

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

January 2006

TOWN MEETING PRIMER: WRITING COMMON ARTICLES

One of the most frequent inquiries received at this time of year by the VLCT Municipal Assistance Center runs something like this: "Can you help us draft an article for the town warning to ask the voters to...?" As a result, MAC staff member Jim Barlow, Esq., has revised and updated MAC's list of sample articles for some of the most commonly requested topics. If your municipality is struggling with an article that does not appear on this list, please feel free to contact the MAC staff for assistance.

APPROVE THE MUNICIPAL BUDGET

The wording for the article for approval of the town budget varies widely from town to town. Here is an example, with a provi-

sion to address expenditure of an unanticipated surplus from the previous fiscal year:

Shall the voters authorize a total general fund expenditure for operating expenses of \$_____, of which \$_____ shall be raised by taxes, \$_____ by non-tax revenues, and \$_____ by prior year surplus?

See 17 V.S.A. § 2664 for additional guidance on municipal budget approval.

ADDRESS SOCIAL SERVICE APPROPRIATIONS

Like budget articles, social service appropriation articles vary from town to town. Unless petitioned by the voters, the select-

(Continued on next page)

VLCT BOARD OF DIRECTORS PROFILE KILLINGTON MANAGER, DAVID LEWIS

Geographically, the Town of Killington lies just south of Vermont's center. Figuratively, it is located dead center in the ongoing debate about how the State of Vermont can adequately and fairly fund its share of Vermont's educational system.

Killington Manager David Lewis, one of three new members to join the VLCT Board at September's Annual Meeting, argues vigorously that the current state funding system of education is neither adequate nor fair. "Property taxes are going up more than what they should be because the State is not funding its obligations," he said. Since the enactment of Acts 60 and 68, Killington has joined other towns in court to challenge both the State's property appraisal methods and its authority to spend locally-raised education property taxes on purposes other than funding local school budgets.

The Town's highest profile action to date, however, was its decision to investigate seceding from Vermont and joining

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LOCAL GOVERNMENT DAY 2006 WEDNESDAY, FEBRUARY 15, 2006

This winter, VLCT and the Vermont Municipal Clerks' and Treasurers' Association (VMCTA) will once again bring hundreds of local officials and legislators together in Montpelier for a day of information sharing.

Local Government Day in the Legislature will feature updates on important legislation, House and Senate hearings on bills of interest to local officials, tours of the State House, and a luncheon at Montpelier's Capitol Plaza. Perhaps most importantly, the day will provide local officials a chance to informally meet and dine with their legislators, and, while doing so, discuss the issues that are important to their town, village or city.

Please watch your mail in early January for a registration form for Local



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TOWN MEETING -

(Continued from previous page)

board has the option of wording these appropriation requests either as separate and distinct articles, or lumped together. In some towns, social service agency requests are included as line items in the selectboard's proposed budget. Here are some samples for separate articles:

Example 1

Article 7. Shall the voters appropriate \$500.00 to be raised by taxes in support of The Snowbury Center Museum?

Article 8. Shall the voters appropriate \$7,500.00 to be raised by taxes in support of Happy Valley Ambulance Squad?

Example 2

Article 7. Shall the voters appropriate \$8,000.00 to be raised by taxes to the following organizations as shown:

The Center for Disabled Race Horses \$500.00

Homes for the Disenfranchised \$7,500.00

For addition guidance on social service appropriations, see 24 V.S.A. § 2691.

ELIMINATE THE OFFICE OF AUDITOR

As town budgets have grown and accounting standards have become more complex, some towns have had difficulty finding qualified candidates for the office of auditor. The law authorizes the voters of a town to eliminate the office by their vote at town meeting, but the vote requires a paper ballot. An article to eliminate the office of auditor might state:

Shall the voters authorize the elimination of the office of Town Auditor, with future audits to be provided by a certified public accountant, and all other auditor duties performed by others as directed by the selectboard, in accordance with 17 V.S.A. § 2651b?

For additional guidance on the elimination of the office of auditor, see 17 V.S.A. § 2651b.

RESTRICT THE CONSTABLE'S LAW ENFORCEMENT AUTHORITY

When concerned about liability for the actions of an untrained constable, towns

may vote to prohibit a constable from exercising law enforcement authority or vote to prohibit a constable from exercising law enforcement authority without first receiving law enforcement training. Here are some examples:

Example 1:

Shall the voters prohibit the town constable from exercising any law enforcement authority, in accordance with 24 V.S.A. § 1936a(a)(1)?

Example 2:

Shall the voters prohibit the town constable from exercising any law enforcement authority without having first successfully completed a course of training under 20 V.S.A. Chapter 151, in accordance with 24 V.S.A. § 1936a(a)(2)?

For additional information about limiting a constable's law enforcement authority, see 24 V.S.A. § 1936a.

