

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

December 2005

LEGISLATIVE SESSION 2006 HEALTH CARE AND EDUCATION FUNDING, AGAIN

November is here, the month when Vermonters can just settle back, watch the last leaves fall without leaf peeping witnesses, and think about the winter on the way. And, if winter is on the way, so is the Legislature! The 2006 legislative session starts on Tuesday, January 3. Much unfinished business remains to be taken up from the last year. In addition, summer study committees

have been working on a host of issues (see related article in this issue), guaranteeing that there will be lots of new business that affects local governments.

Every bill that was introduced in 2005 is "alive" again in the second year of the biennium (2006) unless it was passed last session. The exceptions (of course there are

(Continued on next page)

VLCT BOARD OF DIRECTORS PROFILE

VERNON TOWN CLERK SANDY HARRIS

New VLCT Board member Sandy Harris is the fifth generation of her family to live on the family's former farm in Vernon. Generations six (her son) and seven (her grandson) also live on the family homestead, extending an already remarkable legacy.



These deep, deep roots in the Town of Vernon, along with her grandparents' and parents' active roles in their community, made Sandy's choice of profession a natural. "It was just hereditary, I guess,"

(Continued on Page Eight)

VLCT HEALTH TRUST DEBUTS LEADER PROGRAM

A new program of the VLCT Health Trust will use the carrot of rate credits to encourage municipal wellness programs.

The Leader Program, which will be available to Health Trust members as of January 1, 2006, makes a deal between the Trust and its members. The deal is this: if members volunteer to spend the time necessary to carry out a comprehensive health promotion program, as defined by the Trust, they will be eligible for up to a four percent rate credit (subject to a capping mechanism) at the end of 2006.

"We are excited to offer this health promotion incentive program that can return significant financial credits to our members," said Brian FitzPatrick, Chief Operating Officer, VLCT Group Services. FitzPatrick and Heidi Joyce, Senior Health Promotion Consultant, have worked with the Health Trust Board of Directors and a focus group of five municipalities over the last year to design the Leader Program.

Here is how it works. Based on a significant amount of research and refinement, the Health Trust designed what it feels is a well-managed municipal health promotion, or wellness, program. FitzPatrick and Joyce have taken the key features of this program and written the "Leader" – a set of expectations that measures a municipality's health

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VLCT would like to thank the following Health Trust members for their participation in the Leader Program focus group: Marble Valley Regional Transit (Ellen Atkinson), Addison County Solid Waste Management District (Katie Johnson), Town of Colchester (Sherry Labarge), Town of Royalton (Jackie Higgins), and Town of Wilmington (Mary Towne). Here, VLCT Senior Health Promotion Consultant Heidi Joyce is giving Ellen Atkinson a rate credit "check" for the Marble Valley Regional Transit's participation.

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2006 LEGISLATURE -

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exceptions) are those bills passed by the Legislature and vetoed by the Governor, where the Legislature failed to override his veto.

Practically speaking, a host of bills introduced in 2005 will not be taken up again in 2006 because they are old news. Quite frequently, though, a legislator will introduce a bill in the second year of the biennium that is fairly close in content to one introduced in the first year, just because it looks more timely if it has a 2006 number.

Below is a rundown of the several big issues the Legislature is likely to take up in January, much of them related to the budget. And remember, we are headed into an election year!

- The Transportation Committees will need to find between \$12 and \$20 million in each of the next five years to match federal funds made available in the recently passed federal transportation bill, "Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users" (SAFETEA LU).
- The Natural Resources Committees in both the House and Senate will look at issues surrounding growth management and definition and designation of "growth centers." They will use the work of the legislative Working Group on Growth Centers, the Vermont Council on Rural Development, and the Governor's Committee on Downtowns and Growth Centers. The Senate committee will revisit how to handle primary agricultural soils in Act 250. Whether or not there will be legislation on stormwater this year is unclear at this time. We do know that there is likely to be legislation that would make it easier to site on-site sewage systems in clay soils where water is less able to percolate down through the soils.
- A group of regional commission staff and local officials has developed a rather lengthy list of technical changes that need to be made to Title 24, Chapter 117 in the wake of the permit reform bill adopted two years ago. Additionally, they will ask for funds to continue training local officials to implement provisions of Chapter 117 and Vermont land use law.
- Clearly, health care reform will top agendas in the House and Senate. As we watch the work of the Commission on Health Care and the Governor's Health Care proposals and summit, one can see that battle lines are drawn.
- A substantial bill addressing corrections issues and re-entry of offenders into cities and towns was passed last year (S. 156, Act 63). As part of that bill, a study was established to consider the needs for transitional housing with respect to released offenders. New reintegration furlough rules have been adopted by the Department of Corrections, and the Department has begun to release offenders back into community settings. Certainly, the House and Senate Judiciary Committees will want to hear about progress in light of the provisions of S. 156. As well, the committees will be considering the issues of "civil commitment," or how to handle offenders whose crimes were especially egregious and who will continue to present a significant threat to the community if released.
- This summer's U.S. Supreme Court decision, *Kelo v. City of New London CT*, has generated considerable interest in Vermont, a state where the process for taking and compensating owners for land involves findings of necessity, extensive public process, and very conservative use of the practice among local governments. Several bills will address the use of eminent domain in the coming session.
- The House and Senate Transportation Committees and the House Commerce Committee are interested in the issue of ancient roads from varying perspectives. For House Commerce, the issue is one of title to property and knowing what municipal rights of way might be attached to a piece of land. For the Transportation Committees, the question is what is the appropriate way to handle rights of way that might not be recorded on state highway maps, but do belong to a municipality and are or might be used by the public.
- Education continues to represent one of Vermont's most significant expenditures. As noted in the related article on summer studies, the Ways and Means Committee is likely to propose an alternative to the

(Continued on Page Eighteen)



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LEGAL AND REGULATORY NOTES



PARTIAL REAPPRAISAL OF PROPERTY

VERMONT SUPREME COURT APPROVES PARTIAL REAPPRAISAL

It seems that nearly every month this column reviews decisions in property tax appeal cases. Why are property tax matters so frequently litigated in Vermont? Two reasons come to mind. One, because state and local government rely heavily on the property tax for educational and municipal services, and, two, setting property tax values is not an exact science, making it an easy target for property taxpayers.

Taxpayer/appellants have many different angles to approach the issue from: taxpayers have a constitutional right to pay only their fair share of property taxes, municipal taxing authorities choose many different methods of keeping their grand lists current, and the real estate market is in constant flux, making appraisals rapidly-moving targets. In one of these challenges, the Town of Randolph has prevailed before the Vermont Supreme Court in a case where a mini-mart appealed its valuation, claiming the Town had unfairly targeted it for reappraisal. *M.T. Associates v. Town of Randolph*, 2005 VT 112 (Oct.

7, 2005). The Supreme Court reversed the lower court, so that the value would be reset to that which the Town had set.

