VLCT NEWS

A Publication of the Vermont League of Cities & Towns

Serving and Strengthening Vermont Local Governments

October 2006

Annual and Strategic Planning

Yes, You Can!

The Latin phrase *quo vadimus* is loosely translated as "where are we going?" It is a question that local officials often ask themselves, but because of the day-to-day demands of running a city or a town, those same local officials rarely get a chance to spend a lot of time thinking about the answer.

Strategic planning is one method that some municipal officials have used in Vermont and nationally to answer *quo vadimus* and, more importantly, improve the level of service they offer their citizens. It is a way for a municipality to look at its present and future through the wide-angled lenses of analysis, goal-setting, and discussion.

"It's a chance to answer the questions of where are we going and how do we get there?" said Dominic Cloud, director of VLCT's Municipal Assistance Center.

Generally, strategic plans are written to cover a five-year span. It is also common for the strategic plan to undergo an annual review, allowing the municipality to make any necessary modifications, deletions, or additions. Annual plans can then be culled from the strategic plan to reflect the goals and action items needed in the current year to achieve the strategic plan's long-term goals and objectives.

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Ancient Roads Grants Available

The Department of Housing and Community Affairs (DHCA) recently mailed "ancient road" grant applications to all cities and towns in Vermont. The applications are also available on-line at www.dhca.state.vt.us/Planning.

The grants, authorized by the passage of Act 178 last spring, are for municipalities to use in the course of researching and mapping town highways (generally Class 4 town highways) that for a variety of reasons (changing settlement patterns, floods, opening of alternate routes, and so on) are no longer physically observable.

Administered by DHCA, the program makes $5,000 maximum grants available to municipalities on a competitive basis. With only $100,000 to spread throughout the state, and uncertainty about how much the research and mapping endeavor may cost cities and towns, the grant money is expected to go quickly.

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Vermont Multi-Sector General Permit for Stormwater Discharges

How Do Municipalities Comply?

In August, the Vermont Agency of Natural Resources (ANR) released the much-anticipated details of its newest stormwater program – the Multi-Sector General Permit (MSGP). This permit, which is required under the federal Clean Water Act, covers new and existing discharges of stormwater from different sectors of industrial activity. The permit will be required for private and municipal "industries," identified on the MSGP Standard Industrial Classification (SIC) code or activity code list, found in Table D-1 of the permit. It is important to note that there are no specific ins or outs with regard to municipalities as a group. Coverage under the MSGP depends on whether your municipal *activity* is covered under the permit.

The municipal activities that require coverage under the MSGP include wastewater

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The Vermont Planning Process

What is its Future?

Much time and effort over the last two years has been put into studying, assessing, evaluating and reporting on the state of land use planning in Vermont. The Vermont Council on Planning, the Governor's Committee on Downtowns and Growth Centers, and 2005's legislative summer study committee on growth centers have all weighed in with recommendations on how state and local land use planning efforts can be improved. (For a brief summary of their efforts, see the "Vermont By Design" article in the May 2006 *VLCT News*.)

Food for Thought

In addition, two meetings have pulled together many of the high profile Vermonters who have been part of these groups. In February, the Vermont Council on Rural Development (VCRD) hosted a conference entitled Vermont by Design: Next Steps; last month, the Vermont Law School hosted a follow-up stakeholder meeting to that conference. Guiding these gatherings has been the Council on Planning's goals of *"advancing governance, authority and leadership in the planning system."* The first session produced seventeen broad recommendations encouraging inter-governmental coordination in planning, adequate funding, ongoing education, and growth center legislation (enacted this spring).

Behind all this studying, conferencing and report writing lurks a sense that planning in Vermont doesn't accomplish its objectives. That may be because who is "in charge" of planning, how to coordinate plans, and whose plan controls at the end of the day is murky at best. And, a lack of adequate funding to implement the statute's ambitious planning objectives is constant.

In his opening address at the February Vermont By Design Conference, Richard Brooks, a professor at Vermont Law School, provided an instructive caution to the Vermont planning community. As we look ahead at planning in Vermont, we would do well to consider his remarks. He noted that, over time, planning has not been tremendously successful and this may be "because land use planners try to bring all planning together and all subjects together rather than focus on the specific physical, perhaps related housing and environmental problems which should be at the center of the traditional planning process. The alternative I suggest," Brooks continued, "is to limit the planning scope within land use by focusing upon the planning of settlements, housing, and physical aspects of the planning process. Thus, I suggest land use planners leave to others the tasks of economic planning, environmental planning and social planning… In short, I suggest giving up the dream of comprehensive land use planning and recognizing the 'uses of disorder'."

How do you use disorder? Brooks suggests tapping into the good and dynamic results that occur when different kinds of planning operate independently of land use planning. In other words, land use planning suffers when we expect it to be all things to all people.

Much of the planning that occurs in Vermont today is undertaken at the local level. Over time, local plans have indeed been asked to be all things to all people. If you look in the statutes, you will find that municipal plans need to include a plan for educational facilities and an energy plan, including analysis of energy resources. You will further find that they "shall be based upon… analyses of current trends and shall consider the probable social and economic consequences of the proposed plan." (24 V.S.A. § 4382). Does all of this ask land use planners to venture too far from their base of expertise or capacity for implementation?

Much of the planning that occurs in Vermont today is undertaken at the local level. Over time, local plans have indeed been asked to be all things to all people.

As Vermont's analysis of its planning process continues, stakeholders should consider whether their recommendations, when taken together, will serve to implement the present planning framework or instead might further overwhelm an impossibly expansive land use planning process in Vermont. Perhaps land use planning should concentrate on land use and leave the rest to experts in those relevant fields.

- Karen Horn, VLCT Director of Public Policy and Advocacy

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Brief updates on Vermont's changing legal and regulatory environments

Legal and Regulatory Notes

Supreme Court Reverses Water Board's Stormwater Decision

Federal NPDES Permits not yet Required for Stormwater Discharges into Impaired Chittenden County Streams

On August 25, the Vermont Supreme Court issued a much-anticipated decision in the state's ongoing fracas over stormwater, reversing a controversial decision by the former Water Resources Board, but leaving open the possibility that stormwater dischargers might require federal stormwater permits. *In re Stormwater NPDES Petition*, 2006 VT 91.

What does the decision mean for Vermont municipalities? It appears that, in the short run, municipal dischargers into impaired Chittenden County waters will not have to obtain federal NPDES permits. However, the Court has remanded the case to ANR to determine if the residual designation authority might yet apply.

The case originated in 2003 when the Conservation Law Foundation (CLF) and the Vermont Natural Resources Council (VNRC) filed a petition with the Vermont Agency of Natural Resources (ANR) to require a federal National Pollution Discharge Elimination System (NPDES) permit for existing stormwater discharges into five impaired Chittenden County streams. The petition was intended to compel ANR to invoke the so-called residual designation authority under the federal Clean Water Act. Under the residual designation authority, a federal NPDES permit can be required for an otherwise unregulated stormwater discharge if the Environmental Protection Agency (EPA) or ANR "determines that the discharge, or category of discharges, contributes to a violation of a water quality standard." The residual designation authority has only rarely been invoked in other states, and has never been invoked in Vermont. The possibility of imposition of an entirely new federal permitting regime has been a substantial concern to many potential stormwater dischargers in Chittenden County and elsewhere. Many have also been also concerned that the imposition of a new permitting regime might derail Act 140, the state's new comprehensive stormwater clean-up law.

Upon review of CLF's petition, the secretary of ANR determined that invocation of the residual designation was not required. CLF and VNRC appealed ANR's decision to the Vermont Water Resources Board. In October 2004, the Water Resources Board reversed ANR's decision. The Board noted that it had found, in two previous unrelated cases, that every discharge of stormwater pollutants into the five impaired Chittenden County streams contributed to their impairment, and that such discharges of stormwater cause or contribute to the violation of the Vermont Water Quality Standards in these waters. In light of these conclusions, the Board ruled that ANR was required to exercise the residual designation authority and establish a new NPDES permit program for these impaired watersheds. The Board ordered ANR to identify all sources of stormwater runoff within the stormwater-impaired waters, establish new treatment standards for each discharge, and implement a new federal NPDES permitting program.

ANR and a group of Chittenden County business organizations appealed the Board's decision. VLCT, on behalf of its members, joined these parties as *amicus curiae,* asserting that the Board had exceeded its authority. Under the residual designation authority, a NPDES permit is only re-

(Continued on next page)

Vermont State Infrastructure Bank (SIB) Loan Funds are Available

The Vermont State Infrastructure Bank (SIB) is a low-interest loan program operated by the Vermont Economic Development Authority (VEDA) and the Vermont Agency of Transportation (VTrans).

