

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENT

July 2002

VLCT REACHES 100% MEMBERSHIP

NOW REPRESENTS EVERY VERMONT CITY AND TOWN

For only the second time in its 35-year history, the Vermont League of Cities and Towns (VLCT) has achieved 100% membership. The Town of Addison recently joined VLCT as its 246th member.

“We are thrilled to be truly representing every city and town in Vermont,” VLCT Board President and Waterbury Manager William Shepeluk, said.

The League first achieved 100% membership in 1996, for one year, and otherwise has hovered at 244-245 members for most of the

last decade. This high level of support for VLCT among city and town officials is very gratifying to the organization’s boards and staff, and allows VLCT to speak with one voice on behalf of Vermont municipalities.

“The issues that face Vermont municipalities are ever more complex,” Shepeluk noted, adding, “Together, we can work to resolve them in a way that suits local governments and best serves their citizens.”

The League offers its member municipalities property and casualty insurance services, with a

strong emphasis on preventing accidents before they happen; health and unemployment insurance; benefits administration; advice and education on municipal law; research assistance on local issues; and representation in the Vermont State House. As the League’s membership has grown, so, too, has the organization’s annual budget and staff – it now has an annual budget of \$2.6 million (\$12 million including the insurance trusts) and 35 staff members.

Two thousand and two is also significant to VLCT as its three insurance trusts, the Property and Casualty Intermunicipal Fund, the Health Trust, and the Unemployment Trust, respectively celebrate their 15th, 20th and 25th birthdays this year. (See “VLCT Celebrates Pool Insurance!” below.)

“With every Vermont city and town on board, VLCT especially looks forward to serving Vermont local governments in the future,” Shepeluk said, adding, “There are plenty of issues out there to work on – e-government, the continuing balancing act between state and local support of education, stormwater and other environmental concerns, transportation, new GASB accounting standards are just a few – and with VLCT at ‘full strength,’ we are ready to go!”

- Katherine Roe, VLCT Communications Coordinator

VLCT CELEBRATES POOL INSURANCE!

On June 14, the VLCT Group Services Department held an event celebrating milestones in our self-insurance programs. The Unemployment Insurance Trust celebrated its 25th anniversary! The Health Insurance Trust celebrated its 20th year of successful operation, and the “baby” of the group, the Property and Casualty

Intermunicipal Fund, celebrated its 15th birthday.

The event, with over 70 people in attendance, was held at the Stoweflake Resort in Stowe. The morning started with coffee and treats and an opportunity to meet with the various vendors who provide services to the VLCT Group Services program.

Keynote speakers Linda Hoffman and Sal Bianchi reviewed the past, present and future of self-insurance pooling and the insurance market cycles. Both speakers shared their extensive knowledge and experience in the self-insurance pooling business. Linda is the Director of State League Pooling Programs at the National League of Cities (NLC). Prior to working at NLC she was the pool administrator for the Connecticut Interlocal Risk Management Agency, which is a program of the Connecticut Conference of Municipalities. Sal recently retired from his position as Executive Director of the

(Continued on Page Eight)



Happy Birthday to VLCT PACIF, Health Trust and Unemployment Trust.

INSIDE THIS ISSUE...

| | |
|--------------------------------|----|
| VLCT Board Profile | 2 |
| Legal Corner | 4 |
| Preventing Sexual Harassment . | 5 |
| Ask the League | 6 |
| Group Services Comm. Ctr. ... | 8 |
| Tech Check | 11 |
| Underground Tank Regs. ... | 12 |
| GASB 34 Guide | 14 |
| Classifieds | 15 |
| Calendar | 15 |



VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

89 Main Street, Suite 4
Montpelier, VT 05602-2948
Tel.: (802) 229-9111 • Fax: (802) 229-2211
E-mail: info@vlct.org
Web: www.vlct.org

VLCT Board

William Shepeluk, President

Manager, Waterbury

Gail Fallar, Vice-president

Clerk/Treasurer, Tinmouth

Peter Clavelle, Past President

Mayor, Burlington

Steven E. Jeffrey, Secretary

John Cassarino

Mayor, Rutland

James Condos

City Councilor, South Burlington

William Finger

Manager, Middlebury

William Fraser

Manager, Montpelier

John Kristensen

Selectperson, Guilford

Charles Lusk

Selectperson, Stowe

Mary Peterson

Selectperson, Williston

Susan Spaulding

Manager, Chester

Stephen Willbanks

Selectperson, Strafford

Jeffrey Wilson

Manager, Manchester

VLCT Staff*

Steven E. Jeffrey

Executive Director

Karen B. Horn

Director, Legislative and Membership Services

David Sichel

Director, Group Services

Jon Groveman

Director, Municipal Law Center

B. Michael Gilbar

Director, Administrative Services

*Partial List

Katherine B. Roe, Editor, VLCT News

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.

VLCT BOARD OF DIRECTORS PROFILE

SELECTPERSON JOHN KRISTENSEN, TOWN OF GUILFORD

John Kristensen's local government service has come full circle. It began with his first years on the Guilford School Board back in the early 1950s and picked up again in 1999 when he was elected to the Guilford Selectboard, a position he hopes to retire from in the spring.

However, hiatus is not the word that comes to mind when you ask Kristensen about the years between his service on the two most important boards in Guilford. There were too many things to accomplish! He founded and built up his Brattleboro law firm, raised a large family with his wife Calista, served on the State Board of Education for six years, served as a Democratic representative to the Vermont Legislature for three terms, and served as Guilford's moderator for 26 years. He also currently serves as one of Guilford's two representatives to the Windham Regional Commission, and chairs the Commission's legislative committee.

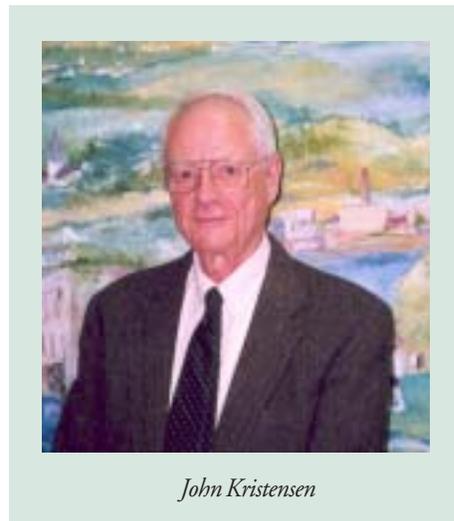
"One thing seemed to lead to another," Kristensen commented about his extensive public service career. If this was indeed the case

(it doesn't seem to give quite enough credit to the man at the center of it all), the "thing" that started Kristensen's public service career was a one-room schoolhouse in Guilford. The Kristensens moved to Guilford in 1953, and their oldest child enrolled in one of the town's one-room schoolhouses. Some of his son's experiences at the schoolhouse prompted Kristensen to run for a seat on the school board in 1954, which he won and held for 12 years.

"One of the children would have to go out and bring in a pail of water for the other children to have water in the school," he recalled, adding, "this and other conditions at the school concerned me." Kristensen worked with the school board and town citizens to build a central school, and Guilford sold off its one-room schoolhouses.

In 1963, Kristensen started his six years on the State Board of Education. "As a member of the Board," he recalled, "I traveled all around the state and saw the inequities between the school districts." Decades later, when he joined the House of Representatives in Montpelier, funding

(Continued on Page Twelve)



John Kristensen

Creating Better Places To Live, Work And Play



North Springfield -
Montpelier - 229
Williston - 846
South Burlington - 8
www.dufresne-henry

Giddings Manufacturing Co., Inc Municipal & Contractors Supplies and Equipment

- > Corrugated Metal Pipe, Fittings and Custom Drainage Products
- > Standard MUTCD Highway Signs, 911 and ADA Signage
- > Hancor HDPE Pipe, Drainage products and Terrafiber Filtration and Stabilization Materials.
- > Kubota Tractors and Implements
- > Woods Mowers and Landscape Equipment
- > York Rakes and Brooms
- > Torwel Material Spreaders
- > Whelen Engineering Warning Lighting
- > Sign Post and Related Sign Products

1426 US ROUTE 7 PITTSFORD, VERMONT
(802) 483-2292/483-6464 FAX (802) 483-2122
email: giddings@vermontel.net
www.giddingsonline.com



put our experience to work for you

Our Government Banking Division serves those public entities providing valuable services to citizens and taxpayers in the Northeast. We offer deposit, investment and loan products and unparalleled service in everything we do.

