Rutland Takes Community Policing to the Next Step

In September 2000 the Rutland community was shaken by the murders of Teresca King, of North Clarendon and Debra Fells and Charles Conway of Rutland. Mobilized by the tragedy, in 2001 the city initiated its Community Policing Program and the Rutland United Neighborhoods (RUN) project.

The launching pad for both initiatives was a special two-day workshop held by the city in June 2001. At Mayor John Cassarino’s invitation, representatives from Washington, DC’s National Crime Prevention Council guided the workshop’s 60 participants toward the creation of a blueprint for community safety in Rutland. Mayor Cassarino and Police Chief Tony Bossi announced the city’s community policing plan at the workshop, and its participants provided the foundation for RUN, a grassroots network of citizens committed to work with the police to reduce crime and drug use, and build community.

Following the workshop, Mayor Cassarino appointed a Citizen’s Advisory Council and a part-time coordinator to organize RUN and map out its goals. Together they drafted a mission statement and enlisted the support of city government agencies. The Advisory Council identified neighborhood participation as the top priority, so the coordinator organized neighborhood meetings and enlisted the help of a volunteer neighborhood liaison from each neighborhood. Each neighborhood team meets regularly and works closely with the police supervisor and officers assigned to the neighborhood.

The coordinator is also the communication link to support the activities and make sure ideas flowing (Continued on Page Ten)

Credit Union Membership Now Available for Members

Local officials and employees in VLCT member municipalities may now join the Green Mountain Credit Union as a result of a VLCT Board of Directors vote earlier this month.

VLCT has been searching for some time to find credit union services for municipal employees, according to Steve Jeffrey, VLCT Executive Director. The key, he noted, was to find a credit union that could serve employees in cities and towns across the whole state.

Credit unions provide a competitive alternative to banks for individuals for checking and savings accounts, loans, credit cards and ATM accounts. Many of Vermont’s larger employers have provided their employees with the opportunity to participate in a credit union. Examples include IBM, General Electric and the (Continued on Page Five)
VLCT Board member and South Burlington City Council Chair Jim Condos and VLCT Executive Director Steven Jeffrey traveled to Washington, DC earlier this month to attend the National League of Cities annual Congressional City Conference. They joined more than 2,500 municipal officials from across the country who gathered in our nation’s capital to familiarize themselves with federal actions affecting cities and towns in their states and to meet with members of Congress, all with the hopes of improving the lot for local governments.

Condos and Jeffrey were also able to meet with Senator Jim Jeffords, Chair of the powerful Senate Environment and Public Works Committee. Jeffords is in an extremely important position this year in heading up the Committee that oversees all federal transportation and public water infrastructure programs. Both programs are facing budgetary constraints and are in the process of being re-authorized and amended.

Condos, who is also a Vermont State Senator for Chittenden County, was appointed this winter to be a member of the National League of Cities Steering Committee on Energy, Environment and Natural Resources. The committee, comprised of approximately 20 city leaders, designs the National Municipal Policy for NLC and assists staff in achieving success before Congress and the Administration.

During the visit, Condos and Senator Jeffords spoke at length on S. 1961, the Water Investment Act of 2002 (co-sponsored by Sen. Jeffords) and Jeffords’ attempt to restore $4.4 billion in cuts to state transportation grants. The cuts in the federal transportation grants result from a downturn in Transportation Fund revenues and, as originally proposed, would cost Vermont $30 million in transportation funds. We have all seen the consequences of these cuts in the Governor’s budget, where he in turn cut aid to town highways by 70%. Jeffords is trying to restore one-half of these cuts immediately and will continue to work on providing a more predictable revenue stream for the future. The Water Investment Act would authorize over $35 billion over the next five years for local sewer and drinking water facilities.

After their weekend conference and Monday morning meeting with Sen. Jeffords, Condos and Jeffrey flew back to Vermont on Tuesday night. Both were Statehouse bound Tuesday morning, Condos to assume his State Senate Chair and Jeffrey to check in on the progress of Act 60 amendments.

- Steve Jeffrey, VLCT Executive Director

Left to right, VLCT Board Member Jim Condos, Senator Jim Jeffords, and VLCT Executive Director Steve Jeffrey met earlier this month in Washington, DC.
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ENVIRONMENTAL COURT UPHOLDS MUNICIPAL RIGHT TO REGULATE THE STATE

In an extremely favorable decision for municipalities, the Environmental Court upheld the right of municipalities to broadly regulate the state through zoning bylaws under 24 V.S.A. § 4409. In re: Appeal of State of Vermont, Department of Buildings and General Services, Docket No. 245-10-00 Vtec (February 5, 2002).

The case involves a dispute between the town of Windsor and the state Department of Buildings and General Services over a conditional-use permit granted by the Windsor Zoning Board of Adjustment (ZBA). The permit authorized the state to construct a three-bay garage at the Southeast State Correctional Facility. The state appealed the issuance of the permit and objected to numerous conditions in the permit, including the building materials to be used, building color, the foundation, source of power for the garage and lighting.

In a motion for summary judgment, the state argued that the town exceeded its authority to regulate state projects under 24 V.S.A. § 4409 by attaching such conditions to the permit. The town countered with its own motion for summary judgment, in which it noted that the state's arguments were clearly contrary to the plain meaning of 24 V.S.A. § 4409.

Twenty-four V.S.A. § 4409 is the section of the state zoning enabling law (Title 24 of Chapter 117) that limits the ability of municipalities to regulate certain facilities that do not make “reasonable provision” for the location of the listed facilities in its zoning bylaws may only regulate such facilities with regard to “size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities and landscaping or screening requirements.” The town of Windsor argued that it had made reasonable provision for the proposed state facility by allowing it as a conditional use in its bylaws. Because it made reasonable provision for the facility, the town took the position that under 24 V.S.A. § 4409 it could regulate the facility without any limitations.

