

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

March 2007

CLIMATE CHANGE ACTION AT THE LOCAL LEVEL – WHAT CAN WE DO?

Climate Change in the U.S. Northeast, a report released in October 2006 by the Union of Concerned Scientists, concluded that the greatest uncertainty in our future climate is the extent to which society resolves to reduce further emissions of heat-trapping gases. (Greenhouse gases include carbon dioxide, methane, nitrous oxides and a number of gases that are produced by industrial processes. In Vermont, the most prevalent greenhouse gas is carbon dioxide, produced by the vehicles we rely on for transportation.) According to the report, “The greater the extent of the

emissions reductions we are able to achieve, the greater the ability of ecosystems, human communities, and economic sectors to adapt to the coming climate. Our findings make clear that the emissions choices we make here in the Northeast and globally, now and over the next several years, will have dramatic implications for the climate our children and grandchildren will inherit.” The need to take action is palpable even on these cold winter days.

At the State House this winter, the picture speakers are painting is dire, should humans
(Continued on Page Twelve)

TOWN MEETING CIVIL INVOCATION

Let us bow our heads for a moment of silence and reflection.

[Pause]

We are gathered together in civil assembly.

We gather as a community, in the oldest sense of the word.

We gather to come together and try to make decisions about what is right, about what is wrong.

Let us advocate for our positions, but not at the expense of others.

Let us remember that there is an immense gap between saying “I am right” and saying “I believe I am right,”

And that our neighbors with whom we disagree are good people “with hopes and dreams as true and high as ours.”

And let us always remember that, in the end, caring for each other in this community is of far greater importance than any difference we may have.

Amen.

(Reprinted by permission of the author, Toby Balivet, Danville Town Agent and “parliamentarian.”)

LOCAL GOVERNMENT DAY 2007



Twenty-two local government officials braved the Valentine’s Day snowstorm to attend Local Government Day at the Capitol Plaza and State House in Montpelier. A few of them (above) enjoy an almost private tour of a quiet State House, given by State House Curator David Schutz.

Governor Douglas (below) was able to spend extra time answering questions at Local Government Day, as storm cancellations had unexpectedly lightened his day’s schedule.



With extra food on hand at lunchtime, co-sponsors VLCT and the Vermont Municipal Clerks’ and Treasurers’ Association invited staff from the City of Montpelier to join the Local Government Day luncheon. Members of the City’s fire department (left) enjoy a hot meal on a cold, snowy day.



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INTRASTATE MUTUAL AID GUIDELINES BEING CONSIDERED

Vermont Emergency Management (VEM) has begun looking into ways to formalize mutual aid agreements between response agencies in Vermont. Currently, several Vermont municipalities have formal mutual aid agreements in place. Many more informal mutual aid agreements exist for public works and emergency response because Vermont cities and towns have a long history of coming to the aid of their neighbors.

VEM would like to strengthen this informal network by setting up a statewide agreement on mutual aid. This agreement could provide protocols for municipal emergency medical service, law enforcement, fire, or public works departments that may be requested to work across municipal borders.

This is prompted, in part, by the fact that statewide mutual aid agreements are now mandated by the National Incident Management System (NIMS) in connection with certain Homeland Security grant programs. NIMS affects all cities and towns in that, if they are not compliant, they cannot receive certain federal emergency preparedness funds. The State Homeland Security Unit has sent information to all municipalities that clearly states what the new funding requirements are.

A statewide agreement not only would meet NIMS requirements, but would also offer liability and financial protection to *requesting and responding* communities. The guidelines included in the agreement would

(Continued on Page Ten)

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LEGAL AND REGULATORY NOTES



ADVISORY ARTICLES; SIDING REGULATION; TELEPHONE TAX REFUND

SUPREME COURT AFFIRMS LEGISLATIVE BODY'S DISCRETION TO WARN ADVISORY ARTICLES

Each year, VLCT members are faced with the issue of whether to include petitioned advisory articles on their annual town meeting warnings. At issue in each case is the inter-

visory article and presented it to the voters, it was under no obligation to do so. To decide otherwise would be to subject the town meeting – a forum primarily for conducting municipal business – to debate on every social issue of interest to voters. Allowing the City discretion to warn advisory articles, such as the one presented by petition-

its voters. Therefore, while the South Burlington City Council could have warned the advisory article, it could not be legally compelled to do so.

The *Clift* decision furthers a long line of Vermont Supreme Court cases interpreting 17 V.S.A. § 2642(a) and its predecessor statutes. Since 1969, the Supreme Court has in-

The Court found that the petitioned article was outside the purview of the City and its voters. Therefore, while the South Burlington City Council could have warned the advisory article, it could not be legally compelled to do so.

pretation of 17 V.S.A. § 2642(a). This statute provides that the warning for a special or annual town meeting must contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than 40 days before the day of the meeting.

The Vermont Supreme Court has on several occasions addressed predecessor statutes and other laws substantially similar to 17 V.S.A. § 2642(a). It has concluded that local legislative bodies have significant discretion in deciding whether to include a requested article in the annual town meeting warning. City councilors, selectboard members and village trustees use this discretion to balance the efficient transaction of essential town business with the preservation of the Vermont town meeting as a forum for public discourse on state and national issues.

In a recent decision, the Vermont Supreme Court affirmed that local legislative bodies have significant discretion to determine which, if any, advisory articles will be included in the warning for a special or annual town meeting. *Clift et al. v. City of South Burlington*, 2007 VT 3 (January 18, 2007). At issue was a petitioned article directing the South Burlington City Council to ask state legislators to enact legislation concerning abortions. In affirming the South Burlington City Council's authority to refuse to warn this article, the Court stated:

While the City could have warned the ad-

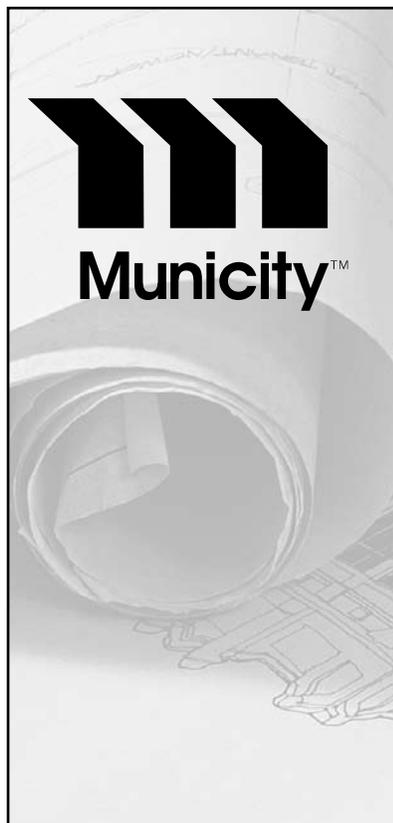
visory article and presented it to the voters, it was under no obligation to do so. To decide otherwise would be to subject the town meeting – a forum primarily for conducting municipal business – to debate on every social issue of interest to voters. Allowing the City discretion to warn advisory articles, such as the one presented by petition-

ers, furthers the Council's ability to balance the efficient transaction of city business with the provision of a local forum for discussing state and national issues. *Id.* at paragraph 7.

