

# VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

STRENGTHENING VERMONT LOCAL GOVERNMENT

December 2001

## LOCAL OFFICIALS/EMPLOYEES GIVE OVER \$11,000 TO 9-11 FUND

Vermont's municipal officials, employees and volunteers pitched in over the last two months to make contributions totaling \$11,138.17 to the Always Remember 9-11 Fund.

The Fund, created by the National League of Cities and state municipal leagues, will benefit public employees who were affected by the September 11 terrorist attacks in New York, Washington, DC and Pennsylvania.

Nationally, the Fund has raised over \$300,000.00. In Vermont, 63 municipalities (see list below) participated in the fundraising, joined by two individuals and VLCT staff.

"VLCT is extremely proud of this effort," said VLCT Executive Director Steven Jeffrey. He

added, "Special thanks are due to those individuals who donated to the Fund and to those local officials who took on the task of collecting the donations and forwarding them to VLCT."

The Always Remember 9-11 Fund recently selected the Families of Freedom Scholarship Fund as its beneficiary. This Fund will provide public education assistance for postsecondary study to financially needy dependents of those killed or permanently disabled as a result of the attacks. The Fund will be administered by the Citizens' Scholarship Foundation of America (CSFA).

Always Remember 9-11 donations will go to

*(Continued on Page Ten)*



## THERE'S TOUGH SLEDDING AHEAD

LEGISLATIVE SESSION TO OPEN  
JANUARY 8

The sound of the gavel falling will signal the return of Vermont's legislators to the Golden Dome on January 8, 2002. It will not be a welcome sound for local officials, as it will commence the true fiscal reckoning resulting from a down-turned economy and the events of September 11. Already, administration proposals to handle budget shortfalls are targeting municipalities, while non-budget decisions, such as the fate of a new stormwater permitting program, are likely to impose new mandated costs on municipalities. These new costs would come at a time when municipalities are no better equipped to absorb them than is the state.

Against this backdrop, and with the assistance of our friends in the Legislature, VLCT legislative staff energy in 2002 will be directed toward assuring that the necessary belt-tightening in this economy is not imposed disproportionately on Vermont property taxpayers.

*(Continued on next page)*

## LEAGUE BOARD APPROVES OFFERING WEB SITE PACKAGE

### EASY WEB SITE CREATION TOOL NOW AVAILABLE TO MEMBERS

Many a local official or employee charged with developing his or her municipal web site has probably wondered, "Do I have to reinvent the wheel?" Well, the answer is no. Last month, the VLCT Board of Directors approved offering members an affordable, easy-to-use web page creation tool called GovOffice WebCreator. Designed for local governments, Gov Office is available through a partnership of VLCT, the International City/County Managers

Association, Avenet and Microsoft Corporation.

GovOffice WebCreator makes it possible for any local government to build and maintain a community web site *without technical training or specialized staff.*

Municipalities using GovOffice will be able to provide their citizens access to up-to-date local news and announcements,

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The VLCT News is published monthly 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 and \$63 for non-members. Please contact the League for subscription and advertising information.

## LEGISLATURE -

*(Continued from previous page)*

We'll have our work cut out for us. Over two-thirds of the first \$1.9 million rescission proposed by the administration earlier this month will be borne by municipalities in transportation. If approved by the legislature, towns will see \$1.3 million in cuts to the Class II Paving and Town Highway Grants in the next six months. Towns use this money to fund necessary activities such as plowing and repairing roads. Local officials will be forced to raise property taxes to continue providing these essential services. The Department of Corrections proposal

*In 2002 it will be imperative for local officials to make clear that under-funding municipal programs, be they transportation, public safety, education assistance or environmental infrastructure, means not that legislators and the Governor are holding the line on spending and taxes, but rather that unavoidable expenditures are being transferred to the local level.*

to close the Woodstock Correctional Facility would require municipalities in the area to incur significantly higher costs for transporting prisoners to far flung correctional facilities. The action would also put current inmates into communities statewide, both before the new Springfield facility is opened and after it is open, given the proportion of available beds to Vermont residents under Corrections supervision. More inmates housed outside of secure prisons and in our communities will put additional demands on local law enforcement agencies. This, too, results in increased property taxes to fund these agencies.

Additionally, the Governor is quoted as being poised to make substantial cuts to the income sensitivity features of Act 60 and education finance. These cuts will target Vermont residents with annual household incomes of less than \$75,000. More of their limited resources will be required to pay for education property taxes, just as many of them see substantial reductions in their incomes due to job layoffs and salary reductions.

All this, and the legislative session has not

yet even started!

In 2002 it will be imperative for local officials to make clear that under-funding municipal programs, be they transportation, public safety, education assistance or environmental infrastructure, means not that legislators and the Governor are holding the line on spending and taxes, but rather that unavoidable expenditures are being transferred to the local level. The Legislature and Governor are raising property taxes when they transfer those costs. Let them not forget that property taxes are one of the most regressive taxes in the land and that Act 60 removed much of local taxing authority in that arena several years ago.

There will be few decisions made in the 2002 Legislature without tough financial implications for Vermonters. Nonetheless, there will be plenty of issues debated that reside outside the primary purview of the House and Senate money committees. The Chapter 117 study committee will have recommendations for the Legislature on changes to the municipal planning and zoning statutes that will make the development of affordable housing easier. The House and Senate Natural Resources Committees will surely give close scrutiny to on-site sewage rules proposed by the Agency of Natural Resources, as well as the Agency's stormwater management rules, revised municipal wastewater treatment system rules that incorporate "growth center controls," and an Agency "Growth Center and Growth Management Procedure." Do not forget that this is the year for reapportionment of legislative seats based upon the Year 2000 Census! Not only that, campaign season is already gearing up. All in all, we have the makings for quite a legislative session.

What is a local official to do in 2002? Be vigilant! Contact your legislators early and often! Ask them to meet with your Selectboard monthly. Attend VLCT's Local Government Day on February 14, 2002. And please remember to keep your VLCT advocacy staff in the loop. You are the best advocates for local government and we can learn much from your conversations with your legislators. See you in 2002!

*- Karen Horn, Director, Legislative and Membership Services*

## Local Government Day in the Legislature

Thursday, February 14,  
2002 (Note date change  
from last issue!)

Capitol Plaza Hotel and  
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## TAXING NON-PROFIT LANDS; SUPERMAJORITY VOTES & ZONING

### TAXING NON-PROFIT LANDS

The Vermont Supreme Court has affirmed and clarified the test for whether or not a municipality may tax lands used for a “public, pious, or charitable” purpose. *Mark Herrick v. Town of Marlboro*, No. 2000-591, 2001 Vermont Supreme Court (Nov. 9, 2001).

Under state law, a municipality may not tax “real and personal estate granted, sequestered or used for public, pious, or charitable uses.” 32 V.S.A. § 3802 (4). In order to qualify for the tax exemption, the

land is collected by the Ministry.

