

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

May 2005

ARBITRAGE

AN OVERVIEW FOR MUNICIPALITIES

The subject of arbitrage is one of the most important concepts in the municipal bond field. Unfortunately, it is also quite complex and exceedingly technical. For this reason, this article will attempt to provide the reader with an overview of this subject, emphasizing the practical effects that these concepts may have on the financing plans of a typical municipality. Please note that this article should not be read as a comprehensive treatise on this subject, nor as providing advice on specific financing plans. More detailed information is available in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and its accompanying regulations.

BASIC CONCEPTS AND POLICY CONSIDERATIONS

Municipalities are "favored borrowers" in the sense that they are able to borrow money at interest rates that typically are substantially lower than those payable by commercial borrowers. These reduced rates are a direct result of the fact that purchasers of municipal bonds do not need to pay federal income taxes on the interest paid to them by municipal borrowers. (Interest paid by municipalities is often excluded from the imposition of state income taxes as well.) In order to be tax-exempt, bonds or notes

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VLCT TOWN FAIR 2005 TIMELINE

The snowdrops had barely peeked through the melting snow when VLCT staff began to work on Town Fair 2005. The Fair takes place this year on September 14 and returns after a two-year absence to the Killington Grand Hotel and Conference Center in Killington, Vermont.

Town Fair will be back in Barre in 2006 per VLCT's new plan to have Town Fair alternate between a northern and southern venue each year. The VLCT Board of Directors hopes this will make it easier for members in all parts of the state to attend Town Fair.

As we prepare for Town Fair 2005, there are a few important dates and tasks ahead of VLCT staff and members. Please keep an eye out, both in the mail and on www.vlct.org, for the following notices, most of which will include nomination and/or registration forms.

MUNICIPAL POLICY DEVELOPMENT

Four volunteer committees develop VLCT's draft 2006 legislative policy for

(Continued on next page)

MAYOR BERNIE SANDERS COMES "HOME"



U.S. Congressman Bernie Sanders recently paid a visit to the VLCT Board of Directors. Sanders, a former Mayor of Burlington and former VLCT Board member, provided updates on a wide range of federal/state/local issues, including transportation funding, the Community Development Block Grant program, Section 8 housing vouchers, homeland security priorities and funding, and how federal tax reform might impact the deductibility of state and local taxes.

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VLCT NEWS

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TOWN FAIR -

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approval at VLCT's Annual Meeting, held at Town Fair.

- Municipal Policy Committees nominee deadline is **Friday, May 6**
- Committees meet in **early June**
- Legislative policy proposals due from general membership by **Friday, September 9**

VLCT ANNUAL AWARDS

This is your chance to nominate a special person for one of VLCT's five annual awards: Municipal Person of the Year, Town Citizenship, Lifetime Achievement, Legislator of the Year, and Town Government.

- Nominations due by **Friday, July 1**

VLCT BOARD OF DIRECTORS

Each year at Town Fair, the terms of

several VLCT Board members expire. Please consider submitting the name of someone who would be qualified and interested in helping to run your municipal association.

- Nominations due by **Monday, July 11**

SIGN UP TO ATTEND TOWN FAIR

Town Fair is a few weeks earlier than normal this year, to take advantage of warmer weather at the Killington Resort.

- Town Fair attendee registration materials mailed **by July 1** (only copy members will receive via mail)
- Early Bird attendee registrations must be received **by August 26**
- Registrations received between **August 27 and September 2** must include an additional \$10.00 per person
- After **September 2**, attendees should plan to register at the door

Thank you all in advance for your participation in Town Fair!

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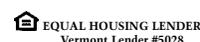


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LEGAL AND REGULATORY NOTES



ROWs AND LOT SIZE; SELECTIVE REASSESSMENT; TELECOMMUNICATIONS REMEDIES; W-4s AND THE IRS

HIGHWAY ROW AREA CANNOT BE INCLUDED IN LOT SIZE AND DIMENSION CALCULATIONS

In the zoning realm, the question occasionally arises as to whether land subject to a highway right-of-way can be considered when determining if a parcel meets a minimum lot size requirement or qualifies as an existing small lot. This issue was recently addressed by the Vermont Supreme Court in an entry order, *In re: Appeal of Bailey*, 2005 VT 38 (2005).

Up for review was the Arlington zoning bylaw. The bylaw provided that any lot in individual and separate non-affiliated ownership from surrounding properties in existence on the effective date of the bylaw could be developed for the purposes permitted in the district in which it was located, even though it did not conform to minimum lot size requirements. Such development was allowed only if the lot was not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet. This provision was a requirement of, and identical to, the former 24 V.S.A. § 4406(1).

Relying on this provision, an applicant sought a permit to construct a commercial building on a parcel of land on Route 7A. As decided, the parcel had dimensions of 120 feet by 67½ feet. However, the 67½ foot depth dimension included approximately 33½ feet over which the State held an easement for Route 7A. Arlington's Zoning Board of Adjustment concluded that the lot could be developed as an existing small lot. A neighbor appealed, arguing that the portion of the lot subject to the highway easement could not be included in the dimension and size calculations.