The Environmental Court agreed with town's argument and granted the town's motion for summary judgment. In rendering its decision the Court stated:

"[I]f the municipality provides for the location of the listed uses, then it may regulate them as it would regulate any other use. Section 4409(a) does not provide two separate and independent regulatory authorizations, one to regulate location and other to regulate the dimensions, parking, landscaping and screening of the listed types of facilities. Nor does §4409(a)(2) provide some sort of exemption for state owned facilities based on the state's sovereignty. Rather, the uses listed in § 4409(a) are all treated the same under the statute, whether they are private for profit, nonprofit, religious, municipal or state uses.

The Court’s decision is important to municipalities for two main reasons. First, it clearly rejects the state’s contention that the state is somehow exempt from municipal land use regulation. As the Court pointed out in its decision, the statute simply does not exempt state facilities from regulation.

Second, the decision confirms that under 24 V.S.A. § 4409, as long as municipalities identify zoning districts where the facilities listed in the statute are at least permitted as conditional uses, municipalities are free to regulate these facilities like they would any other uses. That means permits may be conditioned or even denied if the evidence establishes that the proposed project does not meet the criteria in the bylaws.

VLCT recommends that municipalities review their zoning bylaws to make sure that you have made reasonable provision for the facilities listed in 24 V.S.A. § 4409. If your bylaws do not address these facilities, municipalities must determine in which districts it wants the various facilities to be located and whether the facilities will be permitted or conditional uses in the district.

Unfortunately this matter is not over for the town of Windsor and the state of Vermont as the state almost immediately appealed the decision to the Vermont Supreme Court. The state appears to be determined to limit the ability of cities and towns to regulate its facilities through local zoning. VLCT is very concerned about the state’s efforts to effectively exempt itself from local review and we will closely track the appeal as it moves through the Vermont Supreme Court. We also encourage local officials concerned about the state’s position to contact their local representatives.

LATE BREAKING CASE -

In Town of Calais v. County Road Commissioners the Vermont Supreme Court issued an important ruling for municipalities. The ruling clarifies that municipalities are not obligated to maintain Class 4 roads if a town policy clearly provides that Class 4 roads will not be maintained. Look for a full write-up of the case in next month's VLCT News.

Until then, you can read the case yourself at http://dol.state.vt.us/GOPHER_ROOT3/000000/SUPCT/UTL/EO.HTML

- Jon Groveman, Director, VLCT Municipal Law Center
CREDIT UNION -
(Continued from Page One)

Vermont State Employees Credit Union. Smaller employers, particularly those outside of Vermont’s major commercial centers, have not been able to provide their employees with similar services.

Green Mountain Credit Union began as the Green Mountain Power Corporation’s credit union, a company with a work force located around the state. They then merged with the Vermont Grocer’s Credit Union, another group interested in serving people and small employers throughout the state.

Though the Credit Union has only two locations – one in South Burlington and the other in Rutland - it offers 24-hour banking through the mail, by phone and via the Internet. Their services are available through over 80 Automatic Teller Machines (ATMs) across the state.

“With VLCT’s endorsement of Green Mountain,” Jeffrey said, “any Vermont municipality can now offer its employees the same opportunities available to larger employers, with no cost or obligation.”

The agreement between the League and the Credit Union does not cost the League any money and can be canceled if, for any reason, the League feels it is no longer serving members’ needs.

For more information about joining the Green Mountain Credit Union, contact Paula Lee at 802/864-6892, Ext. 13 or 800/360-6892.

News is also located on the VLCT web site, www.vlct.org. Additional hard-copy subscriptions are available to members for $25 per year.

Give us a call if we can be of assistance, or if you just want to introduce yourself. Drop by our Montpelier office anytime. Our toll-free telephone number is 800/649-7915. Our general e-mail address is info@vlct.org.

We look forward to hearing from you.

- Katherine Roe, VLCT Communications Coordinator

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.
What is interim zoning and when should it be used?

Interim zoning authority is available to municipalities as an emergency planning tool to protect the health, safety and general welfare of the public by providing for orderly physical and economic growth. An interim bylaw may consist of zoning, subdivision, shore land, flood hazard area regulations or an interim official map regulating land development in all or a part of the municipality. 24 V.S.A. §§ 4410, 4303(13).

The Vermont Legislature authorized interim zoning because it recognized that sound planning and zoning demands a considerable amount of lead-time and effort, and wished municipalities to have a more immediate tool available if needed.

Interim bylaws are temporary in nature and, under Vermont law, may only be enacted for a two-year period, with a one-year extension if needed and approved by the municipal legislative body. Vermont courts have recognized that interim zoning is not meant to be a stopgap measure or an end run around the standard bylaw adoption or amendment process. Rather, interim bylaws temporarily take the place of permanent bylaws to address an urgent or unanticipated planning need and to allow for the development of comprehensive zoning plan and regulations for the area to be zoned.

Interim bylaws may be enacted in a municipality without zoning, provided that municipality is conducting, or has undertaken action to conduct studies within a reasonable time, or has held or is holding a hearing for the purpose of considering a bylaw enactment or a comprehensive plan. However, use of interim bylaws in this way presents some inherent political issues. Typically, zoning is hotly debated and contested in municipalities considering it for the first time; to create zoning on an interim basis without going through the formal zoning adoption process would certainly make it more so. We are not aware of any municipalities without zoning that have adopted interim zoning bylaws.

Interim bylaws take precedence over existing permanent regulations until new permanent bylaws are enacted under the standard bylaw adoption process. It is important to note that once interim zoning has been repealed or expired, the former permanent bylaws remain in effect if new permanent bylaws have not been adopted pursuant to 24 V.S.A. § 4404 et. seq.

As a side benefit, the enactment of interim bylaws serves as additional notice to landowners of the proposed zoning changes in their neighborhood.

