

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

March 2008

TIPS ON HOW TO TERMINATE AN EMPLOYEE

(Editor's Note: The advice below is reprinted from HR Sentry's online human resource library. Please note that this article lists just a few of the extensive preparations an employer should make prior to terminating an employee. Many more resources on this subject are available from the HR Sentry library, and, of course, a municipality should always contact VLCT's Municipal Assistance Center or its own municipal attorney before terminating an employee.)

When it is time to deliver an employment termination message, it is important

to carefully word the message and to put it in writing. Here are a few general guidelines that can help to smooth a potentially difficult situation:

- 1. Time the decision to allow for privacy.**
The actual termination session should occur at a time when there will be few interruptions, possibly before or after the normal workday. Choose an office out of the view of office traffic.

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VLCT CONSULTING GROUP OFFERS FINANCIAL EXPERTISE

The VLCT Consulting Group recently added financial management consulting to its list of available services with the hiring of Bill Hall, who joined the League in November 2007 as Deputy Chief Financial Officer. While his VLCT duties will take up some of his time, much of it will be spent providing financial management consulting to cities and towns.

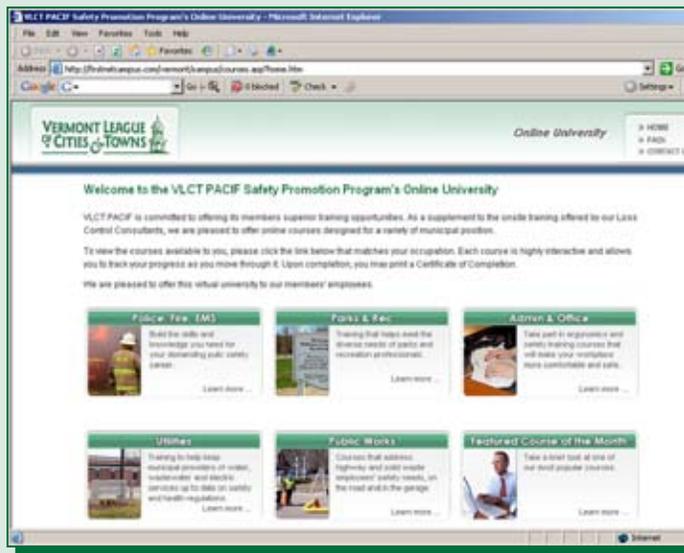
Hall came to VLCT from the Town of Hartford, where he had been Finance Director for a decade. He is a Certified Public Accountant, and will draw on his on-the-job experience, as well as his business degree and CPA training, to provide financial management advice to VLCT members.

(Continued on Page Seven)

VCLT PACIF ONLINE UNIVERSITY

This month, VLCT PACIF will debut another valuable risk management tool for its members: a suite of online safety courses that member employees can take at a time and location convenient to them.

The training will be offered through PACIF's partnership with FirstNet Learning, an online training company based in Colorado.



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The *VLCT News* is published eleven times per year (the August and September issues are combined) by the Vermont League of Cities and Towns, a non-profit, nonpartisan organization founded in 1967 to serve the needs and interests of Vermont municipalities. The *VLCT News* is distributed to all VLCT member towns. Additional subscriptions are available for \$25 to VLCT members (\$60, non-members), plus sales tax if applicable. Please contact VLCT for subscription and advertising information.

TREES FOR VERMONT COMMUNITIES

This is Part Two of a two-part article on selecting trees for Vermont communities. Part One, in the February VLCT News, focused on trees for large green spaces like a town green. This month, we will focus on trees to be planted in downtown areas with tough growing conditions, such as along Main Street or in parking lots. Before we recommend trees, it is important to revisit four fundamental questions to consider prior to selecting trees. Failure to answer these questions up-front can lead to short-lived trees, infrastructure conflicts and higher maintenance costs.

- What is the purpose and use of the planting?
- What are the site conditions above and below ground?
- What type of maintenance will be required?
- What is the best tree(s) species for long-term success?

PART II: TREES ON MAIN STREET

The best friend on earth of man is the tree. When we use the tree respectfully and economically, we have one of the greatest resources of the earth.

Frank Lloyd Wright

One of the world's best known architects and visionaries recognized long ago what modern studies now prove: trees greatly increase the appeal of downtowns. Research shows that trees stimulate economic development. They help attract new business – even tourism. Retail areas with trees are more attractive to shoppers, apartments rent more quickly and tenants stay longer. There's little doubt that trees add beauty and visual excitement to downtown settings. These areas' square-edged structures and hard, paved surfaces would be harsh without the softening presence of trees. Trees also enhance architectural designs, provide privacy and frame views. Varying textures and colors of foliage, flowers, bark and fruit create multiple seasons of interest.

Yet, smart tree planning and planting does much more than beautify an area. It also serves many practical purposes. Planting trees of the correct size in the proper places can intercept storm water runoff, improve air quality and reduce air temperature.

Being knowledgeable about the limitations of certain species of trees in the urban environment is necessary for successful plantings. Existing grey infrastructure, such as foundations, sidewalks, driveways, sewers, gas, water and power lines, can limit potential planting locations and should inform species selection. *Remember, the green infrastructure is the only infrastructure that will increase in value over time if the "right plant" is put in the "right place."*

Here are some things to keep in mind when choosing what and where to plant in your downtown.

- **Is there enough soil volume to sustain a healthy tree?** Research suggests that 1200 cubic feet of soil volume will sustain most medium to large shade trees. Rooting space can be increased through using larger sidewalk cut outs, or sharing rooting space. Other options include using tree root-friendly engineered soils, a pavement substrate that can be used under load-bearing surfaces such as sidewalks and parking lots.
- **Consider overhead clearance for pedestrians and vehicle, as well as line of site issues.** While repetitive pruning can help to address some of these issues, a more cost-effective and sustainable solution is to plant smaller trees where overhead conflicts exist. Proactively assess clearance, store frontage visibility, and traffic safety issues when identifying planting locations and selecting species.
- **Consider snow.** Snow removal needs may limit planting locations. Check with your Public Works Department during the planning stage of any project. Also, if salt is used on the sidewalks, select a salt tolerant species.