In 1998, M.T. Associates purchased property, tore down existing buildings, and built a mini-mart consisting of a convenience store and gas pumps. The listers reappraised the property at \$411,300 in light of the new construction. M.T. Associates then grieved this valuation to the listers on the ground that the property was valued higher than

value. To correct this underassessment, they raised all the values, including that of M.T. Associates' mini-mart to \$560,000, a figure that was later grieved and reduced to \$496,000.

Nevertheless, M.T. Associates appealed this valuation, on the theory that the Town could not selectively reappraise only mini-marts. The only fair reappraisal, in their view, would be a total reappraisal of all properties, or perhaps a partial reappraisal in

Whether your town is dealing with a particular geographic area that has become a hot real estate commodity, or you have a certain category of business in town that is expanding rapidly, it is within your authority to choose to reappraise only those sectors that you have the resources to take on.

that of other mini-marts in town. The listers concluded that this particular property was, in fact, valued disproportionately higher than other mini-marts, and temporarily lowered the assessed value to \$336,300. In a note attached to the grievance decision, the listers wrote: "This is a one-year adjustment. We will be looking at all minimart/gas station type properties in Randolph again next year."

The following year, the listers reviewed the values of all five mini-marts in town and found that they were only assessed at fifty-three to seventy percent of fair market

the context of a "rolling reappraisal." The Orange Superior Court accepted this theory, concluding that the Town's reappraisal of only mini-marts was unconstitutional and consequently the listed value of M.T. Associates' property should be reset to the prior year's value. The Town appealed this decision to the Supreme Court, which overwhelmingly reversed the lower court. The Court, having recently decided another similar case involving the Town of Lyndon, summarized its holding in that case, stating,

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LEGAL/REG. NOTES -

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“the town’s decision to reappraise a unique geographic area was rational and served the legitimate purpose of addressing the most under-assessed areas.” Here, too, the Town’s decision to reappraise a unique category of commercial properties was appropriate because it was rationally conceived and based on the legitimate purpose of reappraising undervalued properties.

The holdings in M.T. Associates and the Lyndon case turned on whether the towns had a rational basis for assessing only a certain class of properties, and whether their actions to reappraise served a legitimate governmental purpose. In both situations, the Court found that the towns’ goals were to “keep appraisals as current as possible within the resources available by attacking the worst underassessment problem areas.” Additionally, there was a legitimate purpose behind these actions: to bring property values for the subject property closer to fair market value, as required by the property tax appraisal statute.

The lesson to take home from M.T. Associates is that towns should not be

paralyzed with fear because of a grand list that has dipped far below fair market value. The Vermont Supreme Court has wholeheartedly endorsed the authority of towns to take small bites at the property appraisal apple, and has been deferential to the policy choices made by towns in choosing just how to reappraise. Whether your town is dealing with a particular geographic area that has become a hot real estate commodity, or you have a certain category of business in town that is expanding rapidly, it is within your authority to choose to reappraise only those sectors that you have the resources to take on.

- Brian Monaghan, Attorney, VLCT
Municipal Assistance Center

VTCMA AWARDS

At its recent fall meeting, the Vermont Town and City Management Association presented its annual Distinguished Service Award to **Richard Svec**, Cavendish Town Manager, and its annual Outstanding Achievement Award to **Joseph Zingale**, Rutland Town Administrative Assistant.

Congratulations, gentlemen!

NEW GRADS



The Vermont Local Roads Management Academy graduated its first class last month. From January through October, twenty-two “students” from fifteen Vermont municipalities and the Agency of Transportation participated in the Academy’s ten, full-day workshops on a variety of management and leadership topics. The graduates pictured above received their certificates of completion at a recognition lunch at the Doubletree Hotel and Conference Center in South Burlington early in November. Congratulations!

(Photo courtesy of Vermont Local Roads Program.)

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ASK THE LEAGUE RESIDENCY REQUIREMENT; QUORUMS & VOTING; HOLIDAY DISPLAYS

Must a clerk or treasurer of a fire district be a resident of the district he or she serves?

Yes. Generally, a clerk or treasurer must be a "legally qualified voter" from the municipality that he or she serves. 17 V.S.A. § 2646. Since a legally qualified voter may only vote in the municipality in which he or she is domiciled, the clerk or treasurer must consequently be a resident of that municipality. 17 V.S.A. §§ 2121, 2122(b). The statutory language governing a clerk or treasurer of a fire district is slightly different, but the result is the same.

The residency requirements for the clerk and treasurer of a fire district are laid out in 20 V.S.A. § 2485. That statute provides, "A fire district shall elect at its first meeting and at each annual meeting thereafter a clerk, a treasurer and collector of taxes." While the law is silent as to the residency requirements of a clerk or treasurer, the Legislature made specific allowance for the election of other officers who are not inhabitants of the district. "Such fire district may elect a chief engineer and such assistant engineers as are necessary, whether or not they are inhabitants of the district." 20 V.S.A. § 2485 (emphasis

added). So, why would the Legislature go out of its way to declare that engineers do not have to be inhabitants of the district? The answer is that this is an exception to the general rule that municipal officials must be residents of the municipalities they serve.

This interpretation is reinforced by the very next statutory provision, 20 V.S.A. § 2486, which states, "A fire district may elect the collector of town taxes, *although he is not an inhabitant of the district*, to be the collector of fire district taxes." As the Legislature did not extend this exception to the clerk or treasurer of a fire district, it does not extend to those offices. Consequently, to be eligible to sit as clerk or treasurer in a fire district, the candidate must be a resident of that fire district.

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center

Our town has a seven member planning commission. It recently held a hearing on a subdivision application. Four of the seven members were present for the hearing. A motion was made to approve the application. Three of the members voted yes and one voted no. Was the three to one vote an approval or denial of the application?

The seven-member planning commission's three to one vote brings into play two statutory provisions. The first is 24 V.S.A. § 4461(a), which provides in relevant part, "For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the panel, and any action of the panel shall be taken by the concurrence of a majority of the panel." The second is 24 V.S.A. § 4464(b)(1), which provides in relevant part, "The [appropriate municipal] panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day."

Understanding the impact of this vote requires a two-part analysis: First, is the vote a concurrence of the majority of the planning commission, as required by 24 V.S.A. §4461(a)? If not, is the vote a "decision" under 24 V.S.A. § 4464(b)(1)? This second part of the analysis is key, because if the planning commission has failed to issue a decision, the result may be deemed approval under 24 V.S.A. § 4464(b)(1).

The Vermont Supreme Court has been wrestling with this issue for more than twenty years. The issue first arose in 66 North Main Street, 145 Vt. 1 (1984), where an applicant appealed the denial of a building permit and sought a variance from the Rutland Zoning Board of Adjustment (ZBA). Although the ZBA consisted of five members, only three were in attendance when the board voted on the application. One of the three did not participate in the vote. The other two voted to deny the variance.