What are the procedures for enacting interim bylaws?

The process for adopting interim bylaws is much more expeditious than that required for enacting a comprehensive zoning bylaw because of the need to take emergency measures to temporarily preserve the existing land uses and maintain the status quo. There is no statutory requirement that the interim bylaw be reduced to writing prior to notice and conduct of the public hearing, as there is with permanent bylaws.

Interim bylaws are enacted (and extended) by vote of the legislative body of the municipality at a public hearing. Notice of the date, place and purpose of the public hearing must be published in the official local newspaper and posted in at least one or (Continued on next page)
more public places within the municipality not less than 15 days prior to the public hearing. The full text of the proposed bylaw (or a concise summary noting where the full text may be viewed) must also be published and posted at the same time as the notice of hearing. 24 V.S.A. § 4447. Voter approval is not required, and the interim bylaws are effective immediately upon adoption by the legislative body.

Interim bylaws may be repealed prior to the expiration of the statutory two-year period by the legislative body, after public notice and hearing. Upon petition of five percent of the registered voters filed with the municipal clerk, the legislative body must hold a public hearing for consideration of an amendment or repeal of the interim regulations. 24 V.S.A. § 4410(a). A copy of the adopted, amended, reenacted or extended interim bylaw must be mailed to adjoining towns, the local regional planning commission and to the Agency of Commerce and Community Development.

Are there differences in reviewing an application under interim and proposed permanent zoning? What about enforcement?

Yes. For a period of 150 days from the date of the notice of the first hearing by the legislative body on a proposed permanent bylaw, amendment or repeal, any new application for land development automatically becomes subject to the proposed bylaw (24 V.S.A. § 4443(d)). The appropriate administrative officer or review board then determines whether the proposal is consistent with the proposed and any other applicable existing bylaws in accordance with standard review procedures. If the proposal is inconsistent with either the proposed or the existing bylaws, the application is denied.

Under § 4443(d), if the new bylaw or amendment is not adopted by the end of the 150-day period, or if the proposed bylaw or amendment is rejected, then the application must be reviewed under existing bylaws and ordinances. If the application is denied under a proposed bylaw, or under a bylaw amendment that has been rejected, or under a bylaw that has not been adopted within the 150-day period, the applicant may request a new review of the same application, at no cost, under the existing bylaws and ordinances.

Generally, interim bylaws are administered and enforced in the same manner as permanent bylaws. 24 V.S.A. § 4410(c). This means that projects proposed during the period of interim zoning continue to be reviewed and acted upon by the zoning administrator, planning commission, zoning board of adjustment or development review board, as the case may be, and that the zoning administrator’s enforcement authority is preserved. However, as with most rules, there is an exception. The legislative body, as a conditional use, may authorize an application for a use that is not otherwise permitted under an interim bylaw. In this instance, jurisdictional review authority shifts from the administrative officer or local review board to the legislative body. Essentially, the legislative body would review the proposal at a public hearing after public notice subject to the criterion specified in 24 V.S.A. § 4410. Approval may only be granted if the proposed use is also consistent with the health, safety, and welfare of the municipality. Written notice of the hearing date and of the final determination by the legislative body must be given to the applicant and to all abutting property owners.

- Gail Lawson, VLCT Associate, Legal and Membership Services

In our town we vote on whether to accept the town report at town meeting. What happens if the town votes not to accept it?

To put it bluntly, nothing. Under state law the auditors are required to prepare the report and it must be “mailed or otherwise distributed” to the voters prior to town meeting. 24 V.S.A. § 1682. The report also must be submitted to the town clerk. 24 V.S.A. § 1682. Typically the auditors’ report becomes part of a more comprehensive town report that is distributed to the voters.

While town reports have become excellent sources of information, all that is required to be in them is the auditors “detailed statement of the financial condition of the town and school district for their fiscal year.” 24 V.S.A. § 1682. There is simply no legal requirement that the voters act to accept the town report at town meeting. Rather, the voters are voting on whether to approve the proposed budget. While the report may certainly guide the voter’s decision in terms of how much money to authorize for the ensuing year, it is not specifically subject to town approval. If the report is voted down it represents voter dissatisfaction, but no specific action must be taken as a result of the vote.

If the town budget is voted down at Town Meeting, can the selectboard spend any money?

Without budget approval, the selectboard is not authorized to spend money for the ensuing fiscal year. This means that all the selectboard may do is spend money on items and services that are required by statute or by the town’s charter and it may borrow money in anticipation of taxes to do so. 24 V.S.A. § 1786.

The “bottom line” is that even if the budget is voted down, in certain instances the selectboard must spend money to operate the town and actually has a specific obligation to spend money to maintain highways under Title 19.

- Jon Groveman, Director, VLCT Municipal Law Center
**NOISE AND YOU**

Overexposure to noise can be distracting and irritating. Too much noise, over time, can cause *permanent* problems:

- It can make you tired from the strain of listening or talking over loud sounds.
- You might not hear important safety or work instructions.
- Your morale and efficiency may be reduced by physical and mental stress.
- You could lose your hearing—or part of it—often without even noticing.

**How does noise hurt your hearing?** The ear is carefully designed to pick up, separate, and send sounds to the brain. The process is complex and involves many delicate parts. Noise above certain levels can damage some of these structures and cause you to stop hearing certain kinds or levels of sound.

That is why we measure noise levels to find out which areas have hazardous levels, and we try to reduce noise levels in those areas whenever possible. When the eight-hour, *time-weighted average* noise exposure levels cannot be kept below 85 decibels, you will be required to wear hearing protection. We will also ask you to have your hearing tested regularly to make sure that you are not being affected by noise exposure on the job.

Controlling noise in your personal life is up to you, but we recommend you avoid listening to loud music, particularly through headphones. Wear hearing protection when operating loud vehicles, using power tools such as chain saws, or when hunting or shooting.