On March 25, 1999, Herrick, acting in his capacity as a member of the Board of Directors for Mountain Ministry, executed a document he entitled “Sequestration,” in which he sequestered all of his land to the exclusive use of Mountain Ministry. See *Johnson v. Jones*, 86 Vt. 167, at 170 (1912) (defining “sequester” as setting aside or apart). Herrick received no financial consideration in return for the sequestration, but still retained title to the land, and retained the power to revoke the sequestration document at any

This means that a private person cannot own a property and lease it to a non-profit corporation, all the while receiving the benefits of ownership, of rental income, and the additional benefit of not having to pay taxes.

- Brian Monaghan, Intern, VLCT  
Municipal Law Center

### SUPERIOR COURTS LIMIT APPLICATION OF SUPERMAJORITY PROVISION IN STATE ZONING LAW

In two recent decisions, Vermont Superior Courts have limited the application of the so called “supermajority provisions” of Title 24, Chapter 117, the state zoning enabling legislation.

What does the “supermajority” provision mean? Simply put, it means that under certain circumstances voters in a municipality may demand that a vote to **amend** zoning or subdivision bylaws must be passed by a two-thirds vote rather than by a simple majority vote (more than 50%). In ‘urban’ municipalities, a two-thirds vote of all members of its legislative body is required. In a ‘rural’ municipality, two-thirds of all voters present

*(Continued on next page)*

*...a private person cannot own a property and lease it to a non-profit corporation, all the while receiving the benefits of ownership, of rental income, and the additional benefit of not having to pay taxes.*

Supreme Court has established the following rigid criteria that define whether or not a use truly is “public.”

1. The property must be dedicated unconditionally to public use;
2. The primary use must directly benefit an indefinite class of persons who are part of the public, and must also confer a benefit on society as a result of the benefit conferred on the persons directly served; and
3. The property must be owned and operated on a not-for-profit basis.

*American Museum of Fly Fishing, Inc. v. Town of Manchester*, 151 Vt. 103 (1989).

In the instant case, Mark Herrick owned a 171-acre parcel, including a two-unit house and some outbuildings, located in the town of Marlboro. He allowed a nonprofit corporation, The Mountain Ministry, Inc., a nondenominational Christian service ministry, the exclusive use of his property. The Ministry assists poor people in transition, particularly single mothers, battered women, and homeless persons. *Herrick* at 1. All of these services are provided free of charge, on the basis of need, and any income derived from the rental of one unit of the house and agricultural/silvicultural use of the

time. *Herrick* at 2.

The lands used by Mountain Ministry satisfy the first two prongs of the *American Museum of Fly Fishing* test. The property is dedicated unconditionally to the public use, in that it is used as a temporary home for people who otherwise would have nowhere to go. The land also benefits an indefinite class of the public – battered and single women, as well as homeless people. Additionally, society at large benefits from Herrick’s arrangement as the burden on government to provide for the needy is reduced. Benefits also result when people become more productive and eventually give back to society.

The Vermont Supreme Court ruled, however, that the third part of the *American Museum of Fly Fishing* test was not satisfied. The Court found that because he retained title to the land, Herrick retained the ability to sell it, to realize its appreciation in value, and was able (potentially) to reap tax benefits as owner. These factors did not satisfy the requirement that to be exempt, the land in question must be owned and operated on a not-for-profit basis.

What does this ruling mean for municipalities? It requires an entity operating a non-profit facility to also be a non-profit owner.

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## LEGAL CORNER -

(Continued from previous page)

and voting at a town meeting is required.

Who may file a supermajority petition? Under 24 V.S.A. § 4404(e) either 5% of the voters of a municipality, the owners of 40% of the lots or area included in the proposed amendment or the owners of 40% of the lots or area located outside of the area included in the proposed amendment but within 200 feet from the outer limits of lots included in the proposed amendment may file a supermajority petition.

As indicated in the statute, a request for a supermajority vote may only be made when **amendments** to zoning or subdivision bylaws are proposed. A request for a supermajority vote may **not** be made when zoning or subdivision bylaws are proposed for the first time in a municipality or when a complete repeal of zoning or subdivision bylaws is up for consideration.

The issue before the two Superior Courts with regard to the supermajority provision was, may a petition for a supermajority vote be filed when a petition for a revote is filed pursuant to Title 17 of the Vermont statutes? This identical issue arose in two Vermont towns, Wilmington and Warren, within a period of months.

In both the Wilmington and Warren cases votes, were cast on proposed amendments to zoning and the votes passed. Pursuant to Title 17 voters in both towns exercised their right to file a petition requesting that the vote be reconsidered (Under Title 17, 5% of the voters may petition for reconsideration of a vote within 30 days of the date that the vote took place). In both cases, the petition to reconsider the vote was accompanied by a request that a “supermajority” be required for the vote to pass. In both cases the Courts rejected the “supermajority” petition ruling that such petitions may only be filed when the initial vote is held.

In the most recent of the two cases decided, *Warren v. Porter and Edgcomb*, Judge

Wright provided the following rationale for ruling that a request for a “supermajority” vote may not be made when a vote is being reconsidered rather than held for the first time:

*The general municipal voting statute is carefully crafted to promote the local democratic process, based on an engaged and informed electorate expressing itself by majority rule. The revote provision of 17 V.S.A. § 2661 provides an important safety net for the process, allowing the disappointed participants in an initial vote to more fully inform or more fully engage the rest of the electorate who may not have participated in the initial vote. On the other hand, the provision for a supermajority vote on local land use regulations provides added protection for what may be the minority interests of landowners concerned about the effect of the proposed zoning amendment on their property interests. The two statutory schemes of protection conflict with one another and produce an unfair and unreasonable result if they are applied to allow a supermajority in a revote when a simple majority decided the initial vote. Warren v. Porter and Edgcomb, Docket No. 377-7-01 Wnev (Washington Superior Ct., Nov. 2001)*

The citation for the Wilmington case is *Beaudette v. Town of Wilmington*, Docket No. 342-8-01 Wnev (Windham Superior Ct., Sept. 2001). We are not aware that either of these cases has been appealed to the Vermont Supreme Court. However, VLCT will let you know if an appeal has in fact been filed.

For now, it is clear that in Windham and Washington Counties the “supermajority” provisions of state law do not apply to a revote (e.g. reconsideration) under Title 17. While the Court’s reasoning in both cases appears to be extremely sound to VLCT, other Superior Courts throughout the state are not bound by these rulings. Accordingly, it is still advisable for towns to consult their municipal attorney whenever a supermajority petition is filed. In the meantime, VLCT will continue its efforts in the Legislature to eradicate the “supermajority” provision altogether and at the very least clarify in statute when a supermajority vote may be requested. Look for updates in your VLCT *Weekly Legislative Report*.

- Jon Groveman, Director, VLCT Municipal Law Center

## LAW CENTER CONDUCTS FIRST ON-SITE WORKSHOP

The VLCT Municipal Law Center recently began its On-Site Workshop Program by traveling to St. Albans City to present a workshop on running effective Board of Civil Authority and Board of Abatement hearings. Law Center staff joined the BCA/BOA during one of their regularly scheduled evening meetings.