The Environmental Court, siding with the applicant, concluded that the parcel could be developed as an existing small lot. It based its conclusion on an earlier case in which the Supreme Court had held that

a lot, as the term was used in Castleton's zoning bylaw and the State's zoning statute, included land under Neshobe Brook. See *Town of Castleton v. Fucci*, 139 Vt. 598 (1981). The Environmental Court reasoned that, like the land under Neshobe Brook, the land under Route 7A could be used in determining whether the Arlington parcel met the minimum dimension and size requirements for an existing small lot.

The Supreme Court reversed, reasoning that while land underlying a brook or stream might be developed (though, perhaps, with some difficulty), land underlying a public highway, "which is already developed and for a use incompatible with other uses by the owner," could not. Thus, concluded the Court, it was improper for the Arlington Board and the Environmental Court to consider the land under Route 7A in determining whether the parcel qualified as an existing small lot.

While the Court in *Bailey* was interpreting the pre-2004 version of Chapter 117, municipalities seeking to encourage development of existing small lots should give this issue careful consideration. Though generally encouraging development of existing small lots, the 2004 revisions to Chapter 117 allow municipalities to prohibit development of existing small lots less than one-eighth acre or having a width or depth dimension less than 40 feet. 24 V.S.A. § 4412(2)(A) (i) and (ii). Given that a typical municipal highway right-of-way extends 24 feet, nine inches from the center of the existing traveled way, and that rights-of-way for state highways may be even larger, some existing small lots may not be developable if the municipality chooses to include this prohibition in its bylaw.

- Jim Barlow, Attorney, VLCT Municipal Assistance Center

SELECTIVE REASSESSMENT MEETS CONSTITUTIONAL TEST

The Vermont Supreme Court has upheld the Town of Lyndon's use of a geographically limited reappraisal as a proper method of grand list maintenance. *Williams v. Town of Lyndon*, 2005 VT 27 (March, 11, 2005). In this case, based on data provided by the Vermont Tax Department's Division of Property Valuation and Review, coupled with a lack of sufficient funds, the Town decided to reassess one particular district where properties appeared to be heavily undervalued in relation to other properties within the Town.

In 2000, the Town's overall common level of appraisal was approximately 89%, and its coefficient of dispersion was 17, both within the statutory limits. However, data from the past several years revealed that properties located in the Broad Street district were selling well in excess of their grand list value. Based on this data, the Town determined to reassess the property to closer approximate the statutory goal of fair market value. As a result of this selective reassessment, the plaintiffs in this case appealed their 2000 listed values, and eventually sued the Town in superior court. The plaintiff - nineteen property owners in the Broad Street district - claimed that the selective reassessment of properties in their district violated Chapter I, Article 9 of the Vermont Constitution, the Proportional Contribution Clause. The Clause requires that each member of society "contribute the member's proportion towards the expense of" government. The plaintiffs' argument was that selectively reassessing property did not comply with the constitutional requirement of uniformity in taxation.

In another, similar case, the Court upheld the use of a "rolling reappraisal," where the Town of Barton every two years reassessed that class of property determined by the

(Continued on next page)



LEGAL/REG. NOTES -

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Tax Department to have the lowest ratio of listed value to fair market value. That case, *Alexander v. Town of Barton*, 152 Vt. 148 (1989), established that such reassessments have a rational basis and serve a legitimate purpose – keeping appraisals as current as possible, subject to the resources available, and focused discretely on those areas which are clearly underassessed.

In this instance, the Town of Lyndon was similarly justified in reassessing a discrete area of property for the purpose of grand list maintenance. The lesson from this case is that municipalities can, where necessary, reassess only those districts whose valuation characteristics are changing dramatically in relation to other districts in town.

- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center

U.S. CODE SECTION 1983 NOT A REMEDY FOR TELECOMMUNICATIONS PLAINTIFFS

In a case of great importance to municipalities, the U.S. Supreme Court has ruled that the federal Telecommunications Act (TCA) does not permit plaintiffs to sue local governments under 42 U.S.C. § 1983. *City of Rancho Palos Verdes v. Abrams*, 544 U.S. ____ (2005). The crux of the case is that the TCA provides a comprehensive scheme of

judicial review, with appropriate remedies for plaintiffs. As such, Congress had no intention of granting telecommunications plaintiffs the additional right to sue local governments on a § 1983 basis.

In this case, Mark Abrams operated a series of telecommunications antennae on his residential property, which is located at a high elevation near the peak of the Rancho Palos Verdes Peninsula. Abrams only had a permit to operate one of the several antennae on his property, which resulted in the City of Rancho Palos Verdes taking enforcement action against him. Abrams was also required to apply for a retroactive conditional use permit for the remaining unpermitted towers.

Abrams' conditional use application was eventually denied on the basis that it "would perpetuate . . . adverse visual impacts" from Abrams' already-existing towers. Abrams appealed the decision, and eventually filed suit against the City, seeking injunctive relief under the TCA, and monetary damages and attorney's fees pursuant to 42 U.S.C. §§ 1983 and 1988. The suit claimed that the City's decision discriminated against the mobile relay services he sought to provide, in violation of the TCA. He also claimed that the decision was not supported by substantial evidence in the record, as required by the TCA.