**WALKING AS EXERCISE**

Walking is great exercise that anyone can do to keep in shape. Here are some tips to help make your walks safe and effective:

- Wear sturdy, lightweight, comfortable shoes that support and cushion your feet.
- Wear cotton socks and comfortable, loose-fitting clothes.
- Stretch before starting—remembering to stretch *gently*.
- Walk slowly for the first five minutes, gradually increasing your pace.
- Walk at a brisk pace—long, easy strides.

(Continued on next page)
LONG-TERM CARE INSURANCE AVAILABLE THROUGH HEALTH TRUST

Last summer the VLCT Health Trust added group long-term care insurance to the selection of products it offers its municipal members. The policies are underwritten by UNUM Life Insurance Company.

"Long term care insurance is a new product to the League, and a new benefit for our municipal members to consider for their employees,” Member Relations Manager Suzanne Schittina commented. Because of this, Schittina is working hard to get out to towns and talk to them about long-term care insurance. “Even if it is something that your town might be considering one to two years down the road,” Schittina noted, “we would be happy to introduce you to the plan’s benefits now.”

The policy offered by the Health Trust offers several features that were specially negotiated for members. They include:

• Employers can design and fund a base plan and offer employees an opportunity to pay for buy-up options.
• There is no need to show proof of insurability.
• An employee can take the policy with him or her to a new employer with the same rates and features.
• Employees’ parents, siblings, grandparents, spouses, in-laws and spouse’s grandparents can be covered.
• There is a pre-existing condition exclusion and level premium.

Long-term care plans help someone with a chronic illness or debilitating physical or mental condition maintain their existing quality of life, but do not necessarily improve it as a medical plan would. Items typically covered by long-term care plans are nursing home or home health care services, and often social services, transportation, meal preparation and housekeeping.

Long-term care benefits are designed for someone who needs assistance with, according to UNUM, “activities of daily living (bathing, dressing, toileting, transferring, continence or eating)” or “who suffers severe cognitive impairment.”

“No one wants to have to take advantage of these types of benefits, but it is prudent to explore the option of having them,” Schittina noted. If your municipality would like to find out more about the Health Trust’s long-term care policy, please give Suzanne Schittina a call, 800/649-7915 or e-mail her at schittina@vlct.org.

- Katherine Roe, VLCT Communications Coordinator

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Got 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 for their member municipalities, so there is no additional fee. It is available to you and your household members.

ATTENTION HEALTH TRUST MEMBERS

If your municipality provides benefits for new hires upon the date of hire, coverage takes effect the first of the month from their date of hire. If your municipality has a probationary period, coverage takes effect the first of the month after the probationary period is completed. The Group Enrollment Form must be submitted to Blue Cross Blue Shield before the first of the month. (Example: If an employee begins employment on March 25, 2002, we must receive the enrollment form by March 27, 2002 if there is no probationary period. If there is a probationary period of 90 days and the employee begins employment on March 25, 2002, we must receive the enrollment form by June 27, 2002.) Thank you!

WALKING - (Continued from previous page)

• Walk with your back straight, arms swinging, abdomen flat. Breathe deeply.
• Walk for at least twenty minutes.
• Slow your pace for the last five minutes.
• Stretch a few times at the end.
• Make sure you can be seen by traffic, wear reflective clothing and follow traffic guidelines

It is always a good idea to consult with your physician before starting any exercise program to make sure that it is right for you.
from the top down and bottom up are “meeting” in a coordinated way in the middle. The coordinator attends neighborhood meetings and, based on what is said, advises the Citizen’s Advisory Council on citywide initiatives that will benefit all neighborhoods. The coordinator also works with the Police Department to convey their needs to citizens, which include reporting suspicious activity to the department, watching out for their neighbors and getting involved with youth.

“RUN goes beyond the traditional ‘Neighborhood Watch’ type activities of simply reporting suspicious behavior,” Coordinator Avery Cleary said. “We are as interested in community building as we are in law enforcement, because we feel they go hand in hand.”

Results of neighborhood meetings so far illustrate the community building aspects of RUN:

• All neighborhoods identified beautification as a need. They are sponsoring Green Up Day activities in cooperation with the city, which will provide pick up for the clean up sites in each neighborhood.

• All neighborhoods stated the desire to have block parties or other neighborhood gatherings that would allow them to get to know their neighbors and generate a spirit of neighborliness and community.

RUN was funded in its first year by a combination of grants, donations and police department funds. Mayor Cassarino raised approximately $15,000 from local businesses and private donors, the Rutland Police Department contributed $9,000 and the State Department of Corrections awarded the project a $13,000 grant. In-kind donations have also totaled $5,000 to date. Future funding is expected to come from grants and donations.

“Community organizing in this fashion is extremely cost effective,” Cleary commented. Indeed, the grassroots fundraising for RUN matches its mission to “work in partnership with the police to promote a spirit of active cooperation, mutual respect and shared responsibility in our community.”

For more information on RUN, contact Avery Cleary at 802/770-5364; AveryCleary@aol.com, or in care of the Rutland Police Department, 108 Wales Street, Rutland, VT 05701.

- Katherine Roe, VLCT Communications Coordinator

(Thank you to Avery Cleary and Mayor Cassarino’s office for assistance with this article.)
New on the VLCT Web Site

In January 2002 VLCT began posting the Minutes and Agendas of the VLCT Board of Directors meetings on the VLCT web site. They can be found under the meeting's Calendar listing in the Member Services Section.

Also new on the site is on-line registration for some VLCT workshops. While on-line payment is not yet available, you can register for a VLCT workshop under the workshop's Calendar listing in the Member Services Section and we will bill you for it. You can also opt to print the form out and send it in with a check.

www.vlct.org

Classified ads are now on the site and are located under VLCT News in the Member Services Section. It is easy to e-mail your municipality's ad to us in this section, so get rid of that stuff or look for a new employee on the VLCT web site!