All of our Relationship Managers have direct experience in governmental affairs and banking. This knowledge, combined with local decision-making and the power to personally deliver virtually any banking request you may have, produces results for the citizens and taxpayers you serve.

If you would like to work with a bank that puts your business first, call us today to schedule an appointment.

Banknorth Vermont



Jeanie Kelly



Anita Marchessault

(802) 371-1618
(802) 786-4139
BanknorthVT.com



Gene Arnold



Dennis O'Neil



Nicole Dumais



Ted Sconzas



Beth Bartlett



Marge Barker



Connie Brennan



Arleen Girard



Wanda Orzechowski



Shelley Quinn



Paul Martel



John Quartararo



Richard Ranaghan

Bank deposits FDIC insured.
A division of Banknorth, N.A.





EMPLOYER RIGHTS UNDER AMERICANS WITH DISABILITIES ACT

ADA ALLOWS EMPLOYERS TO REFUSE TO HIRE DISABLED EMPLOYEE IF JOB THREATENS EMPLOYEE'S HEALTH

In another of a series of U.S. Supreme Court decisions favorable to employers (see May 2002 *VLCT News*, Legal Corner), the Court upheld the validity of an Americans With Disabilities Act (ADA) regulation that permits employers to screen out a disabled worker if the job adversely affects his or her own health or safety.

In *Chevron U.S.A. Inc., v. Echazabal*, 2002

defended the case under the EEOC regulation permitting the defense that a worker's disability on the job would pose a direct threat to his health.

The Court upheld the ADA regulation on the grounds that the ADA statute itself gives the EEOC broad discretion in setting qualification standards. The ADA's language specifically references the term "may" in its reference to the types of qualification standards that fall within the limits of job relation and business necessity. For instance, the statute states that such qualification standards "may include a require-

eliminated or reduced through a reasonable accommodation. If so, then a reasonable accommodation must be made and the worker must be allowed to remain on the job. Finally, it cannot be emphasized enough that any direct threat analysis must be based on objective, supportable medical evidence. Making decisions based on rumor, fear and/or speculation about someone's medical condition is a sure way to invite a discrimination suit under state and federal law.

- Sue Ritter, Attorney, VLCT Municipal Law Center

As with any ADA issue, the VLCT Municipal Law Center urges municipalities to contact their counsel to ensure compliance with state and federal law in assessing health and safety risks of applicants or employees.

VLCT FILES AMICUS BRIEF IN WINDSOR ZONING CASE

VLCT recently filed a friend of the court brief (*amicus curiae* brief) with the Vermont Supreme Court in support of the Town of Windsor's efforts to defend an appeal brought by the State of Vermont. The case is significant for Vermont municipalities with zoning as the state is arguing to expand the limitations on the ability of municipalities to regulate state facilities through zoning under 24 V.S.A. § 4409. (See "Environmental Court Upholds Municipal Right to Regulate the State," March 2002 *VLCT News*.) Stay tuned for the outcome of the case by following future Legal Corners.

WL 1270586 (2002), the Court was asked to consider whether the federal Equal Employment Opportunity Commission (EEOC) exceeded its rule-making authority under the ADA in enacting the subject regulation. The regulation allows employers to defend disability claims on the grounds that the employer's "qualification standards" are job-related and consistent with business necessity. At issue in *Chevron* was the specific language that includes as a qualification standard "a requirement that an individual shall not pose a direct threat to the health or safety of that individual [or others] in the workplace." (See 29 C.F.R. § 1630.15 (b)(2)(emphasis added).) The ADA itself allows employers to assert the direct threat defense when the disabled worker's condition poses a threat to others – but it is silent as to situations where the job poses a direct threat to the worker himself.

The *Chevron* case arose when Mario Echazabal was twice refused a job with Chevron because his physical examinations revealed that he had a liver condition that Chevron's doctors said would be aggravated by continued exposure to toxins at the refinery. Echazabal eventually filed suit, claiming that Chevron violated the ADA after refusing to hire him because of his disability (his liver condition). Chevron

ment that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace." The Court held that the use of the term "may" demonstrates that Congress did not intend for this particular qualification standard to apply exclusively to situations where only the health and safety of others is threatened.

As with any ADA issue, the VLCT Municipal Law Center urges municipalities to contact their counsel to ensure compliance with state and federal law in assessing health and safety risks of applicants or employees. Vermont's Fair Employment Practices Act will also apply to employment decisions affecting disabled workers, and the Vermont Supreme Court has not yet decided whether the direct threat defense would apply in these circumstances. Also, the ADA and Vermont's Fair Employment Practices Act contain very strict provisions concerning medical evaluations of applicants and employees, and therefore all municipal employers should have a complete understanding of these provisions before attempting to explore the medical backgrounds of their employees.

Further, even if a situation arises where a municipal employee poses a direct threat to herself or others, a further inquiry must be made to determine whether the threat can be

SVE ASSOCIATES

Permit Consulting
Act 250 and Stormwater
Septic Systems
Site Engineering
Surveying
Landscape Architecture

Route 30 – Professional Center
P.O. Box 1818, Brattleboro, VT 05302

Telephone: 802-257-0561
Fax: 802-257-0721
Web Site: www.sveassoc.com

Office Locations:
Brattleboro, Vermont
Keene, New Hampshire
Greenfield, Massachusetts



PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE

THE MUNICIPAL EMPLOYER'S OBLIGATIONS

Sexual harassment in the workplace is illegal under federal and state law. As an employer, a municipality is legally obligated to protect its employees from sexual harassment by town officials, supervisors, co-employees and others. A failure to adopt appropriate policies and procedures, conduct prompt and thorough investigations and remedy the harassment will result in a significant risk of liability exposure for the municipality. Indeed, the damage awards in these types of cases can be quite high given that successful litigants are entitled to recovery of attorneys' fees and costs of suit in addition to other nominal and compensatory damages.

The following tips (although not exhaustive) are designed to help municipalities comply with federal and state mandates and minimize the risk of exposure.

1. Does Your Municipality Have a Written Anti-Harassment Policy and Poster?

Under state law, *all* municipalities *must* have a written anti-harassment policy that is distributed to each employee. 21 V.S.A. §495h. (Federal law - Title VII of the Civil Rights Act of 1964 - has similar requirements for municipalities that employ 15 or more individuals.)

At a minimum, the policy must contain: (a) a statement that sexual harassment is illegal; (b) a statement that retaliation for bringing or supporting a sexual harassment claim is illegal; (c) a description and examples of sexual harassment; (d) a statement of the range of consequences for employees who engage in sexual harassment; (e) an explanation as to how to file complaints within the municipality (including the names and addresses of the persons to whom complaints should be made); and (f) an explanation as to how to file external complaints with the federal Equal Employment Opportunity Commission (EEOC) and the Vermont Attorney General's office. Moreover, VLCT recommends that each employee sign a form acknowledging receipt and understanding of the policy.

It is also recommended that the municipality designate at least two or three management-level people to whom complaints of sexual harassment may be brought. The law is clear that there must be a complaint by-pass process in place so that an employee is not forced to complain to the supervisor who is actually engaging in the harassment or who is otherwise sanctioning the unlawful behavior. If possible, one of individuals to whom complaints may be brought should be a woman, and all of the

management-level individuals should be accessible to all employees and trained in processing and investigating sexual harassment claims.

Municipal employers are also required to post in a prominent and accessible location a poster that contains, at a minimum, the elements of the employer's sexual harassment policy. 21 V.S.A. §495h.

A model Anti-Harassment Policy and Poster is available from the Vermont Department of Labor and Industry web site's Wage and Hour section, www.state.vt.us/labind/wagehr.htm (see the Posters/Brochures list at the bottom of the page) or by calling the Department at 802/828-2288.