The Court found that the petitioned article was outside the purview of the City and

terpreted these statutes to compel legislative bodies to present petitioned articles to voters only when the purpose stated in the petition "set forth a clear right which is within

(Continued on next page)



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LEGAL/REG. NOTES -

(Continued from previous page)

the province of the town meeting to grant or refuse through its vote.” *Royalton Taxpayers’ Protective Assn. v. Wassmansdorf*, 128 Vt. 153, 160 (1969).

While arguments have been made that all (or most) advisory articles must be warned, the League has consistently advised members that legislative bodies have discretion under the law to warn advisory articles. At the same time, we have reminded members that voters unhappy with a legislative body’s decision not to warn an advisory article could refuse to re-elect those members whom they are unhappy with. Accordingly, a legislative body must always proceed with due caution when considering the decision not to warn a petitioned advisory article.

It should also be noted that at least two municipalities (Bennington and Brattleboro) have specific charter provisions addressing advisory articles. These should also be consulted and followed.

- Jim Barlow, Staff Attorney, VLCT
Municipal Assistance Center

ENVIRONMENTAL COURT UPHOLDS REGULATION OF SIDING

Over forty Vermont towns have adopted zoning bylaws to protect their community character and the trend continues to grow as more communities have come to appreciate the uniqueness of their surroundings and taken local action to protect the integrity of their downtowns and historic structures. A decision late last year by the Environmental Court upholds a municipality’s right to regulate alterations to buildings within design control districts under 24 V. S. A. § 4414 (1) (E) and/or (F). *In re: Armour Siding Application* Env. Ct. Docket No. 134-7-05 Vtec. (December 18, 2006).

The Burlington case involves a property owner’s request to install “high grade imitation wood grained vinyl siding to restore” a building listed on both the Burlington Register of Historic Resources and the Vermont State Register of Historic Resources. Because the structure, the George Jimmo House, is considered an “historic building,” it is subject to design review criteria found in Burlington’s bylaws. After hearing the application for the installation of the artificial siding and the recommendations of the advisory commission, the Burlington Development Review Board (DRB) denied the application.

The case then went *de novo* to the Environmental Court. The appeal was on two

criteria articulated in § 6.1.10(a) and § 6.1.10(i) of Burlington’s Ordinance: whether the use of artificial siding “to restore” the exterior of the structure would be “inharmonious with the architecture of existing buildings in the vicinity,” and “whether his plan constitutes a disruption of the neighborhood’s historic or traditional architectural features.” In reaching its conclusion, the Court considered the following evidence: testimony on the existing condition of the siding and the process by which the artificial siding would be installed; a *Policy on the Application of Vinyl Siding & Substitute Façade Materials*, adopted by the DRB on 11/29/94; and the recommendations of the advisory commission. The Court also conducted a site visit to the neighborhood. The Court concluded “the application of vinyl to this structure will necessitate the removal and destruction of important historic components that cause it to relate harmoniously with nearby structures.”

It should be noted that within the decision, Judge Durkin provided an alternate scenario where the court may have approved the installation of vinyl siding; “[I]f the property did not have these distinctive design features, including the distinctive moldings, cornish returns, and multi-sized shin-

gles, vinyl siding might not have resulted in such a disruption and might have been permissible.”

This highlights the need for towns interested in promoting their historically and architecturally significant structures to adopt bylaws that identify both acceptable treatments and replacement materials for such structures. The adoption of clear standards not only provides permit predictability and streamlines the review process for local zoning boards, but, as this case shows, also strengthens the defense of local decisions in court.

- Stephanie Smith, Senior Associate, VLCT
Municipal Assistance Center

ADDITIONAL GUIDANCE ON FILING FOR THE FEDERAL TELEPHONE TAX REFUND

In the January 2007 edition of the *VLCT News*, we reported that the Internal Revenue Service (IRS) had developed a special formula by which municipalities could avoid digging through forty-one months of old telephone records in order to calculate their one-time refund for previously collected federal excise taxes on long-distance services. That article informed municipalities how

(Continued on Page Seven)



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ASK THE LEAGUE

WASTEWATER RULES; CHILD LABOR

What authority do municipalities retain under the State's on-site wastewater and potable water supply system?

On July 1, 2007, the State's on-site wastewater and potable water supply regulatory system will go into effect. Those municipalities that have received delegation (a transfer of authority) from the State will administer the State program locally by issuing permits and taking enforcement actions in compliance with State regulations governing wastewater and potable water systems.

Those municipalities that have not received delegation from the State, will have those provisions of their existing ordinances and zoning bylaws which "establish technical standards and criteria for the design, construction, operation, and maintenance of potable water supplies and wastewater systems" superseded by the technical standards and criteria of the Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules. As of July 1, 2007, these Rules will control any inconsistent municipal regulations, and all administration, permitting, and enforcement procedures shall revert to Department of Environmental Conservation.

Municipalities that do not receive delegation will still retain the authority to:

- issue allocation permits for wastewater treatment systems (24 V.S.A. § 3625);

- promulgate rules for the control and operation of its public wastewater treatment system (24 V.S.A. § 3616);
- establish grease control requirements (24 V.S.A. § 3616, Environmental Protection Rules § 1-509(a)); and
- assess fees, rents and charges to pay the principal and interest of wastewater treatment system bonds, the expense of maintenance, operation, and improvement of the wastewater treatment system, and to establish a dedicated fund payment (24 V.S.A. § 3615).

