrades. Be aware of this and do your homework so you can project these costs as accurately as possible.

Newer technology may be less costly to maintain but there will be an initial training cost that you wouldn't have with the older technology. Training is an investment that is always overlooked. Determine who needs to be trained and what specific areas of training are crucial to operating the technology effectively. If you're penny-wise and pound-foolish, as the old saying goes, you can pay dearly down the road with unhappy, unproductive and very frustrated employees.

Upgrades and maintenance costs are relatively easy to project. What is generally

(Continued on next page)

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TECH CHECK -

(Continued from previous page)

missed is the labor factor. Who will upgrade and maintain your technology? If you have someone in-house, be sure that you include any training costs necessary, which may include journals and publications, workshops and seminars, and trade shows. Be sure there is sufficient money budgeted annually to either keep your staff up-to-date or to hire a consultant or contracted service.

Keep security costs in mind as you weigh options; be sure that your systems are as safe as possible in order to prevent viruses and hackers from disrupting operations. Microsoft is a good example of a company that provides software with all the right bells and whistles, but that comes with big security holes and is every hacker's and scammer's favorite target. Whatever you budget for technology, invest in adequate security, and measure the cost against the old technology as well as other options. As with hardware, training, and software maintenance, security is a long-term commitment.

Compare the costs of the supplies necessary to maintain your technology. Ink jet printers are a great example of hardware that may be cheap to purchase but require a large investment in supplies (toner) over the course of time. Make a list of all the supplies and materials that each of your options requires and compare the costs, keeping in mind that different technologies use different amounts. For example, one printer may produce 10,000 copies per toner cartridge, while another produces 15,000. Compare estimated annual costs based on a combination of your own experience and projected costs from your vendors. (Don't be afraid to ask vendors for any information you need to complete a thorough analysis.)

In summary, you need to balance marketing strategy with proper planning. Your citizens are asked every year to vote on the annual budget; therefore, all efforts on the part of local officials are focused on the short-term. To be fiscally responsible, however, long-term planning is essential, and even more so in considering technology. Most technology is capital: an investment that will be used up over the course of three years or more. Keeping this in mind will make your budgeting strategy more effective and credible.

- Michael Gilbar, Director, VLCT
Administrative Services

FUND CHANGES BEING MADE TO STATE 457 PLAN

Currently, there are 330 employees from 51 municipal entities participating in the State of Vermont 457 Deferred Compensation Plan. If you are one of those entities, the following information is timely and very important to you and your fellow participants.

On **November 30, 2004**, the 457 Plan will be **adding** eight new investment options: *Calvert Income Fund, Capital Research Growth Fund of America, Vanguard Mid-Cap Index Fund, T. Rowe Price Retirement Income Fund, T. Rowe Price Retirement 2010 Fund, T. Rowe Price Retirement 2030 Fund, and T. Rowe Price Retirement 2040 Fund.*

In addition, after careful review the Vermont State Employees' Retirement System Board decided to **discontinue** the following five mutual funds and three profile portfolios effective **November 29, 2004**: *AIM Constellation Institutional, Fidelity Magellan, Janus Enterprise, Morgan Stanley Small Company Growth, T. Rowe Price International Stock Fund, Aggressive Profile Portfolio, Moderate Profile Portfolio, and Conservative Profile Portfolio.*

The mutual funds are being discontinued because their long-term performance no longer meets the criteria established in the Board's Investment Policy. The profile portfolios are being replaced because the

Board feels that "age-based" lifecycle funds are more appealing to participants because the combination of assets changes as you grow older.

A process called "mapping" will occur to delete and add the investment options. After market close on *Monday, November 29, 2004, through mid-morning Tuesday, November 30, 2004, no participant transactions will be allowed.* During this period, future contributions and existing account balances in these discontinued investment options will be directed or "mapped" to the replacement investment option.

The Board encourages you to take the time to evaluate your 457 Plan account to ensure that your personal retirement savings are working to your best advantage and helping you plan your financial future. For additional information about these changes, attend an upcoming group meeting at one of the locations near you, call KeyTalk® at 800/457-1028, or visit the Web at www.vermont457.com, where the meeting locations will also be listed.

If you are not currently enrolled in the Plan, but would like to learn how to take advantage of a simple, inexpensive, tax-deferred savings plan to help achieve your retirement dreams, call Great-West Retirement Services for more information at 800/457-1028.