2. Does Your Municipality Conduct Anti-Harassment Training?

Under Vermont law, training for supervisors and employees is "encouraged." 21 V.S.A. §495h. Therefore, all municipalities should have an annual training program for employees and supervisors that addresses policies and procedures regarding sexual harassment. Training for supervisors should also include the methods they should use to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

VLCT PACIF has been conducting anti-harassment regional training seminars for supervisors and employees of PACIF members. For additional information, please contact Brian Fitzpatrick at 800/649-7915.

3. Are Sexual Harassment Complaints Being Handled Promptly and Effectively?

A major lesson from the case law in this area is that the employer should never ignore a
(Continued on Page Ten)



★ Complete wastewater and drinking water treatment chemicals

★ Swimming pool chemicals

★ Delivery anywhere in Vermont

CALL 1-800-649-5952 TOLL FREE

P.O. BOX 613 • ROUTE 4 EAST • RUTLAND, VERMONT 05701
(802) 775-5952

TOWNS REPORT ACCESS TO DOCUMENT REQUEST RELATED TO DELINQUENT TAXPAYERS

The VLCT Municipal Law Center reports that at least five municipalities have received an identical request for certain documents from a Chelsea, Vermont law firm. The documents requested include copies of warrants for delinquent taxes dating back to 1996 and copies of bills for legal and other services associated with collecting delinquent taxes.

Under Vermont's access to public records law, municipalities have certain legal obligations in terms of providing access to public records. However, the law is very specific as to the types of documents that must be made available and those that must be excluded from public access. All municipalities that receive requests for documents should contact their town attorney or the Law Center to ensure that a proper and timely response to the request is made.

For those municipalities that have received a document request similar to the one identified above, we urge you to seek legal advice to ensure compliance with Vermont law. Also, VLCT is interested in finding out how widespread this request is. Accordingly, please contact us to let us know if your town has received this access to public records request.



ASK THE LEAGUE

AMERICANS WITH DISABILITIES ACT AND ZONING

Our Zoning Board of Adjustment (ZBA) received a request for a variance to construct a handicapped entrance ramp that does not meet our town's set-back requirements. Does the Americans with Disabilities Act of 1990 (ADA) require that the ZBA grant the variance regardless of whether the project meets Vermont's variance criteria? Does the ADA exempt a person with a disability from even having to apply to construct a handicap accessible structure under local zoning bylaws?

This is a very complicated issue that represents a classic gray area of the law. The short answer is that the ADA does not exempt people with disabilities covered by the Act from compliance with local zoning bylaws nor does the Act explicitly state that municipalities must grant variances to construct a handicapped entrance ramp or other handicap accessible structures. However, as discussed below, a municipality may be subject to a claim that it has discriminated against a disabled person by denying a request to make improvements to property to accommodate the needs of that disabled person.

If faced with this situation, the most prudent advice we can provide is that you should contact your municipal attorney to discuss the matter before taking any action. At this time it is simply not clear what a municipality's obligations are with regard to accommodating requests to make private property handicap accessible, and the facts of each particular situation will dictate the course of action that a municipality should take. However, to help you and your attorney evaluate your options and point you in the right direction if this issue arises in your town, VLCT is providing a brief legal analysis of this complex question.

THE ADA

Title II of the ADA prohibits a public entity from discriminating against an individual on the basis of disability or from excluding an individual from public services, programs or

activities. 42 U.S.C.A. § 12132. Although activity is not explicitly defined in Title II of the ADA, several federal district courts, including the second circuit court which Vermont is part of, have held that zoning qualifies as an activity because making zoning decisions is a normal function of a governmental entity. What this all means is that when your town takes an action under your zoning program (e.g. reviewing a permit application or taking an enforcement action) this action triggers an obligation to comply with the ADA.

OTHER FEDERAL LAWS

In addition to the ADA, your actions to implement zoning programs may trigger rights that people with disabilities have under federal laws other than the ADA. For example, if a permit for access to a residential structure is requested, people with disabilities may have rights under the Fair Housing Amendments Act (FHAA) in addition to the ADA.

THE LEGAL ISSUES

Unfortunately, the clash between local zoning programs and federal laws protecting people with disabilities raise many questions for which there are few clear answers. However, one question that is answerable is that people applying to construct handicap accessible structures are not automatically exempt from local zoning. After all, not all people with disabilities are protected by federal law. Even if municipalities are inclined to grant exceptions from zoning to people with disabilities, they must have an opportunity to inquire about whether the person and proposed handicap structure is even protected by federal law.

Accordingly, if an individual wishes to construct a handicap accessible ramp and your bylaws do not exempt such ramps from the definition of structure or land development in your zoning bylaws, a permit is required from the Zoning Administrator (ZA). If the ramp does not meet setback or dimensional requirements in your zoning bylaws, under Vermont law the ZA must literally interpret the bylaws and deny the application. The fact that the

person is disabled and may be protected under the ADA or FHAA is not an issue that the ZA should attempt to address.

The issue becomes murkier if the individual appeals the ZA's decision and applies to the ZBA for a variance. If the individual can meet the variance criteria that are set in state law (24 V.S.A. § 4468) there is no problem. The variance can be granted and no issue with regard to the municipality discriminating against the disabled person exists. However, Vermont's variance criteria allow applicants to deviate from compliance with zoning bylaws if there are unique characteristics of the *land* not the *person*. The variance criteria simply do not authorize the ZBA or Development Review Board to

(Continued on next page)

ATLANTIC DETROIT DIESEL-ALLISON

Serving Vermont

Featuring - & The Northeast
Detroit Diesel Engines

Allison World Transmissions

Factory Authorized Distributor

- Diesel Engines: 11 HP - 3500 HP
- Exchange Engines
- Atlantic DDA Sauertron Remanufactured Transmissions
- Rental Gen Sets and Load Banks
- Generator Systems
- Carrier Transcold Authorized Service Warranty Center
- Filters, Batteries & More

*Expert Sales • Genuine Parts
Factory Trained Service Technicians*



802-865-4672

Albany, NY: 518-452-0000 • Saugerties, NY: 845-247-8045
Ronkonkoma, NY: 631-981-5800
Middletown, CT: 860-632-0218 • Noank, CT: 860-536-6726
Lodi, NJ • Piscataway, NJ • Brielle, NJ



ASK THE LEAGUE -

(Continued from previous page)

grant variances to accommodate the needs of the people applying. The criteria focus instead on reasonable use of the property.

So what happens if an individual with a disability wishes to construct an improvement designed to provide handicap access to private property and the proposal does not meet the zoning bylaws or the variance criteria? This very issue arose in the city of Manchester, New Hampshire. In the New Hampshire case the ZBA decided not to address the issues of compliance with federal law. Rather, the ZBA based its decision on its zoning bylaws and denied the variance request.

The applicants in the case appealed the ZBA decision to federal court claiming the City discriminated against them under the ADA and

FHAA. The federal court ruled in favor of the appellants, holding that by denying the variance to promote handicap access to the property the City failed to reasonably accommodate individuals with disabilities. *Trovato v. City of Manchester*, 992 F.Supp. 493 (1997). In its decision the federal court chastised the ZBA for not considering the protections afforded to the applicants under the ADA and FHAA.

CONCLUSION

The New Hampshire case is *not* binding in the State of Vermont. However, it is an example of how a federal court in a neighboring state addressed this difficult issue. VLCT does not agree with the New Hampshire court's decision. For example, VLCT questions the authority of a local board like the ZBA to weigh issues of federal law and procedurally how a ZBA is authorized to deviate from its mandate

to enforce the state variance criteria. Nevertheless, there is no guarantee that a Vermont federal court would not adopt the reasoning of the New Hampshire court if such a claim is brought. This is why it is crucial for you to work with your town attorney and even contact your insurance carrier if this issue arises.