MOVE FROM AN ELECTED CONSTABLE TO AN APPOINTED CONSTABLE

Another way to increase oversight of the constable and make sure he or she is properly trained is to make the position an appointed one. The law requires that appointed constables receive training before exercising law enforcement authority. 20 V.S.A. § 2358. The question to move to an appointed constable must be voted by Australian ballot:

Shall the voters authorize the selectboard to appoint a first constable, and, if needed, a second constable, in accordance with 17 V.S.A. § 2651a?

For more on the appointed constables, see 17 V.S.A. § 2651a, 24 V.S.A. § 1936a, and 20 V.S.A. Chapter 151.

COLLECT PROPERTY TAXES IN INSTALLMENTS

Installment payments can lessen the pinch of increasing property taxes. Towns are free to provide for up to four installment payments. Taxes payable in installments can also bear interest. Here is an example for two installment payments:

(Continued on Page Fourteen)



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LEGAL AND REGULATORY NOTES



ARCHIVAL RECORDS LAWFULLY SEALED; PROTECTIVE GEAR & COMPENSATION

VERMONT SUPREME COURT DECIDES DEAN PUBLIC RECORDS CASE

The Vermont Supreme Court has ruled against a national advocacy organization in its campaign for public disclosure of former Governor Dean's gubernatorial records. *Judicial Watch, Inc., v. State of Vermont, Deborah L. Markowitz, Secretary of State, Gregory Sanford, State Archivist and Howard Dean, M.D., Former Governor*, 2005 VT 108 (November 4, 2005). Judicial Watch, a self-described "watchdog" organization based in Washington, D.C., filed a request under Vermont's Public Records Act to inspect and copy all of Governor Dean's gubernatorial papers. The Secretary of State denied the request, noting that they had been sealed pursuant to a memorandum of understanding signed by the Secretary, the former Governor, and the Attorney General.

The memorandum specifically provided that any correspondence determined by the Governor to be covered by executive privilege would be closed to public disclosure until January 10, 2013, ten years after the signing of the memorandum. Until that time, the privileged records were to be sealed, and accessible in only a few limited circumstances, including written authorization from the Governor or "pursuant to a valid court order."

The Vermont Supreme Court concluded that the exemption from public disclosure was permissible, reversing the trial court's decision. The Court's decision turned on whether the memorandum of understanding was permitted under Vermont law. The two provisions that cover "archival records" include both the State Archives Act and the Public Records Act. Under both of these laws, there is a presumption that all records are public unless they fall within a specific exemption. However, the State Archives Act confers broad authority on the Secretary of State, through the Division of State Archives,

to take custody of "archival records" of "continuing legal administrative, or historic value." Moreover, the Archives Act permits the public to "inspect, examine, and study the archives, provided that any record placed in the keeping of the office of the secretary of state under special terms or conditions of law restricting their use shall be made accessible only in accord with those terms and conditions." 3 V.S.A. § 117(g)(9).

Most of the case law in this field seeks to promote the public nature of government records, something that custodians of municipal records should always consider when faced with a public records request.

It was this provision concerning "special terms" that granted the authority to the Secretary of State and the Governor to seal the records. The Court felt compelled to sanction the clear legislative policy of the Archives Act, which was to permit public disclosure of the records of the executive branch, subject to the discretion of that branch and the state's recordkeeping officials. Justice Dooley wrote a concurring opinion in what he termed a "very close case." He was troubled by the "special terms" permitted by the statute, and the fact that the statute

places no limits on the ability of the government to restrict public access to records.

While this provision of the Archives Act has little application for Vermont municipalities, the *Judicial Watch* case is useful because it explores one of the few exceptions to Vermont's public records laws, which typically favor public access over government secrecy. Most of the case law in this field seeks to promote the public nature of gov-

ernment records, something that custodians of municipal records should always consider when faced with a public records request.

- Brian Monaghan, Staff Attorney, VLCT Municipal Assistance Center

TIME SPENT WALKING BETWEEN CHANGING AREAS AND WORKSTATIONS IS COMPENSABLE

In a pair of consolidated cases, the U.S. Supreme Court has held that the time employees spend walking between required

(Continued on next page)

ALTERNATE DISPUTE RESOLUTION

Grievance and Interest Arbitration – Fact Finding
Mediation – Internal Investigations – Hearing Officer

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LEGAL/REG. NOTES -

(Continued from previous page)

protective gear changing areas and the production area as well as the time spent waiting to remove such gear is compensable time under the Fair Labor Standards Act (FLSA). Alternatively, the Court held that the time employees spend waiting to receive the protective gear before a shift begins is not compensable. *IBP, Inc. v. Alvarez and Tum v. Barber Foods, Inc.*, 546 U.S. _____ (2005).

In rendering its decision, the Court relied heavily upon its reasoning in an earlier case that the donning and doffing of specialized protective gear was compensable under the FLSA if it was "integral and indispensable" to the employee's "principal activities." Since walking between changing and working stations once such gear was donned, and waiting to remove it, was "integral and indispensable" to its application and removal, the Court held these activities were covered by the FLSA. However, because the Court considered waiting

to be too far removed from the "principal activity" that starts the workday, it held that it was not compensable.