Municipalities interested in receiving delegation or with questions concerning the interaction between local and State wastewater and potable water permitting authority should contact Roger Thompson, Engineering Manager at the Agency of Natural Resources' Department of Environmental Conservation (DEC) Wastewater Management Division, at 802/241-3027 or one of DEC's regional offices. As always, municipalities should not hesitate to work closely with their attorney as well.

- Garrett Baxter, Senior Associate, VLCT
Municipal Assistance Center

What are the rules regarding hiring minors?

Child labor is strictly regulated by the Fair Labor Standards Act and by Vermont

Labor laws (21 V.S.A. §§ 431 *et seq.*). When these two laws differ, the stricter regulation applies. Generally, minors fall into two categories: 14 to 16 years of age, and 16 to 18 years of age. A municipality typically cannot employ minors under the age of 14. These laws exist to protect minors from working under unsafe conditions, with dangerous machinery, and for excessive hours. The penalties for violating the child labor laws are substantial.

The duration and time of day 14 to 16 year-olds may work depend on whether work is performed on school days and/or during the school year. The permitted length of a workday for a 16 to 18 year-old is longer; a 16 year-old may work up to nine hours in a day, and up to 50 hours a week.

All minors under the age of 18 are limited in the type of work they can perform. Permitted employment for 14 to 16 year-olds include clerical/office work; retail including pricing, packing and shelving; food service including the preparation and service of food and beverages; custodial work using vacuum cleaners and grounds maintenance (except for the use of lawn mowers and power-driven shears). Minors under 16 are prohibited from repairing vehicles, operating hoisting equipment or power-driven machinery (including commercial mixers, slicers, grinders, and food choppers, etc.) and working at any occupation found to be hazardous. This list should be consulted prior to employing any minors.

The State of Vermont recommends that an employer request copies of birth certificates for all employees 19 years of age and under to insure against accidental and illegal employment. An employment certificate from the commissioner of the Department of Labor may also be necessary for employees under the age of 16.

For additional information regarding youth employment, please visit the Vermont Department of Labor's Web site at <http://labor.vermont.gov/>. VLCT also advises municipalities to contact their insurance carriers before hiring an employee under 18 years of age.

- Stephanie Smith, 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, visit www.veda.org or call 802-828-5627.





OUT OF THE MOUTHS OF BUREAUCRATS

A FEW FAVORITE SAYINGS

(The Legislative season is well underway and VLCT's Director of Public Policy and Advocacy, Karen Horn, has clearly been attending too many hearings and meetings. Here is her take on one aspect of governmental meetings: bureaucratise.)

I confess that sitting in meetings and listening to experts expound on their favorite subjects (I know, I'm guilty of such discourse myself) can grow exceedingly tedious – particularly if a lovely Vermont afternoon beckons. But, once in a while, in the middle of a meeting, a spoken jewel slips out and settles upon half-attentive ears. Suddenly, there is fun to be had: "What did he say?"

Having experienced perhaps too many of these moments, I've begun to collect new words created by those who toil in the vineyards of bureaucracy. If it had been the President who first mouthed these English variants, they would be part of the lexicon by now. Alas, it is left to us to assure that they see the light of day, for some of them are inspired, and provide proof that the world of bureaucrats and policy wonks can be wonderfully amusing! It seems that only in obscure meetings do these gems issue from the mouths of those of us who try to make our government work. Here are some of my favorites:

Benefication: the act of conferring aid that is often governmental in nature. Our neighbors/students/schools/employees have no hope of success without taking advantage of the **benefication** available to them.

Cooperatism: the hallowed act or process of agreeing with all and working toward a common objective. We can hope that, some day, **cooperatism** will bust out on the legislative scene.

Densification: in land use terms, a thickly settled area; infill. It's official – sprawl is out; **densification** is in!

Idiocracy: bureaucracy obfuscated to a higher level – no no, even higher than that. You can trace the effort to regulate the wild clam industry to that state's **idiocracy**.

Incrementation: increasing in size or quantity one unobserved modicum at a time. The

manner in which state government sneaks control to itself is insidious **incrementation**.

Obesification: society-wide weight gain out of all proportion to necessity. Vermont must conquer this ever-increasing crisis of **obesification**!

Opinionation: the act of delivering one's beliefs in an arrogant manner. Rather a lot of **opinionating** is heard in the halls under the Golden Dome.

Suspension: a suspicion, often sneaking, that part of a story is not accurate, due to omission or sugar-coating. His motives are clearly cause for **suspension**.

Surveillance: a person who carefully inspects or determines the lay of the land, and then declares it to be so. Behind every straight road and sound policy is a good **surveillance**.

Do you have something to add to the Dictionary of Bureaucratise? If so, I would love to hear from you. In the meantime, *Happy Town Meetingizing!*

- Karen Horn, Director, VLCT Public Policy and Advocacy Services

LEGAL/REG. NOTES -

(Continued from Page Five)

to utilize the IRS formula and advised that, in order to request the refund, they had to complete IRS Form 8913, *Credit for Federal Telephone Excise Tax Paid*, and attach it to IRS Form 990-T, *Exempt Organization Business Income Tax Return*.

The difficulty many municipalities may run into when trying to claim this refund is that they are not otherwise required to file an IRS Form 990-T. Most of the information requested on the form does not pertain to municipalities, nor is a municipality even recognized as an eligible exempt organization on the form itself. Relief for this potential headache has been provided by our Accounting Specialist, Aggie Elwell, who discovered the following filing tip hidden amongst the IRS's twenty-four page Form 990-T instructions:

1. Fill in the heading (the area above Part I) except items E, H, and I.
2. Enter -0- on line 13, column (A), line 34, and line 43.
3. Enter the credit from Form 8913 on line 44f.
4. Complete lines 45, 48, and 49 and the signature area.
5. Write "Request for TETR Credit" on the top of the Form 990-T.

Municipalities seeking to claim this refund can access a completed sample Form 990-T by accessing the following Web link: <http://resources.vlct.org/u/IRS%20Form%20990-T.pdf>.

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center



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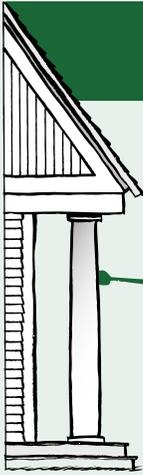
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WELLNESS WORKSHOPS KICK OFF 2007 PEDOMETER CHALLENGE



A series of five Wellness Coordinator Workshops were held around the State in January and February to bring coordinators up to date on the VLCT Health Trust's wellness initiatives for 2007. Participants heard about the 2007 Leader health incentive program, new CIGNA wellness programs, and the 2007 VLCT Hawaiian Pedometer Challenge. Following the Hawaiian theme, participants – especially the Wilmington workshop attendees pictured above – also enjoyed healthy tropical fruit snacks!

