

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

June 2002

VERMONT MUNICIPALITIES EMBRACE E-GOVERNMENT

Nearly 60 local officials attended the VLCT/UVM E-government Conference last month to hear about, and try for themselves, how computers, government and the Internet will work together in the future.



Officials at the Burlington E-government Conference site were connected to their Springfield and Johnson colleagues via interactive TV.

Lecture sessions were conducted via interactive television at three sites around the state, while hands-on lab sessions at each site offered a chance to learn about specific software. In her keynote address, Secretary of State Deborah Markowitz shared her thoughts on the three meanings of e-government:

- 1) Using technology to provide information and services to citizens (paying taxes, licensing animals);
- 2) Building what she termed “e-democracies,” where those on-line feel invested in and a part of their local governments (participation in on-line discussions or meetings about local issues); and
- 3) Using technology to get local government work done more efficiently (computerized land records, voter registration, etc.).

When it comes to planning for technology, Secretary Markowitz advised her audience to “think about your goals” and try to anticipate unintended consequences. In some cases, she added, it is appropriate to ask the question, “Just because we can do it, should we?”

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VLCT BOARD OF DIRECTORS PROFILE

MAYOR JOHN CASSARINO
CITY OF RUTLAND

VLCT staff had to act fast to get a photo of Rutland Mayor John Cassarino when he recently visited Montpelier. By his own admission, he is not fond of leaving Rutland for the halls of the state Capitol or the offices of state government and tries not to spend too much time there.

As of March, however, with his appointment to the VLCT Board of Directors, Mayor Cassarino will be in Montpelier more often. He’ll be visiting the VLCT offices for our monthly Board meetings, and even venturing up to the State House because of his belief that state government should pay more attention to the needs of municipalities.

“The state needs to do more to help municipalities maintain their infrastructure, and it needs to take more responsibility for some of its environmental regulations,” the Mayor commented in a recent telephone interview. He

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LANDMARK TRAINING NEEDS ASSESSMENT LAUNCHED

Watch your mailboxes for information concerning a ground-breaking initiative to assess the training needs of 8,000 local officials!

VLCT is pleased to announce a new initiative that will identify training and education needs across all branches and levels of municipal government. Working in partnership with the Vermont Local Roads program, several local official membership organizations, and the State Department of Personnel, the League has contracted with the Workforce Education Consortium (WEC), a project of Vermont Technical

College and Vermont State Colleges, to develop and implement a statewide assessment of the training and education needs of Vermont’s municipal workforce.

“The Municipal Training Needs Assessment will guide the development of municipal training programs for the next five years,” commented Karen Horn, Director of VLCT’s Legislative and Membership Services. “For training providers,” she continued, “this assessment is the equivalent of a market study that will illuminate the areas of greatest demand. For the public,

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TRAINING NEEDS -

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this assessment is the first step in producing municipal governments that are higher performing and provide better customer service to the public. Most importantly, for local officials, this assessment will lead to training that they want and need.”

A diverse steering committee with many municipal members has directed staff from the Workforce Education Consortium to assess the training needs of Vermont’s municipal workforce through personal interviews, focus groups, and a written questionnaire. The personal interviews will be conducted with management-level officials from ten different municipalities. Interviews will be one-on-one using an established set of questions for each.

The focus groups will be drawn from 30 municipalities which have been selected by VLCT and other municipal associations to ensure balance among characteristics such as

population, budget size, form of government, region, economic development pressures, number of employees, etc. The Workforce Education Consortium will conduct 12 to 15 focus group meetings with a cross section of employees from these 30 municipalities. The goal will be to get as many employees of these municipalities to attend the focus group meetings as possible.

Based in part on the data collected through the focus groups and interviews, the Consortium and VLCT will also develop a hard copy questionnaire which will be used to survey approximately 5,000 elected and appointed officials and 3,000 employees. The written assessment will cover all skill areas including technical, technological, and people skills.

Using data from all three assessment methods, WEC and VLCT staff will analyze the results of the survey and present a plan of recommended action for sustained local official training to a steering committee comprised of representatives from additional municipal organizations.

VLCT and the needs assessment steering committee are very excited about this momentous project and hope to use the results to help improve the performance, professionalism, and expertise of municipal governments and improve the coordination of training opportunities among training providers.

The success of this project hinges on strong participation by local officials. Please take the time to participate in the upcoming focus groups and the survey. Your response is key to the success of this project!