While these cases, which concerned the meat processing industry, may appear to be of limited application to municipalities, their scope envelops all employers who require their employees to wear specialized protective gear if those activities are "an integral and indispensable part" of the "principal activity" for which they are employed. Municipalities would be wise to review their compensation policies and practices in light of this case.

- *Garrett Baxter, Senior Associate, VLCT
Municipal Assistance Center*

IRS MILEAGE RATES FOR 2006

The Internal Revenue Service (IRS) recently issued the 2006 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning Jan. 1, 2006, the standard mileage rates for the use of a car (including vans, pickups or panel trucks) will be:

- 44.5 cents per mile for business miles driven;
- 18 cents per mile driven for medical or moving purposes; and
- 14 cents per mile driven in service of charitable organizations, other than activities related to Hurricane Katrina relief.

The new rate for business miles compares to a rate of 40.5 cents per mile for the first eight months of 2005. In September, the IRS made a special one-time adjustment for the last four months of 2005, raising the rate for business miles to 48.5 cents per mile in response to a sharp increase in gas prices, which topped \$3 a gallon.

NEW VERMONT MINIMUM WAGE

The State of Vermont Department of Labor recently issued a reminder that a new minimum wage will take effect on January 1, 2006. The new minimum wage will be \$7.25. The new minimum wage poster is available from the Department by calling 802/828-2157, or by visiting www.labor.vermont.gov/posters.

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2006 MUNICIPAL CENSUS SURVEY UPDATE

VLCT's survey of municipal practices and policies was mailed out to members in late September and due back by November 14.

We are busy compiling the data from the surveys we have received to date. We will soon be contacting those who have not yet returned their survey to remind them to do so.

Please take a moment to fill out the survey if you haven't yet done so. The information collected by the survey is vital to VLCT's efforts to educate the media, the public, and the Legislature about Vermont's local governments. Most importantly, it is very helpful to VLCT member municipalities who wish to know how other towns around the state handle certain issues.

If you have any questions about this project, please contact Garrett Baxter or Tara Fischer at the VLCT Municipal Assistance Center. Thank you for taking the time to complete the survey!



ASK THE LEAGUE

RECONSIDERATION; ADVISORY ARTICLES

How many times can the voters reconsider/rescind the same article?

For all you sports fans out there, it may be helpful to draw an analogy between reconsideration and rescission and instant replay. In football, to review a referee's ruling, a challenge must be made by tossing a red flag on the field prior to the start of the next play. Once the ball is snapped and the commencement of the next play is signaled, the opportunity to challenge prior play is lost.

The same basic rule applies to reconsideration and rescission. If a warned article

is voted on at an annual or special town meeting, that article cannot be submitted to the voters for reconsideration or rescission at the same meeting once the voters have taken a different article under consideration.

When the meeting is over, however, the article may be submitted to the voters for reconsideration or rescission at either the next annual or a subsequent special town meeting warned for that purpose. Such a special meeting may be called by either the selectboard on its own motion or by a petition signed by at least five percent of the qualified voters and filed with the town

clerk within thirty days of the date of the meeting. 17 V.S.A. § 2661. If initiated by the voters, a legally warned special meeting must be held within sixty days of the submission of the petition to the town clerk. 17 V.S.A. § 2661(b).

Remember, the voters cannot present an article voted on at an annual or special town meeting for reconsideration or rescission at more than one subsequent meeting within the succeeding twelve months. 17 V.S.A. § 2661(c). However, there is no statutory limit on the number of times a selectboard can present an article to the voters.

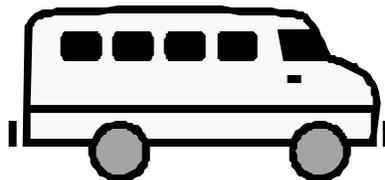
- Garrett Baxter, Senior Associate, VLCT
Municipal Assistance Center

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

With today's high fuel costs, it makes more sense than ever before to economize on transportation costs. Would your non-profit organization or small non-profit commuter group benefit from owning and operating a 7-15 passenger commuter van – **financed interest-free**?

The Vermont Agency of Transportation (VTrans) and the Vermont Economic Development Authority (VEDA) have funds available through the State Infrastructure Bank (SIB) Program to help qualified non-profits finance up to 90% of the cost of commuter vans. VTrans fully subsidizes the SIB interest charges and application fee.

TO LEARN MORE, CONTACT VEDA.
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How much legal discretion does a selectboard have when it receives a petition to include an article on the warning for town meeting for an advisory vote on an issue not directly related to town business, like the war in Iraq or universal health care?

While the applicable statute, 17 V.S.A. § 2642, suggests that a petition needs only the signatures of five percent of the registered voters and to be filed with the town clerk not less than forty days before town meeting, the Vermont Supreme Court has established an additional requirement - that of authority for the voters to act. In *Royalton Tax Payers Protective Association v. Wassmansdorf*, 128 Vt. 153 (1969), the Vermont Supreme Court set out that a petition must not be "useless, frivolous, or for an unlawful purpose," and the subject matter must "set forth a clear right which is within the province of the town meeting to grant or refuse through its vote." Following on this, the Court declined to force a school district to hold a special meeting to dis-

(Continued on next page)



ASK THE LEAGUE -

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cuss fiscal procedures after being petitioned to do so, reasoning that “the duty to warn relates to business to be transacted.” *Whiteman v. Brown*, 128 Vt. 384 (1970).