(Continued on Page Nine)



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LEGAL AND REGULATORY NOTES



AUSTRALIAN BALLOT BUDGET VOTES

SUPREME COURT DECISION COULD AFFECT AUSTRALIAN BALLOT TOWN MEETING BUDGET VOTES

Municipalities utilizing the Australian ballot system should be aware that the Vermont Supreme Court has ruled that towns do not have the legal authority to vote on

eral government, public safety, recreation and highway is not allowed. *Id.* at 7.

The Court's narrow interpretation of 17 V.S.A. § 2680(c) could present a significant problem for several municipalities. It is common practice for municipalities utilizing the Australian ballot system to hold separate votes to approve appropriations for spe-

cial projects and non-recurring expenditures. Under the *Mooney* decision, this practice is now questionable. The decision may also prohibit the fairly common practice of voting separate general fund and highway fund budgets by Australian ballot.

(Continued on next page)

"...VLCT recommends that municipalities carry forward with their Australian ballot budget votes as they were warned. If an Australian ballot budget vote is contested on the grounds that it does not comply with the Mooney decision, the municipality will have several options available to it..."

"decomposed" budgets by Australian ballot. *Mooney v. Town of Stowe*, 2008 VT 19 (February 8, 2008). There is no statutory definition of a "decomposed" budget, but the *Mooney* case dealt with a Stowe town meeting article that would have required the town budget to be divided into separate Australian ballot articles dealing with general government, public safety, recreation and public lands and highway and infrastructure. The article would also have required that each of these categories be voted upon separately.

The Court held that the statute authorizing Australian ballot budget voting, 17 V.S.A. § 2680(c), "represents an exception to th[e] general method of voting, allowing voters to approve the annual budget by Australian ballot. Nothing in the plain meaning of 2680(c), however, authorizes the Town to present a decomposed budget to be approved by voters by Australian ballot." According to the Court, the statute requires "a vote on a complete budget," and voting on separate budget categories, such as gen-

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SAMPLE PROJECTS:

- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances



LEGAL/REG. NOTES -

(Continued from previous page)

The timing of the decision could not be worse, as the deadline for posting the warning for town meeting was February 3, 2008, five days before this decision was filed. There is no provision in Vermont law that allows municipalities to amend the town meeting warning after this deadline has passed, nor any provision addressing the circumstance where the law has changed after the posting deadline has passed. *Accordingly, VLCT recommends that municipalities carry forward with their Australian ballot budget votes as they were warned.* If an Australian ballot budget vote is contested on the grounds that it does not comply with the *Mooney* decision, the municipality will have several options available to it, including calling a special meeting to vote on a "recomposed" municipal budget. In the meantime, VLCT will be attempting to secure legislation to ensure that municipal budgets approved at this year's town meetings will not be invalidated by the *Mooney* decision.

The *Mooney* decision has not yet been published on the Supreme Court's website. For a copy of the decision, please e-mail Grace Person, Research and Information Assistant, at gperson@vlct.org.

- Jim Barlow, Senior Attorney, VLCT
Municipal Assistance Center

NEW PUBLIC POOL SAFETY MANDATE

Municipalities with public pools or spas should be aware of a new federal law requiring existing public pools and spas to be upgraded to incorporate drain covers and other safety equipment. The covers and equipment are designed to prevent the suction of drains from trapping, entangling or otherwise causing harm to pool users, especially children.

Reports indicate that the costs of these upgrades may range from \$100 to \$4,000 per pool, depending on the pool's size, de-

sign and age. The law, titled the "Virginia Graeme Baker Pool and Spa Safety Act," was signed into law December 17, 2007. Compliance with these new standards will be required by December 20, 2008. Information about the law can be obtained at <http://www.apsp.org/clientresources/documents/2Summaryof%20P-SSafetyAct.pdf>.

VLCT PACIF members may also contact their Loss Control Consultant for more information about this new law.

- Jim Barlow, Senior Attorney, VLCT
Municipal Assistance Center

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ASK THE LEAGUE

ZONING BYLAW ADOPTION PROCEDURE; SPECIAL SPEED REGULATIONS; ZONING PERMIT VS. MEETING MINUTES

Can a non-“rural town” adopt zoning bylaws, amendments and repeals by Australian ballot?

Yes, but only if the town has a population of less than 5,000 persons and it has previously voted to be considered a “rural town” for purposes of Title 24, Chapter 117.

State law on this matter instructs that “a rural town, by action of the legislative body or by vote of that town at a special or regular

town having 2,500 or more but less than 5,000 persons that has voted by Australian ballot to be considered a rural town.” 24 V.S.A. § 4303(25).

Accordingly, a “rural town” (one with a population of less than 2,500 persons) has two options for transferring this authority from its legislative body to the voters. It may either have its voters vote, by whatever manner it decides public questions (from the floor or Australian ballot), at a duly

has yet to designate itself as a rural town. This vote must occur by Australian ballot even if the town decides all of its public questions from the floor.

Once a rural town elects to adopt its bylaws, amendments and repeals by Australian ballot, only the voters may return this authority to its legislative body. Alternatively, if a legislative body elects to require that the voters adopt bylaws, amendments and repeals by Australian ballot, then the town

“Whether a town chooses to adopt bylaws by Australian ballot or by action of the legislative body is a policy choice.”

meeting duly warned on the issue, may elect to require that bylaw amendments or repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issued. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.” 24 V.S.A. § 4442(c)(2).

A “rural town” is defined as “a town having, as at the date of the most recent United States census, a population of less than 2,500 persons, as evidenced by that census, or a

warned special or regular town meeting to adopt bylaws, amendments and repeals by Australian ballot, or its legislative body may give this authority directly to the voters by majority vote.

A town with a population greater than 2,500, but less than 5,000 is different, however, from a “rural town” in that it must first vote to be considered a “rural town.” In other words, such a town cannot elect to require that bylaws, amendments and repeals be adopted by vote of Australian ballot if it

must adhere to this process until the voters vote otherwise. Therefore, the legislative body has no authority to cede this authority to the voters for only a limited duration. 24 V.S.A. § 4442(c)(2). Once it is given, it cannot be taken back.

Finally, because the vote to be considered a rural town must take place by Australian ballot, it cannot occur contemporaneously with the vote to adopt bylaws, amendments and repeals by Australian ballot as a town would not know whether it was indeed a rural town in time to have the requisite legal authority to vote on the latter article.