For more information on the municipal training needs assessment, please contact Karen Horn or Dominic Cloud at 800/649-7915.

- Dominic Cloud, Associate, VLCT Legislative and Information Services

MUNICIPAL TRAINING NEEDS STEERING COMMITTEE

Vermont League of Cities and Towns

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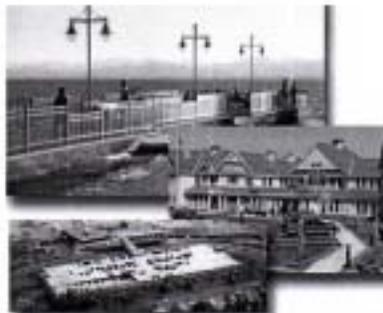
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MUNICIPAL LIBRARIES; RELIGIOUS EXEMPTION FROM ZONING

MUNICIPAL AUTHORITY OVER LIBRARIES UPHELD

In an April decision, the Windsor County Superior Court issued a ruling that authorized the Town of Hartford to exercise control over certain aspects of the management of the Town's library.

This case addresses who has the relative authority with respect to the operation of the public library of Hartford, and more specifically the salary and benefits of the librarians. The dispute arose between the independently-

The court next analyzed 22 V.S.A. § 143, which gives the board of library trustees "full power to manage the public library." This is the main statute that the library trustees relied upon to support their claim that they should legally not be considered to be under the control of the selectboard or town manager with regard to decisions such as personnel policies.

With regard to 22 V.S.A. § 143 the Superior Court ruled that the statute does not specifically refer to the library employees, their salaries or other benefits. Judge Cook ruled that 24

for example, if the library trustees refused to follow the town's sexual harassment or discharge or discipline policy. Employees adversely affected by these decisions could sue the town for relief. The employees could not sue the town library because it does not exist as a legal entity separate from the town. (As opposed to an independent library – it is vital to understand whether you have a true town library or an independent library that obtains some town financial support.)

While this decision is favorable to municipalities, it is a Superior Court decision that does not create statewide precedent. In addition, VLCT understands that the decision has been appealed to the Vermont Supreme Court. VLCT will monitor the progress of the case and seek to participate as an *amicus* party to argue that elected trustees must adhere to town-wide policies regarding the management of personnel and the maintenance of facilities, if the appeal proceeds forward.

It is also important to note that the decision ultimately focuses on the authority of elected

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... the decision clarified that, at least with regard to personnel issues, elected [library] trustees must adhere to the town's policies.

elected library trustees and the selectboard and town manager. The library trustees ultimately filed suit in Superior Court to enjoin the selectboard from interfering in what the trustees perceived to be their affairs. With the facts largely uncontested, Superior Court Judge Cook resolved the issues by examining the legislative intent of the statutes in question.

First, the court concluded that a library is a "department" within the meaning of 24 V.S.A. § 1236. In subsection (3), the town manager requirements expressly cover "every department," including "departments over which such manager is not given control." Judge Cook explained that, by reference, this "implies that, even if the manager does not have full control over an entity within the town government, that entity may still be considered a 'department' for at least some purposes."

To support the claim that the trustees have operated the library as an entity within the town government, the court remarked that the library trustees acquiesced some control to the town manager. For example, the Hartford town manager purchased heating oil for the library, and the Town also provided the library employees workers' compensation insurance and unemployment insurance. As a result, this successfully demonstrates that a town library falls under the definition of a department of the town.

V.S.A. § 1121, which grants the municipality the authority to adopt personnel rules applying to "all employees" of the municipality, is more specific than the broad grant of authority in 22 V.S.A. § 143. Accordingly, Judge Cook concluded that 24 V.S.A. § 1121 is the controlling authority in this case, and the library trustees must adhere to the town's personnel policy.

This Superior Court decision is important for several reasons. First, as far as VLCT can tell, this is a case of first impression for Vermont courts. VLCT is not aware of any other Vermont court decision that squarely addresses the issue of whether elected library trustees may operate independently of the town legislative body and town manager, if a town has adopted a manager form of government.

Second, it has come to VLCT's attention that the type of struggle over authority that occurred in this case is occurring in other Vermont municipalities. Accordingly, it is helpful to have some guidance from a Superior Court about this issue of authority.