If an article sought to be included in a warning does not constitute business proper and appropriate for transaction by the voters (as evidenced by specific statutory authority), then there is no legal obligation on the part of the selectboard to include it in the warning – inclusion is a matter left to the discretion of the selectboard. Nonetheless, in considering the exercise of this discretion in the context of an article for an advisory vote on matters such as the war in Iraq or universal health care, a selectboard should keep in mind that at town meeting every citizen is a legislator. And, while every legislative body is charged with certain tasks and responsibilities (in the case of town meeting – approving the town budget, electing officers, etc.), there is some intrinsic value in the democratic discourse in which such legislative bodies engage.

As Susan Clark and Frank Bryan point out in *All Those in Favor*, their recent book about Vermont town meeting, “Town meeting’s strength and richness resides in the opportunity to engage in the verbal deliberations essential to direct involvement in the legislative process. Town meeting is a *parliament* – that is, a ‘place for speaking.’ (And of course the value of public debate is found as often in listening to one’s fellow citizens as in speaking oneself.)”

The key for the selectboard is to know the proper balance between addressing and accomplishing the business of the town and providing a forum for public discourse on broader issues. Because this balance will differ from town to town, the most successful selectboards will be those with the best sense of what the citizens want their town meeting to be like.

- Jim Barlow, Staff Attorney, VLCT
Municipal Assistance Center

USDA COMMUNITY FACILITY GRANT PROGRAM

The U.S. Department of Agriculture’s Rural Development program recently announced the availability of funds through its Community Facility Loan and Grant Program. While applications are accepted throughout the year, to compete for the next cycle of funding, applications must be received **before January 13, 2006.**

Municipalities and non-profit entities are eligible to apply for the funds and/or loans. Grant monies may be used to purchase or repair equipment, or repair, purchase or construct buildings. This year, special priority is being placed on applications for First Responder and Child Care related projects. Because grant funds are limited, applications are encouraged to be for \$50,000 or less.

For more information about the program, please visit www.rurdev.usda.gov/rhs. You may also contact naomi.hatch@vt.usda.gov or susan.poulin@vt.usda.gov.

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Wednesday, February 15, 2006
Capitol Plaza Hotel, Montpelier

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Please watch your mail in early January for a registration brochure or register on-line at www.vlct.org/calendar/.





DAVID LEWIS -

(Continued from Page One)

New Hampshire. “We haven’t seceded yet, and we haven’t said we’d rather be in New Hampshire,” Dave commented. “We just want the State to look at being more fair in its taxation.”

The Town did meet with the Governor last year to discuss taxation issues, and though Dave said town officials never received a response to their concerns, they continue to try to make a case at the state level for changing how Vermont funds education. “We are using our issues to bring forth a stronger statewide perspective on the property tax,” he said.

Dave Lewis’s return to the VLCT Board of Directors (he originally served from 1980 to 1995, including a stint as President of the Board in 1982-83) is part of this effort. “One of the problems – and this may be because of a mistake on our part – is that the taxation issue is perceived as our individual town’s issue,” he observed. “We are really no different than most communities in the State; we have just taken a stronger position on the issue.”

Dave joined the Board at a fortuitous time. Members at the September Annual Meeting approved a resolution calling on the Board to develop a proposal to replace the current education funding system, and bring the proposal back for consideration at the next Annual Meeting. More generally, Dave said he is interested in helping VLCT “provide an overview to the State and to the public, based on the views of our association.”

“The League is such an important association in the State,” he added. “It is the only entity that melds the many voices together into one.” Once the League has reached a position that has a broad base of support, Dave would like VLCT to stick more strongly to it. “As a Board we have always worked on reaching a consensus to get the broadest support for our positions. But, when we go to present it, we should be more stringent in our position. We don’t need to be adversarial on everything, but there are times when we need to draw the line.”

Dave speaks from a long-term perspective on local government and VLCT. In addition to his fifteen years of service on the VLCT Board in the 1980s and 90s, he has served as Killington’s Manager for almost

thirty years. (He’ll mark his thirty-year anniversary as Manager in March, 2006.) His local government experience began in 1973, when he was hired as Assistant Town Manager in Cavendish. This was just after the flooding of 1973, and Dave was immediately charged with managing the Town’s flood recovery efforts. His still new political science degree from the University of Vermont may, or may not, have prepared him for the task!



Through the last three decades, he observed, “local government has gotten more complicated and the role of managers has become more complex and technical.” And, Dave added, just as state and federal actions have eroded local authority, citizens are expecting more from their local government. “The public looks to local government with high expectations, and as the only government entity they can actually connect with. So, they call local government, but we don’t have the tools to help them.”