As a preventative strategy it is possible to exempt clearly defined handicap accessible structures designed to meet the needs of handicap persons covered by federal law from zoning. If you wish to pursue such a bylaw you may want to allow the structure to exist as long as it is necessary to accommodate the person with a disability. This way you will minimize the noncompliance with dimensional zoning requirements. Addressing this issue proactively in your bylaws will help your town to avoid the unpleasant clash between state and federal law and potentially avoid litigation.

- Jon Groveman, Director, VLCT
Municipal Law Center

NEW ON THE VLCT WEB SITE

If you visit the VLCT web site (www.vlct.org), you'll find updated versions of our annual *Legislative Wrap-up*, *Municipal Calendar*, and *Municipal Index to Vermont Statutes*.

The *Wrap-up* (no, it's not a sandwich) is a discussion of all new laws relevant to municipalities that were passed in the recently-ended legislative session. The *Municipal Calendar* is a listing of important election, financial and other administrative deadlines for municipal officials. In this general election year, it is an important document to have handy. The *Municipal Index* is an easy-to-use listing of Vermont statutes that deal with municipal issues. If you are looking for that particular dog statute, and don't want to wade through the lengthy index to the full statutes, the *Municipal Index* is for you.

For those interested in attending or exhibiting at Town Fair, this year we plan to make all registration forms available for downloading from the web site. Up on the site so far are all forms needed to register as an exhibitor at the Fair. Coming soon will be registration forms for municipal attendees to download, fill out and return to the League. Town Fair is September 26 this year – don't forget to mark your calendar and plan to attend!

Other parts of the web site that are regularly updated are our Classified Ads section, our Calendar section and the What's New section on the home page. Please visit the site and give us your feedback (kroec@vlct.org).

Your constituents depend on you...



...you can depend upon us to keep your town running smoothly.

We're Team EJP, one of the premier distributors of water, sewer and drain materials in the United States. Among our 22 locations in New England, New York, Indiana and Ohio, we have a facility right here in Montpelier, Vermont, ready and waiting to serve your needs.

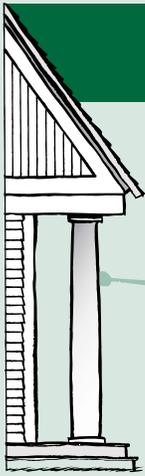
For quality products and knowledgeable, experienced and courteous professionals, contact Team EJP today at 802-223-2385.

- Water Main Products
- Sewer Line Products
- Service Line Products
- Gas Line Products
- Storm Drain & Construction Fabric
- Polyethylene & Metal Culverts
- Tools & Equipment
- 24-Hour Emergency Service

Airport Rd. • P.O. Box 369
Montpelier, VT 05601
(tel) 802-223-2385
(fax) 802-223-8967

Pipeline Specialists
TEAM EJP
Everett J. Prescott, Inc.

1-800-EJP-24HR
www.ejprescott.com



CUTS (COMMUNICATIONS UNDER TEN SENTENCES)

WELCOME NEW PACIF MEMBERS

Town of Barre
 Town of Berlin
 Cavendish Fire District #1
 Town of Concord
 Danby Mount Tabor Volunteer Fire
 Company
 Town of Hyde Park
 Isle Lamotte Volunteer Fire Department
 Town of Johnson
 Town of Lowell
 Town of Lyndon

Town of Middlesex
 Town of Morgan
 Town of Newfane
 Town of Newport
 Town of Putney
 Town of Roxbury
 City of South Burlington
 Town and Village of Stowe
 West Dummerston Volunteer Fire
 Department
 West Rutland Volunteer Fire Department
 Town of Westfield

WELCOME NEW HEALTH TRUST MEMBER Town of Springfield

Directory

WHO TO CALL IF YOU NEED HELP

David Sichel Director, Group Services

Rodney Bora Senior Loss Control
 Consultant

Patricia Boyle Administrative Asst.,
 Claims

Darlene Bresett Claims Supervisor

Kathi Chaloux Senior Claims
 Representative

Brian FitzPatrick Loss Prevention
 Supervisor

Kim Gauthier Member Relations
 Assistant

Heidi Joyce Health and Safety
 Coordinator

Kelly Kindestin Senior Claims
 Representative

Arthur LaPierre Senior Loss Control
 Consultant

Sandra Lockerby Underwriter

Terri McAdams Assistant Underwriter

Jennifer Patterson Claims Representative

Suzanne Schittina Member Relations
 Manager

Maureen Turbitt Administrative Asst.,
 Risk Management

Patrick Williams Deputy Director, Group
 Services

Nicolette White Administrative Asst.,
 Group Services

Telephone, 800/649-7915; fax, 802/229-
 2211, mail, 89 Main Street, Ste. 4, Montpelier,
 VT 05602; e-mail,
 firstinitiallastname@vlct.org.

CELEBRATING POOL INSURANCE -

(Continued from Page One)

Intergovernmental Risk Management Agency in Illinois.

Following the keynote address three roundtable sessions were held. One session covered Employee benefit trends with Paul Smith from Benefit Strategies as the speaker. Linda Hoffman, Sal Bianchi and David Sichel discussed pool insurance trends at another session. VLCT loss prevention and claim staff discussed risk management trends at the third roundtable.

Certainly one highlight of the day was the wonderful lunch served by the Stoweflake. In addition to wonderful food, the singing talents of certain VLCT staff as well as Montpelier's Troubadour/City Manager Bill Fraser entertained attendees.

The afternoon program on Employment Practices Liability was presented by Sue Ritter, VLCT staff attorney. As usual, Sue presented an informative and entertaining program.

*-Dave Sichel, Director, VLCT
 Group Services*



Sal Bianchi, recently retired Executive Director of the Illinois Intergovernmental Risk Management Agency, and Linda Hoffman, Director of State League Pooling programs at the National League of Cities, were the keynote speakers at VLCT's Celebrating Pool Insurance event last month.



LEAGUE STAFF AND MEMBERS ATTEND PLAYGROUND SAFETY COURSE

Playgrounds are a fundamental part of the childhood experience. By providing a series of graduated challenges, they help children develop progressively and test their skills. All playgrounds should be a safe haven for children to play and have the proper equipment for the different age groups.

Unfortunately, more than 200,000 children are treated in U.S. hospital emergency rooms each year for injuries associated with playground equipment. Most of these injuries occur when children fall from the equipment onto the ground. Many of these injuries can be prevented by the design and proper maintenance of the playground and equipment.

To help make Vermont's municipal playgrounds safer for children, VLCT PACIF assisted several other Vermont organizations who brought the National Playground Safety Institute to Montpelier on May 7-9, 2002. The course consisted of classroom presentations, a Playground Hazard Identification Survey and a 100-question, two-hour test at the completion of the course for certification.

The certification is valid for three years. The course materials consisted of two standards books, three books on playground safety and homework for the evening hours.

The following VLCT member municipalities participated in the course: **Burlington Parks and Recreation; South Burlington Recreation; Town of Essex Parks and Recreation; Town of Williston; Town of Colchester Public Works; Essex Junction Village Recreation and Parks; Bennington Parks and Recreation; Town of Brattleboro; Manchester Parks and Recreation; Hartford Parks and Recreation; and Rutland Parks and Recreation.**

Also, three VLCT Loss Control employees, Brian FitzPatrick, Rod Bora and Art LaPierre attended the specialized training. They are now certified to survey playgrounds and assist PACIF members with playground issues.

Comments received from members who participated in the training include:

"It really opened my eyes to playground safety."

"It was an outstanding course."
"I thought the course was great."
"Excellent course!"
"Nice how they combined maintenance and design."

We congratulate all the members who participated in this training and encourage any VLCT PACIF member who would like assistance with playground safety to contact the VLCT Loss Control department at 800/649-7915.

- Rod Bora, VLCT Senior Loss Control Consultant

Upcoming Dates

NOVEMBER 15, 2002

HEALTH TRUST ANNUAL MEETING

Lake Morey Inn, Fairlee, Vermont.



VLCT Property and Casualty Intermunicipal Fund, Inc. (VLCT-PACIF)

A Group Services Program...