The applicant appealed the decision to the Superior Court. The Court held that the ZBA's order was invalid because only two of the five-member board signed the order. Based on this plus the ZBA's failure to issue proper findings of fact, the Superior

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ASK THE LEAGUE -

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Court ruled that the ZBA had failed to issue a decision within the prescribed time and the variance was deemed granted to the applicant. The City of Rutland appealed the Superior Court's decision to the Supreme Court. The Supreme Court held that since only two of the five-member ZBA had signed the order, the order was "patently defective." Because the Board had failed to render a decision within forty-five days after hearing, the applicant obtained the variance it sought by operation of law under 24 V.S.A. § 4470(a) - the predecessor to 24 V.S.A. § 4464(b)(1). *Id* at 3.

The issue was addressed by the Supreme Court fourteen years later in *Newton Enterprises*, 167 Vt. 459 (1998). *Newton* sought approval from the Fairlee ZBA to expand a non-conforming use. The ZBA held a hearing on the application. Five of the seven members of the board were present but one member abstained from participating because of a conflict of interest. Following the hearing, the remaining four members of the board voted to deny the request on a

vote of three to one. The board notified the applicant of the decision four days after the hearing.

The applicant appealed the decision to the Environmental Court. Applying the holding in *66 North Main Street*, the Environmental Court ruled that the ZBA's vote was ineffective because it was not joined by a majority of the ZBA. As a result, the Environmental Court further ruled that the ZBA had failed to take action within forty-five days and the applicant was entitled to a permit by operation of law.

The Town appealed the decision to the Supreme Court. The Supreme Court acknowledged that the Environmental Court's decision followed the holding in *66 North Main Street*, but concluded that the result carried deemed approval beyond its intended purpose. The three to one vote was "defective," but for purposes of deemed approval, the ZBA had issued a decision. *Id* at 466. The Court stated, "We hold that the board has rendered its decision when it issues a written decision and the votes are sufficient that the outcome could not change by the involvement of other members of the board." *Id*. The three to one vote, with one member abstaining, "showed that *Newton Enterprises* could never obtain the requisite number of votes. Of the five members present on the zoning board, three members voted against *Newton Enterprises*' proposal and one recused himself because of a conflict of interest. Even if the two absent members had been present and had voted for *Newton Enterprises*, the final vote would have been a tie with neither side receiving the requisite majority." *Id* at 464-465.

Newton Enterprises instructs that for purposes of deemed approval, when a vote has been taken by a quorum, but less than the full number of members of a zoning board, one must look to whether involvement of the other members of the board might change the outcome. If it wouldn't, a decision has been issued for purposes of 24 V.S.A. § 4464(b)(1) and deemed approval cannot occur.

Under the two-part analysis described above, your planning commission's three to one vote was not a concurrence of the majority as required by 24 V.S.A. § 4461(a). The remaining question is whether the three to one vote is a decision under 24 V.S.A. § 4464(b)(1). Applying the holding in *Newton Enterprises*, we would conclude that the planning commission's three to

one vote was not a decision under 24 V.S.A. § 4464(b)(1) because the outcome *could* change by involvement of other members of the planning commission. For example, if just one of the three other planning commission members voted in favor of the application, the application would be approved. It was precisely because this could have *never* occurred in *Newton Enterprises*, that the Supreme Court held that the Fairlee ZBA's three to one vote was a decision and the applicant was not entitled to deemed approval. Your planning commission's three to one vote is not a "no" decision. Rather, it is essentially a "non-decision," which, if not rectified, raises the possibility of deemed approval under 24 V.S.A. § 4464(b)(1).

If there is sufficient time, and the planning commission's vote has not been communicated to the applicant, the four members of the planning commission might attempt to hold another vote on the application. If it is not possible, the planning commission might contact the applicant, explain the situation, and ask if the applicant would agree to another hearing with a full contingent of the commission members present. Another alternative might be to issue a decision based on the three to one vote. That decision could state that the application has not been approved because, while the vote was three to one in favor of the application, the application did not receive approval of a majority of the entire board as required under 24 V.S.A. § 4464(a). On the other hand, the decision could state that while the planning commission voted three to one in favor of the application, it was unable to reach a final decision. In either case, given the vote, the applicant might appeal the decision to the Environmental Court, seeking deemed approval. Given the time and expense of such an appeal for both the applicant and the town, either holding another vote or another hearing might make more sense.

This question points out both the risks of proceeding on an application with a bare quorum and the advantage of using alternate board members. A five-member board with two available alternates is less likely to face the specter of deemed approval for a non-decision than a seven-member board operating with a bare quorum of four members.

- Jim Barlow, Attorney, VLCT Municipal Assistance Center

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SUMMER STUDY COMMITTEES

VERMONT'S UNOFFICIAL LEGISLATIVE SESSION

SANDY HARRIS -

(Continued from Page One)

Work on a number of issues continued on even after the 2005 legislative session closed its doors for good in mid-June. Some of the issues are longstanding ones, whose complicated nature needed extra attention (education finance, health care). Others are new to the Legislature, and hence needed more research before members take up legislation to address them.

Below is a summary of the progress made to date by committees that are addressing issues that will have an impact on municipalities. The summaries give a hint of what is to come in the second half of the 2005-6 legislative biennium. See you there!

House Legislative Study Committee on Income Based Education Property Tax for Vermonters. This committee with the long name will recommend to the Legislature two alternative plans to simplify and improve the income sensitivity provisions of Act 60/68. The Committee is comprised of six House members, and representatives of the state Tax Department, VLCT (Steven Jeffrey), the Vermont Municipal Clerks and Treasurers' Association, and a tax preparer. Between its convening in September and its final report date of December 15, 2005, the Committee will have met seven times and held one public hearing.

The Committee will first recommend that the residential statewide property tax rate be significantly reduced and an education income tax be implemented on Vermont residents. This will reduce school property taxes on residents sufficient to eliminate the need for the prebate system. The second, alternative recommendation will be to combine the current prebate and rebate systems into a new two-step education tax reduction system, with the State check sent directly to the town before school tax bills are sent out. The reduction will be reflected in the tax bill sent to the residents by the town.

Vermont Commission on Health Care. This commission was established by the 2005 Legislature and is in place through July 1, 2009. Though funds were appropriated to hire a full-time commission director, the commission has instead hired a staff member of the Joint Fiscal Office and a consultant, Dr. Kenneth Thorpe. The commission includes eight current and two former legislators and has met seven times to date. It is scheduled to meet again on December 16.

Dave Sichel, VLCT Group Services Director, and Bill Shepeluk, Waterbury manager and president of the VLCT Health Trust, have testified at length before the commission regarding the state of health insurance for local governments and VLCT's Health Care Proposal. The Health Care Commission is undertaking research efforts that it hopes will inform the health care debate and provide direction to the Legislature, as it drafts legislation to improve Vermont's health care system. It also recently issued a request for proposal (RFP) to evaluate the current state of health care information technology in Vermont. Proposals are due November 18, 2005.