“I’m delighted to be able to take the Law Center’s expertise ‘on the road,’” said Law Center Director Jon Groveman. He added, “The On-Site Workshops are great because they bring training directly to municipalities and the smaller groups allow for more interaction than at traditional workshops.”

As reported in the September 2001 issue of the *VLCT News*, municipalities may request On-Site Workshops on a range of topics including Managing Town Highways, Running Effective Meetings and Hearings for Selectboards, BCA/BOA’s or Zoning Boards and Planning Commissions. In addition, the Law Center is offering an On-Site Workshop geared toward zoning and planning officials on dealing with home occupations, non-conforming uses and variance requests.

The Law Center does charge a fee for the workshops; however, it is quite reasonable when several boards or municipalities join together for one workshop. Please contact Jon Groveman at 800/649-7915, e-mail, [jgroveman@vlct.org](mailto:jgroveman@vlct.org), if you are interested having the Law Center present an On-Site Workshop in your community.

## DO HOUSING ISSUES INTEREST YOU?

The Vermont Housing Finance Agency is leading an effort to launch a “Campaign for Affordable Housing in Vermont.” They would welcome municipal officials on their advisory group. If this interests you, please contact Karen Horn at VLCT, 800/649-7915 or [khorn@vlct.org](mailto:khorn@vlct.org) as soon as possible.

## DON’T FORGET US...

Has your municipality recently enacted a new ordinance or approved a new policy? If so, please send a copy to VLCT, Attn: Municipal Law Center, 89 Main Street, Suite 4, Montpelier, VT 05602, fax, 802/229-2211, or e-mail, [glawson@vlct.org](mailto:glawson@vlct.org).



# ASK THE LEAGUE

## BUDGET GUIDELINES; TOWN MEETING & THE TOWN REPORT

*May a municipality spend more money than was included in the budget as a line item for a particular town office?*

There are four general areas of questions the Law Center frequently receives on this topic:

- Whether the selectboard can exceed either the total budget amount approved or the specific amount allocated for a single budget line item;
- Whether the selectboard can "shift" funds appropriated for a line item to add additional funds to another line item to spend more than that approved by the voters;
- If money was allocated by the voters, is the selectboard mandated to make the purchase and spend the amount approved; and
- Can the selectboard appropriate money for an expenditure for which the voters appropriated *no* funds?

Like with many, many questions of municipal law the only right answer with regard to municipal budgeting and spending questions is "it depends." One general school of thought on these questions is that

selectboards derive their authority from the statutes and have obligations and authority to perform certain tasks regardless of the actions of the voters. This school believes that the budget is not a contract and selectboards have some latitude to move money around whether the appropriation was approved through a line item or independent article. Another school is a strict constructionist view that selectboards are bound to follow the approved budget and may not deviate from the expenditures approved without consent of the voters.

Generally, the VLCT Law Center tends to believe that the answer lies in borrowing a bit from each school of thought. For example, selectboards clearly have the latitude and responsibility to perform certain core governmental functions and address emergencies regardless of the approved budget.

Town highways are an example of an obligation that the selectboard has with regard to spending. Vermont statutes provide that "it shall be the duty and responsibility of the selectmen of the town to," perform a lengthy list of highway related functions that are set forth in 19 V.S.A. §

304. The board would be obligated to perform these duties even if the voters had rejected the town highway budget. They would also be required to continue plowing, sanding and salting town highways even if those individual line items and the entire budgeted amount had been exceeded due to a tough winter like last year.

Likewise, when a town experiences unexpected emergency situations such as floods or fires, we believe that the selectboard has more authority (really a responsibility) to spend funds on rescues, approval of overtime, hiring of temporary workers, rental of heavy equipment, temporary rental of property and other such actions necessitated to protect the public and assure that essential municipal services can continue to be provided. The New York City budget could not have anticipated the huge amount and variety of expenses it has encountered in wake of the terrorist attacks. If that happened in Vermont, selectboards would not have to wait for a properly warned meeting to act.

In answer to the four questions posed above, here are some general guidelines to

*(Continued on next page)*

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## ASK THE LEAGUE -

(Continued from previous page)

follow, to which there are undoubtedly numerous exceptions:

**Generally**, the board can expend more than is appropriated for the individual line items and for the budget as a whole if there is some legal requirement or unexpected circumstances that would require the board to do so. This rule would apply to separately warned articles as well, though in our opinion a higher threshold of need should be present before such action. An even higher threshold for spending more on separate articles should apply if the phrase “not to exceed \$X” is included in the article wording.

**Generally**, the board can shift amounts of funds from one line item in the budget to another line item, except that funds raised from highways taxes may only be shifted to another highway line item or carried forward into the next budget year for highway purposes (19 V.S.A. § 312).

**Generally**, if the appropriation is from the general budget article, such expenditures are not required to be made and should be at the selectboard’s discretion. The Law Center believes, generally, that a budget approved by the voters *enables and authorizes* the board to make the approved expenditures and is not a mandate to spend. Just because the voters approved spending \$100,000 for a new truck does not mean that the selectboard could not buy one for \$90,000 if they could get better deal than they expected. Similarly, if this mild winter weather continues, and the town does not expend its budget, they should not plow and sand bare roads to use up all the money authorized by the voters.

The Law Center believes that this principle holds true for both budget line items and separately-warned articles. Some attorneys have opined that the legislative body is mandated to spend money if a separately warned article is approved. The Law Center disagrees with this position. Under Vermont statutes, the legislative body has authority and responsibility to provide for the general supervision of the affairs of the town. See 24 V.S.A. § 872. In our view, as long as no other entity has been specifically vested with the authority to make decisions about staffing or purchases, the legislative body has the discretion to spend even if an appropriation is approved through a separately warned article.

**Generally**, if the voters do not approve an appropriation for an expenditure, the board

cannot expend money for it unless there is some legal requirement or unexpected circumstances that would require the board to do so.

In general, the Law Center would encourage boards to follow the wishes of the voters unless necessity requires alternative action.

There is virtually no case law in Vermont to guide municipal officials and attorneys with regard to these matters. Accordingly, at the end of the day, local officials must do what they are always called upon to do – use their Yankee common sense and ingenuity when dealing with matters of municipal finance and consult your town attorney.

- Jon Groveman, Director, VLCT Municipal Law Center

**The statutes dealing with circulating the Town Report and publicizing the Warning for Town Meeting are a little confusing. Can you clarify?**

The term, “Town Report” is used to refer to two different things. First, it refers to the annual financial report that is the responsibility of the auditors, unless the municipality has voted to eliminate the office of auditor, under authority of 17 V.S.A. § 2651b. The auditors or the selectboard, if the office of auditor has been eliminated, are responsible for distributing the financial audit or Town Report. Whether it is sent out by the auditors or by the selectboard, the Report must “be mailed or otherwise distributed to the legal voters of the town at least ten days before the annual meeting.” 24 V.S.A. § 1682.

The other, more common use of “Town Report” is the booklet that the town produces each year which contains the financial audit, vital statistics, next year’s proposed budget, photographs, and (usually), the Warning.