Meeting Vermont's Municipal Insurance and Risk Management Needs



Coverages Include:

- Comprehensive General Liability
- Property • Auto Liability
- Auto Physical Damage
- Workers' Compensation
- Boiler & Machinery
- Law Enforcement Liability
- Specialized Coverages
- Public Officials' Liability
- Employment Practices Liability
- Public Officials' Bonds



Advantages:

- Financial Benefits
- Risk Management
- Loss Prevention
- Local Control
- Education



89 Main Street, Suite 4,
Montpelier, VT 05602
1-800-649-7915
802-229-9111
Fax: 802-229-2211



SEXUAL HARASSMENT -

(Continued from Page Five)

sexual harassment complaint or delay an investigation. At the end of the day, judges and juries will look to whether the employer promptly handled the complaint and took steps to ensure immediate cessation of the harassment. When addressing a sexual harassment complaint, employers should, at a minimum, do the following:

(i) Conduct a Complete and Thorough Interview of the Complainant

You must obtain a complete recitation of what occurred – including all dates, times, locations, witnesses, documents, conversations, actions taken, to whom reports of the harassment were made, etc.

(ii) The Employer Cannot Promise Confidentiality to the Complainant

There may be instances where the complainant wants the employer to keep the matter confidential or does not want an investigation at all. The bottom line is that the employer has an obligation to investigate if the reported behavior falls within the definition of sexual harassment, and the employer cannot make a guarantee of confidentiality. The best the employer can do is advise the complainant that the information will be shared only with people who have a business need to know and only to the extent necessary to interview the relevant witnesses.

(iii) Document the Information Provided

After completing the initial interview of the complainant, the details of the interview should be immediately written up and then signed by the complaining witness. This will avoid any discrepancies that may arise later.

(iv) Determine Whether a Further Investigation is Necessary/Consult Counsel

If the allegations made by the complaining witness fall within the definition of sexual harassment, the employer must take the necessary steps to investigate the incident (unless there is already sufficient independent evidence to allow the employer to conclude that the harassment has occurred). If an investigation is warranted, the employer should advise the complaining witness as to the length of time the investigation will take and that the witness will be advised of the outcome by a date certain. If there is a concern about the complainant's well being, the employer should give consideration to providing paid leave to the complainant (if he or she desires such leave) or to the accused. It is also strongly recommended that the employer consult with counsel for guidance in conducting the investigation and taking further action, if necessary.

(v) Conduct Thorough and Well-documented Interviews of all Relevant Witnesses

The employer should give careful consideration to the order of witness interviews. In addition, each witness should be thoroughly interviewed in the same manner and with the same detail as the complaining party. All interviews should be well documented and signed by the witnesses.

(vi) Stop the Workplace Rumor Mill

The integrity of the investigation will be seriously threatened if the relevant witnesses are allowed to discuss the matter outside the confines of the interview. It is critical that all employees be aware that if they discuss any aspect of a sexual harassment investigation with anyone other than the investigator (or their own attorney) they will be subject to discipline up to and including discharge. This policy should be communicated to all employees in writing as part of the employer's personnel policies.

(vii) Findings and Recommendations

Once the investigator has gathered the information and reduced it to writing, the evidence should be analyzed to determine whether it is more likely than not that the harassment occurred. Factors to be considered include witness credibility, quality of supporting evidence on both sides, prior complaints against the accused and the personnel records of those involved. Once a decision is made, the investigator's findings and conclusions should be reduced to writing.

(viii) Does the Punishment Fit the Crime?

If the employer determines that it is more likely than not that the harassment occurred, then the employer's obligation is to take measures to ensure immediate cessation of the harassment. The factors that are relevant to this determination are very case specific and will depend on the severity of the conduct, prior instances, the terms of relevant personnel policies and collective bargaining agreements, etc. The message here is that the employer must ensure immediate cessation of the harassment. If the measures taken don't stop the offending behavior, then more drastic measures must be taken.

(ix) Follow Up is Key

Once discipline is imposed in accordance with the municipality's applicable rules and procedures, then there must be continued follow up with the complainant to ensure that the harassing behavior has stopped. Although the employer cannot share with the complainant the nature of the discipline that was imposed on the accused, the employer should advise the complainant that appropriate action was taken and that the complainant should immediately report any future harassing behavior.

(x) Keep Investigation Documents in a Separate, Confidential File

The documents generated during a sexual harassment investigation should be kept in a separate, confidential file and access should be allowed only to authorized individuals with a business need to know the information.

For additional information, please feel free to contact the VLCT Municipal Law Center.

- Sue Ritter, VLCT Staff Attorney

JULY'S TRIVIAL PURSUIT

No one ventured a guess at last month's puzzler, which was: Can you unscramble "Herbert gave Nell a bribe and teeny nose girders" to spell six Vermont municipalities?

The six municipalities are: Addison, Barre, Berlin, Bethel, Ryegate and Vergennes.

Here's this month's trival pursuit:

There are two states with towns named Vermont. What are they?

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

The H.L. Turner Group Inc.

Contact: James Bouchard
Chief Civil Engineer

www.hlturner.com

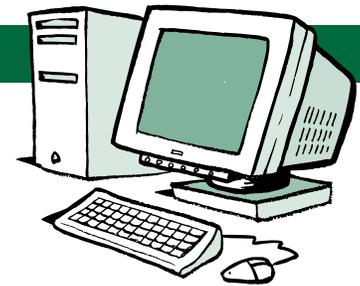
800-305-2289



Architects • Engineers
Building Scientists
Construction Consultants



Tech Check



HONE YOUR INTERNET SEARCHING SKILLS

British mathematician George Boole's (1815-1864) work on symbolic logic has earned him a place of honor in computer science. Boolean logic is used in functions within computer applications, in programming and in search engines on the Internet. With the use of connecting words (called logical operators in Boolean language) such as OR, and AND, you can organize your Internet searches more effectively.

If the logical operator OR is used when doing a search, you get all records containing each keyword you list as well as any containing a combination of the keywords you list.

(Remember to capitalize the operators.) To illustrate, I'll type the following in the search engine I'm in (I use Google.com):

Vermont OR governors

The resulting "hits" total 1,700,000. The sites listed were any that contained the word "Vermont" or the word "governors" or a combination of the two words.

If I decide to use the operator AND, I will get any records that contain both keywords:

Vermont AND governors

The resulting total is now only 44,900. I can get the same results using the plus sign (+) or a semi-colon (;):

Vermont + governors

Vermont; governors

By making my request more specific using the AND operator or either of the above symbols (known as "implied Boolean logic"), I'm able to reduce the number of records I'll have to wade through. However, I would like to reduce the number of hits even further if I can. By placing quotation marks before the word **Vermont** and after the word **governors**, I can limit the search to records containing the **phrase** "Vermont governors" and end up with only 165 hits, a much more manageable result.

NOT is another Boolean operator that allows you to eliminate a keyword or phrase from your search:

"Vermont governors" NOT "Howard Dean"

Google uses the minus sign (-) instead of NOT:

"Vermont governors" -Howard-Dean

It's important to note that the various search engines use Boolean logic differently, and it may take some experimentation to determine how to utilize your favorite one more effectively.

Advanced searches make use of templates to allow you to create a more complex search request. When you use the advanced search feature of your search engine, the Boolean logic for the search displays on your screen above the results. You can learn the "logic" used by paying attention to the symbols that are shown.

For a listing of top search engines, check out <http://www.siscom.net/~keybug/sep/>. If you want more information on Boolean logic, these three websites are useful:

<http://www.texas.net/~square1/start2a.html>

<http://www.eaglesnest.net/Boolean.html>

<http://www.lscs.cc.fl.us/library/guides/>

[boolesea.htm](http://www.boolesea.htm) - Mike Gilbar, Director, VLCT Administrative Services

Through Northeast Delta Dental, the Vermont League of Cities & Towns offers dental plans designed to meet the needs of your municipality.

Call Delta Dental Plan of Vermont
135 College Street
Burlington, VT 05401-8384
at 800-329-2011
for more information.