Whether a town chooses to adopt bylaws by Australian ballot or by action of the legislative body is a policy choice. The default method in Chapter 117 is to adopt by action of the legislative body, just like other municipal ordinances. This allows towns to update bylaws more frequently and align bylaws better with the town plan. Adopting bylaws via Australian ballot vests more authority with the voters and tends to encourage less frequent updates to the bylaws. However, it may be a better fit for certain towns, particularly towns with an elected planning commission or where the tradition of voter adoption is firmly established.

- Garrett Baxter, Attorney, VLCT Municipal Assistance Center

(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).

Eligible Borrowers include municipalities, regional development corporations, and certain private sector companies.

Eligible Projects must be transportation-related, enhance economic opportunity, and help create jobs. Examples are road construction or reconstruction, certain facilities related to rail transit, and bridges and intermodal transportation facilities.

Funds are also available to help eligible groups and individuals purchase 7-15 passenger commuter vans.

To learn more, visit www.veda.org or call: 802-828-5627.





ASK THE LEAGUE -

(Continued from previous page)

This spring, the town will begin a bridge reconstruction project. What authority exists for the town to lower speed limits and/or double fines for speeding in work zones?

A parade, utility work or highway repairs are all reasons for a municipality to enact "special regulations" regarding speed, travel restrictions, and other "traffic rules and regulations as the public good requires." 23 V.S.A. § 1010 (a). Signs alerting travelers to the special regulations must be posted clearly in and near all affected areas. Penalties for violations of set speed limits due to construction zone conditions are automatically twice the penalty for non-construction zone speed violations. 23 V.S.A. § 1010 (b).

- *Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center*

Is the administrative officer required to take any additional action after an applicant receives an approval from an appropriate municipal panel?

As a best practice, we recommend administrative officers issue a zoning permit and follow the posting and distribution requirements outlined in 24 V.S.A. § 4449 (b). However, some communities rely on the decision issued by the appropriate municipal panel as evidence of a permit. This is an acceptable practice so long as the administrative officer follows the same posting and distribution requirements.

The ambiguity arises out of conflicting statutes in Chapter 117. The definition of "municipal land use permit" in § 4303 (11) (C) suggests that the final official minutes of an appropriate municipal panel meeting may serve as the "sole evidence" of the issuance of a municipal land use permit, which includes a zoning permit. However, in 24 V.S.A. § 4449 (a) (1) it clearly states "No land development may be commenced within the area affected by the bylaws without a permit issued by the administrative officer."

We recommend issuing a permit as it covers all bases, and ensures that every application enters and leaves the zoning office through the administrative officer. Directing all applications through the administrative officer ensures consistency in posting requirements, notification of listers, and other ministerial functions.

- *Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center*

FINANCE CONSULTING -

(Continued from Page One)

VLCT PACIF is partially underwriting the Consulting Group's financial work through July 2008 to ensure that its members have access to professional and affordable financial management assistance. "Sound financial management is the core of a credible business operation and we are pleased to help launch this program," said VLCT Group Services Director Dick Park. "If our contribution makes it affordable for a PACIF member to hire the VLCT Consulting Group for financial consulting, we will consider our contribution to be a success."

Hall is very much looking forward to working with his former colleagues from around the state to improve municipal financial practices. "I've reached a point in my career where I am interested in sharing the knowledge that I have gained over several decades," he commented. Hall recently delivered his first workshop for VLCT, a session at a Vermont Government Finance Officers Association meeting entitled "Approaches to Cash Management." He will also present a session on "What Every Selectboard Member Needs to Know About Municipal Finance" at the Municipal Assistance Center's March 22, 2008 Selectboard Institute.

Hall is available to consult with municipalities in areas such as operating and capital budget development, capital improvement planning, GASB 34 implementation, financial reporting, purchasing and bidding policies, debt management, complying with audit recommendations, and management of

cash and investments. He is also developing a Model Financial Management Policy that will address many of these issues, with a goal of having it be adaptable and adoptable by Vermont's diverse municipalities. Hall will also be available to design custom, onsite trainings based on members' needs.

If you would like to discuss a potential financial management consulting project, please contact Bill Hall at 800/649-7915 or whall@vlct.org.

- *Katherine Roe, VLCT Communications Coordinator*

VLCT CONSULTING GROUP

VLCT has assembled a team of municipal experts that are available to consult with cities and towns on a project-by-project basis. In addition to the financial management services mentioned above, the Consulting Group can provide interim municipal management, human resources support, project management and clerk of the works services, and general management consulting. Please contact the VLCT Municipal Assistance Center at 800/649-7915 for more information.

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HOW TO TERMINATE -

(Continued from Page One)

2. Prepare for and rehearse your delivery.

The message to the employee should be well prepared and, if possible, the delivery of the message should be rehearsed prior to the actual meeting with the employee. A script or a written outline or checklist can help assure that all the important points are covered.

3. Have a witness. Invite an additional management person (a human resource colleague is a practical choice) to assist in note-taking and to act as a witness to any comments or questions that occur at the session.

4. Don't beat around the bush. Get to the point without making excuses or minimizing the basis of the decision. Don't engage in personal attacks or derogatory generalizations. Most importantly, make sure that the employee understands that his or her employment actually has been terminated.

5. Avoid arguments. Be open to concerns and questions, but do not enter into any argument regarding the decision. Avoid condescension or evasion, and answer questions honestly and as completely as practicable. If additional information is necessary to answer a question fully, provide such information as soon as possible.

6. Don't agree with any arguments. Be sensitive to the employee's anger without agreeing that the municipality has made any mistake or has acted inappropriately. Statements in the nature of "Yes, I think so, too," or "I didn't want to do this, but it's not my decision," can only come back to haunt the municipality later.

7. Outline the status of employee benefits. Briefly explain any benefits to which the individual is entitled, or provide information on how the employee can obtain this information promptly.

8. Discuss references. Explain fully what type of employment reference, if any, the municipality will provide. If you have a reference/employment history letter prepared, provide a copy to the employee to avoid future confusion or disagreement.