Finally, we have just added under the Vt Local Govt Section a listing of all Vermont local government associations, along with their contact information. Many of these associations have an administrative relationship with VLCT, so if you can't reach them through the contact information listed, call Jessica Hill in the VLCT office.

March Trivia Question

First, congratulations to Lisa Mancuso, Administrative Assistant, Town of Grafton, who sleuthed out the answer to last month's question. She reported correctly that the Bayley-Hazen Road runs from Wells River northwest to Hazen's Notch in Westfield/Lowell, and was originally a military project designed to move American troops from the Connecticut River to within striking distance of Montreal. Construction ran, with stops and starts, from 1776-9.

And now, for the March question:

In what year did Vermont start to mint its own coinage? Who authorized it, and where were the coins minted?

Contact us with your answer: VLCT, 89 Main Street, Ste. 4, Montpelier, VT 05602; 800/649-7915; fax, 802/229-2211, e-mail, info@vlct.org.
More than 50 local officials from around the state joined in a lively round table discussion of appropriate telecommunications regulation at a meeting hosted by VLCT on February 19 at Montpelier City Hall.

While agreeing that cell phone technology is here to stay and is a necessary part of our lives in the 21st century, participants gave voice to the reality that local regulation of telecommunication towers has been a hot button issue ever since the “Telecommunications Act of 1996” was passed by Congress. As a result, the number of towns adopting zoning bylaws that address location of telecommunication (cell) towers is slowly increasing throughout the state. However, an individual town’s adoption of a telecommunications bylaw or ordinance does not and, in fact, cannot address all the issues presented by the location of a tower in a community. These include:

- How is adequacy of coverage assessed?
- What have zoning and development review board members’ experiences been with telecommunications companies in the permit process?
- What are the regional impacts of a facility location?
- What are the potential tools available to locate towers so they provide coverage not only to the host town, but also to neighboring towns?
- Are health officers responsible for informing residents of the health effects of a tower?

One commissioner from the Town of Berlin crystallized a local official’s responsibility with this question: “Is this tower in this location with these dimensions the only way to achieve coverage, given this board’s responsibility to the community in all areas (recreation, tourism, aesthetics, public safety, conservation, economic development, etc)?” Clearly, in order to answer this question, local officials need to know information such as what other coverage is proposed in an area; who is the target population; the proposed and potential dimensions of the subject tower; what other technologies might provide the same level of service; the costs to the town; plans for dismantling the tower should its usefulness cease; whether proposed service would provide adequate coverage for the area in question; and importantly, what is going on in other towns. Many zoning bylaws incorporate language that would enable a local board to hire a consultant to conduct an independent analysis of an application, but it was apparent that no town represented in the room that day had actually used that section of their bylaw.

Solutions? Frustration among local officials regarding a lack of reliable information about activities in neighboring communities is significant. Suggestions were made several times to have the regional commissions coordinate the gathering of information in their regions and develop a map that could be kept current and would monitor existing towers (and their type and tenants or owners) as well as build-out plans for the several companies seeking to provide coverage in an area and pending or potential applications. The Environmental Board has a map of existing and some proposed towers, but it is very unspecific and includes “towers” that are nothing more than antennas for ham radios or police dispatches, with no method for differentiating among them when looking at the map.

Lamoille County Regional Commission has just completed a map and assessment very like the one suggested by participants. Jim Matteau, Director of Windham Regional Commission, suggested that the Vermont Association of Regional Commissions might undertake to produce and keep current such a map on a statewide basis.

Participants also discussed development of a mechanism for batching notices of intents to file so that they would be easy to review by local officials and that consistency among specifications for construction might be achieved or evaluated. VLCT staff were urged to dedicate a part of their web-site to telecommunications information and to develop a list serve. Both would serve local officials interested in keeping up with evolving telecommunications technology, regulatory innovations and relevant case law.

Many more issues were raised during the course of the three-hour roundtable and discussion was lively. Clearly, there was a significant need for an airing of cell tower regulatory issues on a state-wide basis. Equally clearly, we need to continue the discussion over time and across the state. List serves, regional mapping and permit tracking efforts are only the beginning of addressing those needs.

- Karen Horn, VLCT Director, Legislative and Membership Services
EXCELING IN MUNICIPAL FINANCE
MEASURING PERFORMANCE WITH RATIOS

(Continued from previous page)

sheet accounts from the revenue and expenditure accounts, and then once you’ve imported them into Excel, subtotal the categories. Another method would be to print your financial statements to a file (generally a simple text format), then import that file into your Excel workbook. The method you use depends on the exporting capability of your accounting software. Ask your vendor to assist you in both the export of the data and the import into an Excel workbook.

To keep your workbook organized, and to maintain a monthly history of data needed for the ratio analysis, create four separate worksheets and rename each of them as follows: the first should be named Imported Data, the second Balance Sheet, the third RevExp, and the fourth Ratios.

If you right click on any of the worksheet tabs at the bottom of the worksheet you’re in, you can insert a new worksheet and also rename the one you right clicked on. Right clicking on the tab gives you a menu that includes Insert, Delete and Rename, and Move or Copy worksheets. (Experiment with these choices in a blank workbook; try inserting, deleting, renaming and moving the worksheets.)

You will import all your reports or data into the first sheet, copy the appropriate totals into the second and third sheets, and calculate your ratios in the fourth sheet. The year-to-date figures are the only ones you need from the imported reports; any other columns of data can be deleted.

In your Balance Sheet worksheet, include the following row labels in column A and repeat all categories for each fund in your report. Label columns beginning with B in row 1 with the fiscal year and row 2 with the months:

A | B | C
---|---|---
1 | FY01 | FY01
2 | JAN | FEB...etc.

