**INSURANCE MARKET TIGHTENS**

**MARKET CONDITIONS, LEGION INSURANCE COMPANY’S FINANCIAL REVIEW AFFECT VERMONT MUNICIPALITIES**

The property and casualty insurance market has recently changed from a competitive, “soft” market to a tight, “hard” market. After years of fierce competition and below cost pricing, commercial insurers have found it necessary to raise prices dramatically, restrict coverage and, in some cases, stop providing insurance for certain types of businesses. The tragic events of September 11 further accelerated this process.

The realities of this new market hit home earlier this month when the Pennsylvania Insurance Department took over control of the Legion Insurance Company, provider of liability, auto, and workers’ compensation insurance to many Vermont municipalities through its “Metrogard” program. Fortunately for Vermont cities and towns, the VLCT Property and Casualty Intermunicipal Fund (PACIF) offers a stable, financially sound shelter in the storm.

Twenty-four cities and towns formed PACIF 15 years ago during the last hard market, which was having a devastating impact on municipal budgets and operations. Since its start in 1987, PACIF has grown from 24 members to 257 members. Annual contributions now exceed $8 million and over $7 million has been returned to members since PACIF’s inception in 1987. PACIF truly provides a member-controlled, long-term, cost effective alternative to the commercial insurance market; at no time since PACIF began has this been more important for Vermont municipalities.

Legion’s financial difficulties began in February, when its financial strength rating was downgraded by A.M. Best Co. from A- (excellent) to B (fair) with a negative outlook. In their report A.M. Best states “In addition to insufficient capital, these charges further heighten A.M. Best’s concerns regarding Legion’s operating controls, data quality, cash flow, reinsurance recoverables… and ongoing reserve adequacy.”

On April 1 Legion, domiciled in Pennsylvania, was put into “rehab” by the Pennsylvania Insurance Department. The A.M. Best rating was lowered to “E”. Often, when an insurance company is put into “rehab” it is a precursor to liquidation. During the next few months the Pennsylvania Insurance Department, which has taken over control of the company, will review Legion’s assets and liabilities to determine whether the company is solvent. It is our understanding that, while reviewing Legion’s books, the Department will only allow workers’ compensation claims to be paid. All other claims will be put on hold until the Department determines the adequacy of the assets to pay claims at full value.

This sort of situation proves again the value of self-insurance pools such as PACIF. VLCT PACIF exists solely to serve its members and is dedicated to providing coverages and services that provide long-term savings and stability to Vermont municipalities. VLCT PACIF’s strength lies in the loyalty of its members. VLCT PACIF members appreciate and understand the value of a properly priced product with outstanding features.

- Dave Sichel, Director, VLCT

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**MEET THE VLCT LAW CENTER**

**A BRIEF ORIENTATION FOR NEW AND RETURNING LOCAL OFFICIALS**

Welcome to your new local office! And welcome back if you are returning to office. One of the most important services that VLCT offers local officials is the VLCT Law Center. We’d like to take a few minutes of your time to introduce the Center’s services and staff.

The VLCT Law Center provides direct legal assistance to municipal officials and to attorneys who represent member municipalities. The Law Center’s most popular service is providing free legal advice to municipal officials and VLCT members through our toll-free line or via e-mail. A Law Center staff member is available to answer legal questions Monday – Friday from 8:00 a.m. – 4:30 p.m. Questions range from requests for information from our resource library to requests for legal advice on a particular municipal issue.

The Law Center staff

(Continued on Page Five)
FROM THE EXECUTIVE DIRECTOR -

GOVERNING MEANS MAKING THE TOUGH CHOICES

It is much safer to obey, than to govern.
Thomas à Kempis (1380-1471) German monk and mystic.

One of VLCT’s many services is providing advice to those local officials faced with making decisions. Every so often, more often than we would like, the question asked of us ends up being “What should my decision be?” rather than “What should I know before I make my decision?”

Vermont is fortunate to have more direct democracy than you can shake a stick at. Even so, most government decisions, at both the state and the local level, are actually made by our numerous elected and appointed representatives holding local and state office. It’s hard to believe that when you make decisions at your local listers’ office or selectboard or planning commission meeting, you are “governing,” but making decisions that affect your municipality, its citizens and taxpayers is exactly what government is.

Literally hundreds of decisions are made every week in the town halls across our state. Most result in “win-win” outcomes or are inconsequential in the big scheme of things. Others, however, can tear at the fabric of a community, sever friendships, cost people money, or restrict what some may believe to be their rights. These are the ones that keep us awake at night, the ones for which we sometimes seek guidance from a supreme being, or failing that, call someone at the VLCT Law Center, VLCT PACIF or a state office.

There is no doubt that these decisions can be deeply troubling to make. Many of us at VLCT serve or have served our local governments, so we understand your position in the “hot seat.” In these situations, it may (Continued on Page Five)

TO THE EDITOR:

I was both interested and greatly disappointed to read the article “Credit Union Membership Now Available for Members” in your March 2002 issue of the VLCT News. After “searching for some time” Steve Jeffrey and the VLCT Board of Directors have found a “credit union that could serve employees in cities and towns across the whole state.”

Congratulations!
You have suggested that municipal employees across this state take their deposit dollars out of one of the more than 260 bank branches paying property taxes, and deposit them in an institution that has only two offices paying property taxes. You have suggested that employees from across Vermont move deposits out of their local economies, making less available to local banks for lending to their neighbors and certainly their own municipal and school governments.
You have chosen to support the employment of seven full and four part-time employees in South Burlington and Rutland rather than the hundreds of folks employed by banks and their branches across this state. Do you appreciate their involvement in local government and volunteer service? Do you really mean to promote the loss of the local Main Street bank?