9. Be sensitive. Clearly, this is a difficult situation. In a future lawsuit, the fairness and professionalism that is exhibited at a termination session can support the municipality's position that it acted for business reasons and was at all times fair and reasonable in its decision-making process.

10. Prepare for the worst. Today, workplace violence is all too common, so be prepared for a negative response. Notify security in advance, and request advice from the municipality's attorney regarding appropriate responses to extreme reactions.

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VERMONT TREES -

(Continued from Page Two)

RECOMMENDED TREES FOR DOWNTOWNS

The table to the right is designed to help you select a few different species that match your needs and site conditions. It is not a complete list of all potential species. For a more complete guide to the process of tree species selection, visit <http://orb.at.ufl.edu/TREES/index.html>.

To receive more information on site assessment, recommended tree species or after care information, contact Kate Forrer, Urban and Community Outreach Specialist, Vermont Urban and Community Forestry Program, University of Vermont Extension, by phone at 802/223-2389, ext. 25, or visit www.vtcommunityforestry.org.

- Kate Forrer, Urban and Community Outreach Specialist, UVM Extension

TRIVIA

Jennifer Hanlon, Supervisor of the Unified Towns and Gores of Essex County, replied with the earliest, most complete answer to last month's Trivia. She reported that Clarina Howard Nichols was born in West Townshend in 1810 and wrote for the *Windham County Democrat* newspaper from 1840 to 1854.

This month's Trivia draws from a historical piece of correspondence. Good luck!

A Granville couple wrote a letter to this politician to offer their congratulations for winning an election. In their letter, they said "On Tuesday, we had 89 voters, 40 for Mr. Foote and 47 for you. Until the past two years most of the people here didn't know there was a democratic party." Who won that election, what was the office, and what was the significance of the win?

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.

Hardiness Zone	Common Name, Scientific Name	Mature Height	Tolerance To				Ornamental Features	Indigenous to VT	Remarks
			Drought	Poor Drainage	Salt	Shade			
4	Amur Maackia, <i>Maackia amurensis</i>	S	H	M	M	L	Shiny brown bark; white flowers in July & August.		Pruning required to improve branching structure.
5	Callery Pear, <i>Pyrus calleryana</i>	M	H	M	M	L	Very attractive flowers.		Major problem with too many upright branches growing too closely together on the trunk. Prune the trees early in their life to space lateral branches along a central trunk. Avoid the cultivar Bradford.
3	Common Hackberry, <i>Celtis occidentalis</i>	L	H	H	H	M	Rounded vase shape form.	Y	Needs wider greenbelt.
3	Ginkgo, <i>Ginkgo biloba</i>	L	H	T	M	M	Distinct fan shaped leaves, excellent yellow fall foliage.		Only male clones should be planted. Several cultivars available.
4	Honey Locust, <i>Gleditsia triacanthos</i>	L	H	H	H	L			Several cultivars available. Has been used extensively; insect problems are beginning to catch up. Use in moderation.
3	Japanese Tree Lilac, <i>Syringa reticulata</i>	S	H	M	H	L	Large white flowers in late June; dark cherry-like bark.		Compact size makes good street tree.
4	River Birch, <i>Betula nigra</i> 'Heritage'	M	M	H	M	I	Showy bark.		Can be multi or single stemmed. Little King is a dwarf cultivar not expected to get taller than 15'.
4	Turkish Filbert, <i>Corylus colurna</i>	M	H	M	M	L	Ornamental bark.		May be difficult to locate.
5	Zelkova, <i>Zelkova serrata</i>	L	H	M	M	M	Attractive bark.		Cultivars include Green Vase, Village Green and Spring Grove. Can show winter injury if exposed to wind. Look for good branch structure when purchasing.
5	European Hornbeam, <i>Carpinus betulus</i> 'Fastigiata'	M	M	M	L	L			May be difficult to locate. Possibly hardy to zone 4 if sheltered.

Key: Mature Height (total height of a typical tree at maturity), S=<30 feet; M=30-50 feet; L=>50 feet. Tolerances (indicates the ability of the species to withstand drought, poor drainage, salt and shade), L=Low, M=Medium, H=High.

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ONLINE UNIVERSITY-

(Continued from Page One)

Ten other leagues around the country are also working with FirstNet to offer municipal employees online safety training.

“After researching and consulting with other Leagues, we feel that we’ve made a decision that will benefit our members,” said Ken Canning, Deputy Director, VLCT Group Services. “Online training has numerous benefits: it brings learning to people instead of people to learning, it can be less intimidating for students than classroom-lead learning, and it reduces risk and increases productivity.”

VLCT PACIF members can access the Online University through the VLCT Web site at <http://www.vlct.org/insuranceriskservices/programs/safetyandhealthpromotion/>. Its courses are grouped according to five professional categories:

1. Police, fire and EMS.
2. Parks and recreation.
3. Administration and office.
4. Utilities.
5. Public works.

There are 11-20 courses offered for each category; brief descriptions of each course help users decide which courses will be helpful to them. Once they login and begin a course, users will find that each one

VLCT PACIF BOARD OF DIRECTORS SEEKS NOMINATIONS

The VLCT PACIF Board of Directors currently has openings for a regular and an alternate member. If you would like to nominate yourself or someone you know to serve in one of these openings, please print a nominating form from the VLCT website (<http://www.vlct.org/aboutvlct/boards/nominationforms/>), fill it out and return it to VLCT.

The VLCT PACIF Board meets approximately nine times per year. Board members receive a daily stipend plus travel expenses. Lunch is also provided for the meetings. Board members work with staff to provide policy direction and general oversight to VLCT’s property and casualty intermunicipal fund, a pooled risk management service offered by VLCT. VLCT PACIF currently has 355 members and a \$15 million annual budget.

If you would like more information about serving on the VLCT PACIF Board, please contact Dick Park, Ken Canning or Dave Sichel at VLCT, 800/649-7915. Thank you for your interest!

consists of an interactive, narrated presentation followed by a quiz. Members who successfully complete a course will be able to print out a certificate of completion. A municipality can also opt to have one person in charge of reporting on the program, if it wishes. That person will be able to run a variety of usage and completion reports.

“Our training mission is to supply our members with up-to-date and cost-effective programs that yield motivated, skilled, loyal, and knowledgeable workers,” said Joe Damiat, Manager of VLCT Safety and Health Promotion. “We feel online training will

help relay important safety topics to municipal workers faster than instructor-led training. This will not replace instructor-led courses – it will be a tool to supplement it.”