The two competing statutes in this case have the power to provide various remedies for plaintiffs: In telecommunications cases,

the TCA provides that local governments "shall not unreasonably discriminate among providers of functionally equivalent services" and "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." When a permit application to site or modify a wireless facility is made, local governments are required to act on such a request "within a reasonable period of time." For a local government to validly deny a request to "place, construct, or modify" a wireless facility, the statute requires that such a decision be "in writing and supported by substantial evidence." The remedy available to persons aggrieved under the statute is injunctive relief upon appeal to the proper court. 47 U.S.C. § 332(c)(7)(B)(v). Section 1983, on the other hand, is a law that gives private citizens the power to sue a government entity which, acting on the basis of state law or municipal ordinance, violates that citizen's constitutional rights. Additionally, if the citizen-plaintiff prevails, section 1988 grants the right to collect attorney's fees in addition to damages.

Municipalities could bear a heavy burden if plaintiffs were permitted to bring § 1983 claims in TCA cases. *Rancho Palos Verdes* makes clear that such remedies are not available to telecommunications plaintiffs; the only remedy available is a court injunction requiring a municipality to comply with the TCA.

- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center

EMPLOYERS NO LONGER MUST SEND W-4s TO IRS

Effective April 14, 2005, employers no longer have to send copies of potentially questionable W-4 forms to the Internal Revenue Service (IRS). Previously, employers had to send in any Form W-4 claiming more than 10 allowances or claiming complete exemption from withholding if \$200 or more in weekly wages was expected.

Instead, according to an IRS press release, the IRS will step up its withholding compliance program by making more effective use of information reported on W-2 wage statements to ensure that employees have enough federal income tax withheld from their paychecks.

Forms W-4 are still subject to review by the IRS. However, employers will no longer have to submit them to the tax agency, unless directed to do so in a written notice to the employer from the IRS.

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ASK THE LEAGUE

CONSTABLE AUTHORITY; TOWN BOUNDARIES AND ZONING

What authority do constables have and what training do they need to exercise their authority?

All constables, whether full- or part-time, first or second constable, appointed or elected, have powers specifically enumerated in 24 V.S.A. § 1936a(b). These include the power to serve civil or criminal process (12 V.S.A. § 691), destroy animals (20 V.S.A. Chapter 193), kill injured deer (10 V.S.A. § 4749), assist the health officer in the discharge of his or her duties (18 V.S.A. § 617), serve as a district court officer (4 V.S.A. § 296), remove disorderly people from town meeting (17 V.S.A. § 2659), and collect taxes when no tax collector is elected (24 V.S.A. § 1529). Any additional authority constables have is determined by the municipality they serve. For instance, municipalities, through their selectboards, may direct their constables to enforce civil ordinances. Selectboards may also direct their constables to enforce criminal ordinances if their constables have law enforcement authority. See below for law enforcement authority prerequisites.

Additionally, municipalities may vote at special or annual town meetings to prohibit constables from exercising any law

enforcement authority whatsoever. Please note that, while elected constables are ordinarily exempt from all training requirements, a municipality may vote to require them to complete training before exercising any law enforcement authority.

The Vermont Criminal Justice Training Council is statutorily charged with adopting rules and regulations governing law enforcement officer training requirements. Constables who exercise law enforcement powers are considered "law enforcement officers" and cannot exercise those powers before completing the basic training requirements prescribed by the Council.

Under these rules, full-time constables (those employed for more than 32 hours per week and more than 25 weeks per year) must satisfactorily complete a minimum of 550 hours of training within six months of their date of appointment before exercising full law enforcement powers. Part-time constables must satisfactorily complete a minimum of 58 hours of classroom instruction in order to receive a provisional 12-month certification. This certificate allows part-time constables to exercise law enforcement powers, but only under the direct supervision and control of fully certified law enforcement officers. In order to exercise full law enforcement authority, part-time constables must complete an additional 110 hours of training during a 12-month period. Constables, whether

full- or part-time, cannot exercise their law enforcement powers on a piecemeal basis subject to the satisfactory completion of only a portion of their training. Vermont Criminal Justice Training Council Rules and Regulations, available at <http://www.vcjtc.state.vt.us/rules.htm>. See Rules 22, 23, 31.

As a reminder, constables with full law enforcement authority have the power of search, seizure and arrest within the municipality. Generally, the only difference between constables with full law enforcement authority and other law enforcement officers is that their jurisdiction is limited to the boundaries of the municipality they serve.

- Garrett Baxter, Associate, VLCT Municipal Assistance Center

A parcel of land straddles the boundary line between our town and the adjoining town. Does the boundary line subdivide the lot?

While there is no dotted line crossing the property, it is effectively subdivided by the boundary line separating the two towns. As an example, let's say that the lot comprises six acres, without regard to the boundary line. Four acres are located in Town A, and two acres are located in Town B. Both towns happen to have a minimum lot size requirement of three acres. The four-acre portion of the parcel in Town

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ASK THE LEAGUE -

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A is developable (assuming it meets the other requirements of the district), while the two-acre portion in Town B is not. It doesn't matter that the sum total of the parcel is 6 acres; the minimum lot size in Town B is three acres, and the only portions of land that the Town B zoning administrator can consider are those that lie within the boundaries of the town. The zoning administrator's (and by extension, the town's) jurisdiction begins and ends at the town boundaries, therefore, the zoning administrator can only consider those portions of land that are located within the boundaries of the town.

*- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center*

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nities,” says William Shutkin, President and CEO of the Foundation. The Foundation invested nearly \$15 million into the multi-year development of CommunityViz. Now, a reorganization at the Foundation has resulted in a strategic shift away from its previous focus on product development and dissemination toward a new emphasis on supporting communities engaged in challenging land use planning projects.

To learn more and to find out how to order CommunityViz, please visit www.communityviz.org.

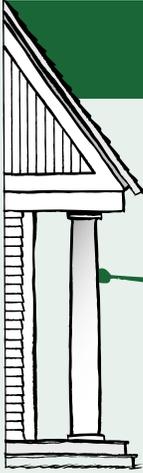
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CUTS

(COMMUNICATIONS UNDER TEN SENTENCES)

ARBITRAGE -

(Continued from Page One)

issued by municipalities need to comply with the detailed requirements established in the Code, especially those found in Sections 103 and 141 – 150.

Section 103 of the Code indicates that an “arbitrage bond” under Section 148 will not be tax exempt. For this reason, in order for a municipality to be able to access the lower interest rates available for tax exempt borrowings, it needs to show that its bonds will not be “arbitrage bonds.”

From a policy perspective, the arbitrage rules found in the Code can largely be understood as an effort by the Internal Revenue Service to keep municipalities from borrowing money at low tax-exempt rates and then turning around and investing the proceeds of their bonds or notes at a yield that is “materially higher” than the interest rate they are paying on their bonds. (The amount by which investment earnings exceed such interest payments is often referred to as “positive arbitrage.”)

THE BASIC RULE

The basic arbitrage rule is that a municipality may not invest the proceeds of a tax exempt note or bond in such a manner so that the yield on the invested funds exceeds the interest rate being paid on its borrowing by more than .125%. If this rule is violated and the municipality does not qualify for an exception to this rule (noted below), its borrowing will be an “arbitrage bond” and consequently will not be tax-exempt under Section 103 of the Code. As such, the issuer will not be able to take advantage of the below-market interest rates that are typically available to municipal borrowers.

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HEALTH SAVINGS ACCOUNT WORKSHOPS TO BE HELD

The VLCT Group Services Member Relations Department is hosting four morning workshops (lunch included) in June to introduce Health Trust members to Health Savings Accounts, and how they might be paired with High Deductible Health Plans. The workshops will be repeated at four locations around the state to ensure that they are convenient to all members.

Please watch your mail for a workshop registration flyer or visit www.vlct.org/calendar. Once you have reached the on-line calendar, pick June 7, 8, 9 or 10 to view more information about the workshops and to register on-line. The workshops are free to VLCT Health Trust members.

CATAMOUNT TRAIL PODEMETER CHALLENGE GRAND FINALE EVENT ON MAY 19

The VLCT Safety and Health Promotion Program is excited to announce that Governor Douglas will present the awards for the Catamount Trail Pedometer Challenge at the 2005 Corporate Cup Challenge on May 19.

The Corporate Cup is an annual, three-mile walking or jogging race in downtown Montpelier that will provide the perfect backdrop for celebrating the achievements of Pedometer Challenge participants. Governor Douglas will present awards to VLCT Health Trust members who have stepped their way to “completion” of the 300-mile Catamount Trail, those who most improved their step counts over the eight-week program, those who met the extra challenges, and others. The awards program will begin at 5 p.m. and the race at 6 p.m. Participation in the race is optional, of course, but would be a fun finale to the Pedometer Challenge.

To sign up for the Corporate Cup, visit www.state.vt.us/gcdfs/. Please also tell your municipal wellness coordinator or Heidi Joyce, VLCT Senior Health Promotion Consultant, that you will be attending the awards program. The deadline for registration for the program is May 3. We look forward to seeing you there!

EMPLOYEE ASSISTANCE PROGRAM (EAP)

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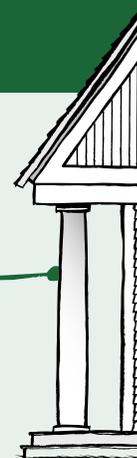
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- I**dentifying every hazard in the work area.
- D**eciding how to do a job before you start.
- E**liminating hazards and taking precautions for those you can't eliminate.
- N**ot taking risks or shortcuts.
- T**aking care in everything you do on the

ARBITRAGE -

(Continued from previous page)

THE "SPENDING EXCEPTION" TO THE BASIC RULE

As is often the case under the Code, there is an exception to the Basic Rule for which many municipal borrowings qualify. The policy behind this "spending exception" is that if a municipality expects to spend its bond proceeds in a reasonably short period of time, its ability to earn a significant amount of positive arbitrage will be limited to such an extent that the IRS will not be concerned.

To qualify for the spending exception, a municipality must be able to certify that, at the time of closing, it reasonably expects:

- (1) to spend at least 85% of the proceeds of the bonds (with some adjustments) within three years of the date of issuance;
- (2) to incur a "substantially binding commitment" to spend at least 5% of the bonds within six months of the date of issuance; and
- (3) to continue to complete the project being financed with the bonds with due diligence.