As a legislator, the League continually asks me to increase the statewide funding of education through the education fund. Has the League forgotten that Act 60 more than doubled the tax banks pay on deposits and dedicated the then estimated $4 million to the education fund? The League’s endorsed credit union, the Green Mountain Credit Union, and in fact no credit union, pays this tax, and in no way supports the education fund! Every deposit dollar shifted from a Vermont bank to the Green Mountain Credit Union will mean less revenue to the Education Fund!

The League can’t have it both ways. One hand promotes a run off of local bank deposit dollars that can help pay local property taxes, employ local citizens, stimulate the local economies and pay the franchise tax on deposits that helps support the education fund, and then, on the other hand, demands more state education dollars to reduce the local property tax burden!

Someone needs to connect the “dots!”

Mark S. Young

Mark Young is the President of the First National Bank of Orwell, a State Representative, and Treasurer of the Town of Orwell.
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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.

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The Vermont Supreme Court recently issued an opinion that further narrows a municipality’s responsibility to maintain Class 4 roads. The case arose out of a dispute between the Town of Calais and individuals who own property along a Class 4 road. The road in question had washed out in a storm and, as a result, contained very deep ruts. The Town declined to make the repairs, relying on its Class 4 road policy, enacted by the selectboard in 1996, which provides that maintenance of Class 4 highways will be done by adjacent landowners who “shall bear all costs associated with said fourth class road . . . project,” except that the Town Road Commissioner will evaluate each class 4 highway annually and “as time permits will perform minimal [summer] maintenance.”

The landowners appealed the Town’s decision to the County Road Commissioners who ruled that the Town must “provide reasonable access and safety” for the landowners by spending up to $1,500 to fill in washes and restore waterbars. The Town appealed the County Road Commissioners’ decision to Superior Court, arguing that it had no obligation under state law to maintain Class 4 roads. The Superior Court had decided to impose maintenance obligations for a Class 4 highway on a town that actually went so far as to adopt a clear policy on the matter.

On appeal, the Superior Court went even further than the County Road Commissioners in terms of finding that the Town is required to maintain the road. In its ruling, the Superior Court ordered the Town to return the road to its former condition and placed no cost limitation on the Town’s obligation to make the repairs.

In support of its decision, the Superior Court held that the Town had not fulfilled its statutory responsibility to promote the public good, necessity, and convenience under 19 V.S.A. § 310(b), which provides: Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town, or may be reclassified using the same procedures as for laying out highways and meeting the standards set forth in section 302 of this title.

If the Superior Court decision were to stand, it would turn on its head the advice VLCT and town attorneys have given for years with regard to the obligation of a municipality to maintain Class 4 roads. VLCT’s advice, based on 19 V.S.A. § 310(b), has been that a town is not required to regularly maintain a Class 4 highway. To ensure consistency, VLCT also recommended that municipalities adopt a policy, like the policy adopted by the Town of Calais in this case, that clearly sets forth the maintenance obligations that a town is willing to incur for Class 4 roads.

Needless to say, VLCT was quite surprised and discouraged that the Superior Court had decided to impose maintenance obligations for a Class 4 highway on a town that actually went so far as to adopt a clear policy on the matter.

Thankfully for municipalities, the Vermont Supreme Court reversed the Superior Court’s decision and essentially upheld the advice VLCT has been dispensing for road repair and maintenance than appellees desire, it is fully consistent with the discretion accorded by § 310(b).

The Court also noted that the only way for a landowner to get a court to overturn a decision of the selectboard not to maintain a Class 4 road is to show “that the town has not acted pursuant to its policy or has acted in an arbitrary and discriminatory fashion.” This part of the ruling further emphasizes the importance of having a policy. Without a policy it will be much easier for a landowner to claim that the town acted arbitrarily in declining to maintain a Class 4 road. With a clear policy, based on this decision, a town’s broad discretion not to maintain a Class 4 road is extremely likely to be upheld.

In sum, this decision confirms and reemphasizes the advice that we have been giving for years with regard to maintaining Class 4 roads – adopt a clear policy and administer it consistently.

- Jon Groveman, Director, VLCT Municipal Law Center

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.
The buck stops here. Well, the buck also stops at the desk of every Vermont local official elected or appointed to make decisions and govern his or her community. VLCT stands ready to equip you with all that is available to make your decision making as well informed as is possible, but we can’t promise to make it any easier for you. Making those hard decisions is your duty, something that the people of your town have entrusted to you. Doing it is something for which you should feel proud to have done, knowing that you did the right thing for the right reasons.

- Steve Jeffrey, VLCT Executive Director

(During the month's Executive Director's Column starts what we hope will be a quarterly feature addressing issues important to Vermont municipalities and the League. We welcome your input on this column, and your ideas for future ones. Contact Katherine Roe, Editor, at kroe@vlct.org, or Steve Jeffrey, Executive Director, at sjeffrey@vlct.org.)

Production Manager - David Gunn

Municipal Law Center

Sue came to the Law Center last year from the Middlebury law firm of English, Carroll and Ritter where she defended numerous municipalities in civil suits filed in both state and federal court. Sue’s legal skills and knowledge of Vermont municipal law and related resources are a welcome addition. Sue is an avid ice skater and fan of all Middlebury College sports, especially football, as her husband

Gail is the Law Center veteran, having been with VLCT since 1995. An incredible asset to the Law Center and VLCT’s members, Gail has extensive knowledge of Vermont municipal law and related resources.