During March, VLCT staff will work hard to make sure all members have a clear understanding of how to use this service. More information about the Online University will be e-mailed to all VLCT PACIF members. In the meantime, if you have any questions, feel free to call your area Loss Control Representative at 800/649-7915.



SAYING YES TO SAFETY!

VLCT Loss Control Consultants spend four out of five workdays a week on the road, meeting with VLCT PACIF members in their municipal workplaces. Working proactively, Rikk Taft, Chris LaBerge and Wade Masure review safety plans, meet with safety committees, provide training, and check for potential workplace hazards. Based on their visits, they often make recommendations for improvements.

VLCT recognizes that it can be a challenge for our members to find the time to pull their personnel together for training, and that implementing our safety recommendations can pose a challenge for mem-

bers with scarce human and financial resources. For these reasons, we would like to take a moment to say thank you to those members who have made the effort to receive training and/or comply with our safety recommendations.

Specifically, we recognize the following members for recently reducing hazards and increasing workplace safety:

The Town of Bradford – for implementing recommendations from VLCT Loss Control Consultant Rikk Taft during a Hazard Identification Survey of the Town Hall and Garage.

Town of Milton – for arranging to have VLCT Senior Loss Control Consultant Chris LaBerge provide Defensive Driving, Harassment, and Workplace Violence training to the Fire and Rescue Departments. A total of 55 people were trained!

Keep up the good work, and we look forward to recognizing more members in these pages in the future.

If you would like to know more about our safety programs please contact a VLCT Loss Control Consultant at 800/649-7915.

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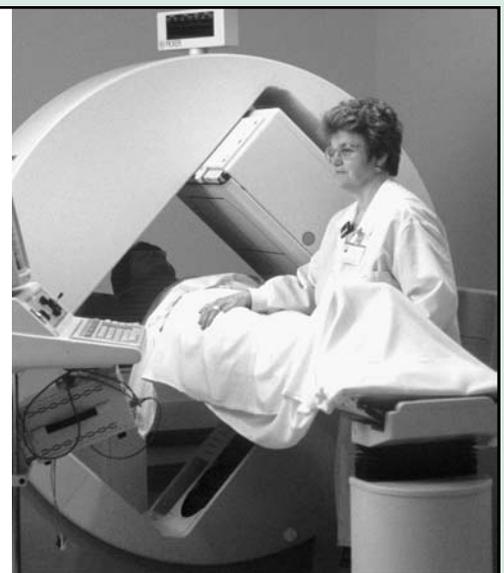
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STUDY EVALUATES LOW IMPACT TECHNIQUES FOR STORMWATER MANAGEMENT

In December 2007, the U.S. Environmental Protection Agency (EPA) released a report comparing the costs of low impact development (LID) stormwater practices with those of conventional stormwater management. The EPA concluded that, with few exceptions, the LID practices were both fiscally and environmentally beneficial to communities.

The report examined 17 case studies that included bioretention, cluster building, reduced impervious surface area, swales, permeable pavement, vegetated landscaping, wetlands, and green roofs. Total capital cost savings ranged from 15 to 80% when these LID-based designs were used instead of conventional approaches involving hard infrastructure such as curbs, gutters and piping. The EPA report is available on-line at: <http://www.epa.gov/owow/nps/lid/costs07/>.

Low impact development includes a set of management practices and design approaches that retain more rainwater where it falls, thereby averting the impacts of increased runoff and stormwater pollution. It is based on the premise that a natural approach to stormwater management is best. In forests and other natural areas, most rainfall percolates through the soil, is absorbed by vegetation, or evaporates. Conventional stormwater management practices, on the other hand, focus on channeling stormwater quickly and efficiently away

from development into storm sewers, detention ponds or into lakes and streams. The costs associated with conventional stormwater infrastructure are high, and the unintended consequences of concentrating and increasing stormwater volume include increased frequency and magnitude of flash flooding, increased pollution from runoff, erosion, stream channel degradation and loss of groundwater recharge.

The Vermont League of Cities and Towns is currently drafting a Model Stormwater Management Ordinance that covers both pre- and post-construction stormwater management standards and provides LID alternatives to conventional stormwater management practices. Incorporating LID practices into site design is not only good for the environment – it also saves money through reduced site grading and preparation, stormwater infrastructure, site paving, and landscaping. If you would like technical assistance in developing stormwater management language that meets your town's specific needs, please contact Milly Archer, Water Quality Coordinator at the VLCT Mu-

nicipal Assistance Center, 800/649-7915 or marcher@vlct.org.
- Milly Archer, VLCT Water Quality Coordinator

In addition to the draft Model Stormwater Management Ordinance referenced in this article, VLCT's water quality program offers a Model Riparian Buffer Ordinance, an accompanying technical paper on Creating an Effective Riparian Buffer Ordinance, sample ordinances from around the state, and on-site consulting by Milly Archer, VLCT's Water Quality Coordinator. Visit the VLCT online Resource Library at www.vlct.org to download a copy of these documents. To arrange for consulting assistance, contact Milly at marcher@vlct.org.

PLEASE SUPPORT OUR ADVERTISERS

Each month, the *VLCT News* contains display advertisements from a variety of businesses seeking to serve Vermont's municipalities. The revenue from these advertisements helps lower our cost to produce the newsletter. If your municipality is planning a future purchase of products or services offered by our advertisers, please consider contacting them, and don't forget to let them know you saw their advertisement in the *VLCT News*. Thank you.

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Tech Check



E-STATE AND BROADBAND

In anticipation of the VLCT forum, *Closing the Digital Divide – A Workshop on Providing Public Broadband Services Throughout Vermont*, the folks at the Vermont Telecommunication Authority (VTA) were kind enough to provide some background information about Vermont's e-state initiative and broadband in general. The workshop, on Friday, March 7, 2008, will feature presentations by VTA, Burlington Telecom, ValleyFiber and other telecommunications initiatives in Vermont.

SO, WHAT IS AN E-STATE, ANYWAY?