BILLING

CIGNA billing was delayed until mid-February, when Health Trust members should have received a combined bill for January, February and March. Payment of these bills will be due at the end of March. In the future, bills will be sent out on a monthly basis.

OPEN ENROLLMENT

Health Trust members were notified in early February that the open enrollment period is from February 7 to March 15. All changes made during this open enrollment period will be effective on April 1. If your municipality is interested in other health plan design options, please contact your Member Relations Representative for information and assistance as soon as possible.

PRESCRIPTION DRUG PRIOR APPROVAL

The CIGNA prescription drug coverage requires prior approval for certain prescription drugs. A list of these drugs is available on the 2007 CIGNA Transition page of the VLCT Web site, at <http://www.vlct.org/insuranceriskservices/2007cignatransition/>. This information can help subscribers be proactive by working with their medical providers to obtain prior approval before they go to the pharmacy to fill the prescription.

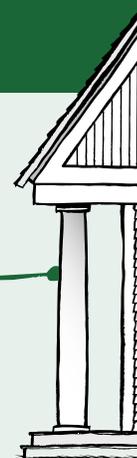
PRESCRIPTION DRUG NINETY-DAY SUPPLY

Under our old coverage, some subscribers were accustomed to filling a ninety-day prescription at their local pharmacy and paying three co-pays. The CIGNA Rx plan only provides for a ninety-day supply through mail order or, per State mandate, from a local pharmacy that has agreed to accept the same payment as the mail order cost. Purchasing through mail order will save subscribers time and money. When purchasing a ninety-day supply through mail order, the subscriber only pays for two months co-pay/coinsurance instead of three. Over the course of a year, the subscriber can save as much as \$40 per prescription for generic drugs and up to \$240 on some name brand drugs. In addition, the prescriptions are delivered to the subscriber's home, saving a trip to the pharmacy.

LOCAL GOVERNMENT QUILT GROWS AGAIN

Two quilt squares were recently added to the VLCT Local Government Quilt. Quilter Mary Keenan-Haff sent in the Town of Killington's square and the Town of Williamstown sent in a square designed by Katie Ashe and Becky Watson. Thank you, Mary, Katie and Becky! Fifty-three municipalities have now contributed to the quilt; VLCT will continue to accept squares until all Vermont municipalities are represented on a series of Local Government Quilts. For more information about the project, contact Patricia Boyle, VLCT Claims Representative, at pboyle@vlct.org or visit <http://www.vlct.org/aboutvlct/townfairquiltproject/>.





THINK SAFETY FROM START TO FINISH

Safety isn't just something to think about while you're working. You need to think about safe work procedures before you start and after you finish a job.

BEFORE YOU START A JOB

- **Plan.** Think about what you need to do, how you're going to do it, and the hazards you could face.
- **Gather and inspect** required personal protective equipment (PPE) and necessary tools and materials.
- **Read** any instructions or other information you need to complete the job.

- **Ask** your supervisor about anything you don't understand.

WHILE YOU'RE WORKING

- **Follow** established work procedures.
- **Don't skip steps**, take shortcuts, or rush. Work at a steady, careful pace.
- **Pay attention** to your work and keep alert to anything that could go wrong.

AFTER THE JOB IS DONE

- **Clean up** your work area and put away any tools or materials you've used.

- **Dispose of waste materials** in the proper containers.
- **Shut equipment down** properly.
- **Clean your PPE** and store it in a safe place where it won't get damaged.
- **Wash thoroughly** and remove contaminated work clothing if you've handled hazardous substances.

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 call 800/649-7915. You may also visit the Program's on-line Wellness Library at <http://www.vlct.org/insuranceriskservices/wellnesslibrary/>. You may request materials from the Library on-line; they will be delivered to you with a postage paid return envelope enclosed for your convenience.



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STAFF NEWS AND NOTES

Many recent callers to VLCT have asked, "Where is Trisha?" **Trisha Clark**, our long-time Receptionist, has accepted a promotion to the position of Administrative Assistant for the Claims Department. She took the place of **Cindy Roy**, who had an opportunity to return to the design and drafting work that she previously did in the Barre granite industry.

Trisha will still be fielding plenty of calls (well, we hope not that many, given that she is in the Claims Department), so, if you are a VLCT PACIF member, you will still be able to hear her cheerful voice if you have a claim to file.

By the time you read this, VLCT will have hired a new Receptionist. Thank you for your patience during the transition to a new "Voice of VLCT."

The Claims Department is also pleased to report that **Ernest Maestas** recently accepted the position of Claims Representative Trainee. Ernest takes the place of Senior Claims Representative **Jennifer Woodward**, who left VLCT in 2006 to work closer to her home in South Burlington.

Ernest comes to VLCT from the Town of Essex Water Department. His background includes work for the City of Eugene, Or-



Ernest Maestas

gon Public Works Department, as well as for the Allstate Insurance Company as a staff Claim Representative. Ernest has a bachelor's degree in psychology from the University of California at Santa Barbara.

Welcome, Ernest.

MUTUAL AID -

(Continued from Page Two)

not end or hinder existing cooperation, and they would not mandate that one community share its resources with another. Because the statewide mutual aid agreement would be compliant with NIMS standards,

towns would have a better chance to qualify for the aforementioned federal funds. If it qualifies, a town would be permitted to reimburse a town that had provided it with assistance. If federal reimbursement is received, even volunteers could receive some compensation.

Some components being considered for a statewide mutual aid agreement are:

- operational guidelines that would be followed during a mutual aid event;
- all resources assigned to an incident would be under the command of the incident commander or unified command;
- the person responsible for an assisting unit would also have the authority to withdraw personnel or other resources; and
- the assisting unit would not be liable for damage to the requesting unit.

These mutual aid agreements may include the sharing of public works personnel such as road crews, power plant operators, and wastewater treatment plant employees, among others. The sharing of such employees may become necessary in the event of an influenza pandemic or another widespread disease outbreak.

Ultimately, the decision to help another community will still be made by individual towns. Nothing in the agreement would prevent any town from denying a request for help.