Gail and her husband Doug are devoted Norwich hockey fans – they rarely miss a game. This sometimes creates conflicts within the Law Center as Middlebury and Norwich are great rivals and often clash on the ice. However, the Law Center staff does not allow these personal differences to affect the service that we provide to our members.

Last, but not least, David Gunn is the Law Center Assistant. David maintains the Law Library and responds to numerous requests for information. In his other life, David is a composer who also has a weekly new music radio show on WGDR in Plainfield. David’s tremendous sense of humor keeps the Law Center staff on its toes.

Feel free to call us with your questions. We look forward to hearing from you and seeing you at workshops throughout the year.

- Jon Groveman, Director, VLCT

Municipal Law Center

(Continued from Page One)

answers each inquiry in turn as they come in and strives to return phone calls within 24 hours. If the inquiry is complex, it may take several days to provide an answer and, if the question involves significant legal research, the Law Center staff may request to respond with a formal legal opinion. While general inquiries are free, the Law Center charges $75 per hour for the issuance of formal legal opinions. VLCT members may request formal opinions from the Law Center in order to obtain a more in-depth, written response on a particular matter.

If you have a pressing need for an answer prior to a meeting, it is essential that you provide the Law Center with advance notice of your questions to ensure that you receive a timely answer. If you call at 2:00 p.m. and would like a response prior to a 6:00 p.m. meeting, you may not get a response in time. To be safe, the Law Center recommends that you call at least 24 hours before the meeting with your inquiry and provide more advanced notice if your question is complex.

In addition to answering inquiries, the Law Center develops model ordinances and policies, keeps resource files that include sample ordinances, policies and general information to assist municipalities, offers the American Planning Association’s Planning Advisory Service, conducts training sessions for municipal officials and produces handbooks on the roles and responsibilities of various local officials. Please call us if you are interested in obtaining information, attending workshops or purchasing handbooks.

The Law Center is staffed with two attorneys, a paralegal and an assistant that maintains the Law Center Library. Jon Groveman and Susan Ritter are the attorneys. Jon has been with the Law Center since 2000. Prior to joining the Law Center, he worked for the State of Vermont in the area of land use law. Jon also has experience working on municipal issues for New York City. Jon and his wife Nancy live in Marshfield and spend much of their free time exploring the Groton State Forest.

Sue came to the Law Center last year from the Middlebury law firm of English, Carroll and Ritter where she defended numerous municipalities in civil suits filed in both state and federal court. Sue’s legal skills and enthusiasm for serving VLCT members have been a welcome addition. Sue is an avid ice skater and fan of all Middlebury College sports, especially football, as her husband

Bobby is the head football coach.

Gail Lawson is the Law Center’s paralegal. Gail is the Law Center veteran, having been with VLCT since 1995. An incredible asset to the Law Center and VLCT’s members, Gail has extensive knowledge of Vermont municipal law and related resources.

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Feel free to call us with your questions. We look forward to hearing from you and seeing you at workshops throughout the year.

- Jon Groveman, Director, VLCT

Municipal Law Center
**Kennel Permit v. Special License; BCA Appeal Schedule**

**What is the difference between a kennel permit and a ‘special license’?**

The difference between these two licenses is quite simple really – just think of the kennel permit in terms of a business license that is issued annually by the town. The practical purpose of the kennel permit is to enable the town to establish a record of persons who are in the business of selling or breeding certain animals.

The kennel permit is mandatory when a person owns or keeps two or more domestic pets (i.e., dogs, wolf-hybrids, cats or ferrets) that are four months of age or older, for the purposes of sale or for breeding. 20 V.S.A. § 3681. Personal house pets are excluded under this rule, and must be licensed separately. The Vermont Department of Agriculture, Food and Markets commissioner prescribes the form of the kennel permit, and a $10 license fee is paid to the municipal clerk. It is important to keep in mind that if someone qualifies for a kennel license, this does not mean they can operate a kennel in your town if your town has zoning. Kennel permits have no relationship to zoning regulations; thus, prospective kennel operators should consult with the town zoning administrator prior to establishing a business. Finally, the kennel permit is in addition to any other license and associated fees required by law.

At first glance, the purpose of a special license seems to be to save kennel operators money. Under this provision, breeders of domestic pets or wolf-hybrids may, at their own option, obtain a single license, at a reduced cost, for all of the breeding animals, as opposed to licensing individual animals. However, upon closer inspection of the specific statutory language of this licensing provision, we concur with Dr. Todd Johnson, state veterinarian, that the more likely intent of this benefit is to protect children from harm by providing an incentive to breeders to keep animals out of reach. First, the animals must be kept within a “proper enclosure.” This term is defined as an enclosure that “is 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…and provides humane shelter for the animal.” Secondly, the domestic pets or wolf-hybrids must, at all times, have a current rabies vaccination. 20 V.S.A. §3583. Thus, not everyone who owns two or more domestic breeding pets or operates a kennel necessarily qualifies for a special license, and there is concern that it is widely misused.

The special license must be renewed annually by April 1st, and does not apply to pets that have been neutered, since it is a benefit specifically offered to breeders for breeding animals. The fees vary according to the number of breeding animals: $30 up to 10 pets; more than 10 pets, $30 plus $3.00 for each animal in excess of that number, plus the $10 kennel permit. Domestic pets and wolf-hybrids covered by the special license are exempt from other licenses and fees, including the municipal license surcharge (for local rabies control programs). They are not exempt from the state $1 surcharge that is used to fund state rabies control programs. 20 V.S.A. §§3583(b), 3581(f).