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VEDA Vermont Economic Development Authority

Legal/Reg. Notes -

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quired if the applicable agency first "*determines* that the discharge or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States." 40 C.F.R. §122.26(a)(9)(i)(D). (Emphasis added.) By simply concluding, in the context of two unrelated proceedings, that every discharge of stormwater pollutants to the five impaired Chittenden County streams contributed to their impairment, the Water Resources Board had sidestepped the important requirement that this determination be made on a case-by-case basis. In effect, the Board's conclusion amounted to an adjudication of every potential discharger's legal rights and duties under the Clean Water Act, without affording any of these potential parties – many of whom might be Vermont municipalities – the opportunity to participate in the decision-making process. The Supreme Court agreed, concluding that the application of the residual designation authority "involves a particularized, fact-specific determination on a case-by-case basis…. It is manifestly not a decision that that can be grounded on a single factual finding, in a separate legal setting, that all existing stormwater discharges contribute to the impairment of impaired waters."

What does the decision mean for Vermont municipalities? It appears that, in the short run, municipal dischargers into impaired Chittenden County waters will not have to obtain federal NPDES permits. However, the Court has remanded the case to ANR to determine if the residual designation authority might yet apply. Implicit in the Court's decision is recognition that while Act 140 is not a substitute for the residual designation authority, ANR can consider the implementation of Act 140 in determining if federal NPDES permits will ultimately be required. In the long run, NPDES might still be required if Act 140 is not successful in cleaning up these waters. Considering the lingering specter of an NPDES permitting regime, dischargers into Chittenden County's impaired streams will have another reason to support the implementation of Act 140.

- Jim Barlow, VLCT Staff Attorney

Wetlands Investigation Update

As reported in the last issue of the *VLCT News*, the state Water Resources Panel (WRP) is investigating how to amend Vermont's wetland rules. The Panel met last month under the direction of its new chair, Peter Young, and decided to revise the statutory definition of wetlands to mean "areas of the state inundated *or saturated* by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth or reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities." (10 V.S.A. § 902) (Language proposed for addition is italicized.)

The Panel has also proposed a change in the mapping process. The secretary of the Agency of Natural Resources would make a "Determination of Significance" regarding a wetland. The wetlands on the Vermont Significant Wetland Inventory (VSWI) maps would be considered "significant" until the secretary determined that they were not. No activity could be undertaken in a significant wetland without a permit from the secretary. (Because the maps are notoriously inaccurate, the fact that a wet area of concern to a person is not on the VSWI maps does not relieve him or her of the responsibility to ask whether or not the area is a significant wetland.) In a change from current practice, once a determination of significance is made, the official wetlands maps would be amended to reflect that decision, which, over time, would result in more accurate wetland maps.

There has not been discussion about whether or not Vermont should retain the "significant" criteria, whether the state wetlands permit should replicate the federal permit (it does not now do so), to what extent the state should rely on consultants for decisions, or *de minimus* standards or general permits that allow people to make at least an initial determination on their own. Subcommittees of the groups participating in the wetlands rules investigation will be convened to flesh out these and other issues. We will keep you posted as their work progresses.

- Karen Horn, Director, VLCT Public Policy and Advocacy

(See, also, "New State Wetlands Maps Prepared" in the February 2006 *VLCT News*.)

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Questions asked by VLCT members and answered by the League's legal and research staff

Ask The League

Music Licensing; Political Signs; Computer Monitoring

We've received calls from a music licensing company asking us to sign a music licensing agreement with them and pay a fee for use of their music. Do we have to sign the agreement and pay the fee?

You do not have to sign the agreement and pay the fee if your town does not have musical performances. However, many towns have parades, bandstands, summer concert series, and other public events at which music is played. Much of the music played at these events is cover music, which is copyrighted, and thus owned, by the original artist. The music licensing companies license and distribute the rights to perform these copyrighted pieces of music to other performers, retail stores, nightclubs, bars, and other places where copyrighted music is performed. If your municipality hosts these events, we strongly recommend that you sign the contract with the music company and pay the fee.

Some have questioned whether there is an exemption for municipalities, or for other non-profit entities, in copyright law. The answer is no. Even though municipalities are not making money on these performances, any time a copyrighted work is played in public, the performer, or the sponsor of the program must have the permission of the author, or owner, to play that work. The companies that distribute these works own the rights to perform them, and thus, municipalities, as do others who perform these works, must receive the permission of the copyright owners to perform the works. Note that there are three companies that own the rights to most of the world's music: ASCAP, BMI, and SESAC. Both BMI and ASCAP have negotiated a contract with the International Municipal Lawyers Association on terms that are reasonably favorable to municipalities. The rates are typically much lower than other organizations (i.e., retail stores) must pay for using copyrighted music. Contact the VLCT Municipal Assistance Center if you have questions or need more information on this topic.

- Brian Monaghan, VLCT Staff Attorney

Can municipalities regulate political signs?

Vermont law authorizes municipalities to regulate signs pursuant to their "police power" in both 24 V.S.A. § 2291(7) and pursuant to their zoning authority in 24 V.S.A. § 4404. While the power to regulate signs includes the power to regulate political signs, municipalities should use caution when crafting an ordinance or bylaw because of the First Amendment right to free speech.

Campaign yard signs are a form of political speech, which means they are afforded a high degree of protection and courts will be suspicious of any regulation. While regulation of the *content* of political signs would be unconstitutional, *content-neutral* "time, place and manner" restrictions are allowable. The justification for such regulations is the protection of public safety, and protecting the

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aesthetics of the community.

For municipalities seeking to enact a content-neutral ordinance, the courts have provided a few guideposts regarding the limits of sign regulation. First, a complete ban on political yard signs would be unconstitutional. Second, municipalities cannot regulate non-commercial signs (such as political campaign signs, protest signs, news information and historical information signs, as well as signs wishing "good luck" to the local baseball team) more stringently than commercial signs. And third, municipalities ordinarily may not pick and choose among various types of *noncommercial* signs based on their content.

So where does this leave municipalities? Typically, courts will uphold "time, place and manner restrictions" as long as they are not selectively enforced. A municipality may decide to place time limits on temporary signs, but in so doing, must be sensitive to providing ample opportunity for communication. Courts will closely scrutinize regulations placing time limits, especially when a municipality's regulation would limit political communication. The shorter time span a municipality allows, the more likely it will be found unconstitutional. Long time span limits are recommended.

Finally, municipalities can likely regulate the size of signs without violating any constitutional right, so long as there is a reasonable basis behind the regulation and the regulation is not based on the content of the sign or is not overly broad or burdensome.

- Brian Monaghan, VLCT Staff Attorney

Can we install monitoring software on the computers in our municipal offices?

Not unless you have received specific, written authorization from your employees that they are aware of the monitoring. The U.S. Electronic Communications Privacy Act prohibits interception and disclosure of electronic communications, unless employees who use town computers have signed off in writing that they are aware that such software is installed on their computers and that they will or may be monitored. The employees do not have a right to prevent the town from installing the software, but they do need to be made aware that it is in fact occurring. 18 U.S.C. §§ 2511 et seq.

- Brian Monaghan, VLCT Staff Attorney

Keep Your Town's Trees in Shape: Prune Properly

Pruning, if done correctly, can be one of the best investments a community makes in the health and longevity of its shade trees. Done improperly, pruning can cause long-term damage and stress to trees.

To start your town's public trees off right, begin pruning when they are young. The minimal investment you make today is better for the trees, and may save the town thousands of dollars in future tree maintenance and removal costs. Here are a few tips to help you get your public shade trees in shape this pruning season.