Northeast Delta Dental

www.nedelta.com



Mark Your
Calendars!
VLCT Town Fair
September 26, 2002
Killington



KRISTENSEN -

(Continued from Page Two)

education in a way that reduced these inequities was still the subject of heated discussion. In fact, with his terms running from 1994-8, Kristensen was in Montpelier at a turning point in the history of Vermont's public education system.

"The 1997 *Brigham* decision was like the sun coming up," Kristensen said. It was, he added, "one of the most thrilling things that I have ever experienced." Kristensen was then serving on the House Ways and Means Committee. There he helped write Act 60, the Legislature's response to *Brigham* that instituted a statewide property tax and property tax sharing mechanisms to guarantee a basic sum per child, across the state, for education. "While it's not perfect," Kristensen commented, "Act 60 made great progress."

Looking back over his public service career, Kristensen feels that "being involved in the development of the answer to equitable funding of schools is the thing I am most proud of." Looking forward, he plans to make the best of his year-long tenure on the VLCT Board and to work hard to ensure that Guilford has adequate resources to cope with an emergency at the nearby Vermont Yankee nuclear power plant.

"One of our most difficult problems in Guilford is that we are within ten miles of Vermont Yankee," Kristensen noted. "Under state law we are the ones who have to see that our citizens are protected in the event of an emergency. This is an enormous responsibility."

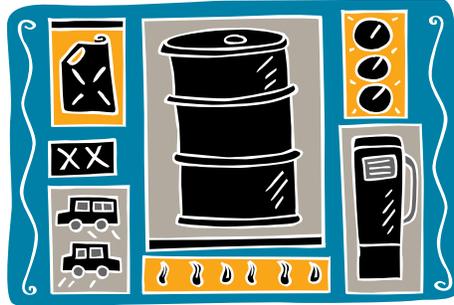
Kristensen would like to see the state contribute more funds to the task of protecting Guilford residents in the event of a nuclear accident at Vermont Yankee. "The Legislature," he commented, "hasn't seen fit to assist us adequately. The people in our community are very concerned, and this comes back to us as the selectboard." Telling the tale of how Guilford residents would be notified in the case of an emergency, Kristensen illustrates his point: "We used to have emergency radios in every house, but they also functioned as weather radios and the noise at night made people turn them off. Now we have two fire trucks with bullhorns that must travel 77 miles of roads. Can we even do this on a snowy night?"

Kristensen moved to Vermont in 1950, just after graduating from Harvard Law School, to clerk for federal circuit court judge Ernest Gibson. He has seen many changes in Guilford since settling there in 1953. "I remember meetings when I first came to town," he recalled. "They were not long meetings and the number of issues was very much smaller. Now,

FROM THE STATE UNDERGROUND STORAGE TANK PROGRAM

WHO'S IN CHARGE OF THE UNDERGROUND STORAGE TANKS AT A MUNICIPALITY FACILITY?

That's the question Underground Storage Tank (UST) Inspectors from the Agency of Natural Resources, Department of Environmental Conservation, have been asking lately. We're afraid that too often, no one is paying any attention to the underground gasoline or diesel



tanks at your municipal garage, wastewater plant, or other municipal location.

It has been nearly four years since the upgrade deadline for USTs - December 22, 1998. During the 1990s, in anticipation of that deadline, 67 municipalities chose to replace their old USTs with new double-wall tank systems. One hundred and seventy municipalities removed their old USTs and did not replace them with underground tanks.

The Agency of Natural Resources issues permits to operate underground storage tanks to municipalities for a term of five years. This year, because a number of municipal permits are coming up for renewal, we are conducting many UST inspections at municipal facilities. During

local government has become more complicated. It is necessary to hire an administrative assistant even in a small town like Guilford." Like much of Vermont, Guilford has also changed from a Republican town to a more liberal leaning community, and commuters have replaced farmers.

Through all the changes, Guilford citizens have maintained their tradition of being active in their local community, including turning out in force at Town Meeting. Kristensen notes that his wife, Calista, is a prime example. "Calista started the Guilford School Library, worked in the Brattleboro Library for a number of years, and is still active in the Guilford Library," he said. "If anything," he laughed, "she is more active in community activities than I am. Most people in the community know me

the month of April 2002, six municipalities were inspected. Of the six, minor paper violations were found at all six, but four were not doing release detection monitoring. The Agency's UST Program depends heavily on proper operation and maintenance of leak detection, spill containment, overfill prevention, and corrosion protection systems to keep releases in check. The new tank systems were installed with the equipment, but we are finding the equipment is not being checked for operation, has been removed or disabled.

When completing the UST Form for the permit to install their new tank systems, most municipalities chose manual monitoring as their weekly method of leak detection for the double wall tanks. What does "manual monitoring" mean? Once a week - 52 times a year in all kinds of weather - a person has to be responsible for opening the interstitial port at the tank, inserting a measuring stick that is dedicated for that purpose to check for product or water in the "interstitial" space that lies between the inner and out tank walls. Each inspection is required to be recorded in a log book. The log book should contain the date of the inspection, the condition found, i.e. dry or measurement of water or product, and the initials of the person performing the inspection. The presence of water or product is required to be reported to the Agency's UST Program, 802/241-3888. Failure to conduct this required monitoring, or to report the presence of liquid

(Continued on next page)

as Calista's husband!"

Kristensen retired from his law firm, Kristensen, Cummings, Phillips and Carroll, just last year. This allowed a little more free time for his two long-time hobbies - raising bees and taping songbirds. Over 20 years, Kristensen has taped 85 different songbirds in Southern Vermont, and makes tapes to help others learn to identify birds by their songs.

This year, at 78, he has finally decided to not run for reelection when his selectboard term is up. "Calista and I realized that we'd like to start doing other things," he commented. We wish him good luck in fitting "other things" into an already full and satisfying life, and welcome him to the VLCT Board.

- Katherine Roe, VLCT Communications Coordinator



STORAGE TANKS -

(Continued from Previous Page)

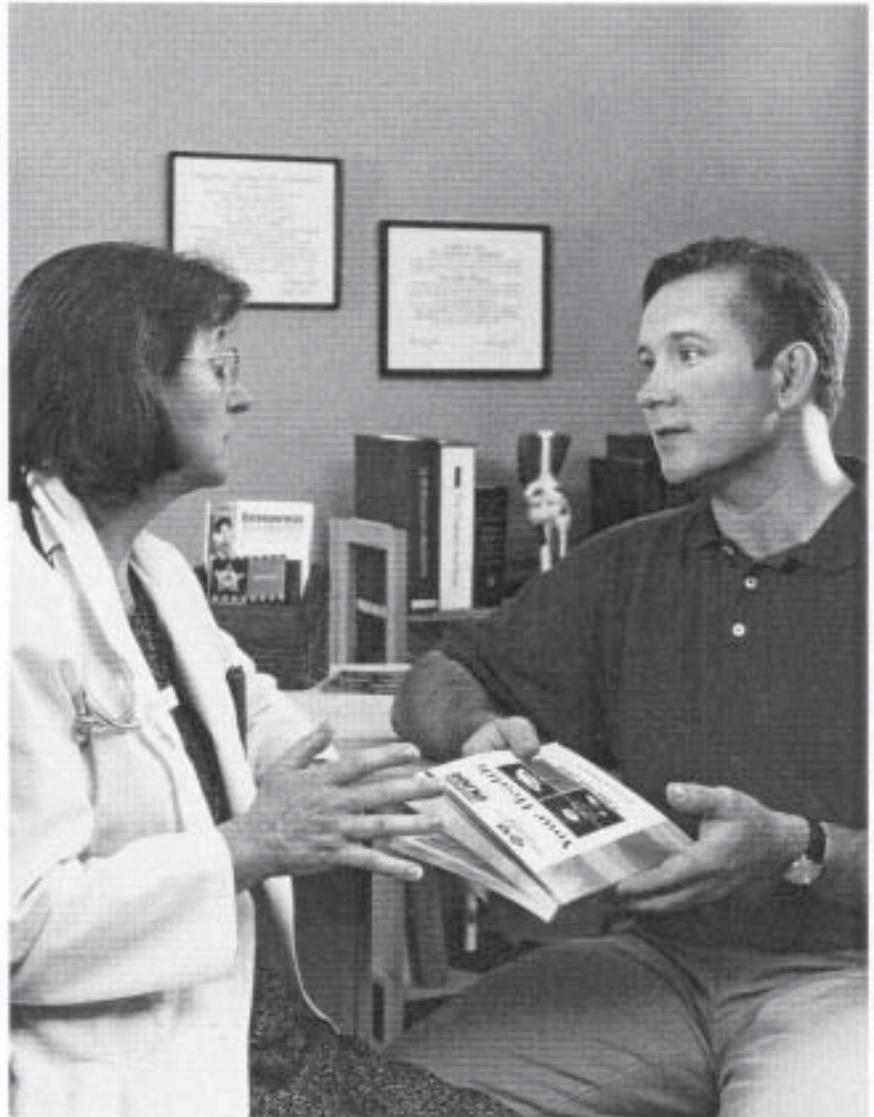
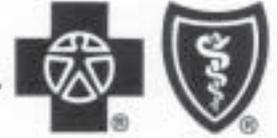
in the interstitial space, is a violation of Vermont's UST regulations. A few municipalities decided to install an electronic monitoring system. That is great so long as the sensor is inserted to the bottom of the interstitial space and is switched on! The sensor sounds an alarm when water or product is detected. Changing to electronic monitoring would save labor, and will avoid the very unpleasant task of opening the roadbox cover in bad weather.