Vermont Emergency Management would like the input of community leaders, police, fire and public works supervisors and employees, and the public at-large on the proposed plan. To offer opinions or suggestions, please call Vermont Emergency Management at 800/347-0488, or e-mail comments to pcoffey@dps.state.vt.us.

*- Mark Bosma, Public Information Officer,
Vermont Emergency Management*

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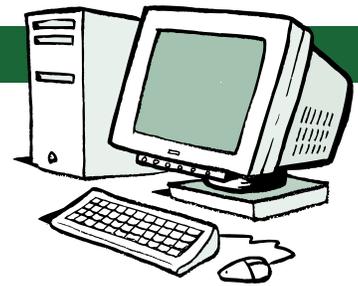
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UPDATED CLERK FEE SCHEDULE POSTER NOW AVAILABLE

The Municipal Assistance Center has recently updated its Clerk Fee Schedule poster to reflect recent legislative changes. VLCT members may order your copy today for the member-price of \$5 (plus 6% sales tax, if not paid by a municipal check or check from tax-exempt entity, along with tax ID number.) The cost for non-members is \$7.50. You may print out an order form at http://www.vlct.org/d/marketplace/publications_catalog.pdf or call 800/649-7915 to order your new copy.



Tech Check



E-MAIL MANAGEMENT FOR THE DISORGANIZED

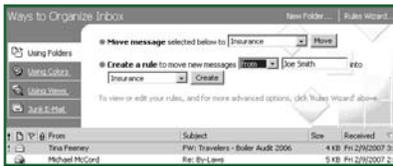
During my more stressful weeks, I find myself pining for the days when there was no e-mail or voice mail; when the phone line rang busy if I was on the phone and the caller was forced to call back. These days, most of my correspondence is through e-mail, and those messages stack up like crazy when I'm out. I have to wade through them trying to figure out which need to be dealt with first, which can be put off for a day or two, which are purely informational but should be saved, and which can be deleted.

At VLCT we use Outlook 2000. Tucked away in the main menu under *Tools*, there is a way to organize that relentless in-box. You can create rules for new messages so that you can move messages received from certain individuals directly into folders you've created. If all messages you receive from a particular individual are for a certain topic – insurance, for example – you can create an insurance

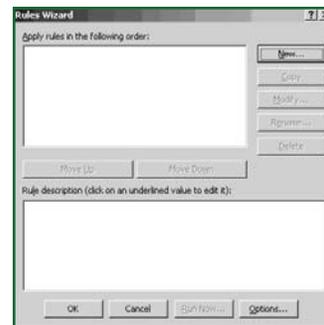
folder, then create a rule to move all new messages from Joe Smith to that folder.

To create the new folder, click on *File* in the main menu, then *Folder*, and *New Folder*. You can then choose where to place the new folder and assign a name. Let's call this one "Insurance."

Next, click on *Tools*, and then *Organize*. A window pops up that gives you options for using folders, colors, views and dealing with junk e-mails. In the left margin of the window, under *Using Folders*, you can create a rule to move new messages from Joe Smith to the Insurance folder. Click on *Create* and Outlook dumps incoming e-mails from Joe Smith into the proper folder.

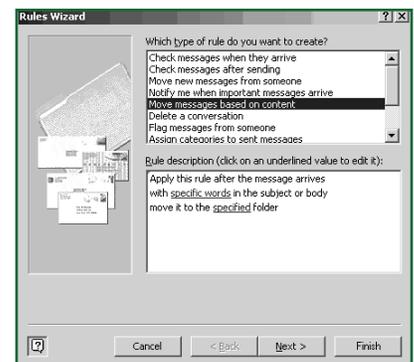


In the upper right corner of the window is an option to use the *Rules Wizard*. This gives you the ability to create more advanced rules including searching for particular text in a message and assigning messages with that text to a particular folder. Click on *Rules Wizard*, then *New* in the right corner of the top box that appears.



In the next window, scroll down to *Move messages based on content*. You can then click on *specific words* in the box

below for *Rule Description* to add a list of the various words or phrases in the incoming e-mail messages that will trigger the transfer of the message to the folder you have created for it. Click on *specified folder* to choose the folder you want the messages moved to.



For you highlighting fiends (we have a handful of those at VLCT), a more visually pleasing organizational method for your in-box can be developed by clicking on *Using Colors* in the left margin of the same window. This allows you to color code your messages so that certain ones will stand out.

(Continued on Page Fourteen)



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Middlesex Fire District

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802-223-2717 ♦ 800-891-2717

bond_agency@vtbondagency.org
www.vtbondagency.org



CLIMATE CHANGE -

(Continued from Page One)

in industrialized and rapidly industrializing nations continue their current lifestyles unabated. Alan Betts, Director of the Vermont Academy of Science and Engineering, presented research to a packed State House committee hearing that included the following predictions for the next few decades in Vermont and New Hampshire:

- the climate zone will shift from 4 to 6 (about the climate of Connecticut);
- the boundary between water and ice will shift north and about 1000 feet up in elevation, which means more wet snow, winter thaws, winter rain and freezing rain;
- growing seasons will lengthen and winters will generally be warmer;
- the maple industry may shift even more to Quebec;
- our traditional forests will experience stress and the mix of trees will change; and
- the ski industry will suffer.

ACT LOCALLY

According to the multitude of speakers who testified at the State House in January, current climate change trends are devastating, and transforming infrastructure to reverse them is an enormous task. On a hopeful note, there was agreement that it is well within our technical capability to make the necessary changes.

The larger question is whether we, as world citizens, have the political will to implement those changes. We should not be so daunted by the task that we throw up our hands and do nothing. Ways for Vermonters to reduce greenhouse gas emissions include:

- use more biodiesel;
- take advantage of the resurgent availability of electric vehicles;
- use tax or other incentives to purchase more fuel-efficient vehicles for municipal fleets, including large pieces of equipment such as graders;
- develop more park and ride lots to expand commuter options;
- increase public transit options such as buses, bicycle and pedestrian paths, particularly in more rural areas;
- incorporate energy efficiency upgrades into public buildings and infrastructure;
- put heat on timers and lighting systems on motion detection or timers; and
- develop small-scale alternative energy sources such as solar, hydro, wind and methane recovery.

Municipalities or cooperative groups could own new energy sources (methane recapture, very small hydro, community-owned wind

or solar) if micro-grid legislation or expanded net metering of energy generation is passed by the Vermont Legislature.