The Ratio workbook will contain the six types of ratios with a row for each fund under each type of ratio as follows:

A | B | C
---|---|---
1 | FY01 | FY01
2 | JAN | FEB...etc.

3 General Fund
4 Cash and Investments
5 Taxes Receivable
6 Total Assets
7 Current Liabilities
8 Bonds Payable
9 Unreserved Fund Balance

In your RevExp worksheet, include as row labels in column A the following categories (repeating the categories for each fund) and label columns beginning with B in row 1 with fiscal year and row 2 with months:

A | B | C
---|---|---
1 | FY01 | FY01
2 | JAN | FEB...etc.

3 General Fund
4 Property Tax Revenue
5 Transfers from Reserves
6 Total Revenue
7 Capital Expenditures
8 Transfers into Reserves
9 Total Expenditures

EXCELING IN MUNICIPAL FINANCE
MEASURING PERFORMANCE WITH RATIOS

(Continued on next page)
way, entering each ratio type as the header with the funds below.

**Importing and Setting Up Your Data**

Once you have a file created by your accounting software, you can easily import it into Excel. If the file is in a spreadsheet format such as Lotus or Excel (with a .xls, .wks, or .wk1 extension), you can just open it and copy and paste the data into your Imported Data worksheet.

If it is in text format (.txt, or .prn, or with no extension at all), from your Imported Data worksheet click on Data in the main menu, then Get External Data. Click on Import Text File and choose the file you want to import. (Be sure that Files of Type includes All Files (*,*) unless the extension of your file is .txt.) After you choose your file, you will get Step 1 of the Text Import Wizard. The Wizard gives you the option to start the import at any row you wish. This is important because a file that is created by printing a report to a file will include page headers and footers. You will need to start at the row below the page header where the actual data and column headings for the data start.

Once you choose the correct row, click Next. Step 2 will show you how the Wizard will separate (or parse) your data. If it has been parsed correctly, click Next, otherwise check the delimiters the Wizard has checked off and make the appropriate adjustments. Step 3 allows you to set the data formats. It defaults to General, which should work fine for you.

Click Finish and Excel will ask you where to General, which should work fine for you.

Your next step will be to get the data from the Imported Data worksheet into the proper categories in the Balance Sheet and RevExp worksheets. To create a total in a cell of a worksheet with one or more cells of data from another worksheet, simply click the AutoSum icon in your Standard toolbar (the Greek symbol “sigma” that looks kind of like an “M” rolled over on its left side), then click on the tab for the worksheet you wish to pull data from. Holding your Control key (Ctrl) down, highlight all the cells that contain data you need. You can click and drag to highlight groups of cells or click one at a time, skipping cells you don’t need.

Experiment with this in a blank workbook. In one worksheet (Sheet1), type some numbers in cells A1 through A7. In Sheet2, cell A1, click on AutoSum, and click the Sheet1 tab. Hold your Control key and click on cell A1, then click on cell A3 and drag your mouse so A3 through A5 are highlighted. Next click on A7 and hit your Enter key. In cell A1 in Sheet2 you should see the total of Sheet1, cells A1, A3, A4, A5 and A7.

Using this process, fill in the cells in your Balance Sheet and RevExp worksheets from the data in the Imported Data worksheet. For example, in cell B4 to the right of General Fund Cash and Investments in your Balance Sheet worksheet, click your AutoSum sign and click the Imported Data tab. In the Imported Data worksheet, highlight all year to date amounts for all your cash and investment accounts (Checking, Money Market, Savings, CDs, etc). This will place the total of all those accounts into the one cell representing your General Fund Cash and Investments in the Balance Sheet worksheet. Do the same for all categories in the two worksheets.

Once you’ve gotten all your totals entered into your Balance Sheet and RevExp worksheets, the next step is to convert these numbers from formulas back to values. This is an important step. Since the formulas you created using AutoSum established a link to the Imported Data worksheet, when you replace the current data with next month’s data, the numbers you summed will be in the wrong column. For example, if column B has FY02 JAN data and February data is imported, you will now have February data in the January column.

To convert the data, highlight all the cells containing your numbers in the Balance Sheet worksheet. Click on your Copy icon or from the menu, click on Edit then Copy. Next click on Edit and Paste Special. You will see a dialogue box with a number of options. Click on Values in the top section under Paste, then at the lower right of the box click Okay. You’ve now replaced the formulas with values. Click on one of the cells to verify that you now have a number rather than a sum formula. Repeat this process in the RevExp worksheet to convert your formulas there.

A couple of accounting notes to keep in mind about the categories discussed above.

**Taxes Receivable** is what is yet to be collected. Property Tax revenue is the actual tax levy or warrant. When you create the warrant, you should book it as a debit to Taxes Receivable and a credit to Property Tax revenue. When taxes are received, you debit Cash and credit Taxes Receivable. In order for the ratios to be accurate, these accounting standards need to be followed.

Current Liabilities are all payables that are due during the current fiscal year. If the total of your liabilities on the balance sheet that you import reflects only current payables, that will be the figure you use for Current Liabilities. Enterprise funds should show current and long-term debt on the same balance sheet but should be properly labeled as such. General and Special Revenue funds do not now show long-term obligations in the balance sheet. They are shown in a Long-Term Debt Account Group segregated from the funds that they are attributed to (including Bonds Payable). With the advent of GASB 34, this will change; however, in the meantime, be aware of where your long-
VLCT News Reader Survey

What You Told Us About This Publication

In January, we included a reader’s survey in the League’s monthly newsletter, the VLCT News. In this editor’s decade-long tenure, it was the first time we used this format to ask you what you thought of the newsletter. It was time!