Another area needing to be visually inspected each week is overfill and spill prevention. A number of spills reported to the Agency are due to overfilling the tank. The purpose of an overfill device is to warn the driver of the fuel truck when the tank is 90% or 95% full. If the tank is operated under suction, then the overfill device can either be an automatic shutoff valve which is fitted in the drop tube or an alarm which is hooked up to an automatic tank gauging system. Float vent valves are not recommended by their manufacturer for a suction dispensing system. Check your equipment, and if you have a suction dispenser but your tank is equipped with a float vent valve for overfill prevention, please get it changed soon before a big spill happens. When the overfill device activates, the fuel delivery driver is required to stop filling. A typical hose holds about 14 gallons which has to go into the tank. If there is not room to take the 14 gallons, the 5-gallon containment bucket which sits over the fill port is not going to contain it and a spill will occur. A large percentage of the soil contamination discovered at tank pulls prior to 1999 were caused by overfills to the tank over many years. The overfill and spill prevention devices have a purpose! Please keep them operational. Also, the spill bucket is a temporary vessel to hold the drips from the hose when being disconnected. Any product or water contained in the spill bucket is required to be removed and managed in accordance with Hazardous Waste Regulations.

For the municipalities not yet inspected, we hope the above information will help you prepare for an unannounced inspection. Make our day by having us find you in compliance with all conditions of the UST Permit issued to your facility. Check out the *UST Operating and Maintenance Manual* that was mailed to all UST facilities in July 2001. This manual can also be found on the Agency's website at www.anr.state.vt.us/dec/wastediv/ust/O&M.htm.

-June Middleton, UST Assistant Coordinator,
Vermont Dept. of Environ-

the signs of a healthier vermont.



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

...when health support and information are just a phone call or click away, these are the signs of a healthier Vermont. Blue Cross and Blue Shield of Vermont's *Your Health Program* provides subscribers with state-of-the-art tools including a handbook, website and 24-hour, nurse-staffed phone line, to help them make informed decisions about their health. For information about Blue Cross and Blue Shield of Vermont coverage, call 800-255-4550 or visit us at www.bcbsvt.com.



BlueCross BlueShield
of Vermont

Blue Cross and Blue Shield of Vermont is an independent licensee of the Blue Cross and Blue Shield Association.



GASB 34 GUIDE FOR VERMONT TOWNS

PART 1: TRACKING AND REPORTING CAPITAL ASSETS

Last month, we discussed the reasons to have accounting guidelines and introduced the new requirements in the Governmental Accounting Standards Board (GASB) Statement 34. This month, we discuss the first of the five new requirements - all funds must report capital assets.

Defining Capital Assets and What is Reportable. An important component of your financial reporting when complying with GASB 34 is the accounting of your town's capital assets. Major asset categories include: 1) *Land and Improvements*, 2) *Easements*, 3) *Buildings and Improvements*, 4) *Machinery and Equipment*, 5) *Works of Art and Historical Treasures*, and 6) *Infrastructure*.

Land, Buildings, Machinery and Equipment, and Works of Art and Historical Treasures are self-explanatory. Improvements for both land and buildings, however, require some explanation. Land improvements include any project that prepares the land for its intended use. This could include site improvements like excavation, fill, or utility installation, or it could be removal, relocation or renovation of property belonging to someone else. Other land improvements are retaining walls, fencing, parking lots and landscaping. Building improvements include any project that will add value to the building (renovations and additions); annual maintenance expenses are not considered a capital asset.

Infrastructure is a category of capital assets that may be preserved for much longer than most other capital assets and are stationary in nature. This includes bridges, drainage systems, roads, sidewalks, dams, and lighting systems. It generally does not include buildings or land. Infrastructure will be discussed in the next installment of this series.

Depreciation. Depreciation is a way to spread the cost of the asset over its useful life, rather than expensing the entire value the year the asset is purchased. If any capital asset you purchase is used up over a longer period of time than a single year (a vehicle is a good example), then the true annual cost is a combination of maintenance costs for the item and its capital cost (the depreciation).

A distinction must be made between exhaustible and non-exhaustible assets. An exhaustible asset is one that will be "used up" and needs to be depreciated to capture the cost

of that "use." *Land and Improvements, Easements, and Works of Arts and Historical Treasures* will generally be considered non-exhaustible because their value is not depleted over the years. Exhaustible (depreciable) and non-exhaustible (non-depreciable) assets should always be categorized separately, since accumulated depreciation will be applied against the total value of each depreciable asset category. There may be a portion of a depreciable project that is non-depreciable, such as the excavation on a road improvement (an infrastructure project), and should be categorized separately, or, if appropriate, in the *Land and Improvements* category.

Two additional unique categories to consider as capital assets are library books and construction in progress. *Library Books* are generally depreciable, but can be done as a collection rather than accounted for individually. *Construction in Progress* is non-depreciable until the construction is completed and must therefore be categorized separately.

Capitalization Policy. How do you decide what to report? You will need to develop a capitalization policy that will determine a value over which you will account for the asset. That value may differ for different asset types, depending on what assets your municipality feels are important to keep track of. You might decide to keep an inventory of all land, buildings and improvements owned by the

town. For machinery and equipment, you may decide to track anything over \$1,000, with the exception of computers. They will be inventoried regardless of value. The rule of thumb is to account for anything that you believe is of sufficient value to inventory.

In your policy, you should also identify by position the staff member(s) responsible for maintaining the inventory and outline the process for collecting and compiling the information needed to maintain it. Someone needs to be responsible for determining the useful life of the asset and the salvage value; that task should probably go to the individual that knows and has experience with the asset.

Accounting for Capital Assets. How do you record your assets, and what kind of information do you need for each asset or class of assets recorded? You should have the date the asset was purchased or acquired, the amount you paid for it, or, if it was donated, the fair market value of the asset at the time it was donated to you (get the donor to give you a written statement of the value of the item). You need to determine the useful life (in years) of the asset, based on either industry standards, or your own experience or knowledge of the asset. If the asset was disposed of or sold, you must have the date of disposal or sale and the amount received if sold. A salvage or residual value should be assigned if you feel there will be some value left in the asset once it has been fully depreciated. A spreadsheet is a great way to account for your capital assets if you don't have a fixed assets computer program or have not contracted an appraisal service to do so.

Keep your asset records divided into governmental type and business type activities. Governmental type activities are funded
(Continued on Page Sixteen)



Prepare for the Future

Stormwater Management · Site Plans
Water Supply Treatment and Distribution Design
State Funding and Permitting Assistance
Wastewater Collection and Treatment System Design
Street Upgrading · Public Swimming Pools



Phelps Engineering, Inc.
3 Mill Street
P.O. Box 367
Middlebury, VT 05753

Since 1976
(802) 388-7829
info@phelpseng.com
www.phelpseng.com



Classifieds

FOR SALE

Printer. The Town of Bristol has an Okidata Pacemark 3410 printer for sale. The printer was purchased approximately seven years ago and used only twice a year, once to print the grand list and to print dog licenses. The printer comes with a stand and two replacement cartridges. Asking \$300 OBO. Call 802/453-2410.