DETERMINATION OF ARBITRAGE STATUS TO BE MADE AT TIME OF CLOSING

Since bond counsel must render an opinion regarding the tax-exempt status of the bonds at the time that the bonds are being purchased, the determination of whether or not the obligation in question is an "arbitrage bond" needs to be made at the time of closing. In order for bond counsel to render such an opinion, the governing board of the municipality will be asked to sign a

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SAFETY AND HEALTH PROMOTION PROGRAMS

DEDICATED CLAIMS DEPARTMENT



ARBITRAGE -

(Continued from previous page)

certificate at the closing of the bonds setting forth its expectations regarding the use of the bond proceeds. The certificate will specifically focus on whether the bond proceeds will be spent in such a way so as to qualify for the "spending exception" described above.

So long as the expectations of the municipality were reasonable when made, the occurrence of subsequent events that could not have been anticipated at the time of closing will not make the bonds taxable. (For example, if the reason that a building project was not completed within the anticipated three years was due to an unforeseen labor strike, the bonds will not become taxable arbitrage bonds because the project is not completed within three years.) It needs to be noted, however, that certain intentional acts that are designed to impermissibly take advantage of the arbitrage rules may have adverse tax consequences.

OPTIONS AVAILABLE TO MUNICIPALITIES THAT DO NOT QUALIFY FOR THE SPENDING EXCEPTION

Several options are available to communities that do not appear to qualify for the three-year spending exception. First of all, for large projects that are not capable of being completed within the three-year period, this time frame may be extended for up to five years if the issuer can produce a certificate from an architect or engineer that the project will take this additional amount of time to complete. Second, in some cases it may be possible to split up a large bond issue into two distinct components, where the bond proceeds in each separate phase of the project will be expended with the requisite three-year period. (This segregation must be one of substance and not just form. For example, it would likely not be permissible to separate an issue into two series of bonds that were sold within days of each other.) Third, it may be possible to avoid the earning of positive arbitrage by agreeing not to invest the proceeds of the bonds so that the yield on the invested proceeds would exceed the yield on the bonds (a practice known as "yield restricting"). Finally, the arbitrage rules may be ignored completely, in which event the bonds would be issued on a taxable basis, a

result that would have the practical effect of increasing the interest rate payable by the municipality.

COMMON ARBITRAGE PITFALLS

Certain recurring situations can raise arbitrage concerns, such as issuing bonds when the plans for the project being financed have not been sufficiently finalized, issuing bonds too early, issuing bonds in an amount in excess of the sum reasonably needed for the project, and issuing bonds that have maturities that may be significantly in excess of the useful lives of the assets being financed. Therefore, communities should try to avoid such situations.

REBATE REQUIREMENTS

Assuming that the bonds being issued are not arbitrage bonds because they qualify for the spending exception, the issue of whether or not the issuer can keep for its own account any potential positive arbitrage is determined under the Code's "rebate" requirements. This is a complex subject that is beyond the scope of this article. In fact, it would be worthy of its own separate article.

- David H. Barnes, Esq., Devine, Millimet & Branch, P.A., Manchester, New Hampshire, dbarnes@devinemillimet.com.

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UP ↑ UP



Tech Check



EFFICIENCY, TECHNOLOGY, AND MUNICIPAL DEPARTMENTS

Have you ever thought about how you can make your local government more efficient? One place you might look is your system of information flow and delivery. It is a great place to find areas to streamline and thereby cut costs.

But first, a brief warning about local government financial practices, and why they might make your task difficult. The focus on budgetary compliance that is prevalent in the municipal world generally tends to be a disincentive to strategic planning; cost benefit analysis (CBA) is the exception rather than the rule when looking at technology purchases. In addition, while the goal

should be to find ways to gather and share information cost effectively throughout the entire town, too often the focus is on providing enough money for individual departmental needs. Decision-makers should be aware of this tendency to departmentalize data and technology that should be shared.

Here are some points to consider before making technology improvement decisions:

Is there potential for sharing data between departments?

An example would be Public Works requesting money to develop and maintain

GIS data so that it can inventory the town's infrastructure. Listers or assessors could use GIS for tax mapping, the firefighters might use it to identify specific hazards associated with 911 locations, planners and DRBs for land use and zoning issues. Infrastructure inventory data can also be used for GASB 34 compliance by the accounting staff.

Survey staff to determine their data needs and compare those lists to find where there may be an opportunity to share information. You can then look at workflow and find the department that is best suited to collect and maintain the data as well as establish a process for distribution to other departments.

Compare the cost of centralizing the technology to the cost of decentralizing it.

A simple example of this would be printing technology. Does it make more sense to have a printer at every workstation or to have a central printer/copier combination or central printer *and* copier? Maintenance costs and user productivity (i.e. location) are issues as well as the purchase or capital costs. Too often, these types of acquisitions are decided on the basis of budget and cash flow rather than whether or not they are a good investment that will enhance productivity.

Look at streamlining your operations first. Determine those frequent as well as occasional users of the technology. Are there any operations that experience long processing queues at certain times of the year? How often does that occur? These operations should probably have printers and copiers or a printer/copier within easy reach. Which operations require large quantity printing capability (booklets, reports, etc.) and how often do these tie up the printer? Depending on the amount of time these jobs take, you may want to consider a central printer/copier that does occasional copying as well as larger copying or printing jobs.