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CLASSIFIEDS -

(Continued from Page Fourteen)

www.middlebury.govoffice.com or at the Middlebury Municipal Building, 94 Main Street, Middlebury, VT 05753 (tel. 802/388-8107). Equal Opportunity Employer.

Highway Equipment Operator. The Town of Brandon, Vt. is accepting applications to fill a position in the Highway Department. Applicant must be able to operate public works equipment and vehicles, perform preventive maintenance and repairs, perform all types of road maintenance, install/repair sewer and storm

systems, and respond on a 24-hour basis to emergencies, etc. Must be able to make independent judgments with minimum supervision and function well as part of a team and within a chain of command. Must be a high school graduate or have equivalency and be experienced in highway maintenance, construction procedures and methods, equipment operation or a related field. Must possess a valid State of Vermont Class B air brake endorsement Commercial Driver's license. Pre-employment drug testing and intermittent testing is required. This is a union position. Grader operation experience a plus. Pay rate based upon experience. Municipal benefit package. Reply to Keith Arlund, Town Manager, 49 Center Street, Brandon, VT 05733. Equal Opportunity Employer.

President, NH Business and Industry Association. The Business and Industry Association of New Hampshire is seeking a President who will play a critical leadership role, working collaboratively with the Board of Directors to refocus the Association and broaden its potential membership pool. The successful candidate will have 10+ years experience in leading a dynamic organization, and/or successfully building and managing a small business or entrepreneurial venture. For additional criteria and application process, please visit our Web site www.nhbia.org. Send your letter of interest, resume, and three current references to: NH BIA Board of Directors, c/o Lyle Kirtman, Future Management Systems, Inc., 100 Conifer Hill Drive, Suite 207, Danvers,

MA 01923. Tel.: 978/646-9200, fax: 978/646-9233, e-mail: lyle_kirtman@futuremanagementsystems.com.

Parks & Recreation Director. The Town of Manchester, Vt. is seeking applications for the position of Parks & Recreation Director. Manchester is a four-season resort community of 4,200 situated in Southwestern Vermont. General information about the Town can be found at www.town.manchester.vt.us. The successful candidate must be a self-motivated individual who can administer and supervise the Town's recreational facilities and staff, including a spectacular 75-acre lighted multi-purpose field, as well as plan and coordinate programs and activities. BA in Recreation and two years related experience is preferred. Applicants must be certified or certifiable as a "Professional" under the Vermont Recreation and Parks Association. Excellent salary and benefits. Send cover letter and resume to Town Manager's Office, 6039 Main Street, Manchester Center, VT 05255. **Application deadline is October 8, 2004.** Equal Opportunity Employer.

Equipment Operator/Laborer Level 2. The Town of Morristown, Vt. Highway Department has a full-time opening for an Equipment Operator/Laborer Level 2. Candidates must be able to drive dump trucks with or without plows, as well as possess specialized expertise in at least two other areas as listed in the job description, i.e. engine repair, welding, paving, operate heavy equipment or highway construction. Candidates must be able to perform the physical labor, which is required in conducting the department's day-to-day operations. A current CDL class B license is required. One must respond to calls for assistance from the Foreman on a 24-hour basis as needed. Pay is commensurate with experience. Applications must be received by **October 8, 2004**. The Town reserves the right to deny any and all applications. Please send resume to: Paul D. McGinley, Town Administrator, P.O. Box 748, Morrisville, VT 05661. Equal Opportunity Employer.

IN MEMORIAM

A real friend of Vermont cities and towns passed away on August 26 in Rutland. Paul Hermann, 86, built a career managing local governments in this state.

Paul was born in 1917 in Brookline, Massachusetts. He received a bachelor's degree in government from Bowdoin College and a Master's in Public Policy from the University of Maine at Orono.

In his first stint in Vermont, Paul was appointed the first town manager in Bethel in 1947. He was appointed the first town manager in Bennington in 1950 and then the first manager in Barre City in 1955.

In 1979 he returned to Vermont with his wife, who was born here. Upon his return, he was asked to serve again as Barre City manager. Among his many professional activities, Paul served as president of the Vermont Town and City Management Association. Paul also served as manager in both the Town and Village of Poultney until his formal retirement in 1994.

But, in fact, Paul Hermann never retired from local government, and this writer remembers several occasions when he contacted VLCT to urge us to address an issue that was (correctly) of immediate importance to local governments across the state.