Governor Douglas put forth the idea of making Vermont an e-state during the last legislative session and the Legislature agreed with him. They envisioned an e-state as being a place where anyone could make a mobile phone call and connect to the Internet at high speeds from anywhere in the state for a reasonable rate.

Why? Town officials already know – their constituents remind them all the time. Vermont needs modern communications options for its economic development, for its education, for delivering medical services efficiently, for providing services to the elderly, and for our first responders.

Why don't those of us in rural areas have what people in populated areas have? Again, this is pretty obvious, but let's discuss it. Phone companies, cable companies and Internet service providers (ISPs) are corporations designed to make money for their shareholders. They will be sued if they do not protect shareholder investments. If it had made financial sense to build out their networks beyond the major roads and town centers, they would have done so already. These providers all have financial models that dictate that they will build out a mile if there are x number of potential subscribers

on that mile and that they can expect a "take rate" of x. That is because they need to assure management that the capital expense will be covered in x years and that a profit will follow.

So what do we need to do to encourage service providers to build out further? The answer need not be to build a huge development. We could work on improving the "take rate." There are still people who say "Dialup is still fine for me and my e-mail." But, if towns and regional organizations can provide more *meaningful* information on the Internet, or services that save people time or help them be more civically-engaged, then more people will begin to understand the value of broadband. A simple example is dog licenses. Town clerks send out notices of renewal for dog licenses. They get checks back in. They cash them and create a list of who has paid. Next year, they do that all again. Residents may be paying \$9 a year for that "service." The town cannot make any money on that activity. Residents often waste time and gas by driving to the town hall and paying. Would it not be much easier to have a "shopping cart" on the town website and let them pay online? The credit card companies would send one check each month to the town, a list would automatically be created and gas would be saved. What about e-mailing notices of hearings, openings for town boards and committees, notices of road closings, town reports?

What is broadband? Good question. There is no consensus on the answer except that it involves a connection that is bet-



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(Continued on Page Fifteen)



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Pronunciation: 'E-zee

Function: adjective

Inflected Form(s): eas·i·er; -est

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E-STATE AND BROADBAND -

(Continued from Page Thirteen)

ter than dialup. Most people use the term to mean a connection which can be set up for an indefinite period of time (**persistent**), which has enough **bandwidth** (discussed below), and low enough **latency** (also discussed below) and **jitter** (below) for whatever use they intend to make of the connection. In practice, the requirements for minimally useful broadband keep ratcheting upward. You can get broadband from an ISP, a wireless ISP, a cable company, DSL from a phone company, from a satellite company, or wireless options from cell phone companies.

What is bandwidth? That's an easier question to answer. Bandwidth (in its common, not engineering use) is a measure of how much data can be delivered over a connection in a given period of time. Usually bandwidth is quoted in bits per second (**bps**). The top speed of most dialup connections in the **downlink** direction (towards you) is 56 kilobits per second. (A **kilobit** is

a thousand bits.) Basic **DSL** (the broadband you get on your phone line) usually has a downlink **speed** of 768 **kbps** (kilobits per second) but an **uplink** (from you) speed of only 128 kbps. Cable service these days often offers at least 3 megabits per second (a **megabit** is a million bits) down and 1.5 **mbps** (megabits per second) up.

Is a bit the same as a byte? No, a **byte** consists of eight bits. File sizes are usually measured in bytes, so an 8-megabyte file has 64 megabits in it. In a perfect world (which assuredly doesn't exist), it would take 64 seconds (plus a few more for some control bits) to download this 8-megabyte file over a connection which has 1 mbps of downlink bandwidth.

What is latency? In a word, delay. Data on the Internet travel in little bundles called packets. The time it takes a packet to travel from one place to another is its latency.

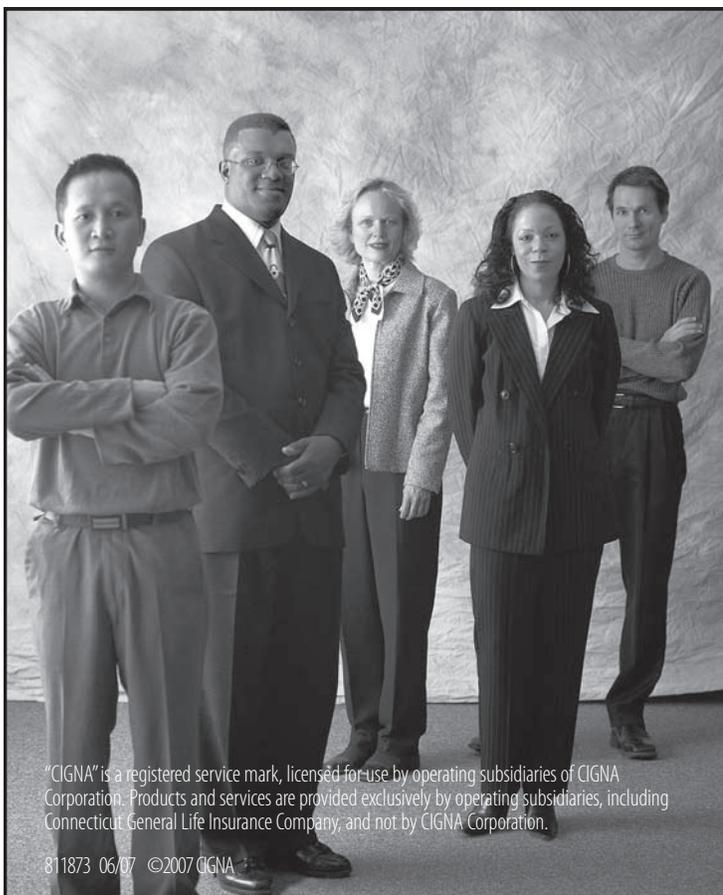
When the web is congested, your packets take longer to travel through this traffic to a website. The packets required to send a page back to you are also delayed either by waiting for their turn or from being sent by a different route. This is increased latency.

What is jitter? This is more properly called **Packet Delay Variation**. When you receive packets from the Internet, you want them to flow in a constant, smooth stream. Jitter is when the time between packets varies and the system has to deal with this. Multimedia players compensate by buffering data before actually playing it. Jitter can significantly affect Voice over IP (VoIP) and interactive real-time applications.