Even with this frustration, Dave is still excited by the fact that, as a local government official, he is able to make a difference in his community. His statewide and regional work is important to him, but it is his work in Killington that is most satisfying. He cites the Town’s infrastructure, its facilities, and its financial stability as areas he is particularly proud of. Over time, he says, “Sticks and bricks can be seen

more than how well you plowed a road.”

Dave and his wife, and now their three children, can trace their family tree back through many generations of Vermonters. He has watched Vermont change, and expects it to keep doing so as more and more residents move in from other states. “When you have a state where more people are coming in than are being born here, you can’t look back thirty years and expect to become that again,” he said. “Vermont is not Currier and Ives or Norman Rockwell anymore. Our citizens have a set of different values that comes into contact with local government every day.”

Looking ahead, Dave sees change occurring at the local government level that, as a long-time Vermonter and local government fan, he doesn’t necessarily support. However, he is a pragmatist. “We recently voted at town meeting to eliminate the office of auditor. It costs us more now, but even the accountants that we had as volunteer auditors were finding it hard to make the time to do the increasingly complex job. We have very competent listers, but they are overwhelmed. They may be the next to go, like the auditors.”

What might local government look like in fifteen to twenty years? Dave notes, “it is not necessarily an advantage that we have 250 entities in the State.” It is hard to fill all these volunteer positions with people and he wonders if, in some areas of responsibility, local government entities are too small for the times. In other areas, however, he feels local government will always be perfectly suited to deliver services. “Public works are a success story,” he noted, “They work well and efficiently at the size that they are.”

No matter which way local government turns in the next few decades, Lewis reminds us that local officials have been, and will always be, the “white knights of the country – not serving an interest group, just their community, and with a broad perspective.”

Welcome, Dave!

*- Katherine Roe, VLCT
Communications Coordinator*



CUTS

(COMMUNICATIONS UNDER TEN SENTENCES)

VACANCIES ON VLCT HEALTH TRUST AND UNEMPLOYMENT INSURANCE TRUST BOARDS

VLCT is still accepting nominations for a regular and alternate seat on the Unemployment Trust Board of Directors. In addition, with the retirement of Jana Bagwell, Finance Director for the City of Montpelier, there will also be a vacancy on the VLCT Health Trust Board in early 2006. This seat is an alternate seat on the Board.

Local officials who are interested in serving on either of these boards, or in nominating another official for service, may visit www.vlct.org/boardnom.cfm to print out a nomination form. To determine eligibility for board service, please also consult the Trusts' bylaws at www.vlct.org/about.cfm.

HEALTH TRUST ANNUAL MEETING 2005



The VLCT Health Trust held its Sixteenth Annual Meeting at the Lake Morey Resort in late November. Sixty member municipalities attended the meeting, which featured claim and financial reports, 2006 rates, the election of directors, and discussion of the VLCT Health Reform Plan. Here, Group Services Director David Sichel welcomes members to the meeting.



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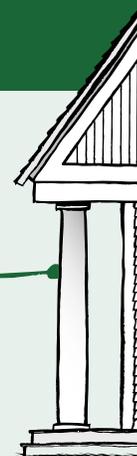
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WINTER STORMS



Winter storms are deceptive killers because most deaths are indirectly related to the weather. The leading cause of death during winter storms, for example, is from automobile or other transportation accidents. Another likely cause of winter-related deaths is heart attacks caused by overexertion.

Take these precautions in winter weather:

- Wear layered clothing, gloves, and a hat when you go outside.
- Keep dry. Go inside and change wet clothing to prevent a loss of body heat.
- Do stretching exercises to warm up your body and reduce your chances of muscle injury before you shovel snow.
- Beware of overexertion when shoveling heavy snow, pushing a car or walking in deep snow. The strain from the cold and the hard labor may cause a heart attack. Sweating could lead to a chill and hypothermia.
- Walk carefully on snowy, icy sidewalks and roads. Slips and falls occur often in severe winter storms, resulting in painful and sometimes disabling injuries.
- Use public transportation, if possible, when you must travel during a winter storm. About seventy percent of winter deaths related to ice and snow occur in cars.
- Go slowly and use extreme caution if you drive. Also let someone know your destination, your route, and when you expect to arrive. That way, if your car gets stuck along the way, help can be sent along your predetermined route.

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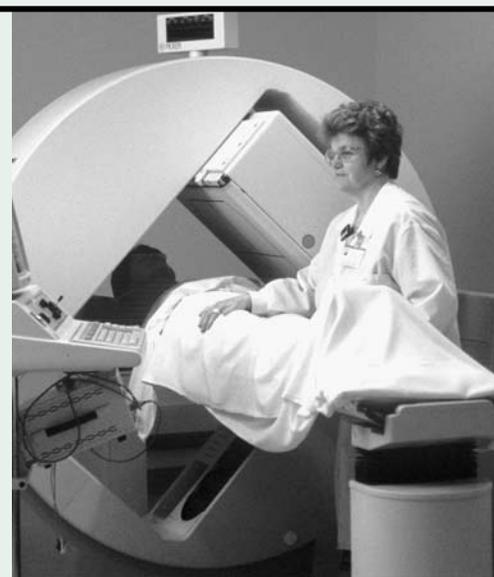
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LOCAL GOVERNMENT DAY -

(Continued from Page One)

Government Day. You may also register on-line via the VLCT Web site, at www.vlct.org/calendar.