Questions? Call the VLCT Municipal Law Center or save them for our annual Workshop for Municipal Clerks and Treasurers, scheduled for May 9, 2002 at the **(Continued on next page)**
Our Board of Civil Authority (BCA) is getting ready to start hearing tax appeals. Is it true that we must complete our appeals and make final decisions on all appeals brought before us by July 1?

No. There is no requirement in Vermont law that the BCA finish its hearing on appeals by a date certain. Under 32 V.S.A. § 4404(b) the BCA must commence hearings “no later than 14 days after the last date allowed for notice of appeal” from the listers’ decision at a grievance hearing. After the appeals process is commenced, there is no cut-off date in statute that provides when all the appeals must be decided by the BCA. This is a sensible policy, because if a BCA is faced with numerous appeals, it would be impossible to complete all the hearings within a set period of time.

Our advice is that the BCA should set a reasonable schedule to hear all the appeals. For example, it probably is not reasonable to attempt to hear more than one appeal per night. The statute requires the BCA to “meet at the time and place so designated, and on that day, and from day to day thereafter, shall hear and determine such appeals until all questions and objections are heard and decided.” 32 V.S.A. § 4404(c). This means that after its first meeting the BCA may adjourn its meetings until all the appeals have been decided. Under the Vermont Open Meeting Law, if the meeting is adjourned to a date certain, the BCA is not required to re-warn the meeting. 1 V.S.A. § 312(b)(4).

BCA members should be aware that Vermont statutes do require that the BCA make a final written decision on an appeal within 15 days of completion of the report made by the property inspection committee. 32 V.S.A. § 4404(c). The inspection report must be filed within 30 days of the final BCA hearing. In our opinion, if the final hearing is closed, the BCA may re-open the hearings to hear new evidence that has come to light. However, the report still must be lodged and decision made by the BCA within the required statutory time frame.

- Jon Groveman, Director, VLCT Municipal Law Center
USE REQUIRED PPE TO PROTECT YOURSELF FROM HAZARDS

The federal Occupational and Safety Health Administration (OSHA) has determined that the hazards addressed by personal protective equipment (PPE) are present in all workplaces - even yours. That's why you need to use required PPE.

- **Safety eyewear** protects your eyes from flying materials, dust, fumes, or light.
- **Gloves, clothing, and footwear** protect you from heat, cuts, chemicals, etc.
- **Hard hats** protect your head from blows, punctures, electrical shock and burns.
- **Ear protectors** prevent hearing damage.
- **Respirators** protect against inhaling dangerous substances.

Whenever you're assigned PPE:

- Inspect it before each use—and don't use it if it's damaged. Replace it or have it repaired, if it is safe to do so.
- Get a good fit. If it doesn't fit you properly, it probably won't protect you properly.
- Use it all the time to protect yourself from injury and illness. Workplace hazards are always present—even when you least expect them.
- Follow instructions for PPE removal, storage, cleaning, and disposal.

Questions? Please contact the VLCT PACIF loss prevention staff.

WEB HEALTH TIP

The federal Centers for Disease Control and Prevention’s (CDC) web site is an excellent resource for health information. You can find it at www.cdc.gov/ or on the VLCT web site (www.vlct.org) under our Helpful Web Sites resource list. The CDC is recognized as the lead federal agency for protecting the health and safety of Americans by providing credible information to enhance health decisions.

The CDC serves as the national focus for developing and applying disease prevention and control programs, environmental health programs, and health promotion and education activities for the people of the United States.

The CDC’s mission: “To promote health and quality of life by preventing and controlling disease, injury, and disability.”

Check out the “Health Topics A-Z” section. To your health!

WELCOME GARY SNIDER

Gary Snider, town clerk/treasurer in Richford, was recently appointed to the Alternate Director position on the Unemployment Insurance Trust Board of Directors. Gary has served as Richford’s clerk/treasurer for 15 years and has prior experience with the town as an auditor and with the Village of Richford as a trustee. He is currently a director and treasurer of the Richford Economic Advancement Corporation and treasurer of the Vermont Clerks and Treasurers’ Association. We welcome Gary to the Unemployment Trust Board.

PHOTO CONTEST!

VLCT Group Services recently announced a photo contest with municipal government as its theme (see insert in this issue). The contest asks Vermont municipal employees/photographers to think about what municipal government means to them, and to go out and capture it on film. Be it public safety, highways, recreation, town meeting, the city council, etc., let us know what local government means to you with your stunning photograph!

The contest deadline is December 31, 2002 to allow for a wide range of seasonal shots. First prize is $100, second is $75 and third is $50. Photographers must work for a municipality that is a member of VLCT PACIF, the VLCT Health Trust or the VLCT Unemployment Trust. For more information, contact Nicolette White, VLCT Group Services Administrative Assistant, at 800/649-7915 or e-mail, nwhite@vlct.org.

Directory

WHO TO CALL IF YOU NEED HELP

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<tbody>
<tr>
<td>David Sichel</td>
<td>Director</td>
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<tr>
<td>Rodney Bora</td>
<td>Senior Loss Control Consultant</td>
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<tr>
<td>Patricia Boyle</td>
<td>Administrative Asst., Claims</td>
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<tr>
<td>Darlene Bresett</td>
<td>Claims Supervisor</td>
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<tr>
<td>Kathi Chaloux</td>
<td>Senior Claims Representative</td>
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<tr>
<td>Brian FitzPatrick</td>
<td>Loss Prevention Supervisor</td>
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<td>Kim Gauthier</td>
<td>Member Relations Assistant</td>
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<tr>
<td>Heidi Joyce</td>
<td>Health and Safety Coordinator</td>
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<tr>
<td>Kelly Kindestin</td>
<td>Senior Claims Representative</td>
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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.