In addition to the commission's work, the House and Senate Health Care Committees held a series of six public forums around the State, during which they invited Vermonters to speak out about their health care expectations.

More information on the efforts of the commission and the joint committees may be found at <http://www.leg.state.vt.us/CommissionOnHealthCareReform/default2.cfm> or <http://www.leg.state.vt.us/Public%20Engagement%20Forums/PUBEngForumInfoSheets.htm>.

Transitional Housing Study Committee. This committee was established in the corrections bill (S.156) last spring. Transitional housing is a supervised residence where offenders receive the "wrap-around" services (substance abuse counseling, employment counseling, prescription drug programs, and so on) that they need during their re-integration into the community. The target population for the study committee is offenders on conditional re-entry (also known as furlough, house-arrest). Swanton has volunteered to serve as host to the study committee, which will attempt to create a basic model for transitional housing that could be applied successfully in any smaller community.

The committee is comprised of local, state, and non-profit representatives and has met every other week since the beginning of October. Swanton Town Administrator Dick Thompson and Police Chief Mike McCarthy have actively participated throughout. The bill requires the committee to have a completed report to the Legislature

she commented. Sandy's grandfather was a representative to the Vermont House of Representatives and her grandmother wrote the *History of Vernon*, as well as served as the Town's Overseer of the Poor. Before his recent death, her father served Vernon for over sixty-one years in different capacities and was very active in the Republican Party. "Goldwater" was my baby sister's first word, so you can tell what went on at our house," Sandy said. And, while her father was tending to Town business, Sandy's mother was for many years a member and chair of the Vernon School Board.

How has this combination of sense of place and her family's history of community service influenced Sandy? Not surprisingly, she is a strong proponent of local control in the face of increasing state and federal regulation of municipal matters. Yes, times do change and pose new problems, but Sandy feels that government at the local level is still best able to respond to a community's unique challenges.

In Vernon, for example, the loss of farmland and the inability of some residents to afford to stay in their homes are two issues that the Town is working to solve locally. The Town has created and appointed citizens to two committees – the Farmland Protection Advisory Committee and the Elderly Assistance Committee. Voters have approved raising and appropriating enough money to purchase the development rights to two large pieces of farmland, thereby ensuring that the land will be available for farmers far into the future. The Elderly Assistance Committee arranges for everything from fuel assistance to building residential ramps to improve accessibility to furnishing rides when the Town/Senior van isn't available. The Selectboard is currently founding a food bank and looking at ways to help with heating costs. A recent project was to coordinate the Town's donation of land and funds to a senior housing project that will be administered by Housing Vermont.

Where does this "can do" attitude come from? "We have had very wise people in town, people who really care about other people," Sandy said. "They left hard shoes to walk in, never mind fill." She also cites the good relationship the Town has with Entergy Vermont Yankee. "Vermont Yankee supports

(Continued on Page Fourteen)

(Continued on next page)



SANDY HARRIS -

(Continued from previous page)

the Town financially, and willingly," she noted.

In her role as VLCT Board member, Sandy would like to work on securing funding for mandatory education programs for local officials. "It's not the control that is needed [from the State], but education," she commented. She would also like to see VLCT work to gain more State support for individual local positions and control. As a Town Clerk, and former President of the Vermont Clerks and Treasurers' Association, she is particularly interested in "keeping the integrity of the clerks and treasurers offices." She questions whether State laws such as Acts 60 and 68 have indeed improved the educational quality of our schools. She does know they have chipped away at treasurers' and listers' local authority and suspects the taxes they collect have created part of the State's housing affordability problem.

Harris is also closely watching two recent federal laws that are poised to drastically change the way municipal clerks do business: the Help America Vote Act and the Intelligence Reform and Terrorism Prevention Act (the latter imposes extra security measures on access to vital records). Both take local control away, she notes, adding, "We don't have problems with elections or with vital records. We are not broken, so why fix it?"

Looking further ahead, Harris sees the high cost of education continuing to squeeze Vernon's municipal budget, planning for when Vermont Yankee closes, and the lack of broadband as three challenges for Vernon's future. She is also keen on keeping alive Vernon's tradition of community activism and problem solving. "There is a multitude of awesome people out there," she said, noting that she has a volunteer senior citizen who helps out in her office for two hours every day. (And after that, he volunteers in the Library in the afternoon!) "I could never afford to hire anyone with this gentleman's integrity, diligence, and overall perfection," she said.

Harris does her part to encourage civic awareness by hosting a mock election every year for Vernon's third graders. She puts them through their paces, too, by intentionally leaving someone off the checklist, and by having them administer oaths and count ballots. She even gives them a ballot

question to work on ahead of time, so they come, like any responsible citizen should, educated about the issue, and ready to vote.

Not one to just talk the talk, Sandy also plays the piano for her church and one other church, and has a long history of service to the Town in addition to her clerk duties. She also enjoys spending time with her three sons, three daughters-in-law, and four grandchildren. One son just returned home from his second tour of duty in Iraq, making his Mom a very happy person!

Public service does run deep in the Harris family, and gives Sandy great satisfaction. Serving her fellow residents from birth to burial, and "knowing that the records I keep will be here long after I am gone," are very satisfying to her. It is a long-term and generous view of her community, and we at VLCT are grateful that she will now share it statewide through her service on the VLCT Board of Directors.

Welcome, Sandy!

- Katherine Roe, VLCT Communications Coordinator

TRIVIA

Mike Gilbar, VLCT's resident trivia guru, loves to read Vermont history books. However, his ever-expanding knowledge of the State's obscure historical and political facts stumped everyone last month. No one answered that Governor Josiah Grout of Derby spoke to the Legislature in 1898 about caucus reform. His speech is now considered the beginning of the progressive movement in Vermont, and eventually resulted in two bills that died in committee in 1900.

So, to give everyone a better chance, this month we have a change in subject from history to geography. Here is the December challenge:

How many named peaks are there in Vermont and what percentage of the state is not considered flat and fertile?

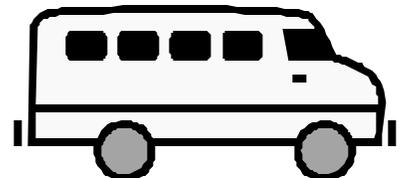
Contact us with your answer: VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602, tel. 800/649-7915, fax, 802/229-2211, e-mail, kroe@vlct.org.

IS IT TIME TO ECONOMIZE ON TRANSPORTATION COSTS FOR YOUR ORGANIZATION?