Out of 1,298 surveys mailed, we received 72 completed surveys, a very small return of 5.5%. The overwhelming majority of those who responded (99%) read the VLCT News on a monthly basis. We must conclude that our faithful readers also faithfully respond to surveys, for which we are grateful!

Almost half of the newsletter’s readers who responded read it cover to cover; the rest skim it for articles of particular interest. Seventy-eight percent of the respondents find it very useful.

Of the regular features, the Legal Corner and Ask the League are by far the most popular columns, with 90% to 97% of respondents following them. Risk Management Notes, Tech Check and the Classified features are read by about 56% to 57% of the readership, the Calendar 63%.

In response to the question about how often we should publish VLCT News, 90% said to leave it as it is (monthly, both in print and on the web). The remaining respondents were evenly divided among publishing every other month; every month with shorter articles; or only on the web. One reader suggested offering the option to decline the hard copy in favor of an e-mail version, as we currently do with our Weekly Legislative Report. We will explore that, however, it is a much bulkier file to e-mail than is the Weekly Legislative Report and that may pose problems. For now, the newsletter will remain available on our web site in PDF format.

Thirty-one respondents offered 31 different suggestions for newsletter article topics! Clearly, there is no one topic that everyone feels needs attention. However, several article suggestions concerned economic development, state grant programs and finding new revenue sources, so we will follow up with articles that address funding local government, as well as the other suggestions. A few brave souls also offered to write articles for the newsletter, which we will follow up on for sure.

In the Other Comments category, people spoke highly of the profiles of VLCT Board members and articles on safety issues. One reader protested the number of advertisements.

Finally, on the survey’s “cliffhanger” question as to whether we should have it three-hole punched, respondents were split 47% in favor and 53% against. Comments on this question exhibited the thrift and common sense typical of local government: “I do keep mine in a binder but am capable of punching holes myself,” and “Don’t see any reason for you to spend the extra money.”

Thank you to all who responded to the survey, and please, if you have any comments about the VLCT News, something special going on in your town that you would like covered, or an article to contribute, don’t wait for our next survey to contact us. It might be ten years from now!

- Katherine Roe, VLCT Communications Coordinator

(Special thanks to Mike Gilbar, VLCT “Numbers Guy,” for his help in assembling the survey results.)

Federal Fire Grants Due April 1

The Federal Emergency Management Agency (FEMA) has announced the March 1 – April 1, 2002 application period for the 2002 Assistance to Firefighters Grant Program. This $360 million program provides vital funds to local fire departments across the country.

“Being able to help firefighters is one of the best things about my job,” FEMA Director Joe Allbaugh said. “These heroes deserve our support and we have made every effort to simplify the grant process this year to make it as easy for fire departments as we could.”

Fire departments can apply for eligible activities in one of four different programs:
1. Fire Operations and Firefighter Safety.
3. Emergency Medical Services.

The application is available online at the U.S. Fire Administration (USFA) web site at www.usfa.fema.gov/grants. For more information on the grant program, visit the website, call the toll-free information line at 866/274-0960 or send e-mail to usfagrandts@fema.gov.

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Finance -

(Continued from previous page)
term debt is recorded and updated.

One last accounting category requiring explanation is that of reserves. When you set aside funds annually to go into a set-aside account for some specified purpose, that annual amount is an expenditure category called a Transfer into Reserves. When you are using some or all of those funds to cover the expenditure required to meet the purpose of the fund, it is a revenue category called Transfer from Reserves. The expenditure that this transfer offsets is normally a Capital expenditure. In the year you use the funds, you may have two expenditures related to them: first the annual transfer into the fund, and second, the actual expenditure for the item you set the funds aside for, offset by revenue transferred from the reserve.

Your last step is to calculate ratios in the Ratios worksheet using data from the Balance Sheet and RevExp worksheets. Next month, we will run through the formulas to calculate some basic ratios: Current Debt, Bond Debt, Liquidity, Uncollected Taxes, Unreserved Fund Balance and Property Tax Subsidy.

- Michael Gilbar, Director, VLCT Administrative Services
**DOG LICENSING, KENNEL PERMITS AND RABIES VACCINATION REMINDERS**

As April 1st quickly approaches, many town offices are engaged in the unwieldy task of dog licensing. Every year the State Veterinarian’s office receives many questions regarding licenses, special licenses, kennel permits and rabies vaccination. Here is a brief rundown of the applicable statutes.

**KENNEL PERMITS (TITLE 20 § 3681)**

A kennel permit is a permit issued by the town for any resident keeping domestic pets or wolf-hybrids for sale or for breeding purposes other than for his or her own use. The kennel permit has no relationship to any zoning ordinances pertaining to boarding kennels or kennel facilities for other purposes. The fee for kennel permits is $10.

**DOG LICENSING (TITLE 20 § 3581)**

Dogs more than six months of age may be licensed any time after January 1st of a calendar year, but must be licensed no later than April 1st of the same year in order to avoid the additional 50% fee assessment. If a dog reaches six months of age after April 1, the owner has 30 days to apply for a license, after October 1, the fee is reduced by half.

Due to a change in statute that occurred last year, veterinarians may now issue rabies vaccination certificates with a stamped signature that should be accepted for dog licensing.

Remember that the additional $1.00 fee assessed for each license sold is to be forwarded to the State Treasurer (20 VSA, § 381(f)).

**What is a current rabies vaccination?** For the purposes of licensing a dog, the statutes continue to require that for dogs less than two years of age, they must have been vaccinated within the previous 12 months. For dogs over two years of age, they must have been vaccinated within the previous 24 months. Do not get confused by the expiration date often given by veterinarians for approved three-year vaccines.

Occasionally, owners of a sick dog will seek an exemption from the requirement for a current rabies vaccination in the interest of the health of an animal. In such cases, an appeal should be made through the veterinarian to the State Public Health Veterinarian for an exemption.