The Warning is a public notice that tells people when and where to go for the town meeting or polling places. It must also list the separate articles of business to be transacted. The Warning and notice must be posted in two or more public places plus in or near the town clerk’s office 30 to 40 days before the meeting. In addition, the Warning must be published in a newspaper of general circulation unless it is “published in the town report, or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting.” 17 V.S.A. § 2641.

So, the situation is that the Town [financial] Report must go to “legal voters of

the town” and the Warning must be published or sent to “all town or city postal patrons.” The latter provision is especially problematic in towns where “postal patrons” of the local post office may not live in that town. For example, a number of residents of Town A get their mail through the Town B post office. So, they might get the Town B Warning but not their own town Warning.

We think the best practice, at a minimum, is to be sure that the Town Report is sent to every person on the voter checklist, the “legal voters,” and that the Warning is published in a newspaper of general circulation. That will meet the statutory mandates. If the town also wants to send direct mail to others or publish or post notices saying that the Town Report and Warning are available at the Clerk’s office or the general store, or somewhere else in town, that’s fine. There is no law against over-informing citizens about what is going on in their town with their tax dollars.

- Libby Turner, Former VLCT Attorney

## CONGRATULATIONS —

**Patrick Scheidel**, Essex Town Manager, recently awarded the Vermont Town and City Management Association’s annual Frances B. Elwell Outstanding Achievement Award.

**Charles Hafter**, City of South Burlington Manager, recently awarded the Vermont Town and City Management Association’s annual Distinguished Service Award.

**Janet Steward**, Chair, Town of Plainfield Selectboard, recently named the 2002 Vermont Teacher of the Year.

**2000 Town Report Winners**, Judged Summer 2001 by the UVM Extension Service. The towns below were rewarded with the “Outstanding” designation; many others were recognized with “Excellent” or “Merit.” Sadly, we cannot fit them all!

Outstanding: **Derby Town, East Montpelier, Ripton, Springfield, Stowe, Strafford, Washington, Westford.**



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# RISK MANAGEMENT NOTES

A monthly column by the VLCT Property and Casualty Intermunicipal Fund (PACIF)



## STAY OUT OF TRACTION

### FOLLOW THIS SAFE LIFTING PLAN

Did you know that 58 % of back injuries result from improper lifting? And did you realize that once you injure your back, you're *five times* more likely to suffer another back injury?

Some back injuries are the result of a single event. Others are the result of damage done over the course of many years. Three types of injuries are particularly common:

- Strain - overused or overstretched muscles.
- Sprain - torn ligaments from sudden movement.
- Herniated disks - loss of cushioning between disks because of strain or age.

One important way to prevent back injury is to use the right technique whenever you lift and carry any object. Here's what to do:

#### PRE-LIFT PLANNING

- Make sure the weight is stable so that it won't shift, and that it is within your lifting capacity.
- Check to see that there are no points or sharp edges.
- Plan to take the easiest route, not necessarily the shortest one.
- Make sure there isn't anything in your path that you could bump into or trip over.
- Make sure you can unload easily and safely when you reach your destination.

#### SAFE LIFTING POSITION

- Squat, by bending at the hips and knees.
- Have your head, shoulders, and hips form a straight line, and tuck your chin in to your chest.
- Make sure your feet are shoulder-width apart and turned out.
- Maintain your back's natural curves, don't bend it.
- Let your legs do the lifting, not your back.

#### SAFE CARRYING AND UNLOADING

- Make sure you can see where you're going.
- Move slowly, taking small steps as you carry.
- Avoid twisting your body when you turn;

instead move your feet to turn.

- When you are ready to put the object down:
  - Face the spot for unloading.
  - Lower the object slowly, using your legs, not your back.
  - Keep your fingers away from the

- bottom as you put the load down.
- On an elevated surface, lower the load to the edge, then slide it back.

Following these tips may reduce your risk of suffering a back injury or aggravating an old injury. If you have any questions with regard to safe lifting procedures or any other Risk Management issue, please call the VLCT Risk Management Services Department at 800/649-7915.

- Patrick Williams, Deputy Director, VLCT Group Services

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# VLCT HIRES TWO NEW LOSS CONTROL CONSULTANTS

**Arthur La Pierre** and **Rodney Bora** began work at the League earlier this month, each as a Senior Loss Control Consultant.

Art comes to the League from the Acadia Insurance Company, where he was a Loss Control Representative for six years. Previously, he worked for Luzenac America, Inc., a talc mining company, as its Safety and Health

Director. Art has military experience with the Army Nurse Corp in Vietnam, and was a Staff Sergeant in the Vermont National Guard. He received his Bachelor of Science in Safety Studies from Keene State College in New Hampshire and his nursing training from the Mary Fletcher Hospital School of Nursing. Art lives in East Thetford with his

wife of 36 years; they have three children and three grandchildren. Art has served his town as a volunteer fire fighter and EMT for eight years and plans to use this practical knowledge as he works with VLCT member fire and safety personnel. Welcome Art!

Rodney comes to the League from the Vermont Army National Guard, where he was the Administration and Training Officer for three aviation units. In August, Rodney retired with the rank of Colonel from a 43-year career with the Guard. He served 31 of those years as a helicopter pilot, training and administration specialist and safety officer. His Guard duties took him to Alabama, Pennsylvania, Maryland and Washington, DC from 1984 to 1995. At home in Vermont he has worked in a variety of businesses, including a stint as the Finance and Administration Manager for the Chittenden County Transportation Authority in Burlington. Rodney received his Master in Business and Public Administration from St. Michael's College in Colchester and his Bachelor of Science in Business Administration from Trinity College in Burlington. He lives in Burlington. Welcome Rodney!

Art and Rodney bring VLCT Group Service's Loss Control and Wellness Department up to full staffing for the first time since April. "We are all looking forward to getting out on the road on behalf of our members," Loss Control Supervisor **Brian FitzPatrick** commented. "Please give us a call to arrange a visit to your municipality."

*- Katherine Roe, VLCT Communications Coordinator*



*Arthur La Pierre and Rodney Bora*

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## ATTENTION UNEMPLOYMENT TRUST MEMBERS

Your 2002 rate assessments were mailed out in early December. Statements will be sent out the first week in January, *so no payment is due until then*. Your first payment will be for the \$150.00 management fee plus the first quarterly payment. Also included in the mailing is a nomination form for the Unemployment Board. **Nominations are due back at VLCT by December 31, 2001**; nominees must be a municipal official whose municipality is a member of the Unemployment Trust. Thank you!



# HEALTH TRUST ISSUES FIRST HEALTH BENEFITS SURVEY

The VLCT Health Trust released its *Health Benefits Survey 2001* at its Annual Meeting last month. This extensive survey includes information on the types of health, dental, life, long-term care, and short- and long-term disability insurance plans that municipalities offer their employees, as well as how towns and employees pay for the plans. The survey also collected data on Section 125 plans.

"In the course of my first year working with Vermont municipalities on health benefits plans," VLCT Group Services Member Relations Manager Suzanne Schittina said, "I was asked countless times by municipalities if their benefits programs were in line with others, and how others were paying for them." Schittina initiated the *Health Benefits Survey 2001* to answer these questions, and to provide the Health Trust with the data it needs to fine-tune existing offerings and develop new ones. "Crunch-

ing" the incoming data was accomplished by VLCT Director of Administrative Services Mike Gilbar.