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**TO LEARN MORE, CONTACT VEDA.
802-828-5627**





CUTS

(COMMUNICATIONS UNDER TEN SENTENCES)

LEADER PROGRAM -

(Continued from Page One)

promotion efforts against the Trust's expectations for its ideal health promotion program. There are eighteen expectations for management and nine for employee/dependent participation; they cover issues such as the presence of a Safety and Health Policy, anti-tobacco use efforts, flu shot availability, encouragement of exercise, etc. A Health Trust member's financial reward is based on its level of achievement of these expectations, as determined by an end of year audit. As noted above, the maximum reward for a municipality meeting one hundred percent of the expectations is four percent of its annual contributions (subject to the cap).

FitzPatrick and Joyce will explain the Leader Program and how to complete the Leader at each of the five Wellness Coordinator Workshops they will hold around the State in January and February 2006. Filling out the Leader will give municipalities guidance on what steps they need to take to improve their Leader score (and boost their rate credit). This will provide a road map of sorts for their 2006 health promotion efforts. To sign your town up for one of the Wellness Coordinator Workshops, please visit www.vlct.org/calendar/, where there is an on-line registration form.

"Health promotion programs are one way we can encourage our members' employees and dependents to lead healthier and more satisfying lives," noted FitzPatrick. "Rewarding our members for their successful programs is the right thing for the Health Trust to do, as well as being one of the many options we are employing to keep our members' health insurance costs in check."

- *Katherine Roe, VLCT Communications Coordinator*

HEALTH TRUST 2006 RATES ANNOUNCED

The VLCT Health Trust notified all members in mid-November that the rates for its suite of J Plans, Vermont Freedom Plans, and the Vermont Health Partnership Plans are rising an average of only 9.6 % for 2006. The Trust is pleased to return to a single digit increase after three years of double digit rate increases.

ATTENTION PACIF MEMBERS

Have you returned your 2006 Renewal packet? If not, please do so immediately! This information was due at our offices on November 4, 2005. The 2006 invoices will be mailed out in mid-December. Thank you for your cooperation!

REMINDER TO HEALTH TRUST MEMBERS

January 1 is the plan anniversary for all VLCT Health Trust plan offerings. This is the time of year when your employees can add dependents to their coverage or switch plans. Likewise, member groups can also switch or add health plan offerings and add the Domestic Partner Rider to coverage as well. Please contact the Member Relations staff at VLCT at 800/649-7915 for additional information.

WINTER OLYMPICS PEDOMETER CHALLENGE DEADLINE

December 1, 2005 is the deadline for Health Trust members to sign their employees and dependents up for the Winter Olympics Pedometer Challenge. While the Challenge doesn't start until February 20, 2006, the December deadline allows VLCT enough time to order pedometers, maps, t-shirts, etc. for all the participants.

Last year, over 2,000 Health Trust members and their families participated in the Catamount Trail Pedometer Challenge. The Trust's annual step counting programs are a great way to shake off the end-of-winter blahs, get off the couch, and get moving. To download a copy of this year's registration and order forms, please visit http://groupservices.vlct.org/online_forms/?pg=pdfs.

VLCT UNEMPLOYMENT INSURANCE TRUST SEEKS BOARD NOMINATIONS

The VLCT Unemployment Insurance Trust Board of Directors currently has two vacancies – a regular board seat and an alternate board seat. Board members must be an elected or appointed local official from a Trust member municipality. If you, or another local official that you know would like to serve on the Unemployment Trust Board of Directors, please download a nomination form from <http://www.vlct.org/boardnom.cfm>, fill it out, and return it to VLCT. Thank you for your interest.

UNEMPLOYMENT TRUST APPOINTS 2005-2006 OFFICERS

The VLCT Unemployment Insurance Trust Board of Directors recently appointed its officers for the upcoming year. **Gary Snider** (Clerk/Treasurer, Richford) will be President, **Katherine Picard** (Councilor, Winooski) will be Vice-president, and **Charles Hafter** (City Manager, South Burlington) will be Secretary/Treasurer. **Kathleen Ramsay** (Business Manager, Middlebury) is a regular Board member.



KEEP YOUR FAMILY SAFE THIS HOLIDAY SEASON

Holidays are a joyous time. Make sure they are also a safe time by following these safety tips from the New York City Fire Department:

- Make sure you have a working smoke detector on every level of your home.
- If you choose a tree, choose a freshly cut one, and keep it well-watered.
- Cut a few inches off the trunk before placing it in water.
- When your tree becomes dry, discard it promptly.

- Keep your tree away from heat sources, sparks, or flames.
- Don't leave indoor tree lights on while unattended.
- Use wire or cord to secure your tree to the wall or ceiling to prevent it from toppling onto small children or pets.
- Check all light sets prior to use. Don't use damaged lights or extension cords.
- Avoid overloading circuits.
- Use only Underwriters Laboratories (UL)-approved lights on your tree.
- Never use candles on your tree.

- Promptly remove all discarded packages and wrappings from the home.
- Never burn wrappings in the fireplace or wood stove.
- If you use candles to decorate your home, make sure they are in stable holders on a flat, stable surface with a one-foot circle of safety around them.
- Never leave candles burning when you go out.
- Never leave children or pets unattended around a lit candle.
- Never use candles near combustible materials such as curtains, drapes, bedding, or cabinets.



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SAFETY AND HEALTH PROMOTION PROGRAMS

DEDICATED CLAIMS DEPARTMENT



Also follow these decoration safety tips from the U.S. Consumer Product Safety Commission:

- Use only noncombustible or flame-resistant materials to trim your tree.
- In homes with small children, take special care to avoid decorations that are sharp or breakable, keep trimmings with small removable parts out of children's reach, and avoid trimmings that resemble candy or food that may tempt a child to eat them.
- Wear gloves to avoid eye and skin irritation while decorating with spun glass "angel hair." Follow container directions carefully to avoid lung irritation while decorating with artificial snow sprays.

For more information about VLCT Group Services' safety and wellness programs, please contact the Safety and Health Promotion Department at 800/649-7915 or smcnamara@vlct.org.



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Tech Check

USING WORD FIELD LINKS IN YOUR BUDGET

Field links in Microsoft Word are a great way to create dynamic numbers in your budget narrative and they make the editing process simple and quick. Assuming you use Word to write your narrative or budget summary and Excel to list the actual proposed budget, you can cut and paste the links necessary to allow automatic updates of the budget figures in the narrative each time you change them in Excel.

Type the following budget summary in Word:

The 2006 proposed budget includes \$200,000 to cover the highway fund needs and \$70,000 for administrative expenses, and \$100,000 for EMT and fire fund costs, for a total of \$370,000. Projected revenue includes \$315,000 in property

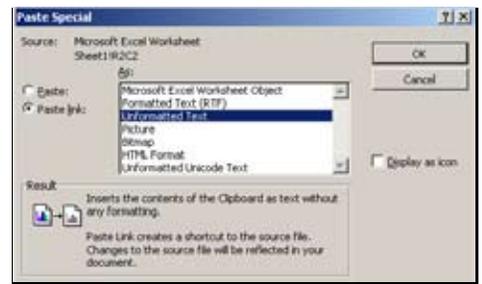
taxes, a highway block grant of \$50,000, and investment income of \$5,000.