- Deciduous and summer flowering trees (for example, maples, ash, tree lilac, etc.) should be pruned during dormancy, between November and March, or from leaf-off to leaf-on. Spring flowering trees and shrubs (for example, lilacs, hydrangea, azalea, etc.) should be pruned after they flower. For evergreen species, seasonal timing is not as important as it is for deciduous species. Removing dead, damaged or broken branches is always beneficial to trees, and can be done at any time of year.
- Generally, no more than 25 % of a tree's live canopy should be removed in any one year. Younger trees can tolerate more pruning than mature trees. The older and larger the tree, the less energy it has to close wounds and ward off decay or insects. Do not use paint or wound dressing to cover wounds. These materials do not help the tree and actually interfere with the tree's ability to seal the wound naturally.
- Pruning cuts should be made just outside the branch collar (or the bulge formed at the base of a branch). When removing a large limb, first reduce its weight to avoid tearing the bark. Make an undercut about 12-18 inches from the limb's point of attachment. Then make a second cut from the top, directly above or a few inches further out to remove the limb. Never cut the branch flush to the stem.
- Consider the natural form of the tree. Train deciduous trees to have one main trunk, or a single leader. Remove co-dominant stems (double leaders) or head them back to slow down their growth. Remove or head back any weak branch attachments or narrow crotches. Remove rubbing branches, suckers or lower branches from a tree to clear space for buildings, vehicles, and pedestrians.
- Never top trees! Topping creates serious hazards and dramatically shortens the life of a tree. Branches that sprout from just below the topping cut have very weak attachments and become hazards, especially as they grow and increase in weight.
- If you need a ladder or a chainsaw to do the work, it is time to hire an International Society of Arboriculture (ISA) certified arborist. Find a certified arborist in Vermont by going to the ISA Web site at www.isa-arbor.com. Otherwise, keep both feet on the ground and keep your bypass pruners, pruning saw and pole saw clean and sharp.
- Engage citizens around the care and maintenance of public trees. Volunteers, tree boards, conservation commissions, and other community groups can assist in conducting tree inventories, developing and carrying out annual pruning cycles and work plans, and advocating. Encourage your town's residents to become trained tree stewards by participating in the Stewardship of the Urban Landscape program, or by developing a citizen pruner program.

To learn more about proper pruning techniques and engaging your community's residents in urban and community forestry, check out the Vermont Urban and Community Forestry Program Web site at www.vtcommunityforestry.org or contact Kate Forrer at 802/223-2389, ext 25 or katherine.forrer@uvm.edu.

- Kate Forrer, Community Involvement Coordinator -Vermont Urban and Community Forestry Program

Agency of Natural Resources Restructuring Project

Since the close of the 2005 legislative session the Agency of Natural Resources (ANR) has been engaged in a process to redesign itself. S. 56, Act 52 of the 2005 session, directed the then-ANR secretary, Tom Torti, to appoint a Natural Resources Reorganization Committee of up to 13 members to advise him on what a reorganized Agency should look like.

The Act directed the secretary, a consultant (in this case, the Snelling Institute), and the committee to receive input on agency organizational models and to identify accountability indicators by which restructuring efforts would be measured. The indicators must address allocation of ANR resources and its ability to protect the state's natural resources. Norman Arsenault, chair of the Granville selectboard, represents local governments on that committee.

Tom Torti stepped down as ANR secretary this summer and Canute Dalmasse, a long-time ANR staff person, once again assumed the position of interim secretary. Hopes continue that the restructuring efforts will not be interrupted. (They have already extended well beyond the initial reporting date of January 15, 2006 because of the scope of the project.)

The first phase of the project was concluded with the presentation, toward the end of the 2006 session, of an interim report to the House and Senate Committees on Natural Resources and Government Operations and to the House Fish, Wildlife and Water Committee. The report took into account feedback solicited from extensive internal and external focus groups held around the state by ANR and the Snelling Center.

In the report, secretary Torti said there was general agreement about areas that need improvement at ANR. He wrote that, "large organizations need consistent leadership and a solid program of continuous improvement to sustain and build on positive change." Areas to be addressed at ANR are:

- Maintaining consistent leadership and clear leadership vision.
- Managing tasks and people.
- Prioritizing resources to perform all the required tasks and make necessary improvements.
- Improving internal and external communications.
- Creating effective partnerships and alliances.
- Establishing customer-focused service delivery.
- Developing effective planning.

In addition, Torti wrote that ANR is currently implementing a program to put fee-based permits on-line. The first program slated to actually conduct permitting on-line is the stormwater program, which will provide the template for additional Web-based permitting programs. A "clickable" interactive map allowing people to view all water quality projects is in progress. The first such map for stormwater projects is at http://maps.anr.state.vt.us/website/sw_viewer/viewer.htm.

The Rethink ANR process includes four more phases:

Phase II. Write a draft plan that incorporates Agency and department strategic plans, "process improvement events," an agency assessment; an improvement plan based on the assessment, and possible legislative actions to support improvement efforts.

Phase III. Adopt the Rethinking ANR plan and implement its recommendations.

Phase IV. Continue to implement recommendations.

Phase V. Look at initiatives that engage outside stakeholders and citizens in fulfilling ANR's mission.

VLCT staff member Karen Horn participated in the first of the Phase II process improvement events the week of July 31. The Department of Environmental Conservation (DEC) conducted a *kaizen* to re-invent the process for administering on-site sewage and potable water supply permits. (*Kaizen* is the

(Continued on next page)

Trivia

Congratulations this month to **Patricia H. Rogers**, member of the Guildhall selectboard, who knew that Baptist minister Clarence Waldron, from Windsor, was accused of opposing the war, found guilty, and sentenced to 15 years in prison. Rogers added that, following the war, in 1919, President Wilson allowed him to be released.

Here is our October challenge in honor of the spectacular fall foliage:

Which town is recognized as having the tallest sugar maple tree in the state? And, how tall is it?

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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ANR Project -

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Japanese word for change based on continual, incremental improvements.) The philosophy is applied to processes, in this case the process of applying for an on-site sewage and potable water supply permit.

Participants included representatives of all interest groups that come in contact with the particular permit process, including staff persons who manage and administer it. Every step of the current, byzantine process was mapped and posted on a large wall. Then, participants pointed out the many ways one could initiate the application process, steps that add no value, steps that are simply handoffs to another person, steps that involve wasted effort or time or transitions, as well as idle times (time spent waiting for someone to do something). Having identified all those unnecessary or misdirected actions and why they are part of the process, participants then redesigned the process to be efficient, timely, provide desired results (ultimately in terms of protection of the environment), and involve the minimal number of handoffs and transitions.

The idea behind a *kaizen* is that the process is "redesigned on Friday and implementation begins on Monday." Sometimes the changes are significant. At DEC, *kaizens* are being used as a way to restructure programs. Staff has taken the last month to explain to other staff members and interest groups how the changes in the program were conceived, and how they will be implemented. Implementation of *kaizen* efficiencies and innovations determine the success of the entire process.

From the perspective of local officials who must interact with ANR as permittees, as entities taking delegation of programs such as the wastewater and potable water supply program, as land use and environmental regulators themselves or as customers seeking technical assistance or information, we must continually question the results of the contorted and extensive restructuring process. Will the result include more programs being administered regionally, where local officials and citizens may access them without traveling to Waterbury, or on-line? Will ANR's technical assistance, education, and information-providing roles be as visible as its regulatory roles currently are? Can decisions about permits in various programs be coordinated, so that conflicting conditions are eliminated? Can the numbers of required permits be reduced through merger of similar programs? Will processes be more efficient and effective? Are there programs that should be eliminated altogether because they are no longer necessary or because implementation is either duplicated or makes more sense at a local level? Will customers receive their answers more quickly?

Rethinking ANR is a long-term project. As a "continuous improvement process," local officials should take the opportunity to provide their recommendations to ANR as the project unfolds. Those comments may be directed to ANR directly or through VLCT staff member Karen Horn (khorn@vlct.org)

- Karen Horn, VLCT Director, Public Policy and Advocacy

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Ancient Roads -

(Continued from Page One)

The due date is November 10, 2006; grant awards should be announced in December.

A municipality receiving a grant award may spend it in a number of ways, such as hiring a professional surveyor or attorney to provide training for volunteers, software or other technologies, and so on. The grant funding may be spent over a two-year period, and all cities and towns are eligible to apply. Funding will be distributed in the same three-payment method used for the Municipal Planning Grants: 40 % upon the initial contract execution, 30 % with the mid-project report, 30 % as a reimbursement after completion of the project.

It should be noted that page two of the original grant application mailed out to municipalities contains a statement that requires correction. The application states that, "If an unidentified corridor ***or any other highway or trail*** does not appear on a town highway map by July 1, 2015, it will be considered discontinued and will legally belong to the owners of the adjoining lands." The section highlighted is incorrect. The automatic discontinuance applies only to unidentified corridors.

For more information, please see the July 2006 *VLCT News*, or contact Trevor Lashua, VLCT Associate, Advocacy and Information Services, at 800/649-7915 or tlashua@vlct.org.