WHAT MUNICIPALITIES CAN DO — VERMONT STATUTES

Many of the shifts in practice discussed at the State House involve local implementation. Local governments do, in fact, have authority to implement several of these measures today. Below is a list of current Vermont statutes that a local legislative body could use to address climate change issues at the local level.

Energy Coordinator. In the 1970s, the Vermont Legislature enacted a statute that enables a selectboard to appoint an “energy coordinator.” 24 V.S.A. § 1131 (a). In recent years, the position of energy coordinator has merited scant attention in most towns. Clearly, now is a time when a municipal energy coordinator can perform vital research, suggest needed innovations, and provide information and coordination services. (Note that a recent amendment to 24 V.S.A. § 1131 (a) would enable a local legislative body to appoint an energy coordinator for a term of its choosing, rather than the one-year term referred to below.) Here is the enabling statute:

24 V.S.A. § 1131. Energy coordinator; duties

- (a) At an annual meeting warned for that purpose, a town may authorize the selectmen to appoint for a one-year term an energy coordinator.
- (b) An energy coordinator shall coordinate existing energy resources in the town and cooperate with the municipal planning commission and with those federal, state and regional agencies of government which are responsible for energy matters.
- (c) An energy coordinator may study and evaluate sources of energy which are alternatives to those presently available with a view toward the more efficient and economical utilization of existing and potential energy resources.
- (d) An energy coordinator shall make periodic reports of his activities to the selectmen as they may require and may perform such other duties, studies or examinations as may be required by the selectmen. (Added 1975, No. 226 (Adj. Sess.), § 3.)

Municipal Plan and Land Use Regulation.

Several areas in Vermont’s municipal planning and land use regulation statutes address energy use. Here are the important ones:

24 V.S.A. § 4382 (a) (9) Energy Element of Municipal Plan

(9) An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of

energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy;

24.V.S.A. 4433 Advisory commissions and committees (introductory paragraph)

Municipalities may at any time create one or more advisory commissions, which for the purposes of this chapter include committees, or a combination of advisory commissions to assist the legislative body or the planning commission in preparing, adopting, and implementing the municipal plan. Advisory commissions authorized under this section and under chapter 118 of this title may advise appropriate municipal panels, applicants, and interested parties in accordance with the procedures established under section 4464 of this title.

24 V.S.A. 4414 (3), (6) Conditional Uses, Access To Renewable Energy Resources

(3) Conditional uses.

(A) In any district, certain uses may be allowed only by approval of the appropriate municipal panel, if general and specific standards to which each allowed use must conform are prescribed in the appropriate bylaws and if the appropriate municipal panel, under the procedures in subchapter 10 of this chapter, determines that the proposed use will conform to those standards. These general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (i) The capacity of existing or planned community facilities.
- (ii) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (iii) Traffic on roads and highways in the vicinity.
- (iv) Bylaws and ordinances then in effect.
- (v) Utilization of renewable energy resources.

(B) The general standards set forth in subdivision (3)(A) of this section may be supplemented by more specific criteria, including requirements with respect to any of the following:

- (i) Minimum lot size.
- (ii) Distance from adjacent or nearby uses.
- (iii) Performance standards, as under sub-

(Continued on next page)



CLIMATE CHANGE -

(Continued from previous page)

division (6) of this section.

(iv) Criteria adopted relating to site plan review pursuant to section 4416 of this title.

(v) Any other standards and factors that the bylaws may include.

6) Access to renewable energy resources. Any municipality may adopt zoning and subdivision bylaws to encourage energy conservation and to protect and provide access to, among others, the collection or conversion of direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources, including those recommendations contained in the adopted municipal plan, regional plan, or both. The bylaw shall establish a standard of review in conformance with the municipal plan provisions required pursuant to subdivision 4382(a)(9) of this title.

While there is much to do, municipalities have the tools to get the discussion started with their citizens. And there is additional assistance out there for local governments.

WHAT MUNICIPALITIES CAN DO - OTHER RESOURCES

ICLEI - Local Governments For Sustainability (www.iclei.org). ICLEI is the acronym for the International Council for Local Environmental Initiatives, which boasts 600 local government members worldwide (approximately 200 in the United States.) In Vermont, Brattleboro, Burlington, Chittenden County, Middlebury and Montpelier are members. Cities for Climate Protection (CCP) is ICLEI's flagship campaign, designed to educate and empower local governments worldwide to take action on climate change. Jurisdictions participating in the CCP Campaign adopt a resolution and commit to reduce local emissions that contribute to global warming by working through five Milestones:

1. Conduct a baseline emissions inventory and forecast.
2. Adopt an emissions reduction target for the forecast year.
3. Develop a local action plan.
4. Implement policies; measure, monitor and verify results.
5. Improve the measures over time.

ICLEI provides cities that participate in the CCP campaign with a range of technical assistance. Some of the assistance is available for free to participating local governments. Other assistance is available for hire from ICLEI.

Clean Cities. Vermont is one of two "Clean Cities" states, along with approximately eighty cities around the country. Established in 1993 at the federal Department of Energy (DOE), the Clean Cities Program represents a strategy to implement the DOE mission: "Avoiding dependence on imports ... is the heart of our national energy policy. The Clean Cities Program's mission is 'to advance the economic, environmental and energy security of the U.S. by supporting local decisions to adopt practices that contribute to reduced petroleum consumption in the transportation sector.'" Administration of the program has been newly given to the federally-funded University of Vermont Transportation Center, and VLCT has expressed interest in working with it to provide municipalities with information on reducing emissions through the use of innovative transportation alternatives. At UVM, the program is in the process of being reactivated and redesigned to address greenhouse gas emissions in Vermont. Its e-mail address is cleancities@snellingcenter.org.

Municipal Energy Assistance. Many municipalities are implementing efficiencies in their buildings with the assistance of a new position at Vermont Energy Investment Corp (VEIC) that is funded through a federal DOE grant. Upon request, that person conducts assessments of a municipality's public buildings and proposes energy saving measures. (See sidebar.) Alison Donovan Hollingsworth is the Municipal Energy Specialist who can help municipalities with inventories of energy usage in local facilities.