In Excel, create the following table:

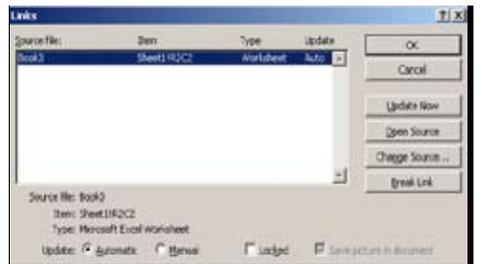
Expenses	
Highway	200,000
Administrative	70,000
EMT and Fire	100,000
Total Expenses	370,000
Revenue	
Taxes	315,000
Block Grant	50,000
Interest	5,000
Total Revenue	370,000

In the Word document, highlight the first budget figure, \$200,000, and delete it. We will replace it with the link we need. In Excel,

highlight the cell with the highway expense of \$200,000, right click and click on Copy. Go back to your Word document and move your cursor where the \$200,000 should be. Click on Edit in the Main Toolbar, then Paste Special. In the next window, click on Paste Link, choose either Formatted or Unformatted Text, and click OK:



Do this for each budget number in the narrative. Now change the numbers in the table, adding \$5,000 to each. To update the links and show these adjusted figures in your narrative, click on Edit and Links. Click on Update Now, then OK to close. All numbers should now match the Excel table.



This handy feature lets you work on your budget and the accompanying narrative at the same time. We all know that budget figures are subject to change (hopefully, for the better). By updating the links between your budget and your narrative, you won't have to worry that the documents refer to different sets of figures.

- Michael Gilbar, Director, VLCT
Administrative Services

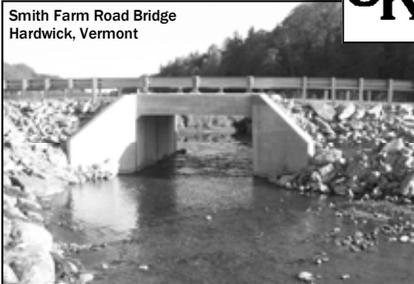


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SUMMER STUDY -

(Continued from Page Eight)

by mid-January, 2006. Committee work to date has focused on research and learning about how the offender re-entry process currently operates. Members have been split into groups and given one of five areas laid out in the bill to research in greater detail. VLCT staff members Karen Horn and Trevor Lashua are in a group charged with examining the operational aspects (planning, budgeting, staffing, programming, etc.) of transitional housing projects.

A letter was sent to selectboards, city councils, managers, and administrators in October soliciting feedback and any other ideas regarding transitional housing. If you have not yet responded, or would like another copy of that letter, please contact VLCT Legislative Associate Trevor Lashua at tlashua@vlct.org or call him at 800/649-7915.

Pet Merchant Industry Study Committee. This committee was established to examine the sale, exchange, or donation of animals in Vermont with an eye towards recommending a long-term solution for permitting of pet merchants.

The committee, created in S.66, is expected to propose draft legislation. VLCT staff members were consulted in the early stages of this committee's work. The committee is scheduled to submit its findings and/or recommendations to the Legislature by mid-January.

Social Security Number Study Committee. This committee is charged with examining both the public and private sector's use of Social Security numbers, along with other privacy issues. The committee, created by the passage of H. 516 (the appropriations bill), was directed to examine those areas or scenarios where the usage of social security numbers can be eliminated, reduced, or better protected when their use is essential.

The committee is looking at a few areas of Social Security number usage in particular, such as the printing of it on ID cards, use on the Internet, on any materials mailed (other than those required by state and federal law to include it), and what to do in the event of a security breach in the data/records keeping system of a collector of such information (such as a credit card company).

A survey was completed on proposed action items, and the committee's work is anticipated to yield a recommendation on

legislation for the upcoming session. The committee's report is due to the Legislature by mid-January.

Agency of Natural Resources Restructuring. The secretary of the Agency of Natural Resources appointed members to a committee to look into what needs to change at the Agency, in accordance with provisions of S. 56 (Act 52) of the 2005 legislative session. The municipal representative on the committee is Norman Arseneault, select-board chair in Granville. The Agency has met several times since the late summer and is holding both hearings and focus groups around the state to determine how it could deliver services more effectively, improve customer service, improve policy and planning efforts, more effectively implement federally delegated laws, and develop accountability measures. A report is due to the Agency by January 15, 2005, although the members of the committee agree that any effort to restructure the Agency or even recommend restructuring measures will be more than a one-year process.

Working Group On Growth Centers. Another committee with an enormous agenda, this one is working through issues related to handling of primary agricultural

(Continued on Page Seventeen)

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ASK THE LEAGUE -

(Continued from Page Seven)

Our town has received a request from a private group to erect a nativity scene in front of the town hall. How should we handle the request?

Though not strictly prohibited under the law, nativity scenes, menorahs, and other religious symbols erected by municipalities or placed on municipal property by private groups during the holiday season run the risk of violating the Establishment Clause in the First Amendment of the United States Constitution. The Establishment Clause may be violated if the display does not have a secular purpose, its principal or primary effect advances or inhibits religion, or the action fosters an excessive government entanglement with religion. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

In determining whether a display advances religion, the following variables have been considered: the location of the display; whether the display included a larger setting with other nonreligious items; the religious intensity of the display; whether it is shown in connection with a secular holiday; the degree of public participation in the ownership and maintenance of the display; and the existence of disclaimers of public sponsorship of the display. The test applied by a court is whether the display would convey the message of government endorsement of religion to a reasonable observer. *County of Allegheny v. American*

Civil Liberties Union, 492 U.S. 573 (1989).

There have been two federal cases involving a Vermont municipality and the display of a religious holiday symbol. In both cases, the display was found to violate the Establishment Clause. In the first, *Kaplan v. Burlington*, 891 F.2d 1024 (2d Cir. 1989), the court held that an unattended, solitary display of a menorah in the park in front of the Burlington City Hall violated the Establishment Clause. In the second, *Chabad-Lubavitch of Vermont v. Burlington*, 936 F.2d 109 (2d Cir. 1991), parties sought a permit to place a menorah alongside a secular display in the same Burlington park. The court noted that the viewer could not view the menorah and the secular displays as a whole because they were not intended to appear as a single display. Given the park's close association with the seat of city government, the court held that granting the permit would have conferred state approval on a religious sect.

Nativity scenes, menorahs, and other religious holiday symbols, when displayed in a larger setting with secular holiday decorations, may not run afoul of the Establishment Clause, so long as the overall context of the display is secular. However, if the symbol stands alone, then a court may likely conclude that the display constitutes a governmental endorsement of religion in violation of the Establishment Clause. Municipalities are cautioned that Establishment Clause analysis is fluid and always depends on the specific facts of the case and the context in which the symbols are displayed. The law remains unsettled and

officials concerned about a request to display a holiday religious symbol on municipal property are well advised to consult their municipal attorney before acting on the request.