Fire Truck. The Town of Richmond Fire

Department offers a 1984 Maxim Pumper on a 1985 International Chassis - DT466. Hale Single Stage 1250 gpm pump. Chassis, pump and tires in excellent condition. Suction hose and ladders go with truck. Tank holds 1,000 gallons of water - tank needs work. May be seen at Richmond Fire Station, 357 East Main Street, US Route 2, Richmond, VT 05477 (Interstate 89, Exit 11). Can e-mail pictures if interested. Contact: Chief Thomas Levesque, tel. 802/434-2002, fire station answering machine - leave message; e-mail tlevesque@chittendeneast.k12.vt.us.

2002-3 MUNICIPAL CALENDAR AVAILABLE

VLCT and the Chittenden Bank are pleased to announce that the 2002-2003 *Municipal Calendar* has been mailed to all clerks, clerk/treasurers, treasurers, managers, associate members, contributing members and administrative assistants.

The *Calendar* is a listing of important election, financial and other administrative deadlines important to local officials. It comes in a poster format, suitable for hanging on municipal office walls for easy reference. The text of the *Calendar* is also available as a Word document from the VLCT web site, <http://www.vlct.org/docs/municipal02-03.doc>.

The *Calendar* will be particularly useful in this general election year. If you did not receive one, and would like VLCT to mail you one, please give us a call at 800/649-7915. Please also join us in thanking the Chittenden Bank for their sponsorship of the *Calendar*.

HELP WANTED

Road Crew. The Town of Braintree is seeking a qualified individual for a road crew position. The person selected must have a current CDL and VT Driver's license. Mechanical and road experience desirable. Flexibility and nearby home needed to work on all-season road maintenance and construction. Competitive salary, medical benefits, and retirement package. Send resume detailing all work experience and at least three references, with addresses or phone numbers, to: Selectboard, Town of Braintree, 932 Vermont Route 12A, Braintree, VT 05060. Deadline is August 10, 2002, after which interviews will be scheduled. Braintree is an Equal Opportunity Employer.

Town Administrator. Berlin, Vermont. The Berlin selectboard is seeking qualified applicants to fill the full-time position of Town Administrator. Salary is commensurate

with experience. Flexible hours as attendance at various evening meetings will be required. Job description available upon request; please contact Diana at 802-223-4405 or e-mail at dianay@together.net. Applicants should submit a copy of their resume to the Selectboard, Town of Berlin, 108 Shed Road, Berlin, VT 05602 by July 31, 2002.

Town Manager. Norwich Vermont. Search Reopened. The Town of Norwich, Vermont (population 3,600), is seeking applicants for the position of Town Manager. Norwich voters adopted the manager form of government this March. A five-member selectboard appoints the Town Manager. Norwich (www.norwich.vt.us) is a picturesque New England community of 36 square miles located across the beautiful Connecticut River from Dartmouth College and just two hours north of Boston. The Town Manager supervises highway, police, recreation, fire, solid-waste and finance departments with 16 full-time and 50 part-time employees with an annual budget of \$2,600,000. A Bachelors Degree in a relevant field and three years experience as chief administrative officer in a municipal government with collective bargaining experience, or equivalent, is desired. Salary range: \$55,000-\$65,000 (plus benefits) dependent upon qualifications. Submit cover letter, resume, references and salary history by July 26, 2002 to Norwich Town Manager Search, VLCT, 89 Main St., Suite 4, Montpelier, VT 05602-2948. EEO/M/F

PROVIDING SOLUTIONS SINCE 1911

- ▲ Wastewater Management
- ▲ Water Supply ▲ Civil Engineering
- ▲ Solid Waste Management
- ▲ Hazardous Waste

Tighe&Bond

25 Village Square
PO Box 621
Bellows Falls, VT 05101
802-463-2200 Fax: 802-463-1188
www.tighebond.com

Calendar

Upper Valley Selectperson Institute. Rescheduled to Fall Session, Saturdays, September 28; October 26; November 23 and January 11 (registration deadline for series is September 6, 2002). City Hall, Lebanon, New Hampshire. Open to both Vermont and New Hampshire selectboard members, this innovative, interactive training focuses on how to engage the public in identifying and solving community needs. VLCT Municipal Law

Center Director Jon Groveman will speak at the first and second sessions. VLCT Director of Legislative and Membership Services Karen Horn will speak on ethics and the right to know at the fourth session. Registration fee is \$150 - VLCT PACIF will provide \$100 in tuition assistance to selectboard members from PACIF member towns who complete all four sessions. For more information, call Antioch New England Institute: 603/357-3122, ext. 344.



89 Main Street, Suite 4
Montpelier, VT 05602-2948

PRSR STD
U.S. Postage
PAID
Montpelier, VT
Permit No. 358

GASB 34-

(Continued from Page Fourteen)

primarily through taxes and unrestricted state and federal aid. Business type activities are those funded primarily by fees charged for services (enterprise funds such as sewer and water). Also remember to categorize by the major categories discussed above and separate the depreciable from the non-depreciable assets.

Documents such as invoices, land records and town reports can give you most of the values you need to record the original cost of the asset. When recording the cost, include all charges that were incurred to get the asset to its location and prepare it for use.

Depreciation may be calculated for a class of assets or calculated for individual assets. An example of a class of assets may be computers or desks. You may choose not to track a particular asset individually because it is below your capitalization threshold but has enough value as a group to warrant recording. In those cases you may indicate the quantity of items with a total value.

Calculating straight-line depreciation is quite simple. It is your total initial (historical) cost (be sure all associated charges are included) less salvage (residual) value divided by the useful

life of the asset. The resulting number is the annual depreciation for the asset. This figure is an expense, and the accumulated depreciation from the year of purchase to the current year for the asset is the number you subtract from the original value to get the current book value of the asset.

Example: You have 10 computers purchased in 2000 at a total cost of \$12,000 with consultant's costs of \$1,000 to set them up. You figure they have a useful life of four years, and at the end of that time the computers will be worth about \$1,000 (you think can sell them for that price to your employees). Your total value less salvage value is $\$12,000 + \$1,000 - \$1,000 = \$12,000$. Divide that by the useful life of four years and you get a depreciation cost for each year of \$3,000.

When reporting at the end of a year, your capital assets disclosure (the GASB compliant report of your assets) should be categorized in two major sections: Governmental and Business-type activities. Within each of these categories, you should list first your non-depreciable assets by major asset type, then your depreciable assets by major asset type. The first column of data should show the book value of each asset at the beginning of the year, the second column the additions or increases (acquisitions made throughout the year), the

third column the deletions or decreases (disposals and sales made throughout the year), and the last column the ending book value (beginning plus increases minus decreases).

RESOURCES

- ◆ *GASB Statement 34* (1999) by the Governmental Accounting Standards Board, available through GASB. Phone 800/748-0659 or visit on-line at <http://www.gasb.org>.
- ◆ *GASB Statement 34 Capital Assets & Depreciation Guidance* (2001) available on-line at <http://www.lla.state.la.us/gasb34/capas.pdf>.
- ◆ *Governmental Accounting, Auditing and Financial Reporting (GAAFR)* (2001) by Government Finance Officers Association, available through GFOA. Phone 312/977-9700 or visit on-line at <http://www.gfoa.org>.
- ◆ *Guide to Implementation of GASB Statement 34* (2000) by the Governmental Accounting Standards Board, available through GASB. Phone 800/748-0659 or visit on-line at <http://www.gasb.org>.

*- Mike Gilbar, Director, VLCT
Administrative Services*

(Please contact Mike at mgilbar@vlct.org with any questions and for sample schedules listing thresholds and estimated useful lives for each asset type and a sample capital assets disclosure.)