A YOUTHFUL PERSPECTIVE ON LOCAL GOVERNMENT DAY

For several years now, Vermont's Project Citizen has teamed up with VLCT to promote civic education at the middle school level. One of the ways the two organizations work together is to invite middle school students to shadow a local official at Local Government Day in the Legislature. Last year, approximately 25 middle school students attended; here is what a few of them had to say about their experiences.

Teddy DeMatties wrote, "I liked how they let us go into the meetings. There was a schedule on each door saying what was going on in each room at what time. I liked the Education Room the best because the

people in there asked us what we would do to solve the problem. They were discussing the age to drop out of school. The minimum age to drop out is sixteen now, but they wanted to change it to eighteen." Brooke Rupe summarized her thoughts with this: "I learned much more about how Vermont's legislative process works, in a creative and fun way. I've even decided to watch the news more often to learn more about some of the national issues, perhaps even see if there is a connection between those issues and Vermont's." John DeMatties said, "I would recommend to any student in Vermont to take a trip to our State House yourself and learn even more about our state and its government."

For these students, it was a productive day.

- Katherine Roe, VLCT Communications Coordinator

STAFF NEWS AND NOTES

WELCOME

VLCT welcomed **Tracy Hatch** to its staff last month. As Accounting Clerk, Tracy will assist VLCT staff members Michael Gilbar and Pam Knapp with finances, as well as Jill Muhr with human resources recordkeeping.



Tracy Hatch

Tracy previously worked for Washington County Mental Health as a Payroll/Personnel Clerk and Assistant Fiscal Coordinator, and for Barre Auto Parts as a bookkeeper. She lives in Barre with her husband and three children.

Welcome aboard, Tracy!

TRANSITION

The VLCT Claims Division recently created a new position, Assistant Claim Supervisor, and promoted Senior Claims Representative **Kelly Kindestin** to fill the new position. Kelly will continue to administer liability, auto, property, and workers' compensation claims and will add to her duties assisting Claims Supervisor Darlene Bresett with the general oversight of the Claims Division, including business planning and staff development.

Congratulations, Kelly!

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Tech Check

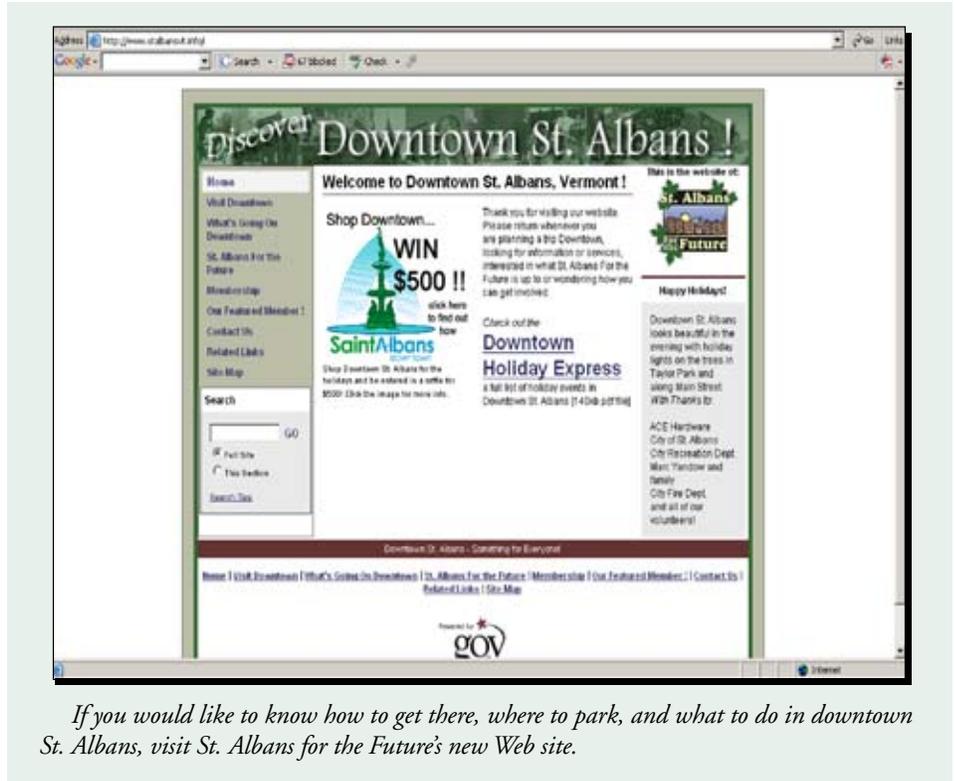
USING THE WEB TO PROMOTE DOWNTOWN COMMERCE ONE VERMONT CITY FOUND AN AFFORDABLE, EFFECTIVE WEB SOLUTION

More and more communities are addressing the issue of losing local commerce to a neighboring larger community or to the “big box” retailers that have had such an impact on downtown merchants. This is because the ability of a community to capture retail sales is important for its continued vitality and for the provision of local services.