"We are pleased to offer this look at municipal health benefits statewide," Schittina added, noting that input on future surveys would be welcome. One idea under consideration would be to fold the survey into the existing, annual, *VLCT Salary and Benefits Survey*.

Some brief highlights of the *Health Benefits Survey 2001* follow:

- 274 surveys were mailed to Health Trust members in May 2001; 191 were returned for a response rate of 69.7%.
- 99% of those surveyed offer a health insurance plan or plans. Out of that 99%, 66% pay 100% of the cost of the plan or plans.
- 84.8% offer health plans to their employees' dependents and 31.9% to part-time

employees.

- 99.5% offer the prescription drug card option.
- 46.1% offer a dental plan to employees.
- 22.5% offer a Section 125 plan.
- 45.5% offer some type of life insurance.
- 37.7% offer short-term disability; 21.5% offer long-term disability.

For more information, or a copy of the survey, contact Suzanne Schittina, VLCT Group Services Member Relations Manager, 800/649-7915, [sschittina@vlct.org](mailto:sschittina@vlct.org).

- Katherine Roe, VLCT Communications  
Coordinator

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

Do you have a problem, work-related or personal, that you need help resolving? Contact EAP at 800/287-2173 for assistance. This program is co-sponsored by the VLCT Health and PACIF Trusts, so there is no additional fee. It is available to you and your household members.

## 9-11 FUND -

(Continued from Page One)

special sub fund of the Families of Freedom Scholarship Fund designated for rescue workers, including firefighters, emergency medical personnel and law enforcement personnel.

CSFA is the nation's largest private sector scholarship and educational support organization. It has distributed more than \$776.2 million to more than 748,000 students through its scholarship and other support programs since its founding in 1958. It is a 501(C)(3) charitable organization; donations to the Always Remember 9-11 Fund will generally be tax deductible.

One hundred percent of all contributions to the Families of Freedom Scholarship Fund will go directly to aid students. CSFA's administrative and fundraising costs, generally five percent or less, will be taken from a portion of interest earned from the Fund. Any assets remaining in the Fund as of December 31, 2030 may be used to support other postsecondary education scholarship programs of CSFA.

- Katherine Roe, VLCT Communications  
Coordinator

The following municipalities collected donations from their employees, elected officials and volunteers for the Always Remember 9-11 Fund. Thank you to all for participating in this effort!

Alburg	Huntington	Rockingham
Barre Town	Johnson	Roxbury
Barton Town	Killington	Rutland Town
Barton Village	Kirby	Stamford
Bellows Falls	Manchester	Swanton Town
Bennington	Marlboro	Swanton Village
Bethel	Marshfield	Tinmouth
Bridgewater	Middlebury	Tunbridge
Brighton	Milton	Vergennes
Charleston	Montgomery	Waterbury
Chelsea	Montpelier	Waterford
Chittenden Solid Waste District	Moretown	Westford
Colchester Fire District #2	Morristown	Williston
Corinth	Mount Holly	Wilmington Town
Cornwall	New Haven	Wilmington Water District
Dover	Newfane	Vermont League of Cities and Towns
Eden	Newport City	
Essex Junction Village	Northfield	
Fairlee	Norwich	We also received an individual donation from J. Peter and Charlene Huyler of Andover.
Georgia	Orange	
Glover	Pawlet	
Grafton	Plainfield	
Halifax	Richmond	
Hartland	Rochester	



# DO YOU HAVE AN EMERGENCY MANAGEMENT DIRECTOR?

Emergency response is locally based in Vermont communities. No matter how large an event or disaster eventually becomes, it all starts with our local responders. In this period of heightened security and awareness, Vermont Emergency Management (VEM) wants to remind local officials of the importance of appointing a Local Emergency Management Director.

According to VSA Title 20, § 6, "the executive officer or legislative branch of the town or city is authorized to appoint a town or city chair for emergency management who shall have direct responsibility for the organization, administration and operation of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch." If a Local Emergency Management Director is not appointed for your community, the position by default is that of the select board chair.

Some, but not all, communities in Vermont have appointed a Local Emergency Management Director (EMD). Ideal candidates for this position include someone interested in emergency management such as a member of the fire department, EMT personnel, police officer, or a retired professional in the field of emergency services.

Their responsibility includes the development of a plan that covers the four phases of an emergency situation: Planning/Preparedness, Response, Recovery, and Mitigation.

After appointing an Emergency Management Director, state officials request that you forward the emergency management director's name, phone, fax and pager numbers and e-mail address to VEM at 802/241-5556 (fax) or call 800/347-0488. Vermont Emergency Management is developing a new training program for all EMDs. This training program will be offered in 12 locations around the state through the regional planning commissions this winter. VLCT and VEM will offer a similar training in the spring for local officials/EMDs who could not attend the winter training sessions.

Finally, both the League and VEM have extra copies of the Vermont Emergency Management 2002 Calendar that were part of an effort to address emergency preparedness. For a free copy, contact VLCT at 800/649-7915 or VEM at the number above.

For more information on additional training opportunities in emergency management, check out the Department of Public Safety website at [www.dps.state.vt.us](http://www.dps.state.vt.us).

- Barbara Farr, Vermont Emergency Management

# SALARY SURVEY HOT OFF THE PRESS

The 2001-2002 VLCT *Salary Survey* was recently completed and, like past years, the response rate continued to be high. Overall, we achieved an 89% response rate.

The *Salary Survey* provides salary and benefit information on most positions in municipal government and officials typically use the survey as a planning tool. For comparison purposes, the survey is divided into two sections. The first section focuses on municipalities that have bargaining units and/or collected \$900,000 or more in property taxes in 2000. The second focuses on municipalities without bargaining units that collected less than \$900,000 in property taxes in 2000.

One free copy of the survey was recently mailed to all municipalities that returned their salary survey. Additional copies are available to members for \$20.00, and for \$50.00 to non-members. For more information, contact Dominic Cloud, Associate, Legislative and Information Services, at 800/649-7915 or [dcloud@vlct.org](mailto:dcloud@vlct.org).

## NEW FROM THE VLCT BOOKSTORE –

VLCT has teamed up with several other organizations to print three new handbooks in recent months. They are:

*A Local Official's Guide to Developing Better Community Post Offices.* VLCT, the Preservation Trust of Vermont and the Vermont Division for Historic Preservation offer this book for those seeking to work more cooperatively with the U.S. Postal Service on the appropriate location and appearance of community post offices. Keeping newer, larger post offices convenient to downtown pedestrians is a challenge – this handbook will help you with information about USPS regulations, a Vermont model and case reviews.

*Contracting for Municipal Projects.* VLCT, the Vermont Local Roads Program and the Associated General Contractors of Vermont offer this handbook to local officials or employees who are in charge of contracting for professional consulting or construction services. It reviews the entire purchasing process from project identification to project completion, and offers other models to explore as an alternative to competitive bidding.