-Trevor M. Lashua, VLCT Associate, Advocacy and Information Services

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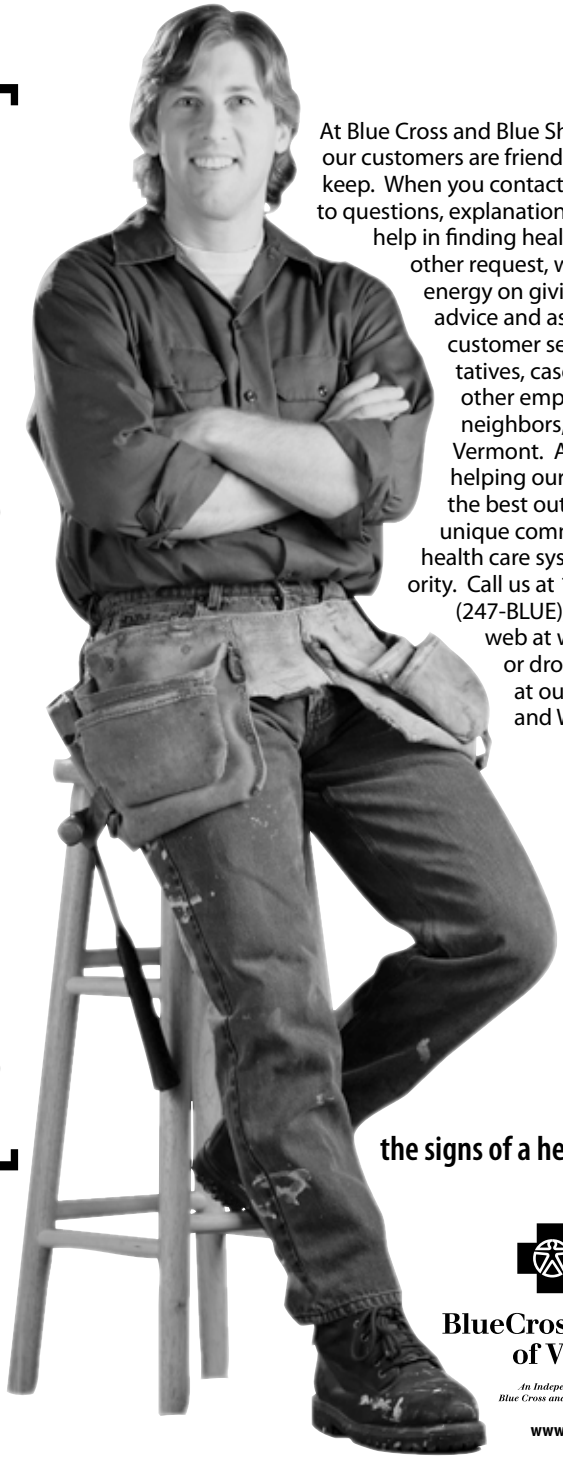

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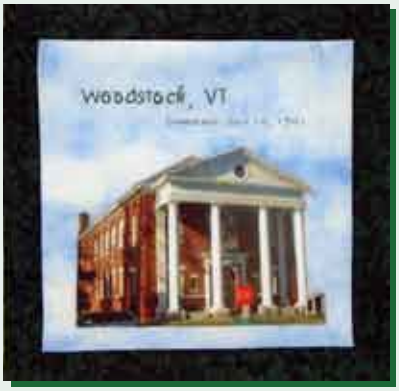
Local Government Quilt Grows by Two

Winhall and Woodstock recently sent in their squares for the VLCT Local Government Quilt project. Thank you to quilters Alison Wade, of Woodstock, and Elfrieda Molinielli, of Winhall. If your town, city or village has not yet contributed to VLCT's quilt project, please consider doing so.

For more information, including a list of who has contributed so far, please visit http://www.vlct.org/aboutvlct/townfairquiltproject/ or contact Patricia Boyle, VLCT Claim Representative, at 800/649-7915 or pboyle@vlct.org.



2006 Compensation and Benefits Survey

VLCT's annual survey of municipal salaries and benefits will be mailed in mid-October to all VLCT members who responded to the survey over the summer. This timing is intended to make the data available to municipal officials as they prepare next year's budgets.

While the information contained is the same as years past, the 2006 edition is presented in what we feel is a more user-friendly and effective format. Data is organized by population, pay ranges have been added, and compensation data is measured in hourly rates.

We hope these changes will make the 2006 VLCT Compensation and Benefits Survey a more useful product for our members.

Please note that all municipalities that completed the survey will receive a free copy. Others may purchase the survey for $50.

Finally, thank you to the municipal officials who served on the focus group that suggested changes to the 2006 edition of the survey and report, and to all municipalities that filled out the survey. We asked a bit more of you this year, to end up with a better product, and were pleased to have a 76% response rate.

For more information about the survey, contact Tara Fischer, VLCT Research and Information Assistant, at tfischer@vlct.org or 800/649-7915.

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2007 Health Trust Renewal

Rates, New Vendors and Service Updates

The 2007 Health Trust renewal season is quickly approaching. Please review the items below concerning changes effective January 1, 2007.

Blue Cross Blue Shield Health Plans. VLCT staff and the Health Trust Board are currently negotiating 2007 rates with Blue Cross Blue Shield. These rates are driven by claims costs, and, as we all know, costs are up both state and countrywide. All VLCT Health Trust members will receive periodic updates as we continue through this rate-setting process.

Section 125/Cafeteria Plan – New Plan Administrator. The VLCT Health Trust has offered a Section 125/Cafeteria plan administered by Benefit Strategies since July 1, 1999. The VLCT Health Trust Board recently put this program out to bid and approved changing administrators to Future Planning Associates, based in Williston, Vermont. We are excited about this new change, and we will be contacting current Section 125 participating members soon to help make this transition as smooth as possible.

COBRA Administration – New Program. In 1986, Congress passed the landmark Consolidated Omnibus Budget Reconciliation Act (COBRA) on health benefit provisions. The law amends the Employee Retirement Income Security Act (ERISA), the Internal Revenue Code, and the Public Health Service Act to provide continuation of group health coverage that otherwise might be terminated. COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates.

All 297 Health Trust members must comply with federal COBRA regulations and are responsible for their administration. As a municipal employer and a member of the VLCT Health Trust, it is presently your responsibility to notify your employees and/or dependents of their rights to continue health insurance coverage under COBRA,

(Continued on Page Twenty)

cuts

(Communications Under Ten Sentences)

2007 PACIF Renewal

The VLCT PACIF Underwriting Division is getting a head start on the annual PACIF renewal process. Members should have received their renewal applications in late September; they are due back at the VLCT offices **by Friday, October 20**. This will give PACIF staff plenty of time before the January 1 renewal date to work with members on any issues that arise as they review the applications. Please feel free to call Tina Feeney, Susan Dubie or Vicky Abare in the Underwriting Division if you have any questions about how to complete the application.

Health Trust Annual Meeting

The 2006 Annual Meeting of the VLCT Health Trust will be held on Friday, November 17 at the Stoweflake Resort in Stowe, Vermont. You will receive an agenda and additional details in the mail some time this month. Please be sure to mark your calendars. We look forward to seeing you there!

Leader Due October 16

Participants in the VLCT Health Trust's new Leader program should e-mail their Leader, updated with current scores, to Heidi Joyce (hjoyce@vlct.org) by October 16, 2006. Please mail your audit materials (copies of policies, exercise records, health screening attendance records, etc.) by October 16 as well. VLCT will notify Leader participants by December 31 of the amount of money being returned to them.

Welcome

Sandra J. Gallup, financial director for the City of Montpelier, has joined the VLCT Health Trust Board of Directors as an alternate member. She takes the place of **Carl Rogers**, Barre Town manager, who moved from an alternate to a regular Board member. All of this shuffling was prompted by the resignation from the Board of **Sonia Alexander**, who retired from her position of Wilmington manager earlier this year.

We welcome Sandra, and thank Sonia for her many years of dedicated service to the VLCT Health Trust.

Welcome

The **Town of Athens** has joined the VLCT Health Trust, bringing membership up to 297 municipal entities.

The **Village of Alburgh** has joined VLCT PACIF, bringing membership up to 348.

WUI: Working Under the Influence

You already know that driving under the influence puts drivers and others on the road at risk. You also need to realize that working under the influence puts drinkers and co-workers at risk.

An estimated 2.3 million U.S. workers have admitted consuming alcohol before coming to work, according to a study by the University of Buffalo Research Institute on Addictions. And 8.9 million say they have had a drink at least once during the workday.

Interviews revealed that most workers who drink do so during lunch breaks, although some drink while working or during other breaks. Workers on evening and night shifts, and those working nonstandard shifts involving irregular hours, were more likely to report drinking before work than those on day shifts. And men reported more alcohol use and impairment than women.

Other studies have shown that around 75 % of substance abusers are employed and that people who work under the influence of alcohol or drugs are over three times more likely to have an accident.

Where to Turn for Help

The VLCT Health Trust and VLCT PACIF provide a free employee assistance program to all of their members. The program covers all employees and their family members and is provided by Invest EAP. You may contact Invest EAP 24/7 at 800/287-2173 or on-line at www.investeap.org.