The City of St. Albans, with a population around 8,000, recently saw a need to increase its marketing efforts to inform local citizens about downtown shopping opportunities and the City’s impressive historic preservation projects.

Civic leaders affiliated with the St. Albans for the Future organization chose to incorporate a Web site (www.stalbansvt.info) to promote downtown shopping in a brand new fashion. The mission of the Discover Downtown St. Albans Web site is to educate the general public about downtown St. Albans’ central role in commerce, culture, and community life.

“Our Web site has definitely made an impact. We launched it about a year ago and we know our citizens are using it – word of our various promotions is get-



If you would like to know how to get there, where to park, and what to do in downtown St. Albans, visit St. Albans for the Future’s new Web site.

ting out,” said Karen Bresnahan, Executive Director of St. Albans for the Future. “We

recently created a new logo and we’re really excited about our holiday promotion, which includes a \$500 raffle prize!”

A key to the success of the economic development-related Web site campaign has been its affordability and ease of use.

“The RFP process revealed to us that there was a very wide variance in price and services. We received bids asking as much as \$10,000 and \$25,000. In fact, we went with the same company that hosts our city site, GovOffice Web Solutions,” said Bresnahan.

She added, “I don’t even think that we’ve spent over one thousand dollars on our site. GovOffice provides the best bang for the buck!”

(Continued on Page Sixteen)



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TOWN MEETING -

(Continued from Page Two)

Shall the voters authorize payment of real and personal property taxes to the Town Treasurer in two installments, with the due dates being August 15 and November 15?

Here is an example for the collection of interest on overdue taxes with each installment:

Shall the voters authorize collection of interest on overdue taxes from the due date of each installment in the amount of 1% per month or fraction thereof for the first three months and thereafter 1½% per month or fraction thereof, in accordance with 32 V.S.A. § 4873?

The law regarding property tax installment payments can be found at 32 V.S.A. §§ 4871-4878.

SET THE TOWN CLERK'S COMPENSATION

Municipal clerks are compensated for their services through specified statutory fees.

However, the voters do have the authority to change the way the clerk is paid by establishing a specific annual salary - either in addition to, or in lieu of, the statutory fees allowed. Many towns have done this. Here's how the question should be asked:

Salary in Lieu of Fees

Shall the town compensate the town clerk by paying an annual salary of \$_____ in lieu of any statutory fees allowed under 32 V.S.A. § 1401?

or

Salary in Addition to Fees

Shall the town compensate the town clerk by paying an annual salary of \$_____ in addition to any statutory fees allowed under 32 V.S.A. § 1401?

For additional information on setting the town clerk's compensation, see 32 V.S.A. § 1224.

(For more discussion of town meeting-related issues, please see this month's Ask the League.)

TRIVIA

Well, our geography whiz members were stumped last month. We did not receive an answer to the following question: How many named peaks are there in Vermont and what percentage of the state is not considered flat and fertile?

There are 420 named peaks in the State and, not surprisingly, eighty-five percent of the State is not considered flat and fertile.

Mike Gilbar, VLCT's resident trivia guru, promises that the January question is easier. Here it is:

Between 1959 and 1967, Vermont brought 124 of these critters into the State from Maine to deal with damage-causing varmints. Can you name both the critters and the varmints?

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

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TECK CHECK -

(Continued from Page Thirteen)

GovOffice created a professional, customizable design for St. Albans for the Future, allowing the organization to convey its unique image and message.

The GovOffice experience of being “effective and affordable” was first shared by St. Albans City Manager Mary Garceau. “GovOffice allows non-technical staff, like myself, to manage and update their own Web site. It’s very easy to use, so I knew GovOffice would also be a good choice for St. Albans for the Future.”

The City’s site (www.stalbansvt.com) promotes its sister economic development site on its home page. Garceau states that having two separate sites allows the City to promote its services, while St. Albans for the Future can aggressively promote downtown commerce.

Since the GovOffice content management system is easy to use, St. Albans for the Future didn’t have to employ a full-time Webmaster or IT professional. In fact, one of its board members simply volunteered to update and manage the Web site.

GovOffice provided various cost saving measures, making it possible for the St. Albans for the Future Web site to play a key role in future civic services and promotions.

GovOffice enables communities small and large to build a sophisticated state-of-the-art Web site efficiently and at a fraction of the cost of traditional Web site development or commercial content management systems. GovOffice costs are based upon population to make it affordable for all communities.

The Vermont League of Cities and Towns partnership with GovOffice allows VLCT members to receive discounted pricing.

For a no-obligation, thirty-day free trial of GovOffice, call 877/564-4979, or visit us at www.govoffice.com. You may also contact Michael Gilbar, VLCT’s Director of Administrative Services, for more information.

- Ross Heupel, Director of Marketing,
GovOffice Web Solutions



The City of St. Albans is one of thirty-six municipalities in Vermont that are using GovOffice software for their Web sites.