*The Highway Handbook.* VLCT and the Vermont Local Roads Program teamed up to offer the definitive legal guide to the use and maintenance of Vermont's local roads. The handbook includes Vermont's highway statutes, key Vermont Supreme Court cases on local roads and even applicable federal law. The Vermont Local Roads Program made one available for free to every road commissioner in the state; VLCT offers the handbook for sale to selectboard members and municipal attorneys. Highways are a key municipal function – don't be without this handbook when legal questions arise about them!

Please call VLCT to order one or more of these handbooks.

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## MUNICIPAL WEB SITES -

(Continued from Page One)

council minutes, zoning and ordinance information; promote economic development and tourism; and enable citizens to interact with their elected representatives through online forms, polls and broadcast e-mail services.

In Vermont, Middlebury, Dover and Greensboro worked with the League over the summer in a pilot project to test the software. Middlebury recently went "live" with its new site at [www.middlebury.govoffice.com](http://www.middlebury.govoffice.com). B.J. Billings, administrative secretary with the Town, said she found GovOffice to be "very user-friendly and the support always adequate." Avenet, which created GovOffice, is a Minnesota company that designs and develops Internet-based services and Internet- and Intranet-related web site services. In addition to the technical support Avenet provides, both B.J. and Mike Gilbar, VLCT Director of Administrative Services, are available to assist Vermont officials who are working with the software for the first time.

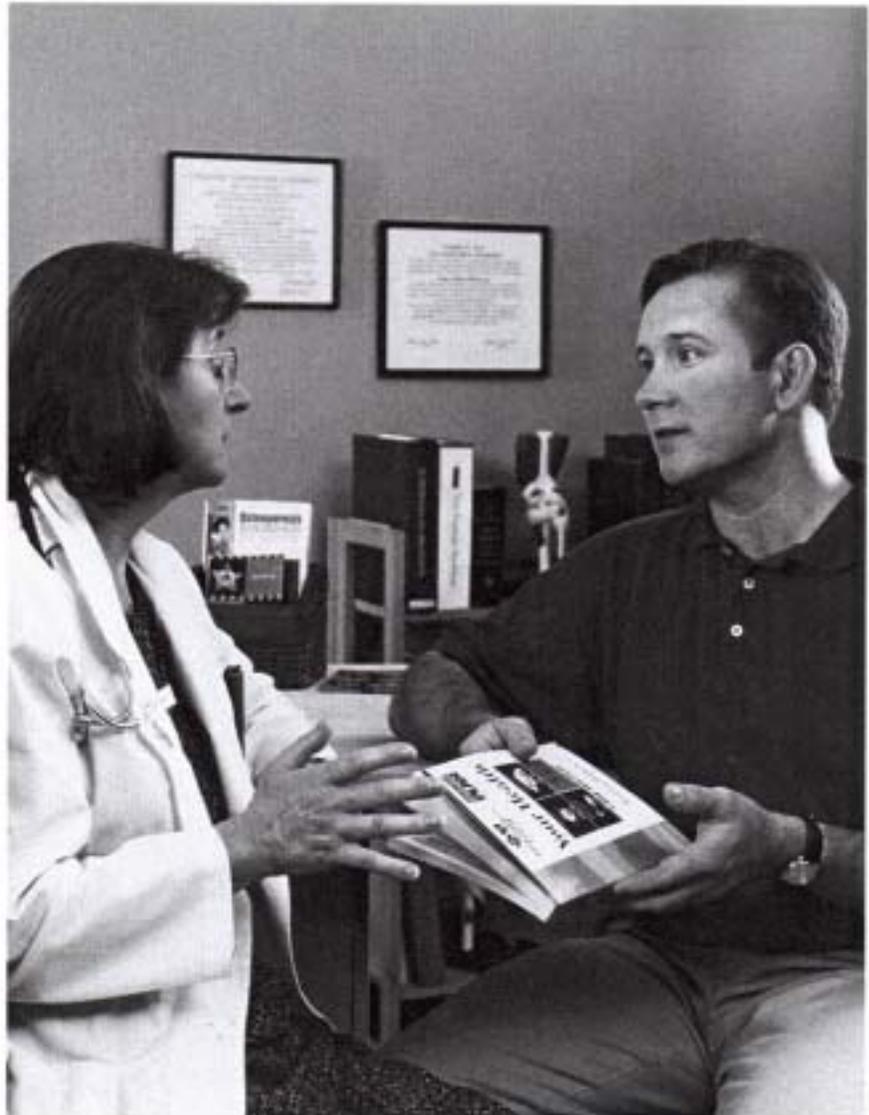
"We are quite pleased to have found this product and to be able to offer it to our members," Gilbar said. He and other VLCT staff reviewed a few options before choosing GovOffice. "We have been pleased with the product's capabilities, ease of use and the responsiveness of the company that created it," Gilbar added.

GovOffice was initiated by the League of Minnesota Cities after a 2000 survey of its members found that nearly 70 percent of Minnesota cities did not have a web site and that the main barriers were lack of technical expertise and cost. Over the last year, nearly 50 cities of varying populations from across the nation tested and piloted GovOffice, further refining it to work especially for local governments. Web sites created through GovOffice are hosted by AT&T at its high security data centers.

For more information, or to order GovOffice WebCreator, contact Avenet at [www.govoffice.com](http://www.govoffice.com), or call Tyler Candee at 877/564-4979 (toll free). Pricing is based on population, with an initial one-time license fee and monthly charges. As sponsor, VLCT will receive a small fee for each purchase, which we will use to provide support for users as well as general support for e-government initiatives.

- Katherine Roe, VLCT Communications Coordinator

the signs of a healthier vermont.



When a patient has the knowledge to ask his doctor the right questions

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# Tech Check

## USING GEOGRAPHICAL INFORMATION SYSTEMS



GIS - what is it? GIS is the commonly used name for Geographic Information Systems, a computer based method of creating maps. GIS is perhaps best known in Vermont for the big, colorful maps that our regional planning commissions often produce. As we'll see below, there is actually much more to it than that.

Let's consider a typical paper map, perhaps a parcel map of your town. It shows parcels of varying sizes and shapes, and may also show roads, streams, zoning boundaries, and other rights-of-way. This map may have some information printed on it, such as landowner names or road names. It has a scale, so that one can measure linear features such as the road frontage of a parcel. A paper

map of this sort is very useful for certain purposes, but is limited to the information shown. What if a landowner needs to know whether their land is in a flood hazard zone? The parcel map is at one scale, and the federal flood zone maps are at a very different scale. There is no easy way to compare these different maps and answer this typical citizen request.

What if the planning commission wanted to better understand patterns of land ownership by sorting and displaying all parcels under one acre, or over 10 acres, in size? A manual search and sort of the listers' records or the parcel map would be tedious and time consuming.