You may also try the Substance Abuse and Mental Health Services Administration treatment program locator at: http://dasis3.samhsa.gov.

For more information about the safety and wellness resources available from the VLCT Safety and Health Promotion Program, please contact Shawna McNamara at smcnamara@vlct.org or 800/649-7915. You may also browse and request materials from the Program's Wellness Library at http://www.vlct.org/insuranceriskservices/wellnesslibrary/.

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SAFETY AND HEALTH PROMOTION PROGRAMS

DEDICATED CLAIMS DEPARTMENT

Draft Rules Issued for Catamount Health Assessment

Draft rules for the administration and collection of the employer health care assessment were recently issued by the Vermont Department of Labor (DOL). This employer assessment (tax) was part of the health reform package adopted by the Legislature and signed by the Governor last spring.

All Vermont employers are subject to the assessment; however, only those employers who do not provide health insurance to their employees, or employers who offer employee health insurance but who have employees who are not covered by health insurance, will have to pay it. The assessment of $91.25 per full-time equivalent (FTE) per quarter will be payable quarterly; the DOL is proposing that the rules be in effect for the April 1, 2007 quarter.

Specifically, the draft rules state that the assessment applies to:

a) An employee of an employer that does not offer to pay any part of the cost of health care coverage for its employees.

b) An employee who is not eligible for health care coverage offered by an employer to any other employees. This includes primarily part-time and seasonal employees.

c) An employee who is offered and is eligible for coverage by the employer, but elects not to accept the coverage and has no other health care coverage under either a public or private plan.

Most municipal employers will be impacted by items b and c. It should be noted that the assessment does not apply to individuals under the age of 18.

The DOL was assigned the responsibility of developing the rules and mechanisms for reporting and collecting the assessment. As part of the process, they sought comments from interested parties. VLCT responded to this request, as the new assessment will result in additional costs and administrative burdens for Vermont cities and towns. Our concerns were as follows:

1. Elected officials, unpaid and appointed officials, such as planning commissioners, and volunteers, including volunteer firefighters, should not be considered employees for purposes of the assessment.

2. Calculating the assessment for seasonal employees will be a challenge.

3. One person should not be counted as more than one FTE. This means that hours worked over 40 hours per week should not be included in the assessment.

The draft rules address most of the concerns raised by VLCT. Reporting for the employer health care assessment would be done quarterly on the same form used to report unemployment compensation wages. The definition of employee would also be the same as that used for unemployment compensation purposes. This means that elected or appointed officials, as well as volunteers, would not be considered employees for purposes of the assessment. Under the proposed rules, a single individual cannot be considered as more than one FTE, regardless of overtime worked. A full-time salaried employee would also be considered one FTE. Finally, the Department of Labor recognizes the complexity of the seasonal employee issue and has set up a working group to address this issue specifically.

The proposed regulations require that the employer must annually verify if an employee who is eligible for employer-offered health insurance, but does not enroll, has health care coverage from another source. This class of employee may get health coverage through a spouse, Medicare, or some other government health program. These records would be retained for a minimum of four years. A simple form could be provided to each eligible, but non-covered employee, to verify whether or not he or she has health care coverage elsewhere. Considering that the assessment is paid quarterly, this requirement is fairly simple.

The employer health care assessment will impact the budgets of those municipalities that have employees who are not covered through their employer-offered health insurance. A draft worksheet allows for estimation of what the assessment will cost in budget terms. (For a copy of the worksheet, please contact Shawna McNamara at smcnamara@vlct.org.) Please remember that the calculation is per quarter. If an employer hires a lot of seasonal employees, it might be a good idea to complete separate calculations for each quarter to account for this.

Overall, the DOL has taken a reasonable approach to the rules governing the employer health assessment. The rules create as little administrative burden as possible and address the major concerns for municipalities in this area. You may view the draft rules at http://159.105.83.167/Portals/0/UI/HC%20Premium%20Contribution%20draft%20rule.doc.

- Dave Sichel, Deputy Director, External Affairs and Planning, Group Services

We Need Your Help!

VLCT is updating our mailing list and needs your help to do so. We recently sent out a form to each Vermont municipality that lists most of your local officials. (Over 6,300 of you in 273 cities, towns and villages!) Please take a moment to notify us of any changes to this information by filling out the form and faxing or mailing it back to us.

Accurate records allow VLCT to contact the appropriate person in your municipality with information about workshops, legislative actions, insurance and risk management issues, etc. They also help us respond to the hundreds of inquiries we receive each year from government and private sector organizations that need to contact Vermont local officials.

If you have any questions about these updates, please contact Jill George, VLCT Information Systems Administrator at jgeorge@vlct.org or 800/649-7915. Thank you.

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Tech Check

Understanding Digital Images

Managing digital images in a way that will not overload your desktop or server requires a basic understanding of how these images are constructed. This article explains the basic technology of imaging and discusses the tradeoff between the quality and size of stored images.

Images are created electronically using digital equipment such as a scanner or digital camera. The hardware converts the image to a set of numbers that the computer can process. These numbers represent "pixels" (picture elements), single dots that collectively will make up the overall digital image. An "array," or series of rows and columns of pixels, is called a "bitmap." The pixels are arranged in the bitmap in a way that represents the image captured from the digital equipment. Your computer sees a rectangular table with rows and columns of numbers each representing pixels and you see an actual image with the pixels representing either a black and white or a color image.

Color pixels differ from black and white pixels in the amount of numeric information they contain. A black and white pixel is a single number that represents a particular shade of "gray." Various combinations of these shades, up to 256, make up any black and white image, and different numbers represent each shade. A color pixel is a mix of three primary colors (red, green and blue), and therefore requires three different numbers to identify it to the computer. So the quantity of numeric data that the computer has to store for color pixels is three times that of those that are black and white.

This is one of the reasons that storage and memory is such an issue when you're dealing with images. Black and white pixels each take up a byte of memory or disk space (8 bits), but a color pixel, since it contains three numbers, takes up 3 bytes (24 bits). If you have limited storage or memory capacity, black and white images are more efficient.

The other thing to consider is that a higher resolution gives you more detail and increased quality because you're increasing the density (number) of the pixels. But, of course, it also uses more memory and storage.

A megapixel is a unit of 1 million pixels. A one to two megapixel image file gives you higher quality prints for 4x6, and 5x7 images, a three to four megapixel file will give you higher quality for the larger photos. Anything below one megapixel is a pretty low resolution, but will be adequate for Web sites or computer photos that are smaller and more compact, and when higher resolution images are not necessary.

So the key to having an efficient image creation and storage system is to have a clear understanding of what you're using the images for. First, do you need to store the image for archival purposes? If you just need a printed copy, then don't bother saving the file. If you need to store it, ask yourself the following questions:

Do I need a high quality or detailed image? High resolution is best for printing photos requiring detail or better quality, but remember that it will take up a lot more space. If the image is for Web site or computer viewing, it can be stored with low resolution. Set the resolution to match the function of the image and remember that you can always decrease resolution but you can't increase it beyond what you've created from your scanner or camera. Your image software should allow you to change resolution relatively easily.

Do you need to have color? Keep in mind that color images take up three times the amount of space than does a black and white image. If color doesn't matter, stick to black and white.

Do I have sufficient memory for storage on my image media (digital camera, scanner, computer, etc.)? If you create an image that exceeds the capacity of your hardware, you won't be able to do anything with it and it will certainly create storage problems. If you need to produce large, high quality images, be sure you have plenty of memory and storage capacity. To determine your hardware needs, calculate the average file size and the most images you think you'll need to store.

For archiving images, as with other files, keep at least two independent copies stored in different physical locations for safekeeping. You never know when you may have a corrupt file, a virus epidemic, or somebody gets mad and drops your server off the roof of your office building and you have to restore from a backup!

- Mike Gilbar, VLCT Chief Financial Officer

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Planning -

(Continued from Page One)

A strategic plan serves as an umbrella under which the myriad planning efforts a municipality already engages in (the town plan, land-use planning, capital budgeting, highway maintenance plans, and so on) can be unified into a single concerted effort used to guide policy and spending decisions.

If the process sounds familiar, it is because it is analogous to the capital planning and budgeting process that many municipalities already engage in – the capital improvement program (CIP) is created with a five-year period as its focus, and the capital budget is then drawn annually from the CIP.

How to Develop a Strategic Plan

While the final document is important, the process involved to create a strategic plan is equally as important, if not more so. The planning process is a valuable tool that provides an opportunity for elected officials, staff, citizens, and other stakeholders to engage in open conversations about what is working, what is not, and what is next.