- Jim Barlow, Attorney, VLCT Municipal Assistance Center

BOARD ADOPTS POLICY ON MAC INQUIRIES

On October 6, 2005, the VLCT Board of Directors adopted a policy on inquiries placed with the Municipal Assistance Center (MAC). It did so to recognize, and guide, the transition from a legal inquiry service into a more general Municipal Inquiry Service, where local officials can "one-stop shop" for all of their information and education needs. Whether seeking the latest salary and benefits survey, the proper procedure for amending the town plan, advice on handling a difficult staff or board member, or inquiring about the impact of a Supreme Court decision, we hope the Municipal Assistance Center will continue to be the first choice for local officials seeking timely and accurate information.

The new policy, which was mailed to all VLCT members in mid-October, provides guidance on what members can expect when utilizing MAC's Municipal Inquiry Service. In particular, the Policy clarifies that the intent of the Municipal Inquiry Service is to provide members with comprehensive advice on the practices, procedures, and requirements of local government administration. It is not intended to interfere with, or substitute for, the important relationship between a municipality and its regular attorney. In addition, all callers should be aware that information disclosed to our attorneys and staff members, and all advice provided by them, may be shared with other officials in the municipality, so long as such information and advice pertains to the individual's official duties. For a copy of the policy, please visit www.vlct.org/pdf/mac_inq_policy05.pdf.

In FY 05, MAC received over 3,000 phone calls and e-mails from VLCT members. We look forward to continuing to provide this level of service in FY06 and beyond.

- Dominic Cloud, Director, VLCT Municipal Assistance Center

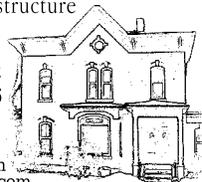
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VLCT BOARD OF DIRECTORS SEEKS NOMINATIONS TO FILL VACANCY

The VLCT Board will have a vacancy later this year when Brendan Keleher, Burlington's Chief Administrative Officer, leaves his position with the City.

Keleher's departure will mark the end of his long association with VLCT. He was a member of the first VLCT Property and Casualty Intermunicipal Fund Board eighteen years ago. He later served another stint on the PACIF board before joining the VLCT Board in 2004. We will miss him, and extend our thanks for his many years of service to VLCT.

According to the VLCT Bylaws, individuals eligible for Board service are selectboard members, mayors, managers, clerks, and treasurers. Holders of a position similar to these, but which was established by a local charter, are also eligible to serve on the VLCT Board.

If you are interested in becoming a VLCT Board member, or would like to nominate another individual, please download a nomination form from <http://www.vlct.org/boardnom.cfm>, fill it out, and return it to VLCT. **The deadline for nominations is Monday, December 19, 2005.** The VLCT Nominating Committee will review the nominations and present them to the Board early in 2006.

SUMMER STUDY -

(Continued from Page Fourteen)

lands in Act 250 and designation/definition of growth centers and "growth opportunity zones" (a program proposed by the Governor's Committee on Downtowns and Growth Centers). An additional issue that the committee is tackling is how and whether to establish caps on the size of big box stores that may be permitted in Vermont. The Working Group (all legislators) has met several times and heard testimony from VLCT staff as well as several municipal officials from around the state. The Group is charged with delivering a report to the Legislature by January 15.

- Steven Jeffrey, VLCT Executive Director;
Karen Horn, VLCT Public Policy and Advocacy Director; and Trevor Lashua, VLCT Legislative Associate

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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**THE
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CLASSIFIEDS -

(Continued from Page Nineteen)

skills are essential. This is a full-time, year-round position with retirement and health benefits. Please send resume with a cover letter of interest to: Municipal Administrator, Lyndon Town Offices, P.O. Box 167, Lyndonville, VT 05851-0167, or e-mail to lyndon@kingcon.com. **Position open until filled.** (11-2)

Electrician. The City of Lebanon, N.H. (pop. 12,700) is seeking a highly motivated individual to work in a team environment for the position of electrician. This position performs responsible technical and skilled duties at an advanced level involving the installation, alteration, maintenance, and repair of electrical and control systems and related equipment. This position is represented by the American Federation of State, County and Municipal Employees. Requirements: A candidate for this position should have graduated from a vocational/technical school with considerable knowledge and five to seven years of practical experience in the electrical trades or equivalent experience, with a Class C Drivers License (Commercial Driver's License Class B preferred), and a valid Master Electrician's License from the State of New Hampshire. Salary Range: \$19.56-\$22.98/hour, DOQ, with a competitive benefits package. **Resume and applications accepted until the position is filled.** Send to Kevin Kingston, City of Lebanon, Utilities Group Leader, 20 Spencer Street, Lebanon, NH 03677. Applications and position requirements can be obtained at the same location. No fax transmissions accepted. EOE "M/F/DP." (10-27)

Public Works Director. Montpelier, Vt. (pop. 8,200), is extending the deadline for accepting applications for the position of Public Works Director, a Department Head position answering directly to the City Manager. The Department has 37 employees and approximately a \$7 million budget (including water, sewer and capital funds). The Public Works Director is responsible for winter/summer highway maintenance, water distribution and

wastewater collection, water and wastewater treatment, vehicle maintenance, capital projects, bridge maintenance and all other functions typically associated with a full service public works operation. For more information, contact the City Manager's Office by calling 802/223-9502, or e-mailing wfraser@montpelier-vt.org. The City of Montpelier offers a comprehensive benefit package. Compensation is negotiable depending on qualifications and experience. The current budgeted annual salary is \$65,700. Submit a letter of interest, resume and list of references to the City Manager's Office, 39 Main Street, Montpelier, VT 05602 by **Friday, December 2, 2005.** (11-10)

Town Manager. The Town of Dorset, Vt. (pop. 2,039) is accepting applications for a Town Manager. The Manager is responsible for the daily operations of the Town and reports to a five-member selectboard. Primary responsibilities include developing and managing a \$1million budget, grant writing, supervision of six employees, community relations, care and maintenance of town roads and facilities, and intergovernmental relations. Salary is commensurate with experience. Excellent benefits. Dorset is a picturesque community in southwestern Vermont. The Town is surrounded by mountains and offers a high quality of life to both residents and visitors. Please send resume to Selectboard, Town of Dorset, P.O. Box 715, East Dorset, VT 05253-0715. (11-14)

**HAPPY HOLIDAYS
FROM VLCT!**



CALENDAR -

(Continued from Page Twenty)

by VLCT PACIF and Health Trusts. This annual, half-day workshop is designed for municipal wellness coordinators. This year, the Leader Program and the Winter Olympics Pedometer Challenge will be introduced to attendees.