We take this time to remember and honor Paul Hermann's long and distinguished career in the early days of public management in Vermont cities and towns.



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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, 800/649-7915. (3-9)

Refuse Collection Trucks. (6) 1997 CCCs w/26yd Heil Rapid Rail automated refuse collection bodies, low miles and hours, route-ready \$37,500 each. Specs available at <http://home.tampabay.rr.com/trucks/97ccc.htm>, or call Scott at 727/531-3400. (8-24)

HELP WANTED

Highway Foreman. The Town of Waterbury, Vt. seeks to hire an experienced highway foreman to supervise the day-to-day operations of its highway department. Responsibilities include supervision of eight employees, maintenance of 50 miles of town highways and associated structures, maintenance of recreation fields and facilities, purchasing and maintenance of trucks and equipment. Responsible for a \$1 million budget. Reports directly to the Municipal Manager. Competitive pay and excellent benefits. Experience as a foreman or assistant foreman in state or municipal highway department is desired. Experience with a construction company that

performs extensive highway work may be substituted. Residency in Waterbury or immediate area required. **Position open until filled.** Send resume and cover letter to: William Shepeluk, Municipal Manager, P.O. Box 9, Waterbury, VT 05676. 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 \$29,664 to \$44,497 depending upon qualifications. Interested 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. **Position open until filled.** Equal Opportunity Employer.

Administrative Officer. The City of Montpelier, Vt. (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 **October 1, 2004**. 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.

Zoning Administrator. The Town of Berlin, Vt. is accepting applications for the full-time position of Zoning Administrator. Knowledge and experience in municipal zoning and planning or a related field is desirable. Salary commensurate with education and experience. The Town also provides a benefits package. Additional information can be obtained by contacting the Town Administrator's Office at 802/223-4405. Interested persons should submit a resume with at least three references to: Town Administrator, Municipal Office Building, 108 Shed Road, Berlin, VT 05602. **Resumes will be accepted until the position is filled.**

Highway Division Chief. Town of Middlebury, Vt. Supervisory position responsible for the operation and maintenance of the town's highway network. Work involves responsibility for organizing, directing and reviewing the work of employees engaged in public works construction and maintenance. Salary Range: mid to high \$40s, depending on qualifications. Required qualifications: six years of progressively responsible experience in public works maintenance and construction, and possession of a Commercial Driver's License (CDL) valid for Vermont. Complete job description and application may be obtained on-line at

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

VLCT Town Fair and Field Day. Wednesday, September 29 and Thursday, September 30, 2004, Barre Municipal Civic Center. Register at the door.

Zoning Administrator's Workshop. Thursday, October 7, 2004. Cortina Inn, Mendon. Sponsored by the VLCT Municipal Assistance Center, this workshop will focus on the multi-faceted role of the zoning administrator, particularly in light of the recent re-write of Chapter 117.

This session will address notice requirements and deadlines, drafting findings of fact and conclusions of law, and the ZA as a public official and employee.

Planning & Zoning Series #1: Conducting Effective Meetings and Hearings. Thursday, October 14, 2004. Vermont Interactive Television Sites throughout Vermont. Sponsored by the VLCT Municipal Assistance Center and local regional planning commissions. This evening workshop will cover the statutory and practical elements involved in conducting effective meetings and hearings for local development review bodies.

Vermont's Creative Economy. Wednesday, October 6, 2004, Vermont Technical College, Randolph. The Vermont Community Development Association's annual meeting will feature the gubernatorial candidates discussing strategies for economic development and a session on Advancing the Creative Economy in Vermont.

Municipal Officers' Management Seminars. Wednesday, October 6, Johnson State College, Johnson; Wednesday, October 13, Lake Morey Inn, Fairlee; Wednesday, October 20, 2004, Holiday Inn, Rutland. An annual series of workshops sponsored by the University of Vermont Extension in cooperation with a variety of Vermont state and local government organizations. To register on-line, visit <http://www.regionline.com/16461>. For more information, call 802/223-2389.

Managing the Municipal Budget. Thursday, October 28, 2004. Best Western, Waterbury. Sponsored by the VLCT Municipal Assistance Center, this workshop is timed just before the start of the budgeting season and will examine the role of information in budget presentations, legal authority to adjust the budget, and how to use the municipal budget as a policy and management tool.