- Jim Burke, Director, VLCT
Information Technology

(VLCT extends its thanks to the Vermont Telecommunications Authority for its contribution to this Tech Check.

(Contact Jim at jburke@vlct.org. Contact VTA at info@telecomVT.org.)



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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

Director, VLCT Municipal Assistance Center (MAC). This highly visible leadership position is key in furthering our mission to serve and strengthen Vermont local governments. Providing consulting, legal, educational, and professional services, MAC serves as a critical resource for our municipal membership. In ad-

dition to managing a staff of five professionals, the MAC Director serves municipal officials directly and is part of the team that assists the Executive Director in new program development and other strategic planning. We seek a creative and savvy thinker who enjoys relationship building, teamwork (within and across departments) and fostering staff development. Excellent presentation and written and verbal communication skills, budget management experience, and considerable knowledge of municipal government operations are necessary. MPA, law or other advanced degree preferred. Some in-state travel and evening or weekend hours are required. VLCT is a great place to work, offering a convenient Montpelier location and excellent total compensation package, including 2 health insurance options, retirement plan choices with up to 12.1% total employer contribution and more. Please submit cover letter, resume, and names and contact information for three references to job-search@vlct.org with MAC as subject. (2-14)

Town Manager. The Town of Chester, Vt. (pop. 3,044) seeks an engaging, collaborative manager to serve as chief administrative officer. Located in the heart of Southern Vermont's ski country, Chester has a strong tradition of civic engagement and a vibrant village center that serves visitors and residents alike. The current manager is retiring after 14 years of service. The manager reports to a five-member selectboard and is responsible for day-to-day operations of the town. The manager supervises 24 full-time employees, develops and administers a \$3.1 million operating budget, and oversees all personnel, financial, public works and community relations matters. A detailed job description is available at www.vlct.org, under Marketplace. Hiring range is \$50,000-\$65,000, with a superior benefits package. A bachelor's degree is required; a master's in public administration or related field is preferred, as is previous experience in municipal govern-

ment. To apply, please send a confidential cover letter and resume to Chester Town Manager Search, c/o VLCT, 89 Main Street, Montpelier, VT 05602, or e-mail to gperson@vlct.org with Chester in the subject line. **Resume review begins March 3.** (2-6)

Zoning Administrator. The Town of Brandon, Vt. is seeking qualified applicants for the position of zoning administrator (ZA). This is a part-time position with flexible hours. The ZA must know the applicable Vermont statutes and the current town zoning regulations. He or she also advises the planning commission and the development review board. Participation in evening meetings is necessary. Similar experience in a Vermont municipality is desirable. Salary DOQ. To apply, send a letter of interest and resume to Keith O. Arlund, Town Manager, 49 Center Street, Brandon, VT 05733. **Position open until filled.** The Town of Brandon is an equal opportunity employer. (2-6)

City Manager. Franklin, N.H. (pop. 8,700) is a full-service community located 20 miles north of the state capital, Concord. Ideally located in the Lakes Region, Franklin offers easy access to year-round outdoor recreational activities and regional destinations such as Boston, Mass. The City is experiencing modest growth and is seeking to promote investment in its historic downtown and industrial park. The current manager is departing on good terms and leaves an outstanding team of stable and capable department leaders. The City has had 3 Managers since 1990. Currently, there are a 9-member City Council and Mayor; \$22 million budget (includes schools); and 85 FTE, 30 seasonal employees. The Manager is appointed by and reports to the City Council. Requirements: bachelor's degree with five years or more of progressively responsible management service with a full-service municipality; preference will be given to ICMA credentialed

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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 \$41 per ad.

Ads are generally limited to 150 words and run for one issue. Ads are also placed on the VLCT Web site for up to one month.

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.)

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.



CLASSIFIEDS -

(Continued from Page Seventeen)

managers and applicants holding a master's of public administration degree or equivalent; applicant must demonstrate strong management capability both in terms of team development and ability to tackle problems and recommend solutions; must have a positive attitude, be collaborative, have a strong municipal finance background, economic development experience, and ability to promote and stimulate positive community relations. Salary, \$70,000-\$85,000, DOQ/E, plus competitive benefits. Application available online at www.franklinnh.org. To apply, send letter of interest and resume to City Manager Search Committee, 316 Central Street, Franklin, NH 03235. **Position open until filled, with a first review deadline of February 22, 2008.** (2-5)

Project Manager, Environmental Engineer/Geologist. Weston & Sampson, a

full-service environmental and infrastructure consulting firm, is seeking a project manager with 8-15 years of experience to join its dynamic Waterbury office. Must be familiar with petroleum and hazardous waste site assessments, remediation and brownfields redevelopment projects. Working knowledge of Vermont rules, federal regulations and funding related to hazardous waste is needed. Must have experience in dealing with multiple projects and clients along with managing all aspects of projects. Mentoring staff and business development is key. Excellent writing and interpersonal communication skills are required for effective client and team management. Strong organizational and efficient time-management skills are also required. A BS degree in civil and/or environmental engineering, geology, or hydrogeology is required. An MS in related field and registration as a Professional Engineer or Professional Geologist a plus. To apply, mail resume and cover letter to Weston & Sampson, Human Resources, P.O. Box 189, Wa-

terbury, VT 05676, or e-mail bisceglk@wseinc.com. (2-1)

Programmer/Analyst and Database Administrator. This full-time position in Burlington's Clerk/Treasurer's Office is responsible for overall IT data management and overseeing and managing all aspects of the City's centrally administered data/information system software. This position also provides systems analysis, programming support and project management for vendor and in-house developed applications and projects. Requirements: bachelor of science in computer science, IT or related field and 3-5 years experience with database administration or business systems analysis and computer programming in an IT LAN/server environment. Ten or more years of direct experience may be substituted for the educational requirements. Professional certification preferred. For a complete job description and application, visit our website at www.hrjobs.ci.burlington.vt.us, or call Human Resources at 802/865-7145. To apply, please send resume, cover letter, and City of Burlington application to Human Resources Department, 131 Church Street, Burlington, VT 05401. E.O.E. Women, minorities and persons with disabilities are encouraged to apply. (1-25)

Sales Manager. Burlington Telecom seeks a full-time sales manager to be responsible for the development, planning, implementation and management of all sales activities and revenue generation. Requirements: bachelor's degree and 5 years professional sales experience with 3 years sales experience at an ILEC, CLEC and/or CATV company; and 2 years experience managing a telecommunications sales team. Additional experience may be substituted for the educational requirements. For a complete job description and application, visit our website at www.hrjobs.ci.burlington.vt.us, or call Human Resources at 802/865-7145. To apply, please send resume, cover letter, and City of Burlington application to Human Resources Department, 131 Church Street, Burlington, VT 05401. E.O.E. Women, minorities and persons with disabilities are encouraged to apply. (1-25)

Wastewater Treatment Facility Chief Operator. The White River Junction, Vt.