EMPLOYEE ASSISTANCE PROGRAM

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 fee. Employees and their household members are eligible to use the EAP.
In recognition of the success of our three insurance pools, VLCT Group Services is planning an educational day on Friday, June 14, 2002 for all pool members. It is the 15th anniversary for PACIF, the 20th anniversary for the Health Trust, and the 25th anniversary for the Unemployment Trust. The day will provide members with guest speakers from the National League of Cities and the Illinois Risk Management Association to talk about pooling perspectives. There will also be round table discussions about employee benefit trends; safety and health promotion; pooling trends; and a chance for members to tell us what they need.

Of course, there will also be a celebration lunch to honor members that have supported pooling throughout the years, followed by an afternoon session dedicated to employment practices. Look for your invitation to arrive in the mail soon!

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May 7-9, 2002
PLAYGROUND SAFETY TRAINING

The National Playground Safety Institute (NPSI) playground safety inspector course and certification exam will be offered in Vermont for the first time May 7-9, 2002. The 15-hour course (approved for 1.2 CEU’s) will be conducted at the Capitol Plaza Hotel and Conference Center in Montpelier.

This NPSI course, sponsored by Vermont Recreation and Parks Association and the National Recreation and Park Association, is the most comprehensive training program on playground hazard identification and risk management methods offered anywhere. Topics for the course include: identifying hazards on playgrounds; developing risk management tools; understanding the importance of having a comprehensive playground safety program from a legal perspective; test methods for entrapments, protrusions, and entanglement; and a review of the Consumer Products Safety Commission guidelines. Advanced reading and 15 hours of training from nationally known playground safety experts will prepare participants to sit for the Certified Playground Safety Inspector examination offered at the culmination of the certification course, if they choose.

This program is designed and recommended for operators and caretakers of playgrounds in parks, schools, summer camps, both preschool and school age child care programs and any other person responsible for the design and/or maintenance of playgrounds.

The NPSI course is the result of the work of the Vermont Playground Advisory Committee, which was established by the state Child Care Services Division (Brian Fitzpatrick, VLCT Loss Prevention Supervisor, is a member of the committee). For a course brochure and registration form, contact Betsy Orselet at the Vermont Recreation & Parks Association, tel. 802/878-2077; e-mail, orselet@adelphia.net.

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June 14, 2002
CELEBRATING POOL INSURANCE

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CHECKLIST FOR NEW HIRES

GET NEW EMPLOYEES OFF TO THE BEST START POSSIBLE

Congratulations. The hard part is over when you have recruited the right person for a job.

So what’s next? You have legal requirements, forms to be completed and, ideally, an orientation process to be followed to help your new employee acclimate as quickly as possible. A checklist, such as the sample below, is helpful to make sure you don’t skip any important steps. The first three items listed are legally required in all cases; the remaining items are suggestions that can be added to or tailored to the particular needs of your town, or to the specific position or department.

In designing your checklist, remember to think through the tools, equipment and information the employee will need to perform his or her new job and feel as supported as possible. Studies have shown that an employee’s impression during the early days of work can affect the level of commitment months later.

Checklist:

1. **W-4 Form**. This form can be downloaded directly from the IRS web site at www.irs.gov.
2. **I-9 Form**. Under the Immigration Reform & Control Act (IRCA), you must have an I-9 form completed within three days of hire for purposes of verification of employment eligibility. It is helpful to photocopy the identification forms presented. The forms must be maintained for all current employees and, when employees terminate, the form must be maintained for three years from the hire date or one year after termination, whichever is later. The I-9 form can be downloaded from www.ins.usdoj.gov.

3. **New Hire Reporting**. In order to assist with enforcement of child support orders on the state and national level, the Vermont Department of Employment & Training (DET) requires that each new employee be reported within 20 days of hire. Information reported includes: employer name and address, federal employer identification number, employee name, address and social security number and the date of hire. The DET offers many ways to provide the information, including online reporting through www.det.state.vt.us. Other ways include magnetic tape, electronic file transfer, formatted diskette, fax or mail. In lieu of the state’s new hire report, you may fax or mail a W-4 form. For further information there is a help line at 800/786-3214.

4. **W-4VT Form**. This form should be made available to employees who wish to adjust their Vermont income tax withholding to take into account differences between the Vermont and federal returns. These include cases where there is a civil union or where the employee makes adjustments to federal withholding in anticipation of Child Tax Credit or other federal credits not available on the state tax return. The W-4VT form can be obtained through the state web site at www.state.vt.us/tax.

5. **Welcome**. Designate someone to greet the new staff member on his or her first day of work, provide a tour of the workplace and make introductions to other staff members.

6. **Information**. Provide helpful information such as: an organizational chart; goals of the department; job description; office hours; lunch/break schedule; parking procedures; vacation/sick days/holidays; information on each benefit provided; procedures; available support; how to use the telephone system; and relevant machinery.

7. **Employee handbook**. In addition to providing the handbook itself, have the employee sign a form acknowledging its receipt and agreeing to be responsible for becoming familiar with the policies contained therein.

8. **Office procedures**. Indicate protocol and procedures; available support; how to use the telephone system; and relevant machinery.

9. **Items issued**. See that the employee is well equipped to do the job and have him or her sign an acknowledgement of receipt of such items as keys, uniforms, safety shoes, etc.