When first looking to develop a strategic plan, many municipalities start with a tool called the "SWOT" analysis. SWOT is an acronym for "Strengths, Weaknesses, Opportunities, and Threats." Focusing on each of those four categories, participants name a variety of things about the municipality that fit within them. For example, a community's rural nature and scenic beauty may be listed as both a strength and an opportunity.

When VLCT's Municipal Assistance Center helped the Morrisville Water and Light Department create its strategic plan, the process utilized the SWOT analysis to establish the goals and action items that eventually became the guts of the plan. All analysis is contingent upon discussion, and, as such, it provides a forum where those involved can talk about their versions of and visions for the town or city (past, present, and future) in an attempt to reach consensus on that final set of goals that will become the strategic plan.

The Morrisville Water and Light Department's strategic plan describes the goals contained within as, "broad, long-term directives that establish the overall direction of the organization; goals establish what we will pursue." In total, the strategic plan sets out seven goals (and the corresponding objectives and strategies for each) for the period spanning 2005 through 2010. One example is: "Continually upgrade the infrastructure of all systems in order to maintain the value of our assets and ensure the safety of the public and employees."

The action items or objectives (i.e., the ways the goal may be achieved) that follow include the development and implementation of capital plan documents, utilization of those capital plans when preparing budgets, and developing a database to use for mapping and reporting data on outages.

The value of strategic planning is that it allows a municipality not only the opportunity to establish a vision for its future, but also to map the course it will take to get there.

Morrisville Water and Light's strategic plan – from conception to completion – took nearly a year and involved multiple three-hour work sessions to come up with the raw material that eventually became the plan. To review this plan in its entirety, visit the Morrisville Water and Light Department's Web site at: http://www.mwlvt.com/.

Step-by-Step Guide

A municipality looking to create and implement its own strategic plan may follow a sample process that includes the following steps:

1) Organization. This is where the strategic planning process begins. A municipality may start by focusing on smaller goals and objectives and annual plans before diving into a strategic planning process that looks at five years at a time. The legislative body should also establish some of the mechanics of how the process will work: an estimated schedule, whether or not they will seek the help of an outside professional, identifying and inviting citizens and other stakeholders (non-profit or local advocacy organizations, for example) to participate, and so on. Opening up the process to include all interested participants is a great

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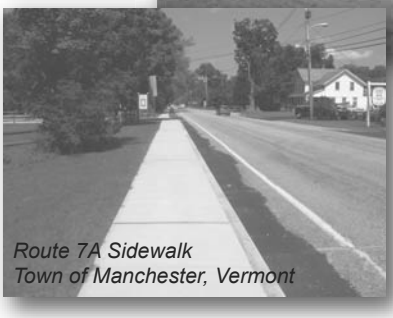
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Planning -

(Continued from previous page)

way to coalesce community support for the plan and the goals established in it.

2) Analysis. The municipality may choose to start with a preliminary survey, the purpose of which is to set the stage for the kind of critical thinking that will be employed later on, and to get those involved thinking about the outcomes of this process. A sample survey question could be: "What is the mission of local government in your town?" The SWOT analysis may also be employed during this phase to determine where the parties involved feel the municipality stands, where it needs to go, and what resources may be available to help.

3) Goal Setting. The byproducts of the analysis and discussions can then be distilled into a set of broad goals. For example: "Goal #1 – Maintain and improve the level of service provided to citizens in an efficient and fiscally responsible manner."

4) Strategies/Action Items. The goals are then further refined to come up with more specific tasks or directions needed to achieve the plan's goals. Using the goal from number three above, an action item might be: "Establish a five-year highway maintenance program for use in the budget process each year."

5) Written Plan. Everything is put into writing, reviewed again, and then adopted by the legislative body. Though the adoption of the plan is largely ceremonial, it signals the municipality's commitment to it.

6) Annual review. Each year the plan is updated, edited, and amended to reflect changing goals, development patterns, representation, economic realities, and so on.

The value of strategic planning is that it allows a municipality not only the opportunity to establish a vision for its future, but also to map the course it will take to get there.

If you would like to explore strategic planning in more detail or are seeking assistance with your plan, contact Dominic Cloud at VLCT's Municipal Assistance Center at 800/649-7915 or dcloud@vlct.org.

- Trevor M. Lashua, VLCT Associate, Advocacy and Information Services

Designated Growth Centers Becoming a Reality in Vermont

Interim Procedures Adopted

Act 183, which established a process for the Downtown Development Board to designate growth centers, was passed by the 2006 Legislature. Recognizing that it would take some time to develop a full-fledged growth centers designation program, the Act also provided an interim designation process for a period of 18 months for grants of primary agricultural soils mitigation benefits.

Planning and Coordination

The first step toward Vermont's new growth centers program was taken in July, when a planning and coordination group was established. The group's membership includes VLCT staff member Karen Horn, as well as planners and retired planners from the regional, private and municipal sectors. Staff support is provided by the Natural Resources Panel (formerly the Environmental Board) and Department of Housing and Community Affairs (DHCA). The planning coordination group's function is to:

- ensure consistency between regions and municipalities regarding growth center designation and related planning;
- provide a pre-application review process that provides early, helpful input to municipalities;
- coordinate state agency review on matters of interest to them;
- provide the Downtown Development Board with ongoing, coordinated staff support and expertise in land use and community planning and natural resources protection; and
- develop a municipal growth centers planning manual and implementation checklist.

Agricultural Soils Mitigation

Developing procedures to grant primary agricultural soils mitigation benefits turned into the planning and coordination group's immediate task, as the Town of Colchester filed an application as soon as the law took effect July 1. Those interim procedures were presented to and adopted by the Downtown Development Board at its August 28 meeting.

In a nutshell, they allow a municipality to apply to the planning and coordination group for primary agricultural soils interim benefits before the municipality receives formal designation of its growth center from the Downtown Development Board. As noted above, this "head start" was authorized by Act 183 and allows the developers of projects on primary agricultural soils that are located within proposed growth centers to apply the mitigation benefits during the Act 250 process.

As part of its application, a municipality should provide an inventory of primary agricultural soils within the proposed growth center. It shall include growth projections for the coming 20 years and clear delineation of the boundaries of the proposed growth center, as well as identification of any natural, historic and environmental resources that would constrain development. The applicant needs to include proposed efforts to encourage future development to locate in the growth center and demonstrate that it is involved in a process that will result in a full application for growth center designation within 18 months.

The planning and coordination group must work with the applicant municipality to resolve deficiencies in the application, coordinate with interested state agencies, and forward the complete application, with its recommendation, to the Downtown Development Board for final action. Pursuant to the statute, the Downtown Development Board "shall award the benefit if warranted."

For more information, please contact the Department of Housing and Community Affairs at 802/828-3211.

- Karen Horn, VLCT Director, Public Policy and Advocacy

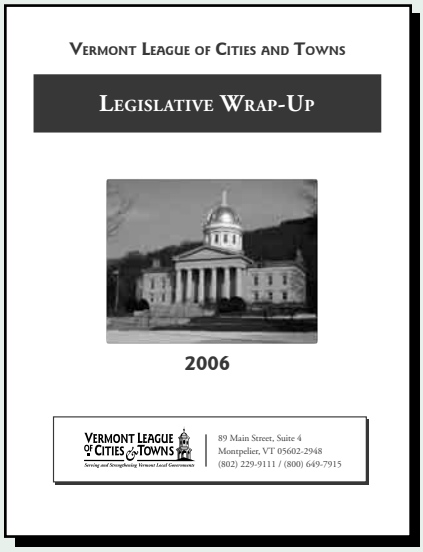
Legislative Wrap-Up Correction

The *2006 Legislative Wrap-Up*, distributed to VLCT members in June, contained a summary of the Executive Fee Bill, H. 702, Act 202. An attentive reader notified us that the section on appeals from decisions of the Board of Civil Authority (BCA) to the Director of Property Valuation and Review (PVR) and Superior Court is inaccurate. Likewise, the section on fees for first- and second-class liquor licenses needs clarification.

The fee to appeal a decision of a BCA to the PVR Director is increased from $30 to $70 as a result of Act 202 being enacted. However, the fee for appealing from the BCA to Superior Court (a taxpayer's other option) has not changed. That fee, "prior to entry of any cause in the Superior or Environmental Court," is $225.

Act 202 increased fees for a first-class liquor license from $100 to $200. It also increased fees for a second-class liquor license fee from $50 to $100.