The computer-based mapping tools

provided by GIS allow us to produce these types of comparisons very easily. In a GIS, many types of map information can be shown at the same scale. Think of these as mylar overlays that can be combined in various ways to show whatever is needed. For example: A typical base map would be the town's parcel map, which shows the pattern of land ownership. One can then display a map layer, or coverage, showing the 100-year flood hazard zone, wetlands, zoning boundaries, bodies of water, or any other type of information that may be available. Some regions also have digital orthophotos available for use in a GIS. These are distance-corrected aerial photos of each town. If you haven't yet seen these new photos, you're in for a treat!

All of these layers can be displayed on screen, and printed, in any combination that proves useful. One of the magical elements of a GIS is that these layers are all at the same scale, so that maps can be created that show how these natural and man-made features fit together on the ground. One important caveat: while these map elements do fit together nicely, they should be used for general planning and information purposes only. While a GIS can easily show whether someone's land may lie within a flood hazard zone, the precise determination of that flood boundary must often be determined on the ground by a surveyor or engineer.

For these basic mapping uses alone, GIS can be a wonderful tool in service to our citizens. Here in Manchester, we use it often for flood zone issues as described above. We have also used it in public meetings to illustrate zoning districts and land ownership, where we might be discussing the possibility of changing a zoning boundary. In that light, here's a tip that combines this high-tech computer mapping with low-tech presentation tools. Rather than try to find a very expensive projector (if one is even available) to display computer maps or images on a big screen, I print these maps on a color inkjet printer onto mylar transparencies made for this purpose. This way, I can use an

## GIS RESOURCES

*(Please note, some dynamic online maps may require a particular version of a browser or the addition of "plug-ins," such as Flash and Quicktime, to display properly.)*

**The Vermont Center for Geographic Information** (<http://geo-vt.uvm.edu/cfdev2/VCGI/vcgi.cfm>) is a non-profit public corporation created by an act of the Legislature and housed at the University of Vermont. VCGI is charged with the collection and distribution of public domain GIS data created and maintained by state agencies. It also serves as the central GIS data clearinghouse for all entities – public, private, educational and non-profit — that produce and use GIS data throughout the state.

The **Agency of Natural Resources** has a GIS Internet Mapping site (<http://www.anr.state.vt.us/gismaps/index.htm>) where users can interactively view and query available natural resources and regulatory data.

**U.S. Census FactFinder** (<http://factfinder.census.gov/servlet/>

BasicFactsServlet) can be used to view, print and download statistics about population, housing, industry and business.

The **EnviroMapper** (<http://maps.epa.gov/enviromapper>) application provides users with data from the U.S. Environmental Protection Agency. It can map various types of environmental information, including air releases, drinking water, toxic releases, hazardous wastes, water discharge permits and Superfund sites.

The **National Atlas of the United States** (<http://www.nationalatlas.gov/>) delivers easy to use, map-like views of America's natural and socio-cultural landscapes.

**TerraServer** (<http://terraserver.homeadvisor.msn.com/default.asp>) is one of the world's largest online databases, providing free public access to a vast data store of maps and aerial photographs of the United States.

*- James Bressor, Vermont Agency of Natural Resources*

*(Continued on next page)*



## GIS -

*(Continued from previous page)*

inexpensive overhead projector to display these computer maps or images. Everyone can see them at once, discussion is focused on the issue at hand, and we avoid the confusion that may arise in copying color maps onto black-and-white paper handouts.

Other towns have found GIS useful in their own planning initiatives. Hartford has worked with its regional planning commission to create natural resource maps for use by the conservation commission. Morrisville uses GIS to consider zoning changes, to create detail maps for project review, and for parcel inquiries and assessment purposes (soil type, proximity to wetlands, etc). Burlington creates many maps for use in publications.

South Burlington has taken the next step, and has contracted with a private firm to create a system where GIS maps are available for interactive use on the city's web site. Manchester also has a small number of GIS maps on its web site. These are not interactive, but are readily accessible and usable, and one can zoom in on any part of the town and print out maps as needed from home. Most or all of Vermont's regional planning commissions serve as GIS service centers for their communities; contact your RPC with any questions about services or fees. Private consultants also offer GIS services; the state's own GIS clearinghouse (see sidebar) may be able to provide a list of these firms.

As noted above, these mapping services alone are wonderful aspects of GIS. However, you can do much more with GIS than these computer versions of paper maps. A true GIS will also have much information, called "attributes," attached to map elements 'under the surface.' Parcels can have their size noted, and other information that may be useful. One can also link other existing databases to these maps, such as the grand list, or zoning permits, road classifications or maintenance/repaving dates, water and sewer infrastructure, or any other information that is useful in an organized fashion. Used this way, a GIS can become a central clearinghouse for many types of useful data. It then allows for visual display and analysis of that data for land use planning, capital budgeting, or strategic planning.

One can create custom maps for a specific purpose or need, add identifying text or description, and then display these maps on screen, save them for future use, print them on most common printers (whether laser or ink jet), or even e-mail them! I have found

all of these options incredibly helpful.

GIS also allows one to play around with "what if" types of inquiry. For example, one can have the system draw a buffer zone around points of interest (roads, streams, ponds...). You can specify the size of the buffer, and then see how much land is involved with that approach. If you are looking ahead to expensive capital projects, you could ask the system to display all lengths of water pipe more than 50 or 100 years old. With links to zoning permit databases, one could click on a parcel and bring up on screen a list of all permits issued for that parcel. With links to digital photographs, one can also build a visual database that might be used by the listers, or for marketing and economic development purposes.

There are many other possibilities; these are just a few suggestions based on common municipal uses. If your town wanted to get started, what would you need? This question might be answered in three or four steps: computer software, computer hardware, data, and training. Most Vermont communities use ArcView, a widely accepted and used software package that is compatible with data produced by our regional commissions and other agencies. There are other packages on the market, but a comparison review is beyond the scope of this article. As for hardware, most computers on the market today are powerful enough to run GIS software. Specific requirements depend upon the software chosen, and the specific version of that software. For example, ArcView version 3.2 will run quite well on a 500mhz Pentium III, with 128mb of memory and a hard drive of 8gb capacity. I'm not sure you

can even buy a computer of this speed but relatively "low" horsepower anymore! A 17" monitor is the minimum size for comfortable use and viewing, and you'll probably want a color inkjet printer as well. Be careful in choosing a printer: some are quite inexpensive to buy, but the actual cost of ownership may be extraordinary due to the cost of inkjet cartridges. Do some research: talk with knowledgeable computer users, read PC magazine, check reviews on [www.zdnet.com](http://www.zdnet.com) or other reliable online sources.

Much of the data you need is available for free or at low cost. Your regional planning commission can provide many data layers for your community, or they can assist you in acquiring it from VGIS. As they are completed throughout the state, digital orthophotos of your town will be available from the state's Department of Property Valuation and Review. These are distributed on a CD at very reasonable cost.

Then there's the question of learning to use the software. Some folks are happy to dive right in and learn on their own; others need just a bit of hand holding; and others benefit from more formal training. Consider what might work best for you or your community and proceed accordingly.

In sum, GIS is a magical tool that we can customize and mold to our own needs. It can help make complex concepts easy to understand, and its possible uses are limited only by our creativity. Used well, GIS is a wonderful use of technology in service to our citizens and communities!