Look beyond the costs to the practical consequences of the technology change.

Be sure you understand the current

(Continued on next page)

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TECH CHECK -

(Continued from previous page)

daily workflow and how that will change with the new or improved technology in place. Will it improve productivity or will it create obstacles? Look at overall operations, not just individual department workflows. Industrialization created specialization and bureaucracy to improve productivity. However, it also tends to encourage tunnel vision. Human nature is such that each department or operation views its world in terms of how the municipality's needs should fit into its needs, rather than how the department's needs match up with the overall objectives of the municipality. The workflow in one department may change and work quite well for them, but create obstacles for another department. Follow the flow of information throughout the entire municipality and determine whether or not it works for the *whole* organization and not just the one department.

Communicate!

The best way to avoid duplication of effort, redundancy of data, and excessive and unreasonable technology costs is to open the lines of communication between the various operations of the town. Talk about your department's processes with other departments to make them aware of your information needs and flow. You may find that many times you require the same or similar data. I discovered early in my years in municipal service that budget reporting was not working for some departments and that they were keeping their own "books" so they could know what they had for balances every time they issued purchase orders. With a little communication and cooperation, the accounting folks were able to create weekly reports that allowed those departments to eliminate the extra work involved in maintaining their own accounting records.

In summary, technology can be conducive to the creation of fiefdoms and it is important for management to flesh out the cost effectiveness of every significant acquisition. An effort should be made to understand the needs of each department, but in the context of the overall needs of the municipality. Finally, keep an eye out for the overlap between departments that will allow you to improve productivity and save costs in the long run.

- Michael Gilbar, Director, VLCT
Administrative Services

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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VERMONT 2-1-1 STATEWIDE HELPLINE GOES LIVE

(Editor's Note: As Vermont's town clerks have a long history of serving unofficially as a "2-1-1" service for their communities, we thought it important that they know about a new service available to them and to their constituents.)

Need help finding help? A new service, "Vermont 2-1-1," recently became available to Vermonters. A program of United Ways of Vermont, this statewide helpline provides confidential information and referral to vital community resources.

2-1-1 is an easy-to-remember three-digit dialing system (similar to 9-1-1 and 4-1-1) that makes a simple, but critical connection between individuals and families seeking services or volunteer opportunities with the appropriate community-based organizations and government agencies. It is a cost-effective answer to help Vermonters navigate the complex and ever-growing network of service providers.

"Through Vermont 2-1-1, we are providing a critically needed service," said MaryEllen Mendl, President of United Ways of Vermont. "Time and time again we hear that people just don't know who to call when they need help. Calling 2-1-1 is their first step."

HISTORY

2-1-1 was first launched by United Way of Metropolitan Atlanta in 1997. In only a few years, this service has grown to serve over 34 percent of the U.S. population, in 141 active 2-1-1 systems throughout 30 states and Washington, DC. United Way of America's goal is to help ensure that 50 percent of the U.S. population is covered by 2-1-1 service by the end of 2005.

In November 2004, the Vermont Public Service Board designated United Ways of Vermont to be the 2-1-1 provider in Vermont. On Feb. 11, 2005, Vermont became the second New England state to

offer statewide 2-1-1 service. Vermont 2-1-1 is a program of United Ways of Vermont, and is funded by individual United Ways throughout Vermont, the Vermont Agency of Human Services, and grants from local foundations. Significant in-kind support has been received from IBM Corporation and Downs, Rachlin, and Martin PLLC.

For confidential information or referral to a variety of services, Vermont 2-1-1 can be reached by dialing "2-1-1" from anywhere in Vermont (currently limited cell phone access available), or by visiting www.vermont211.org. The helpline staff is available Monday through Friday from 8:30am to 4:30pm. After-hours callers may leave a message on the voicemail system and calls will be returned the next business day. For more information, dial 2-1-1 or call 866/652-4636 toll-free in Vermont.

Remember, in Vermont call 9-1-1 to save a life, stop a crime, report a fire; call 2-1-1 for community services information and referral.

- Martha Maksym, Community Services Director, United Way of Chittenden County

Introducing...

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**Need help finding help?
Dialing 2-1-1 is your first step.**

Vermonters have a new service available to them called "2-1-1." The state-wide helpline provides confidential information and referral to vital community resources.

2-1-1 is an easy-to-remember three-digit dialing system (similar to 9-1-1 and 4-1-1) that makes a simple, but critical connection between individuals and families seeking services or volunteer opportunities with the appropriate community-based organizations and government agencies.

Dial "2-1-1" from anywhere in Vermont
Call 1-866-652-4636 toll-free within Vermont
Call 1-802-652-4636 from outside Vermont
Visit www.vermont211.org for an online database

Helpline staff is available M-F, 8:30am to 4:30pm.

Vermont 2-1-1 is a program of United Ways of Vermont, and is funded by individual United Ways throughout Vermont, the Vermont Agency of Human Services, and grants from local foundations. Significant in-kind support has been received from IBM Corporation and Downs, Rachlin, and Martin PLLC.

In Vermont call 9-1-1 to save a life, stop a crime, report a fire; call 2-1-1 for community information and referral.