We apologize for any confusion we may have caused.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Vermont League of Cities & Towns

Sample Projects:
- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances

MSGP -

(Continued from Page One)

treatment facilities with a design flow of one million gallons per day or more, municipally owned and operated landfills, and municipally owned and operated transfer stations that engage in vehicle maintenance or equipment cleaning operations. Municipalities may have other activities that fall under this permit, so it is important to look at the list. Stormwater discharges associated with municipal garages and salted sand piles are *not* covered under the MSGP *unless* they are located on the same or contiguous site as a regulated activity.

There are two ways to comply with the MSGP: (1) qualifying for a conditional exclusion for "No Exposure," or (2) preparing a Stormwater Pollution Prevention Plan (SWPPP) and submitting a Notice of Intent (NOI) form. These procedures are described below.

Conditional Exclusion for "No Exposure"

The first step in determining what you need to do if your municipality engages in an MSGP regulated activity is to find out whether you qualify for the so-called No Exposure conditional exclusion. No Exposure means that all industrial materials and activities are protected by a storm-resistant shelter that prevents exposure to rain, snow, snowmelt and runoff. In addition, in order to quality for the No Exposure certification, you must be able to certify that you:

- Do not use, store or clean equipment such that the residuals are exposed to stormwater.
- Do not have material or residuals on the ground from spills, leaks, or past activities.
- Do not have inadequately maintained material handling equipment exposed to precipitation.
- Do not store materials or products outside that could be mobilized by stormwater.
- Do not store materials or wastes in exposed, deteriorating, or leaking containers.

Achieving a conditional exclusion for No Exposure is the least complicated method for complying with the MSGP requirements.

(Continued on next page)

MSGP -

(Continued from previous page)

For some regulated activities, incorporating good housekeeping practices and moving materials and activities indoors can help you obtain No Exposure status. Inactive municipal landfills may achieve No Exposure if they have: (1) closed in accordance with closure plans approved by the State; and (2) are currently performing or have completed post-closure care.

There is no permit fee for the No Exposure exclusion, and you only need to reapply once every five years. Even if it requires that you construct a permanent enclosure, qualifying for a No Exposure conditional exclusion could be well worth the expenditure. On the other hand, if you choose to construct shelters to cover materials and thus increase your impervious surface area, you may trigger other stormwater permits. It is advisable to contact the ANR's Stormwater Section before beginning this type of project, just to make sure.

Stormwater Pollution Prevention Plan (SWPPP)

For some regulated municipal activities, it will be very difficult or impossible to claim No Exposure. When the standards for No Exposure certification cannot be met, you will need to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in advance of submitting a Notice of Intent (NOI) for permit coverage. A SWPPP (pronounced "swip") is a written plan describing how a regulated industry or municipality will keep pollutants from entering surrounding waters. Depending on the size and complexity of your regulated activities, you may need to use a professional engineer to prepare your SWPPP. Whether or not you write the SWPPP yourself, developing and putting the plan into action may involve considerable time and effort on the part of municipal personnel and /or consultants.

The basic components of a SWPPP are:

1) **Planning and Organization**. You will need to form a stormwater pollution prevention team that is responsible for developing and ensuring compliance with your municipality's SWPPP. The specific responsibilities for each individual on the team must be identified and listed in the SWPPP.

2) **Site Assessment**. The SWPPP must include a site map showing all receiving waters, stormwater discharge points and direction of flow, as well as all non-stormwater discharges, (i.e., process and wastewaters that should not be discharged to streams). Some bodies of water currently do not meet water quality standards (the so-called impaired waters), and what you can discharge into them is restricted. The locations and sources of stormwater running onto your site must also be evaluated. The site map must include the locations of all activities that are exposed to precipitation, such as fueling stations, equipment maintenance areas, liquid storage tanks, and locations of past spills. A summary of the potential pollutant sources (e.g. gasoline, crankcase oil and cleaning solvents) must be listed for each activity. You may already have an idea of potential pollutant sources at your site, especially if you have existing sampling data.

3) **BMP Identification**. Once you know what the potential pollutant sources at the facility are, you need to choose appropriate Best Management Practices (BMPs). BMPs are measures that you can take to keep pollutants from leaving your site. Structural BMPs can be built on the site and include physical structures like berms, settling ponds, oil-water separators and storm resistant shelters. Behavioral BMPs are practices and changes in the way employees perform their work, such as regular maintenance of vehicles and machinery, prohibition of certain activities, and spill prevention and response procedures.

4) **Implementation**. The SWPPP must be implemented by May 14, 2007. As the BMPs are identified, the stormwater pollution prevention team should be creating a schedule that sets goals for putting them into place. The first steps toward implementation are employee training and regular inspections to assure that the BMPs are working.

5) **Evaluation and Monitoring**. There are several types of monitoring requirements your municipality may be subject to under this permit, depending on the type of activity that is regulated. These include visual inspections, benchmark monitoring and effluent limitations monitoring, as well as additional monitoring requirements for impaired waters. The SWPPP must include a plan for collecting samples and getting them analyzed. In addition to regular inspections, the MSGP requires that you perform an annual compliance evaluation of the entire site. Water quality monitoring and site evaluations will indicate whether the SWPPP is working. The SWPPP must be kept up to date, and for purposes of documenting compliance with the MSGP, all monitoring, inspections and plan revisions must be recorded.

Conclusion

If any of your municipality's activities are listed in Table D-1 of the MSGP, you are required to seek coverage under the permit. If covered, it is important to evaluate the regulated activity to see if it is possible for your municipality to obtain a conditional exclusion for No Exposure. The benefits of No Exposure can be significant and might be worth the effort. Achieving No Exposure for your municipal activities is also an excellent way to prevent stormwater pollution. In some cases, simple changes such as incorporating good housekeeping procedures and moving materials and activities indoors or under shelters may be the key to bypassing the SWPPP process and the associated stormwater monitoring required for MSGP compliance.

For more information, contact Christy Witters, Vermont Water Quality Division, Stormwater Section, at 802/241-4582 or christy.witters@state.vt.us. You can also field questions through VLCT's Municipal Assistance Center by contacting Milly Archer, VLCT Water Quality Coordinator, at 800/649-7915 or marcher@vlct.org.

- Milly Archer, Water Quality Coordinator, VLCT Municipal Assistance Center

Health Trust Renewal -

(Continued from Page Twelve)

to act as the plan administrator, and to collect the premiums from COBRA plan participants.

Several Health Trust members have asked for guidance and assistance in this COBRA administration process. Therefore, we are pleased to announce that the VLCT Health Trust Board has approved this new "value added" program for 2007 and chosen COBRA Outsourcing to administer all COBRA participation and regulation for all Health Trust members. The Trust will offer this "value added" service to all 297 members at no additional cost to the membership. Additional information will be provided in a future mailing regarding how your municipality can receive this invaluable service.

Both Future Planning and COBRA Outsourcing will attend this year's Town Fair to present a brief program overview to members at one of the morning workshops. Please plan to attend the workshop and visit their booths if you have any questions regarding the services they will provide through the League.

If you would like a visit from a Member Relations Representative to discuss one of the new programs detailed above, or if you wish to discuss current or alternative health plan offerings or any other Health Trust ancillary products, please complete and return a Member Information & Education Request Form (formerly entitled "On-Site Visit Form"). All Health Trust members received a copy of this form in a recent mailing; the form is also posted on the VLCT Web site at www.vlct.org under Insurance and Risk Services, Customer Service.

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Classifieds -

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management experience required; master's preferred. Hiring range, $60,000-$75,000, DOQ. Please send cover letter and resume in confidence to: Manchester Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. **Resume review begins October 9, 2006**. EOE. (9-8)

Administrative Assistant. Immediate opening for administrative assistant to the selectboard in Fairlee, Vt. 25 hours per week at good hourly wage plus benefits. For a job description, call 802/333-9653 or e-mail Fairlee@sover.net. Send letter of interest and resume to Fairlee Selectboard, P.O. Box 7, Fairlee, VT 05045. EOE. (9-7)

Civil Engineer. Consulting engineering firm seeks civil engineer for Vermont offices. Professional Engineer License in Civil Engineering required. Projects may include water treatment and distribution, wastewater treatment and collection, site development, stormwater treatment and roadway design. We seek an individual with solid technical background, common sense, a positive attitude and a good sense of humor. Must be able to manage projects, budgets and client contact. Otter Creek Engineering is a growing consulting engineering firm with a solid reputation as committed professionals. We offer a competitive salary and benefits, including payment of health insurance premiums, disability insurance, retirement plan, paid holidays, paid vacation and a great work environment. Send resume and references to Otter Creek Engineering, Inc., P.O. Box 712, East Middlebury VT 05740, or HR@OtterCrk.com. (9-7)