(Continued on next page)



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Town of Middlesex



CLASSIFIEDS -

(Continued from previous page)

wastewater system consists of 30 miles of sewer, 8 pumping stations, 1.2 MGD activated sludge process using extended aeration, solids dewatering, and biosolids land application program. Six employees, including the Chief Operator. Requirements: broad base of technical knowledge and skills in all facets of WWTF operations; good knowledge of applicable regulatory processes and requirements; excellent supervisory skills; good understanding of chemistry relevant to wastewater treatment; planning, administrative and mechanical skills; a Vermont Grade 3 treatment license and ability to obtain a Grade 4 license; good reading, writing and math skills; and experience utilizing written technical manuals and blueprints. Salary, high 40s to mid 50s, DOQ; excellent employee benefits; union position. To apply, fax resume and letter of interest to the Hartford Public Works Department at 802/295-5579, attention Joan Ponzoni,

or e-mail to jponzoni@hartford-vt.org. A complete job description and application for this full-time position are available in the Public Works Office, 173 Airport Road, White River Junction, Vt. For more information, call 802/295-3622. E.O.E. (1-24)

Planner. The Windham Regional Commission (WRC) seeks a staff planner to work in a 27-town rural region with considerable tourism base, historic downtowns and villages, and outstanding natural and cultural environments. WRC staff planners enjoy widely varying locally and regionally focused projects and assignments. The successful candidate will be able to work effectively with citizens, professional organizations and local, state and federal officials. She or he will be self-motivated and be able to work independently and manage multiple assignments with an active and forward-looking team. Varied and challenging assignments include regional and municipal land use planning and regulation, emer-

gency management planning (no emergency response role), support for municipal grant programs and other projects. Under general supervision of the executive director, WRC planners conduct technical analyses, draft reports, make presentations to local boards and commissions, work with town officials and the general public on local and regional planning matters, represent the WRC at the state and federal level and provide technical assistance to member towns on a wide range of issues, including helping to prepare or amend municipal plans and implementing bylaws, conducting regional studies, applying for and administering grants, and reviewing development proposals. Qualifications include a bachelor's degree plus 3 years professional planning experience (master's degree may substitute for 1 year of experience). Salary, \$32,936-\$42,215 plus excellent benefits, including health, life and disability insurance, retirement plans, paid vacation and holidays. To apply, send resume and supporting information to Executive Director, Windham Regional Commission, 139 Main Street, Suite 505, Brattleboro, VT 05301, or e-mail jmatteau@sover.net. (1-22)

Town Manager. The Town of Castleton, Vt. is seeking applicants for the position of Town Manager. Castleton, home of Castleton State College, is in western Vermont with approximately 4000 year round residents and an additional 2000 summer residents on Lake Bomoseen. Duties include acting as purchasing agent, road commissioner, police and sewer departments; supervising daily activities and town construction; accounting for all departments and preparing annual budget; making recommendations of major concern to the board of selectmen; directing town personnel practices; collecting taxes and writing grants. Qualifications: Graduate of an accredited college, preferably with a degree in public or business administration or public administration; working knowledge of civil engineering, personnel administration, local government administration and accounting and budgeting procedures. Send letter of application and resume by **February 29, 2008** to Thomas Ettori, Chairman, Board of Selectmen, Town of Castleton, 503 Main Street, Castleton, VT 05735. (1-22)



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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.)

Closing the Digital Divide. Friday, March 7, 2008, Capitol Plaza Hotel, Montpelier. Sponsored by the Vermont League of Cities and Towns. Municipal broadband services are not just for cities anymore! Municipal officials and municipally-sanctioned citizens' committee members working to make broadband service available throughout their communities are invited to learn what is going on in other cities and towns across the state. Come hear about the many resources and strategies available to help your town provide its businesses and homes with cutting edge communications capabilities. This workshop will provide access to

state resources, legal advice, technical experts and community leaders spearheading such initiatives. Speakers include Governor Douglas, Stan Williams, Chair, ValleyNet, Tim Nulty, Consultant, ValleyFiber, Paul Giuliani, McKee, Guiliani and Cleveland, PC, and Maureen Connoly, Project Manager, North-link. Representatives from the Vermont Telecommunications Authority and Burlington Telecom will also speak.

Selectboard Institute. Saturday, April 26, 2008, Elks Lodge, Montpelier. Sponsored by the VLCT Municipal Assistance Center. The Selectboard Institute will focus on the fundamentals of municipal governance, such as understanding the municipal organization, essentials of municipal law, running effective meetings, and managing the town budget. (Rescheduled from March 22).

Town Officers' Education Conferences. Monday, March 24, St. Michael's College, Colchester; Thursday, April 10, Lyndon State College, Lyndon; Wednesday, April 16, Holiday Inn, Rutland; Thursday, April 24, Lake Morey Resort, Fairlee; and

Wednesday, April 30, 2008, Grand Summit Lodge, Mt. Snow. For more information, contact Mary Peabody at Mary.Peabody@uvm.edu.

Intersection of Local Planning and Act 250. Wednesday, April 2, 2008, Vermont Interactive Television sites around Vermont. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. The final workshop in this year's VIT series will be delivered in the evening via interactive television. This workshop will focus on the interaction of local planning and Act 250, paying particular attention to the role of the town plan, conducting local Act 250 review, and which local boards have party status.

Playground Safety Inspector Certification Course and Exam. Wednesday, April 30 through Friday, May 2, 2008, Elks Lodge, Montpelier. Sponsored by the National Playground Safety Institute and the Vermont Recreation and Parks Association. For more information, contact betsy@vrpa.org or visit www.vrpa.org.