Growth Centers. Local governments have long worked to curb sprawl development (projects that are built outside of downtown areas on previously undeveloped land that is far from services or public infrastructure) and to encourage development in our traditional downtowns and villages that is pedestrian friendly, mixed use and reduces the need to drive everywhere. Growth centers legislation, passed in 2006 and supported by local officials from municipalities of all sizes, provides incentives for municipalities that meet its requirements. For the first time, the legislation defined growth centers in statute. Likewise, the Downtown Designation Program provides incentives to revitalize downtowns and village centers through infill development and redevelopment. Through revisions to zoning and attention to infrastruc-

(Continued on Page Fourteen)

ENERGY SAVINGS CHECKLIST

Vermont municipalities are making libraries, town halls, traffic lights, and wastewater treatment plants more efficient, saving taxpayer dollars. Here's a list of efficiency measures to consider:

✓ LIGHTING

Replace older T12 (one and a half-inch diameter bulb) linear fluorescent lighting with high efficiency "Super T8" fluorescent bulb and ballast combinations (one-inch diameter bulb) to save forty percent of energy use.

Replacing incandescent lighting with compact fluorescent lights (CFLs) is a simple way to reduce energy consumption by up to sixty-five percent.

✓ HEATING

Annual furnace and boiler tune-ups can save money on fuel, increase the life of equipment, and prevent system failure during the heating season.

Replacing manual thermostats with programmable thermostats can save on heating costs. As a general rule, for every degree the temperature is set back over an eight-hour period, one percent of the annual heating bill is saved.

✓ WEATHERIZING

Save fuel and improve occupant comfort by weatherizing buildings. Full weath-

erization can save up to thirty percent on a building's annual fuel bill.

✓ NEW OFFICE EQUIPMENT

When replacing office equipment, be sure to specify ENERGY STAR®. This equipment can save forty to eighty-five percent of the electricity used compared with non-ENERGY STAR models.

✓ TRAFFIC SIGNALS

LED (light-emitting diode) traffic signals use eighty to ninety percent less energy than traditional incandescent traffic signals, and they last twelve times longer – 100,000 hours compared to 8,000 hours.

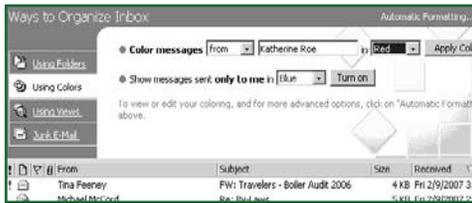
✓ WATER AND WASTEWATER FACILITIES

- Variable frequency drives on aeration motors and pumps can save fifteen to sixty percent on electric use;
- Properly sized motors and pumps will operate at optimal efficiency, saving energy compared to oversized systems.
- Careful evaluation and selection of dewatering methods can reduce both electricity and sludge disposal costs.



TECH CHECK -

(Continued from Page Eleven)



Create the color you desire for each sender and click on the *Apply Color* button to save. This color will appear in your inbox and travel with the sender's e-mail to any other folders you have set up as a final destination for the e-mail. Depending on how many senders you color code, your inbox could look like a Vermont flower garden in June – surely a comforting thought in March.

These organizing tips for e-mail should help you prioritize and store your messages in a way that gains you the time you need to actually read and respond to them. Good luck, and, before you send me your e-mail organization tips or suggestions for future Tech Check articles, give me a chance to set up my Tech Check e-mail folder!

- Michael Gilbar, VLCT Chief Financial Officer

CLIMATE CHANGE -

(Continued from Page Thirteen)

ture such as wastewater management, water supply, street layout and sidewalks, pedestrian paths and bike lanes, many towns are re-energizing efforts to provide a regulatory and planning framework which results in a more compact, traditional Vermont village settlement pattern.

Very Small Hydro. Several municipalities around Vermont are considering the option of reactivating small hydro facilities to power part of their municipal infrastructure or schools. The Vermont Small Hydro Association is spearheading efforts to simplify the permitting process for small hydro facilities. Its Web site is www.communityhydro.biz.

Energy Saving Strategies Workshop. On April 12, 2007, VLCT will host a Municipal Energy Saving Strategies workshop. Appoint your town's energy coordinator and send him or her to the seminar! Local officials should plan on attending in order to find out more that can be accomplished at the local level to reduce energy costs, greenhouse gas emissions and energy usage generally. If your town has done something innovative, this is a time to share those activities as well.

- Karen Horn, Director, VLCT Advocacy and Public Policy Services

CLASSIFIEDS -

(Continued from Page Fifteen)

rience. Candidates may combine this position with zoning work in other towns. Salary commensurate with experience. For a more detailed job description, call the Town Clerks' Office (802/877-3429) or Ted Ingraham, chair of the Planning Commission (802/877-0043). We want to fill the position as soon as a suitable applicant has been interviewed by the Planning Commission and nominated by the Planning Commission for appointment by the Selectboard. Send cover letter and resume to: Ted Ingraham, Chair, Planning Commission, P.O. Box 148, North Ferrisburgh, VT 05473. (1-12)

REQUEST FOR PROPOSALS

Portfolio Management Services. The Town of Manchester, Vt. is soliciting proposals from investment management firms and bank trust departments for portfolio management services governing the Town's Group B, non-operational funds. Investment practices and procedures must comply with federal/state law and must adhere to guidelines set forth in the Town's written Investment Policy. Interested parties may obtain the complete RFP, the Town's Investment Policy and bid instructions on the Town's Web site, www.town.manchester.vt.us, or by contacting Manchester's Finance Officer by phone (802/362-1197) or in person (6039 Main Street, Manchester Center, Vt.). **Submission deadline: 12 noon, Thursday, March 15, 2007.** (2-09)

TRIVIA

We had a baker's dozen of responses to our February Trivia, with **Katie Johnson's** coming in first. Johnson, who is the Business Manager at the Addison County Solid Waste Management District, guessed correctly that Gardner S. Blodgett invented the first cast iron cooking oven in 1848. Blodgett was from Burlington, and, Johnson added, the Blodgett name is still on some of the finest cooking ovens being made today.

Here is our March challenge:

What famous English author fled Vermont after a four-year stay, driven away by his contentious brother-in-law? What town was he living in?