Manager, Safety and Health Promotion. VLCT seeks an experienced, goal-oriented professional to provide hands-on leadership to its team efforts to manage risk. The Manager is responsible for analyzing and evaluating members' experience; performing loss control and health promotion consulting and assisting members with the development of appropriate action and improvement plans; fostering member communications and follow up; recommending and managing the annual budget; managing and developing four team members. Requirements include excellent communications, presentation, and managerial skills; a bachelor's degree in a related field (or equivalent experience); ten years of loss control, safety or health promotion and supervisory experience. High level of property, casualty and workers' compensation knowledge needed. CSP, ARM, AIM or similar certification is desirable. Valid state of Vermont drivers license in good standing required for travel throughout Vermont, including occasional nighttime meetings. VLCT offers an excellent total compensation package, convenient downtown Montpelier location, a great reputation and fantastic colleagues. If interested e-mail a confidential cover letter, resume and names/phone numbers of three references to jobsearch@vlct.org with Manager, S&H as the subject. **Applications will be accepted until filled**. Equal Opportunity Employer. (8-18)

Highway Supervisor. Town of Middlebury, Vt. Search re-opened for an experienced crew chief to oversee the Town's talented Highway Department staff. Directs and coordinates maintenance and repair of Town roads and infrastructure. Extensive supervisory experience in road and utility work required. Technical College and/or Road Scholar training a plus, but not required. Competitive salary and comprehensive benefit package. For a complete job description and application form, go to www.middlebury.govoffice.com, or call 802/388-8107. Applications accepted until the position is filled. EOE. (8-4; rev. 9-18)

For Sale

Front-Loader Trucks. 2000 & 2001 Peterbilt 320s w/40 YD E-Z Pack Hercules Front Loader, Cummins ISM 305 HP, Allison HD4560, 20F/46R, 50 k miles, low hours and excellent condition. Many other styles available. Call Scott at 727/460-1098, or visit www.randsmotorsports.com. (8-22)

Calendar -

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annual workshop will focus on enforcing land use regulations, appeals to the Environmental Court and new initiatives to encourage growth center development.

VLCT Health Trust Annual Meeting. Friday, November 17, 2006. Stoweflake Resort, Stowe. Sponsored by the VLCT Health Trust. Members and Directors of the VLCT Health Trust will gather to hear reports on the year past, new rates, and trends to watch for in the future.

Stewardship of the Urban Landscape (S.O.U.L). Monday evenings from January 8 - March 5, 2007. Vermont Interactive Television sites around the state. S.O.U.L. is a 40-hour course designed for community volunteer group members, tree wardens, municipal officials, citizens, and others who are interested in the topics and issues of urban and community trees and forests. The program combines technical information on tree biology, tree assessment, municipal tree management, and proper maintenance with leadership skills. Participants walk away better prepared to engage in the management of their community's tree resource. For more information, please contact katherine.forrer@uvm.edu, call 802/223-2389, ext. 25, or visit www.vt-communityforestry.org.

Environmental and Safety Training Seminars. A variety of seminars will be offered this fall by the Vermont Small Business Development Center. Please visit www.vtsbdc.org for more information.

Town Planning: Putting the Pieces Together. A Lecture Series for Citizen Planners. Various topics, dates and locations are being offered. Sponsored jointly by the Towns of Williston and Essex Planning Commissions through a Municipal Planning Grant from the Vermont Department of Housing and Community Affairs. Please visit http://www.vermontplanners.org/news.html for more information.

Classifieds

Please visit the VLCT Web site to view more classified ads: http://www.vlct.org/marketplace/classifiedads/. You may also submit your ad via an e-mail link on this page of the site.

Help Wanted

Public Works Director. Stowe, Vt. seeks a full-time director to plan, direct and oversee operations of the highway, water, wastewater and parks departments, as well as identify and coordinate capital needs of the town, maintenance of buildings and infrastructure. A Bachelor's degree in civil/transportation engineering is preferred, but candidates with degrees in public administration, business administration or a closely related field will be considered. Requirements: a minimum of five years of experience with progressive responsibilities; possession of tactful interpersonal skills and diplomacy; strong professional and organizational skills; a working knowledge of municipal budgeting/finance, zoning and development; strong presentation skills; and experience planning and managing capital projects. Annual salary starting, $55,000. Excellent benefits. For a complete job description, go to www.townofstowevt.org. E-mail letter of interest and resume to recruit@townofstowevermont.org, Attn: Susanne Gann, HR Coordinator. **Applications accepted until the position is filled**. EOE. (9-19)

Emergency Medical Technician. Shelburne (Vt.) Rescue seeks full-time (36-40 hours/week) EMT to respond as a crewmember to emergency calls in Shelburne and possible mutual aid to surrounding communities. Other duties include administrative work, crew training and a variety of EMS-related issues. Must have a Vermont EMT-I '03 certification, at least one year of current crew chief experience, and be certified to drive an ambulance. Competitive salary with benefits. For a complete job description, go to www.shelburnevt.org, under Related Links Employment Opportunities. To apply, send letter of interest and resume to Linda Goodrich, Chief, Shelburne Rescue, P.O. Box 254, Shelburne, VT 05482, or e-mail lgood41398@aol.com **by October 20, 2006**. EOE. (9-19)

Finance Manager. St. Albans City, Vt. seeks an experienced Finance Manager with excellent interpersonal skills. Responsibilities include payroll, audit preparation, budget preparation and maintenance, cash management, internal controls, the computerized accounting system, reporting for department heads and City Council, and all other accounting functions. Must have strong analytical, presentation, supervisory, and communications skills, and a customer service orientation. Requirements: Bachelor's Degree in relevant field, working knowledge of accounting and FASB/GASB standards. Master's degree or CPA a plus. Send cover letter and resume in confidence to m.garceau@stalbansvt.com, or Mary Garceau, City Manager, P.O. Box 867, St. Albans, VT 05478. **Resume review begins immediately**. (9-15)

Director of Parks & Recreation. The resort municipality of Killington, Vt. desires a highly motivated professional for its progressive, full-service department. Degree in recreation and municipal high-level recreation administrative experience desired. Requirements: ability to work independently, administer and supervise the Town's recreational facilities, as well as plan and coordinate programs and activities as a one-person (full-time) department. Competitive salary (mid $30s), depending upon qualifications, plus excellent health, dental and retirement benefits. Submit resume, including present salary, **by Oct. 15, 2006**, to David W. Lewis, Town Manager, P.O. Box 429, Killington, VT 05751. For additional information, call 802/422-3241. (9-13)

Town Manager. The Town of Manchester, Vt. (www.town.manchester.vt.us) seeks an accomplished leader for the position of Town Manager. Manchester (population 4,180, with seasonal increases to over 10,000) is a four-season, tourist-oriented community located in southwestern Vermont. The Manager reports to a five-member selectboard and supervises all town departments; since 1986, there have been two managers. The current operating budget is $4 million, with 35 full-time employees. Primary responsibilities include financial management and budgeting, community and intergovernmental relations, personnel administration/labor relations, and public works project development and oversight. A full job description is available at www.vlct.org under Marketplace. Working knowledge of municipal practices, bachelor's degree in appropriate discipline, and five years

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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 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 often 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 Manager, Administrative Services, tel., 800/649-7915; e-mail, jhill@vlct.org. Or visit www.vlct.org's Events 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 Town Fair. Thursday, October 5, 2006, Barre Municipal Civic Center, Barre. Please go www.vlct.org for complete program information.

Staples Business Advantage/State of Vermont Vendor Show. Tuesday, October 17, 2006, Capitol Plaza Hotel, Montpelier. Co-sponsored by the Vermont Purchasing and Contract Administration Department. This show will feature savings opportunities for municipalities interested in purchasing office supplies through the State's contracts. For more information, contact Ken Feld at Kenneth.feld@state.vt.us or 802/828-4658.

Municipal Budgeting and Finance Workshop. Thursday, November 2, 2006. Vermont College, Montpelier. Sponsored by the VLCT Municipal Assistance Center. Timed to fall in the midst of budget season, this workshop will present the principles and practices of effective municipal budgeting and financial management. Particular attention will be paid to monitoring revenues and expenditures throughout the year, establishing proper financial control measures and using the municipal budget as a policy and management tool.

Planning For Ancient Highways. Tuesday, November 14, 2006. Vermont Interactive Television sites around the state. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. Legislation passed in 2006 requires towns to research, identify, and map previously unknown Class 4 highways by July of 2009 or face the prospect of having those roads discontinued in 2015. This workshop will focus on the financial and technical resources available to assist towns in this planning process.

Planning and Zoning Forum. Thursday, November 16, 2006. Vermont College, Montpelier. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. This

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