It is helpful if your list includes the name of a specific person responsible for accomplishing each item and a space to indicate the date on which it gets done. Think about whether some of the above information, such as benefits pamphlets and forms, job descriptions and holiday listings, can be provided to the new employee before the start date to allow him or her to better absorb the information and complete the forms in a timely fashion. If your new employee is relocating from afar, you might add to this material a listing of community resources to help orient him or her to a new community.

It doesn’t take much effort, but does require a little thought, to help a new staff member feel welcome and part of your team.

- Jill Muhr, VLCT Human Resources Administrator

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**APRIL’S TRIVIAL PURSUIT**

Well, we stumped you last month with the question:

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

The answer is 1785 in the Village of Rupert. Reuben Harmon, Jr. was awarded a two-year contract by the Legislature.

This month’s question is:

**In what year did Vermont adopt a bicameral legislature (House and Senate)?**

Ironically, the Vermont Asylum for the Insane in Brattleboro was founded in the same year!

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.
EXCELLING IN MUNICIPAL FINANCE

MEASURING PERFORMANCE WITH RATIOS - II

(We continue our series on municipal finance with the second part of a two-part article on using Microsoft Excel to calculate ratios – key indicators of your municipality’s financial condition. Last month’s article discussed setting up your workbook and importing data into it. This month, we crunch the data to see how your municipality is doing in a few key areas. In May we will look at using Excel to predict financial trends.)

SOME BASIC RATIOS

Current Debt – This ratio measures what you owe for short-term (current) debt as a percentage of your total assets (what you own). To analyze your current debt (what you owe vendors, employees, the bank) and determine how it’s affecting your financial health, look at your current liabilities as a percentage of your total assets. Do this for past years as well to examine the trend. If debt is increasing, that means your fund balance is decreasing (Remember the formula Assets = Liabilities + Fund Equity?). If debt keeps increasing as a percentage of your total assets, eventually you will see no fund balance, or a deficit fund balance. Not good!!!

To calculate this in your spreadsheet, in the cell to the right of your “General Fund” cell, press the “=” key. Click the tab for the Balance Sheet worksheet and highlight the cell containing Current Liabilities for the General Fund. Press your front slash key (the sign for division). Highlight the cell containing Total Assets for the General Fund and press the Enter key.

The formula will look like this: =’Balance Sheet’!B7/’Balance Sheet’!B6

You can then format the cell as a percentage by clicking on Format (from the menu), then Cells. Choose the Number tab and then Percentage. Pick the number of decimal places you want. (One decimal place is commonly used, however some managers prefer two; any more can be confusing and hard to read.) Click OK.

Bond Debt – Bond debt is a long-term commitment that will affect current and future taxpayers. A good way to measure its effect on the town’s financials is to examine its effect on the tax base, particularly since property values are impacted by changes in the economy.

This ratio requires taking your total for bond debt and dividing it by your Grand List. Under your Bond Debt Ratio section in the Ratios worksheet, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the Balance Sheet worksheet and highlight the cell containing the figure for Bond Debt (if you don’t have this number in your Balance Sheet, just type in the balance you’ve calculated). Press the forward slash (division) key and then enter

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FINANCE -

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your assessed valuation figure. Press the Enter key. If your Grand List is $495 million, your formula will look like this:

= Balance Sheet!B8/495000000

The resulting ratio tells you how much of the value of your tax base is tied up in bond debt. Compare this to other years and other towns of similar size to see how you are doing. High ratios can be a drag on taxpayer resources and limit the availability of future tax revenues for operating budgets.

Liquidity – This ratio will tell you how solvent you are. If you had to pay off everything you owed for short-term liabilities today, could you do it? This requires taking your total Cash and Investments and dividing it by your Current Liabilities. Under your Liquidity Ratio section in the Ratios worksheet, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the Balance Sheet worksheet and highlight the cell containing the figure for Current Liabilities. Press the forward slash (division) key, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the Balance Sheet worksheet and highlight the cell containing the figure for Cash and Investments. Press the forward slash (division) key and then highlight your total for Current Liabilities. Press the Enter key. Your formula will look like this:

= Balance Sheet!B9/B7

100% or more shows that you have enough available cash to cover your short-term obligations. Less than 100% means that your resources are tied up in other assets that are not as liquid or easily converted to cash (such as taxes not yet collected).

Obviously, the goal is to get as close to 100% as possible, with over 100% preferable.

Uncollected Taxes – This is a measurement of your tax collections and requires taking your total Taxes Receivable and dividing it by your tax levy. Under your Uncollected Taxes Ratio section in the Ratios worksheet, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the Balance Sheet worksheet and highlight the cell containing the figure for Taxes Receivable. Press the forward slash (division) key and then highlight your total for Property Tax Revenue in the RevExp worksheet. Your formula will look like this:

= Balance Sheet!B5/RevExp!B4

Increasing ratios in this category are generally an indication of a declining economy, thus affecting taxpayers’ ability to pay their taxes on time, if at all.

Unreserved Fund Balance – The higher your Unreserved Fund Balance is, the more of a cushion you have in case of over-expenditures or insufficient revenues. It will also allow you to have more stability in the tax rate.

This ratio requires taking your total Unreserved Fund Balance and dividing it by your Net Operating Expenditure (Total Revenue less any Reserve Transfers). Under your Unreserved Fund Balance Ratio section in the Ratios worksheet, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the Balance Sheet worksheet and highlight the cell containing the figure for Unreserved Fund Balance. Press the forward slash (division) key, type in a left parenthesis and highlight your total for Revenues in the worksheet RevExp. If you have any Transfers from Reserves, type a minus sign and highlight the cell containing the transfer total. Type a right parenthesis and hit your Enter key. Your formula will look like this:


5% is a good target to shoot for. If you can maintain roughly 5% of your normal operating revenue, you have some flexibility when circumstances throw budget projections off. You also have some surplus funds to apply against taxes for one time expenditures which may increase the tax rate by a larger than acceptable percentage.