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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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

Road Foreman. The Town of Dummerston is looking for a full-time working Road Foreman to start on or about June 1, 2007. For details and a job description, please go to www.dummerston.org. **Applications accepted until March 15.** Send to Search Committee, Town of Dummerston, 1523 Middle Road, East Dummerston, VT 05346. (2-20)

Town Manager. The Town of Pittsford, Vt. (www.town.pittsford.vt.us) is seeking applications for the position of Town Manager. Pittsford (pop. 3,200) retains a rural character while offering easy access to Rutland City, excellent schools, and a high quality of life. The Manager reports to a five-member Selectboard. The current operating budget is \$1.6 million, with 10 full-time employees. Primary responsibilities include day-to-day management of town affairs, budget development and administration, public works oversight and personnel management. Requirements: excellent interpersonal skills, working knowledge of municipal government, ability to direct and coordinate activities of others, and bachelor's degree in an appropriate discipline. Candidate should be highly energetic and willing to take the

initiative. Hiring range, \$40,000-\$55,000, DOQ. Please send cover letter and resume in confidence to: Pittsford Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. **Resume review begins March 5, 2007.** E.O.E. (2-7)

Director of Code Enforcement. The City of Burlington, Vt. is seeking an experienced professional to provide leadership for its Code Enforcement Department. The position is accountable for the management and coordination of City Code Enforcement functions. These include approximately 9000 rental units subject to a routine rental minimum housing inspection program. The Department also responds to complaint-based and department-initiated enforcement in housing, zoning and quality of life violations for this very dynamic lakeside community, which is considered one of America's most livable cities. The ideal candidate will have an extensive background in code ordinance administration and enforcement, including three years in a supervisory capacity. Annual starting salary range is \$55,000-\$61,000, commensurate with experience. City of Burlington residency requirements apply. For information about the Code Enforcement Department and the position, as well as a City of Burlington application form, visit www.ci.burlington.vt.us. Qualified persons are invited to submit a resume, cover letter, City of Burlington application and three professional references to Kate Charles, Human Resources Generalist, 131 Church Street, Burlington,

VT 05401, **to be received no later than March 16, 2007.** The City of Burlington does not discriminate on the basis of race, national origin, sex, sexual orientation, religion, age, or disability in employment or the provision of services. Available in alternative formats for persons with disabilities. For disability access information or to request an application, contact Human Resources at 802/865-7145 or 802/865-7142 (TTY). Visit our Web site at www.hrjobs.ci.burlington.vt.us. **Women, minorities and persons with disabilities are encouraged to apply.** EOE. (1-30)

Manager. Barre, Vt. (www.ci.barre.vt.us) is seeking applications for the position of City Manager. Central Vermont's largest municipality, Barre (pop. 9,000) is home to the Barre Opera House, Vermont History Center, and the Vermont Granite Museum. Barre is a full-service municipality with an active and historic downtown, a vibrant local business community and a wide array of housing opportunities. The Manager reports to a six-member city council and one mayor. The current operating budget is \$11 million, with 90 full-time employees. Primary responsibilities include developing and managing the City budget, personnel/labor relations, and operational oversight of all City departments. A full job description is available at www.vlct.org under Marketplace. Excellent interpersonal skills, significant experience in municipal management, and a bachelor's degree in appropriate discipline required. Hiring range \$60,000-\$75,000, DOQ. Please send cover letter and resume in confidence to: Barre City Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. **Resume review begins February 19, 2007.** EOE. (1-18)

Zoning Administrator. The Town of Ferrisburgh, Vt. seeks a part-time (20 hours/week) Zoning Administrator. The job is as established in 24 V.S.A. § 4448. Duties include meeting with applicants, reviewing all permit applications for completeness, forwarding applications to either the Zoning Board or Planning Commission, acting as clerk of the Planning Commission, site inspections, and enforcement. Applicants should have a minimum of three years of zoning-related experience.

(Continued on Page Fourteen)

MCNEIL, LEDDY & SHEAHAN

Brian P. Monaghan, Esq. has become associated with the law firm of McNeil, Leddy & Sheahan. Prior to joining McNeil, Leddy & Sheahan, Brian served as staff attorney at the Vermont League of Cities and Towns Municipal Assistance Center since 2002, where he counseled Vermont municipalities in land use law, employment law, municipal liability, real property taxation, administrative law, and municipal finance. Brian will continue in this area of work with the firm. Brian is also available for training in Effective Land Use Meetings & Hearings through the Municipal Education Grant program at the Vermont Department of Housing & Community Affairs.



Brian P. Monaghan, Esq.

(802) 863-4531 / bmonaghan@mcneilvt.com



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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 <http://www.vlct.org/eventscalendar/> 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.)

Town Meeting Tune-up. Tuesday, February 27, 2007, Montpelier Elks' Club. Sponsored by the VLCT Municipal Assistance Center. A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It will focus on the statutory requirements for town meeting, Robert's Rules of Order and best practices for making it through the meeting unscathed.

Certified Pool/Spa Operators Course. Tuesday and Wednesday, March 20-21, 2007, Hotel Coolidge, White River Junction. Hosted by the Vermont Recre-

ation and Parks Association, this course is for supervisory and operations personnel working in public or semi-public recreational pools or water park facilities. For more information, contact VRPA at 802/878-2077 or vrpa@Comcast.net.

Selectboard Institute. Saturday, March 31, 2007, Capitol Plaza, Montpelier. Sponsored by the VLCT Municipal Assistance Center. The second of two selectboard trainings, the Selectboard Institute is offered just after Town Meeting and is targeted towards newer members (though all are welcome). The event will focus on the fundamentals, such as understanding the municipal organization, running effective meetings and managing the town budget.

Municipal Energy Saving Strategies. Thursday, April 12, 2007, Montpelier Elks' Club. Sponsored by the VLCT Municipal Assistance Center. With energy prices soaring, municipal governments are looking at creative opportunities to reduce both costs and consumption. This workshop will discuss why reducing en-

ergy costs is an emerging municipal issue and how innovative measures such as performance contracting and alternative fuels could be implemented in your municipality.

Conducting Effective Tax Appeals. Thursday, April 26, 2007, Montpelier Elks' Club. Sponsored by the VLCT Municipal Assistance Center. With ever increasing pressure on the property tax, it is vitally important that the appeals process be properly administered. Come learn what your town can do to conduct effective property tax grievances and appeals.

Growth Centers and Downtown Development. Thursday, May 10, 2007. Vermont Interactive Television Sites around Vermont, including the new Montpelier site! Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. This final workshop in the 2006-7 series will focus on the new growth centers bill and strategies for attracting and concentrating development in designated growth centers.