Life After "You're Hired" – Municipal Personnel Administration. Thursday, February 9, 2006, Capitol Plaza Hotel, Montpelier. Sponsored by VLCT Municipal Assistance Center. This new workshop will cover the fundamentals of personnel administration in a municipal setting. Particular focus will be placed on determining FLSA status, conducting evaluations, and developing personnel policies.

Local Government Day. Wednesday, February 15, 2006, Capitol Plaza Hotel and the State House, Montpelier. Sponsored by the Vermont League of Cities and Towns and the Vermont Municipal Clerks and Treasurers' Association, Local Government Day is a special day at the Vermont State House for local officials. Hear about the status of pending legislation from VLCT and VMCTA representatives, attend legislative hearings, and speak with your representatives in the Vermont Legislature.

2006 LEGISLATURE -

(Continued from Page Two)

current mechanism for raising education fund revenue. Clearly, this will be an issue in the budget and many other discussions this session.

The foregoing is just a taste of what may be on legislative plates come January. Look also for legislation addressing reconsideration of votes at the municipal level; approval of charter amendments; use of social security numbers; economic development tools and tax increment financing; PILOT (payment in lieu of taxes), and local option taxes. Legislators are not going to make their way through all these issues without your help! Invite them to join your selectboard meeting one evening to discuss these issues. And remember to join us on Wednesday, February 15, 2006 for Local Government Day in the Legislature!

- Karen Horn, VLCT Public Policy and Advocacy Director



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.

HELP WANTED

Zoning Administrator. The Town of Enosburgh, Vt. is seeking a well-qualified individual to serve as part-time (8-12 hours per week) Zoning Administrator. Qualifications include a thorough knowledge of the purpose, theory and practice of zoning; the Vermont Planning and Development Act, 24 V.S.A. Chapter 117; and the Enosburgh Town Plan and Bylaws. Important personal

VLCT NEWS CLASSIFIED ADVERTISING POLICY

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

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

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

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

qualities include courtesy, tactfulness, objectivity, common sense and fairness, and the ability to communicate clearly, both verbally and in writing, with a wide variety of people. Duties include: issuing zoning permits, providing interested parties with the necessary forms to obtain municipal permits; stopping or preventing violations of land use bylaws, assisting with required forms and providing information about local permit requirements; issuing and recording permits and violations with the town clerk; communicating with the Planning Commission, Developmental Review Board and Selectboard; providing testimony before the DRB during appeals; and attending occasional meetings of the PC, DRB and Selectboard. Forward resume and cover letter by **December 30, 2005** to Carolyn Stimpson, Enosburgh Town Clerk, Attention Planning Commission, P.O. Box 465, Enosburgh Falls, VT 05450; or call Claudia Rose at 802/933-6107 with any questions. EOE. (11-17)

Assistant City Manager. St. Albans City, Vt. is looking for a detail-oriented self-starter able to handle multiple tasks with great organizational and communication skills. Responsibilities include budgets, IT, property assessment, and administrative support to all departments. Strong background in finances and administration required. Works under City Manager in a fast-paced but fun and supportive environment. Salary commensurate with experience plus excellent benefits package. Send cover letter, resume detailing background, education, experience to Mary Garceau, City Manager, P.O. Box 867, St. Albans, VT 05478, or e-mail: m.garceau@stalbanstv.com no later than **November 25, 2005**. (11-16)

Wastewater Operator. Full-time position for the Town of Shelburne, Vt. wastewater treatment facility. The successful candidate must have a high school diploma, possess or obtain within six months of hire a CDL with tanker endorsement, possess or obtain within

two years of hire Grade I Wastewater Certification. He or she must excel in a team-oriented, quality driven and detail-oriented environment. Must be able to communicate well with other staff and the general public, and have an excellent past work record. Starting Pay, \$15.52 per hour, plus on-call pay. An excellent benefit package includes family health/dental insurance, paid vacation, sick and personal time, disability insurance, retirement plan. For a complete job description, go to www.shelburnevt.org and click Related Links: Employment Opportunity – Wastewater Operator. Apply to Shelburne Town Manager, 5420 Shelburne Road, P.O. Box 88, Shelburne, VT 05482, or email pbohne@shelburnevt.org. Application Deadline: **Friday, December 2, 2005**. EOE. (11-9)

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 related field is desirable. Salary is commensurate with education and experience. The Town provides a benefits package. If interested, submit a resume with at least three references to: Town Administrator, Municipal Office Building, 108 Shed Road, Berlin, VT 05602 by **December 1, 2005**. For more information, contact the Town Administrator's Office at 802/223-4405. (11-7)

Road Foreman. The Town of Lyndon, Vt. seeks an energetic, solutions-oriented, "hands-on," "can-do" working supervisor of a full-time staff of seven. Must have a valid driver's license and CDL endorsement. A high school diploma or an equivalent Certificate of Completion is a minimum qualification. Added consideration will be given to applicable college credits. Demonstrated computer skills in spreadsheets and word processing a must. Must have experience with operating and maintaining heavy equipment. Prior successful supervisory experience is preferred. Strong math

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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. The on-line registration option is available for VLCT workshops and events only.

VLCT Legislative Preview. Thursday, December 1, Hartford Town Office; Thursday, December 8, Richmond Town Office; Tuesday, December 13, Manchester Town Office; and Friday, December 16, 2005, VLCT Office, Montpelier. Sponsored by VLCT Public Policy and Advocacy Services. Come and meet with VLCT legislative staff to discuss the upcoming session.

Legal and Practical Aspects of Property Tax Collection. Wednesday, December

7, 2005, Royalton Academy, Royalton. Sponsored by VLCT Municipal Assistance Center. This new workshop will provide a comprehensive review of collecting both current and delinquent taxes. Particular attention will be paid to the roles and responsibilities of the officers involved, conducting tax sales, and best practices for doing a tough job well.

Town Meeting Tune-up. Wednesday, January 11, 2006, Royalton Academy, Royalton. Sponsored by VLCT Municipal Assistance Center. This annual workshop offers participants a pre-season primer on parliamentary procedure. Particular attention will be paid to Robert's Rules of Order, requirements of Vermont State law, and best practices for managing the meeting.

Planning and Zoning Series #2: Conducting the Zoning Hearing. Thursday, January 19, 2006. Sponsored

by VLCT Municipal Assistance Center and your local regional planning commission, and offered at several Vermont Interactive Television sites throughout the state. This year's planning and zoning series is focusing on the zoning process from application through decision, over the course of three evening sessions. The second session will focus on conducting the zoning hearing, paying particular attention to using rules of procedure and ethics, and documenting participation by interested persons.

Wellness Coordinator Workshop. Thursday, January 26, Capitol Plaza Hotel, Montpelier; Tuesday, January 31, Wilmington Town Office; Thursday, February 2, Hampton Inn, Colchester; Tuesday, February 7, Cortina Inn Mendon; and Friday, February 16, 2006, Comfort Inn, St. Johnsbury. Sponsored

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