United Ways of Vermont United Way

IF DIALING 2-1-1 DOES NOT WORK FROM YOUR OFFICE PHONE

In order for 2-1-1 to work from your office, your office phone system (PBX) must be able to recognize the digits as a complete dialing code. Most office phone systems are initially set up to recognize seven or 11 digit phone numbers. However, three digit numbers like 9-1-1 or 4-1-1 have to be programmed by the phone system administrator at your office.

Similar to programming a speed dial on your own phone, your telephone administrator can program your office phone system to recognize the digits 2-1-1 as a complete dialing code on the system routing tables. In some systems, it may still be necessary to dial a single digit network access code before dialing 2-1-1, (i.e. dial "9" to make a call outside of your office). Ask your telephone network administrator for details. For further information call toll free 866/652-4636.

TRIVIA

Though many tried, no one could beat Royalton's trivia gurus this month. First thing Monday morning, the telephone rang and **Royalton Administrative Assistant Jackie Higgins** correctly answered that Lakes Bomoseen and Seymour were the two largest natural lakes in Vermont. They even got the bonus question by answering that the Harriman Reservoir is the largest non-natural lake entirely within the borders of Vermont. Congratulations, team Royalton!

Here is May's challenge:

This person was instrumental in the woman's suffrage movement in Vermont, enlisting the support of farmers and their wives, as well as legislators, to give women the vote, finally succeeding in 1921. What was her name, where was she from, and what was she known as?

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.



STATE TOWN PAYMENT REPORTS AVAILABLE ON-LINE

Title 32 V.S.A. § 166 requires that the State of Vermont, through the Commissioner of Finance and Management, transmit annually to the auditors of each town a statement showing the amount of money paid by the state to the town. The state payments encompass many types of transfer to the towns and the school districts,

including payments for education, roads, "PILOT" tax payments, a town's share of fines, etc.

The Vermont Department of Finance and Management has been generating and mailing these reports every six months to accommodate towns and cities with different fiscal year ends. Beginning this July, these semi-annual reports will now be available on-line for viewing and printing on the Department of Finance and Management's Web site.

The Vermont Institute on Government Effectiveness cites the need for successful change in state government by using

Internet-based access and delivery of government services, forms and transactions. The move of this report to the Internet continues the state's efforts to promote e-government. Cities and towns will be receiving a letter in June providing additional detailed information and instructions on how to access this information. With this report becoming available on-line, the Department of Finance and Management will not be sending these reports out in the regular mail unless specifically requested.

For more information, contact Vicki Strobridge, Vision Maintenance Coordinator, Vermont Department of Finance and Management, telephone, 802/828-0676, e-mail, vicki.strobridge@state.vt.us.

CLASSIFIEDS -

(Continued from Page Fifteen)

on-line at www.calaisvermont.gov. (4-13)
Zoning Administrator/Health Officer. The Town of Jericho, Vt. is accepting resumes for this combined position. Percentage FTE yet to be determined. Please contact Cyndi Humphrey, Town Administrator, 802/899-9970, or cyndijersb@adelphia.net for complete job description. (4-14)

Better Backroads Program Technician. Do you have a passion for water quality and good road management? The Northern Vermont Resource Conservation & Development (RC&D) Council located at the USDA Service Center in Berlin, Vt. is searching for one full-time or two half-time Better Backroads Program Technicians. The position will provide technical assistance on town and private road management practices and conduct field visits with communities in the Lake Champlain Basin. At least half of the time will be focused on assistance in the Missisquoi Bay and St. Albans Bay Watersheds. A privately owned vehicle will be needed to do this work. The technician will have to report to the Northern Vermont RC&D Office once a week for meetings and coordination. We seek a self-motivated, team-oriented individual with a strong conservation ethic committed to Better Backroads Principles. Related work experience or two years of higher education required. Background in watershed and natural resource management principles preferred. Full-time or 50% time offered. Starting salary commensurate with experience. Attractive benefit package for full-time position. Contact Beth Ann Finlay, Coordinator, at 802/828-4595 or beth_ann.finlay@vt.usda.gov for job description and details. Resume with cover letter and references due **May 6, 2005**. (4-15)

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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

Mobile Office Trailer. Three-year old mobile office trailer for sale at best offer. The trailer is 12' wide x 13.6' high x 32' long (376 sq. ft.). Shipping length is 36'. Trailer has two office areas and a bathroom with shower, and is heated and air-conditioned. Used as a scale house office and staff lunchroom/locker room. Located at the Addison County Solid Waste District Transfer Station at 1223 Route 7 South, Middlebury, Vt. Buyer is responsible for removing and transporting the trailer, at his or her expense, from the Transfer Station site. Call the office



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to arrange an inspection of the trailer during office hours (8:00 a.m.-4:00 p.m., Monday-Friday, excluding holidays). A detailed specifications sheet is available. Call the District at 802/388-2333 or visit www.acswmd.org. (3-23)

1994 Mack truck. For sale by sealed bid. R model, 9-speed Fuller transmission, 275 HP Mack engine, 7-yard body with tailgate sander and wing. Minimum bid \$24,000. Contact Town of Walden road foreman Carroll Hall at 802/563-2504 (802/533-2289, evenings). Bids will be opened **June 13, 2005**. Please submit bids to: Walden Town Clerk, 12 Vt. Route 215, West Danville, VT 05873. (4-6)