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STATE ISSUES NEW VOLUNTEER WATER QUALITY GUIDE

The Vermont Water Quality Division recently published a new guide, the Vermont Volunteer Surface Monitoring Guide. It is available on line at the Division's Web site, www.vtwaterquality.org, as well as in hard copy by request. This Guide walks groups and organizations through the steps of designing an appropriate monitoring program for lakes, streams, rivers and wetlands. This Guide also celebrates and highlights past and ongoing efforts of volunteer monitors and their programs in Vermont. For more information, contact Amy Picotte, Environmental Analyst, Water Quality Division, tel., 802/241-3789; e-mail, Amy.Picotte@state.vt.us.

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.

CALENDAR -

(Continued from Page Twenty)

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.

Planning & Zoning Series #3: The Zoning

Decision. Thursday, March 16, 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 will focus on the zoning process from application through decision, over the course of three evening sessions. The third and final session will focus on making, writing, and distributing a decision.



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LOCAL GOVERNMENTS CONSIDER LAW ENFORCEMENT NEEDS

Providing law enforcement to smaller and more rural communities has always been a challenge in Vermont. Towns must rely upon a layered system involving the state police, sheriffs' departments, municipal police departments, and constables – producing law enforcement that varies greatly in availability and quality.

The Law Enforcement Advisory Board (LEAB), of which VLCT is a member, was charged by the Legislature last session to look at this very issue. (Please see "State Board Seeks Input on Municipal Public Safety Needs" in the November 2005 VLCT News.) VLCT staffers Karen Horn and Trevor Lashua, along with Paco Aumand from the Department of Public Safety, recently held a series of round table meetings throughout the state in an attempt to gather information needed to make recommendations for improving rural law enforcement in Vermont.

Meetings were held in Montgomery, Newfane, and Montpelier. Town officials from Dummerston, Putney, Westminster,

Concord, Newfane, Montgomery, Georgia, Orange, Woodstock (town), Salisbury, and Poultney attended, while Jericho, Worcester, and Hancock participated through written



correspondence or via telephone. Most of the participating towns have some kind of contract with the county sheriff, others contract directly with the state police, and some have no contract at all with a law enforcement agency.

A major theme identified is the inconsistency in the abilities and management of sheriffs' departments from county to county. A lack of state funding means that the success of Vermont sheriffs depends as much upon their financial management and entrepreneurial skills as their law enforcement experience. There is no guarantee that the individual, who is elected to a four-year term, will have a background in either.

Funding (or lack thereof) was identified as the major obstacle to providing the law enforcement services local officials wished to have for their communities. The desire for comprehensive law enforcement services that fit their town's needs – such as proactive and preventative policing, consistent presence, and attention to quality of life issues – is there, but the money to provide those services may not be.

While no definitive answers have emerged from the conversation yet, a few potential solutions were discussed, including:

- Utilization of sheriffs' departments where practical (due to the existing regional nature and infrastructure already in place), with state funding made available for personnel, training, and equipment. Funding would come with performance-related "strings," such as response time and uniform and predictable reporting.
- Where the sheriff is not a practical solution, towns may establish inter-local agreements (for joint contracts, multi-town municipal police departments, or an array of other options).
- Create a resident police officer program, modeled loosely on the Connecticut resident trooper program. A resident police officer would be assigned to a region, answer to town officials in those communities where he or she is the chief law enforcement individual, and would also answer to a statewide chief of resident police officers, who sets and monitors performance standards.

The LEAB is drafting a report for the Legislature that will incorporate these themes. Please watch the VLCT News for information on the availability of the report once it is published. Also watch VLCT's Weekly Legislative Report for details, should any of the report's recommendations be turned into proposed legislation.

- Trevor Lashua, Associate, Legislative and Information Services

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- ♦ *Consulting services such as meeting facilitation, mediation, and personnel recruitment.*
- ♦ *Manuals and handbooks which provide a plain-English guide to state and federal laws.*
- ♦ *Regular surveys on salaries and benefits, municipal practices, rates and fees, etc.*
- ♦ *Model ordinances, bylaws, and policies.*

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Classifieds

Please visit the VLCT Web site to view 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 knowl-

edge 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 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, Enosburg Falls, VT 05450; or call Claudia Rose at 802/933-6107 with any questions. EOE. (11-8)

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 pre-

ferred. Strong math 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)

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 \$1 million 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. (12-19)

REQUEST FOR QUALIFICATIONS

Document Design Services. The Town of Williston, Vt. is seeking document design services for its updated town plan. To obtain a detailed RFQ, send an e-mail request to nellis@willistontown.com or call 802/878-6704. Responses to this RFQ must be received by the close of business on **January 5, 2005.** (12-15)

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.



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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.

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. This 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 Thursday, February 16, 2006, Comfort Inn, St. Johnsbury. Sponsored by VLCT PACIF and the VLCT Health Trust. This annual, half-day workshop is designed for municipal wellness coordinators and features the Leader Program and the Winter Olympics Pedometer Challenge this year.

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

(Continued on Page Seventeen)