**SPECIAL LICENSES (TITLE 20 SECTION 3583)**

A special license can be thought of as a reduced fee license for breeders who agree to maintain their breeding animals within a proper enclosures. A proper enclosure is defined as a locked fence or structure of sufficient height and sufficient depth into the ground to prevent the entry of young children and to prevent the animal from escaping. The special license is not intended to provide a reduced license fee to any individual possessing more than three breeding animals. If the holder of a special license also maintains spayed and neutered animals, they must be licensed individually at the minimum $4.00 rate and are not to be included on the special license.

Dog licenses, kennel permits and special license forms may be obtained through a new address (orders are preferred by fax on town letterhead with the name of a contact person and phone number):

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**VLCT NEWS CLASSIFIED ADVERTISING POLICY**

The *VLCT News* welcomes classified advertisements from municipal entities, public agencies, businesses and individuals. This service is free for VLCT members (regular, contributing and associate); the non-member rate is $37.00 per ad. Ads are generally limited to 150 words and are accepted in the following categories: For Sale, Help Wanted, Situations Wanted and Services.

The *VLCT News* is published every month and usually reaches readers by the third week of the month. Ads are also placed on the VLCT web site as soon as they are received. You may also submit classified ads on our web site in the Member Services Section, under VLCT News.

The copy deadline for advertisements is the first Friday of the month for that month’s issue. However, space is occasionally available for late additions. Please feel free to check with the editor for availability.

For more information on classified and display advertising in the *VLCT News*, please contact Katherine Roe, Editor, *VLCT News*, 89 Main Street, Suite 4, Montpelier, VT 05602, tel. 800/649-7915, fax 802/229-2211, e-mail kroe@vlct.org.
**FOR SALE**

**Police Cruiser.** The Richmond, Vermont Police Department has one dark blue 1998 police pursuit Ford Crown Victoria for sale. The vehicle is being offered with both UHF and VHF radios, light bar, control head and siren. The vehicle has approximately 95,000 miles and is in very good condition inside and out. Cruisers in Richmond are assigned to one officer and primarily are only used by that one person. Bids are to be sent to Town Administrator Ronald Rodjenki, Town of Richmond, Box 285, Richmond, VT 05477. Bid deadline April 12, 2002.

**Water/Wastewater Equipment.** The Town of Brandon offers the following equipment for sale: Barnstead 1250 steam autoclave, fair condition; VWR Model 2005 low-temp incubator, good condition; Blue M Megni-whirl water bath, good condition; Millipore air incubator, good condition; YSI Model 51B analog oxygen meter without probe, good condition. Please contact the town of Brandon at 802/247-5721 for more information.

**HELP WANTED**

**Town Manager.** The Town of Norwich, Vermont (population 3,600), in the beautiful Connecticut River Valley, is seeking applicants for the position of Town Manager. Norwich voters first 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 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, and salary history by April 26, 2002 to Norwich Town Manager Search, VLCT, 89 Main St., Suite 4, Montpelier, VT 05602-2948. EEO/M/F

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**Town Officer Educational Conferences.**

Thursday, April 4, 2002, Lyndon State College, Lyndon; Wednesday, April 10, 2002, Rutland Holiday Inn, Rutland; Tuesday, April 16, 2002, Lake Morey Inn, Fairlee; Wednesday, April 24, 2002, Hampton Inn, Colchester; Thursday, May 2, 2002, Mt. Snow Resort, Dover. Save these dates and watch your mail early in March for registration materials.

**Vermont GIS Expo: A Road Map to Geographic Information Systems in Vermont.** Thursday, April 11, 2002, Capitol Plaza Hotel and Conference Center, Montpelier. Exhibits, workshops and presentations will be featured at this annual event. For more information, visit www.vcgi.org or call Leslie Pelch, 802/656-8319.

**GASB-34 Training.** Friday, April 12, 2002, Capitol Plaza, Montpelier. Sponsored by the Vermont Government Finance Officers Association and VLCT; this workshop will provide practical training for those responsible for maintaining both fixed assets and related financial reporting. Speakers will walk you through the steps necessary to record and report fixed assets and infrastructure, as well as discuss the preparation of Management's Discussion and Analysis. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915 or jhill@vlct.org.

**American Planning Association's 2002 National Planning Conference.** Saturday, April 13 – Wednesday, April 17, 2002, Hyatt Regency Hotel, Chicago, Illinois. This annual conference offers over 200 sessions and workshops, 80 mobile workshops and special tracks on disaster preparedness, small towns and rural areas, parks, and the interrelationships of transportation and communities. For more information, visit www.planning.org, e-mail confregistration@planning.org or call 312/786-6703.

**Vermont Bicycling and Walking Summit.** Saturday, April 20, 2002, Old Dorm Building, Vermont Technical College, Randolph. Sponsored by the Vermont Bicycle and Pedestrian Coalition with financial support from the Vermont Agency of Transportation and the Vermont Governor’s Council on Physical Fitness and Sports. The summit’s theme is “Advocating for Bicycle and Pedestrian Facilities” at the local, regional, state and national levels. For more information and a registration form, see the VBPC web page at www.vtbikeped.org or contact George Plumb at plumb@together.net, tel. 802/882-2313.

**E-Government/Technology Conference.** Friday, May 24, 2002, Four locations: UVM, Johnson State College, Castleton State College, and Howard Dean Education Center in Springfield. Sponsored by UVM Center for Rural Studies, UVM Extension Service, UVM Continuing Ed, and Vermont League of Cities and Towns, this conference is unique in its combination of hands-on learning opportunities, interactive TV sessions which will allow for wide participation, and lecture sessions. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915 or jhill@vlct.org.

**Vermont Town and City Managers Association Spring Conference.** Thursday, June 6 – Friday, June 7, 2002, Okemo Mountain Resort, Ludlow. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915 or jhill@vlct.org.
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