HELP WANTED

Utility Superintendent/Assistant Public Works Director. The Town of Hartford, Vt. (pop. 10,400), a growing rural/urban community located in the heart of the picturesque Upper Valley of Vermont and New Hampshire rich in natural and recreational opportunities, seeks a Utility Superintendent/Assistant Public Works Director. Responsibilities include supervision and administration of two water and two wastewater systems that serve the villages of Quechee, Hartford, Wilder and White River Junction, as well as other tasks requested by the Director. Must be able to efficiently organize, plan and direct daily and long-term work crew activities. Requires 2-4 year degree in engineering or related field and 8-10 years of progressive managerial/supervisory experience in wastewater and water systems operations and maintenance, or a combination of education and experience from which comparable knowledge and skills have been acquired. Salary, \$44,844-\$64,025 DOQ, with an exceptional benefits package. Send cover letter and resume to: Public Works Director, Town of Hartford, 173 Airport Road, White River Junction, VT 05001, **by April 27, 2005**. EOE. (4-5)

Chief of Police. The City of St. Albans, Vt. is looking for a dynamic person to lead its police department. St. Albans (pop. 7,650) is the county seat of Franklin

County and is home to many regional shopping, dining and entertainment options, along with services from the state and federal governments. The police department has a staff of 24, including 16 sworn officers. Its budget of just over \$1.5 million includes the operation of a regional dispatch and E-911 Call Center. The ideal candidate will have a background of education and experience that demonstrates effective leadership and a practical knowledge of how to involve community members in the policing effort. We are looking for someone who is customer service-oriented and has a track record of building coalitions, taking initiative and being innovative. Qualifiers include a Bachelor's Degree from an accredited college and a minimum of 10 years of experience in policing, five of which should be at a management level. Advanced degrees, additional experience, graduation from the F.B.I National Academy or similar advanced police management programs are desirable. Vermont police certification required within six months. The position offers an excellent benefit package and a competitive salary range of \$55,000 to \$62,000, depending on qualifications. Please apply by submitting a letter of interest, resume, references and salary history **by April 30, 2005** to: Brian R. Searles, City Manager, 100 North Main Street, St. Albans, VT 05478. Confidentiality not guaranteed for finalists. EOE (3-30)

Zoning Administrator. The Town of Calais, Vt. is looking for a zoning administrator. This is a three-year appointment with the responsibility of issuing zoning permits and enforcing the town's zoning regulations. The position is part-time (up to 10 hours per week). Those with previous experience in zoning, municipal law, or similar experience are encouraged to apply. Applicants do not need to be a resident of the Town of Calais. Send letter of interest and resume to Calais Planning Commission, 3120 Pekin Brook Road, East Calais, VT 05650 **by April 30, 2005**. A copy of the job description can be obtained from the Town Clerk or

(Continued on Page Fourteen)



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Calendar

For more information about the following workshops or events, please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org. Or, visit www.vlct.org, select the Calendar, and select a workshop for more information or to register on-line (on-line registration option is available for VLCT workshops and events only).

Legal and Technical Aspects of Property

Taxes. Thursday, April 28, and Thursday, May 5, 2005. This popular workshop will be delivered twice: On April 28 at the Cortina Inn in Mendon and on May 5 at the Town and Country Resort in Stowe. Sponsored by the VLCT Municipal Assistance Center. This workshop will examine the legal issues, procedural requirements, and roles and responsibilities of those in the property tax appeals process.

Underground Damage Prevention/Dig Safe in Vermont.

Tuesday, May 10, 2005, Asa Bloomer Building, Rutland. A free, informational seminar sponsored by the Department of Public Service (DPS). Best practices as established by the Common Ground Alliance (CGA) will be reviewed and participants will be provided a copy of the CGA Best Practices Manual. Call Audrey Lindgren at the Vermont Department of Public Service (802/828-4047) or e-mail (audrey.lindgren@state.vt.us) for registration and more information.

VTCMA Spring Conference. Thursday, May 19, and Friday, May 20, 2005, Inn at Willow Pond, Manchester. The annual spring meeting of the Vermont Town and City Managers' Association.

Clerks and Treasurers. Thursday, May 26, 2005, Capitol Plaza Hotel, Montpelier. Sponsored by the VLCT Municipal Assistance Center. This annual workshop will focus on the nuts and bolts issues faced by municipal clerks and treasurers.

Particular attention will be given to licensing dogs, record keeping requirements, and recent statutory changes.

An Introduction to Health Savings Accounts.

Tuesday, June 7, S. Burlington, Wednesday, June 8, St. Johnsbury, Thursday, June 9, Bennington, and Friday, June 10, 2005, Hartford. Sponsored by the VLCT Group Services Member Relations Department. The morning workshop, with lunch, is free for VLCT Health Trust members.

Planning and Zoning Series #4, Attracting Development to Your Downtowns.

Thursday, June 9, 2005, VIT sites throughout the state. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. This evening workshop will focus on tools available to towns to ensure their downtowns remain economically vibrant.

(Please note that the May 19, 2005 Essential Management Skills Workshop has been cancelled.)