Property Tax Subsidy – This ratio tells you how much of your operating budget is supported by property taxes. It requires taking your total Property Tax Revenue and dividing it by your Net Operating Expenditures (Expenditures less Reserve Transfers or Capital Expenses funded from a source other than taxes). Under your Property Tax Subsidy Ratio section in the Ratios worksheet, and in the cell to the right of the correct fund, press the “=” key, click on the tab for the RevExp worksheet and highlight the cell containing the figure for Property Taxes. Press the forward slash (division) key, type in a left parenthesis and highlight your total for Expenditures. If you have any Transfers from Reserves, type a minus sign and highlight the cell containing the transfer total. Type a right parenthesis and hit your Enter key. Your formula will look like this:


Measured against prior years or compared to municipalities of similar size, these six basic ratios should give you a good overall analysis of the town’s financial performance. We will look at trend analysis in our final article in this series.

- Michael Gilbar, Director, VLCT Administrative Services
HIGH SPEED INTERNET -
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Communities make use of this provision through public access TV programming. The Adelphia CPG renewal proceeding in 2000 resulted in an expansion of this community service to internet access as well, with the Public Service Board determining that internet service falls under the definition of “telecommunications” under state law. (Note that a March ruling of the FCC labels cable broadband as an “information” service, therefore exempt from franchise fees.) Adelphia is currently the only cable vendor required by their CPG to provide internet service. Conditions of its CPG are outlined on the Public Service Board’s website at www.state.vt.us/psb/orders/document/6101cpgmountain.pdf. Facts about Adelphia’s program are outlined below. You can also contact Larry Lackey at the Public Service Board for more information: 802/828-2358.

Although Adelphia is the largest cable provider in the state, serving 85% of all cable customers, there are a number of other providers. Charter Communications services another 10% of the customer base, and a number of small vendors cover the remaining 5%. Your best bet is to contact your vendor and tell them that you’re interested in what kind of discounted, or preferably free, internet service they can provide to the municipality. Bob Spain, Regional Manager of Government Relations for Charter, can be contacted at 508/853-1515, ext. 2857.

- Michael Gilbar, Director, VLCT Administrative Services

FACTS ABOUT FREE CABLE MODEMS FOR MUNICIPAL OFFICES

As part of its commitment to the state of Vermont, Adelphia provides cable standard service and one free high-speed internet connection through a cable modem to one municipal site in every Vermont municipality served by the cable company.

For cable service, Adelphia provides one connection to a designated municipal location. For high speed internet service, Adelphia provides a single PowerLink connection, including one modem per municipality (approximate value $500) and monthly service (approximate value $49.95 per month). This connection allows one computer unlimited access to the internet, four e-mail accounts with unlimited messages and access to newsgroups. PowerLink does not come with static IP capability or firewall protection.

Adelphia also provides courtesy standard cable service and one high-speed internet connection to each K-12 school and public library in the company’s service areas. PowerLink is not currently available in all areas of Vermont. However, Adelphia is on schedule to complete its upgrade and provide PowerLink to all Vermont service areas by 2003.

A municipality may locate its one free connection in any municipal building that is cable-ready. A community center or library may be able to obtain several courtesy modems if the municipal office and several schools select that location for their PowerLink location. Adelphia and the state of Vermont hope this free public service will enable more people to gain access to the internet and learn important computer skills.

For general information about PowerLink, go to http://www.adelphia.net/internet/. For information about Adelphia’s courtesy service, contact Janet E. Franz, 802/651-8636 or jefranz@adelphia.net. To schedule a cable or PowerLink installation, contact your local Adelphia office or call 800/347-5002.

- Janet Franz, Vermont Area Community Affairs Manager, Adelphia Cable
RESPONDING TO DROUGHT

Vermont, along with most of New England, is in the midst a drought. While conditions may have eased slightly in the Northeastern portion of the state, all communities are experiencing record precipitation shortfalls. This rainfall deficit brings with it a range of potential problems; private wells run dry, municipal water systems are taxed, and farms and other businesses must function with less water.

A Vermont State Drought Task Force has been convened to help monitor the drought and ease the impacts being felt statewide. The Task Force is working to better understand the scientific aspect of the drought, to identify resources – such as loans or grants – that may be available to help affected Vermonters, and to develop public outreach material.

What is the role of local government?

Local governments are the first line of defense in monitoring and responding to the drought. All water shortages should be reported to the town's local emergency management director. Each town in Vermont is required to designate an emergency management director. (See “Do You Have an Emergency Management Director” in the December 2001 VLCT News.) In many cases this person is the local fire chief, the town manager, or the chair of the selectboard. The emergency management director conveys local drought reports to Vermont Emergency Management and serves as the local point of contact for channeling requests for state resources. To best respond to the drought, the local emergency management director should oversee the following activities:

1) Monitoring – Collect information from residents, farmers, and businesses affected by the drought and convey local drought reports to Vermont Emergency Management.
2) Special Needs – Identify individuals that may have special needs, such as elders and the disabled, to ensure that they are not doubly impacted by water shortages.
3) Public Water Sites – Identify public buildings, such as fire stations, town halls, or schools, which may be used to provide affected residents with a location from which to fill containers with potable water and take a shower.
4) Outreach – Serve as a local point of public information dissemination as the Task Force finalizes outreach material on conservation and drought assistance.
5) Resource Requests – Refer requests for additional resources that exceed the local government’s capability to Vermont Emergency Management.