*- Lee A. Krohn, AICP, Planning Director,  
Town of Manchester*

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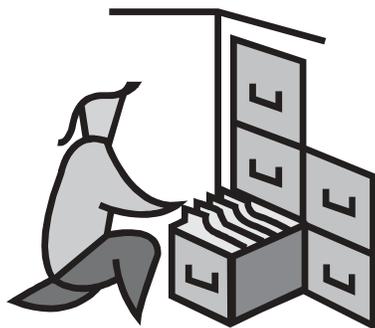
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# OSHA RECORDKEEPING REVISIONS IN EFFECT JANUARY 1

Be aware that the Occupational Safety and Health Administration (OSHA) has issued its final version of new recordkeeping requirements effective January 1, 2002 and the Vermont Occupational Safety and Health Administration (VOSHA) has adopted the same provisions. The rules represent the first truly comprehensive overhaul of such requirements in 30 years. While cities and towns will need to get up to speed quickly to ensure compliance, the initial focus will be on compliance assistance rather than on enforcement.

This final ruling follows more than five years of proposed rules being available publicly for analysis and discussion. It



should be noted that the imposition of some controversial aspects of the proposed rules with which OSHA has been struggling have been postponed for at least a year. These include the criteria for identifying job-related musculoskeletal disorders (ergonomic injuries) as well as for recording work-related hearing loss.

Some highlights of the new rules include:

- New forms: Replacement forms for recording work-related injury and illness information (form 300, the Log of Work-Related Injuries and Illnesses and form 101 the OSHA Injury and Illness Incident Report,) as well as an additional form (300A, the Summary of Work-Related Injuries and Illnesses) for use as the annual summary.
- For privacy, names must be withheld from the OSHA 300 Log.
- Posting of the annual summary must be for three months instead of one; it must state the annual average number of employees and total hours worked by all covered employees; and it must be certified by an executive;
- Examples of changes affecting recording criteria include:

1. Minor illnesses are no longer recordable.
2. Aggravation of a pre-existing condition is only recordable if "significant."
3. Parking lot vehicle accidents are recordable when occurring during a work-related task.
4. Common colds or flu are not recordable even if contracted at work.
5. Mental illness is recordable only with a written professional opinion of work-relatedness.

Packets containing the newly required forms will be sent out to employers. Additionally, OSHA has established a new web page [www.osha-slc.gov/recordkeeping](http://www.osha-slc.gov/recordkeeping) from which forms can be downloaded; the site also provides an outline of the major changes and provides a side-by-side comparison of the old and new requirements. The OSHA forms can also be downloaded from VOSHA's web site, which can be found at [www.state.vt.us/labind](http://www.state.vt.us/labind) by clicking on VOSHA Home Page. VOSHA's site also includes frequently asked questions and other helpful information such as upcoming trainings, ergonomics standards, available videos and more. For those who prefer not to use the Internet, written materials on recordkeeping requirements are available from OSHA's publications office by calling 800/321-OSHA or by calling VOSHA at 802/828-2765.

*- Jill Muhr, VLCT Human Resources Administrator*

## TOWNS EXEMPT FROM MANY FEDERAL EXCISE TAXES

### REFUNDS AVAILABLE

Vermont town and city officials should be aware that their municipalities are exempt from paying the federal excise tax on such products as gasoline, diesel fuel, telephone service and tires. Many of these products have the tax incorporated in the price paid at the retail establishments, so they may not be apparent when you buy them. By assuring that you either do not pay the excise tax to

begin with or obtain a refund from the Internal Revenue Service, you can save your town and its taxpayers a considerable amount of money. The federal gasoline tax is \$.184 cents per gallon and the diesel tax is \$.244 a gallon. The federal excise tax on telephone service is 3% for both local service and all toll calls. The tire tax is based on the weight of the tire with a 90-pound tire having a tax of \$10.50. It can all add up very quickly.

Depending on which and how much of these products and services your town buys and from whom you buy them, you may be able to arrange to have the tax eliminated at the time of sale. Check with your suppliers to see if the tax can be excluded at sale. If you do not or cannot have the tax exempted at the sale, there are IRS forms available from VLCT or the IRS web site ([http://](http://www.irs.gov/prod/forms_pubs/forms.html)

[www.irs.gov/prod/forms\\_pubs/forms.html](http://www.irs.gov/prod/forms_pubs/forms.html)) for you to obtain refunds of federal excise taxes paid. You will need Form 8849 and its Schedule 1 for gasoline and diesel refunds and Schedule 6 for all other excise tax refunds.

If you need further assistance in this area, you may obtain the IRS Publication 510, *Excise Taxes for 2001* at the IRS web site [http://www.irs.gov/prod/forms\\_pubs/pubs.html](http://www.irs.gov/prod/forms_pubs/pubs.html). Also, Tom Carpenter, who works with the Internal Revenue Service in Rutland on excise tax issues, is also very helpful and available at 773-0286.

Local police department purchases of firearms and ammunition are also exempt from the excise tax imposed by the federal Bureau of Alcohol, Tobacco and Firearms. (27 CFR 53.131) Again, check with your supplier on how to make sure you take advantage of your exemption.

*- Steven Jeffrey, VLCT Executive Director*

**Happy New Year** from all of us at VLCT! We look forward to serving Vermont municipalities in 2002.



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## Classifieds

### FOUND

**L.L. Bean Winter Jacket**, barn coat style. This jacket was left at a VLCT Municipal Law Center workshop held at the Steakhouse Restaurant last March. It is tan with an olive green collar, and has a red/olive green plaid lining. Let us know if this is yours by describing the tool in the pocket. Call Jessica Hill, VLCT Conference Coordinator, 800/649-7915, to claim the jacket.

### **VLCT NEWS CLASSIFIED ADVERTISING POLICY**

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

For more information, 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](mailto:kroe@vlct.org).

## Calendar

**The Legal Aspects of Property Taxes – Assessment to Abatement to Appeals.** Thursday, January 17, 2002, Suzanna's Restaurant, Berlin. The VLCT Municipal Law Center is sponsoring this new workshop for listers, members of the Board of Civil Authority and Abatement, and municipal attorneys. Sessions will cover assessment and conducting grievance hearings; the role of the Board of Civil Authority; tax abatement and exemptions; and the role of the state in property tax assessment and appeals. For registration information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915 or [jhill@vlct.org](mailto:jhill@vlct.org).

**Stewardship of the Urban Landscape.** Thursday, January 31 – Saturday, April 13, 2002, St. Johnsbury. This weekly training program is offered by the University of Vermont Extension and the Vermont Department of Forests, Parks and Recreation, with grant support from the USDA Forest Service. It is designed for people who are interested in learning about tree care in the urban landscape and how to improve urban landscapes and community forestry resources in their town. Applications are due January 17, 2002. For more information, contact Lois Frey or Jill Mahon, 802/223-2389, [lois.frey@uvm.edu](mailto:lois.frey@uvm.edu) or [jill.mahon@uvm.edu](mailto:jill.mahon@uvm.edu), or [www.vtcommunityforestry.org](http://www.vtcommunityforestry.org).