Where is more information available?
The Emergency Management Director should provide local drought reports to Vermont Emergency Management via the Vermont Drought Hotline, 800/347-0488. Additional information on the drought is accessible through the Vermont Emergency Management website, www.dps.state.vt.us/vem.

-Dennis Smith, Chief of Policy and Planning, Vermont Emergency Management

HELP WRITE THE BOOK

VTRANS SEeks INPUT

The Vermont Agency of Transportation (VTrans) is seeking public comment on its draft Pedestrian and Bicycle Facility Planning and Design Manual.

Upon adoption by VTrans, the design manual will become a comprehensive hands-on guide for development of bicycle and pedestrian facilities in Vermont.

VTrans will be hosting a series of public outreach meetings to seek public comments on the document. Remaining hearings are on:

Tuesday, May 7, 9 a.m. - South Burlington
Tuesday, May 14, 7 p.m. – St. Johnsbury
Wednesday, May 15, 12 p.m. - Morrisville
Thursday, May 23, 7 p.m. - Brandon
Monday, June 17, 4:30 p.m. – Brattleboro
Thursday, June 20, 4:00 p.m. – Arlington

Public comments will be accepted until July 15, 2002. If you would like a copy of the manual or would like directions to an outreach meeting site, please contact Amy Bell at 802/828-5799, amy.bell@state.vt.us or Jon Kaplan, at 802/828-0059, jon.kaplan@state.vt.us or in writing at VTrans Bicycle and Pedestrian Program, National Life Bldg., Drawer 33, Montpelier, VT 05633-5001. The manual is also available on the web at http://www.aot.state.vt.us/projdev/Sections/LTF/LTF.htm.
FOR SALE

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.

Dump Truck. 1988 International 2500 Series dump truck with 270 Cummins Engine, 8-speed Road Ranger w/double lo transmission, jake brake, 140,000 miles, one owner, includes 9’ Everest wing, Tenco double auger tailgate sander. No offers under $12,000. Mower. Alamo Extenda-cut roadside mower, 5’ rotary deck, 3-point hitch mount. Contact: Michael Anthony, Town of Hinesburg, 802/482-2635 or hinesburghighway@gmavt.net.

Tanker Truck. 1980 IME 10,000 gallon tanker (oversized). Used by the Town of Middlebury for the land application of liquid biosolids. Contact Robert Wells, 802/388-6514, for more information. Please submit bids to: William H. Finger, Town Manager, Town of Middlebury, 94 Main Street, Middlebury, VT 05753. The bid deadline is 10 a.m., Thursday, May 9, 2002. The Town reserves the right to waive any or all bid procedures, to reject any or all bids, and to make any bid award deemed to be in the best interest of the Town of Middlebury.

WELCOME TO THE VLCT BOARD OF DIRECTORS

VLCT welcomed three new members to its Board of Directors this month. Rutland Mayor John P. Cassarino, Guilford Selectperson John Kristensen and Williston Selectperson Mary N. Peterson were appointed to fill the terms of three members who chose not to run for re-election at Town Meeting in March. Please watch for profiles of the new members in upcoming issues of the VLCT News.

We thank outgoing Board members Jane Chadwick, Rocco Graziano and Mona Marceau for their service to VLCT.

NEW WEB SITE ON LOCAL GOVERNMENT AND SOCIAL SECURITY

The U.S. Social Security Administration has recognized the special relationship between Social Security and public employees/employees with a new web site devoted just to them.

Social Security and Medicare coverage for state and local government employees is unique because there are special coverage provisions for public employees under the Social Security Act. It is important for public employers to know about these provisions and how they may affect their employees.

The new web site includes:
1. Information about how public employees are covered for Social Security and Medicare.
2. Frequently asked questions.
3. Laws and regulations.
4. Publications.
5. Who to contact in your state.
6. Related Web links that help with understanding Social Security and Medicare coverage and reporting requirements for public employees.

For more information, visit, http://www.ssa.gov/slge/.
Workshop for Municipal Clerks & Treasurers. Thursday, May 9, 2002, Old Dorm Lounge, Vermont Technical College, Randolph Center. Sponsored by the VLCT Municipal Law Center, this annual seminar features sessions on the relationship between the selectboard and the clerk/treasurer; public records and privacy; dog licensing; IRS and payroll issues; a roundtable; and a legislative update. For more information, contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915 or jhill@vlct.org.

Zoning and Subdivision Bylaws. Wednesday, May 15, 2002, Vermont Interactive Television sites throughout Vermont (except Castleton). This evening workshop is a repeat of the March 20, 2002 session due to the snowstorm on that day. People who were registered for the March 20 workshop, but who could not make it due to the weather or any other reason, should contact Jessica Hill, VLCT Conference Coordinator, tel. 800/649-7915; e-mail jhill@vlct.org, to sign up free of charge for the May 15 session. Others are also free to register for the session, which is the third in the four-part Planning and Zoning Basics Series offered by the VLCT Municipal Law Center and Vermont's regional planning commissions.

Training for Municipal Legislative Bodies (Selectboards, City Councils and Village Trustees). Thursday, May 23, 2002, Capitol Plaza, Montpelier. Please watch your mail and the VLCT web site calendar (www.vlct.org) for an announcement of this training, sponsored by the VLCT Municipal Law Center.

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.