Third, the decision clarified that, at least with regard to personnel issues, elected trustees must adhere to the town's policies. This is a key point because without the authority to control the manner in which town departments address personnel issues, the municipality would be more vulnerable to personnel lawsuits. Imagine,

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LEGAL CORNER -

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library trustees to independently address personnel matters. To a large degree, the decision leaves open other issues of authority that may arise between trustees, selectboard members and the town manager. VLCT's advice is to contact the Municipal Law Center and your town attorney if these issues arise in your town.

CHURCHES ANYWHERE? RELIGIOUS LAND USE ACT UPHELD IN ZONING CASE

Last month, U.S. District Judge Stewart Dalzell of the Eastern District of Pennsylvania upheld the constitutionality of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). RLUIPA prohibits a local government from enforcing any land use regulation in a manner that imposes a substantial burden on a religious exercise of a person, assembly or institution.

As far as we are aware, this is the first case to test the limitations of RLUIPA and this decision will play an important role in future municipal zoning laws. (See also the discussion of the enactment of the law in the November 2000 *VLCT News*, p. 14.) In *Freedom Baptist Church of Delaware County v. Township of Middletown*, 2002 WL 927804 (E.D.Pa. May 8, 2002), Judge Dalzell's decision is significant for municipalities because it exempts religious groups from most local zoning rules unless a community can show a "compelling" need to impose the restrictions.

To understand the scope and importance of the decision, it is important to briefly review the facts of the case. The Freedom Baptist Church of Delaware County is a non-denominational congregation of about 25 members. Since late 2000 the Church has held "make-shift" services in a strictly commercial zone that does not allow for any houses of worship. The Church

held services on Sundays and Wednesdays each week. On April 5, 2001, town zoning officials notified the owners of the building and the church pastor that the Church's use of the property violated the township's zoning ordinances. After a hearing on the Church's request for a use variance, the Middletown Zoning Hearing Board promptly denied the application. This present decision was based on the lawsuit brought by the Freedom Baptist Church in the U.S. District Court.

Freedom Baptist Church's complaint claims that the Township discriminated against the Church on the basis of their freedom to practice religion, thus violating RLUIPA. Arguing that the zoning code violated their First Amendment rights, the Church moved to address protection of land use as a religious exercise. The Church claimed that the present zoning ordinance has "the effect of shutting out any religious group from locating within the Township." For its part, the Township of Middletown attacked the validity of RLUIPA and argued that it is unconstitutional because it requires "preferential treatment" for religious organizations.

In deciding the issue, Judge Dalzell ruled in favor of the Church. The Court concluded that Congress was acting within its powers under the Commerce Clause when it ratified RLUIPA and enacting the law did not violate the Establishment Clause of the U.S. Constitution, which requires the separation of church and state. Accordingly, the Court upheld that legality of the Act.

In applying the RLUIPA to the case at hand, the Court read the Church's complaint liberally and agreed with the Church's argument that the "zoning condition on their lease of property in Middletown, and the associated parking requirements, constitute a substantial burden on them..."

In rendering its decision, the Court acknowledged that the legislative history of the bill was crucial in shaping its view of the reach of RLUIPA. The Court noted that Senators

Kennedy and Hatch, co sponsors of the bill, said that "churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation." Furthermore, the Court found that the intent of the bill was to guarantee every religious group a First Amendment right to assemble for religious purposes.

So what is the direct impact of the Freedom Baptist Church case? Simply speaking, the effects of RLUIPA are unclear since there has not been a challenge to the act in Vermont's District and the decision of this District Court is not binding in Vermont. Moreover, the Township of Middletown has filed for appeal and the outcome may be different in another courtroom.

Legally, there are many unanswered questions about RLUIPA. However, the federal government's influence with regard to local zoning is another issue on the table. In the past, the U.S. government has traditionally not impinged on a state or local government's ability to regulate through local zoning. This law is one of a handful that place strong restrictions on the municipality's decision-making capability. Furthermore, it is critical for municipalities to understand that if they do not adhere to RLUIPA, a religious institution may challenge their zoning permitting system.

As a result, VLCT offers a word of caution to zoning officials reviewing permit applications from religious institutions. Using U.S. District Judge Dalzell's opinion as precedent, we encourage municipalities to be "extremely flexible" when granting permits to places of worship. For now, it is prudent to solicit your municipal attorney for advice or check with the VLCT Municipal Law Center on the particular ramifications of this new law.

- Jon Groveman, Director, VLCT Municipal Law Center, and Brent Roberts, Intern, VLCT Municipal Law Center

ELECTION YEAR REMINDER

On January 1, 2002 the Social Security Administration made a cost-of-living adjustment to the threshold for deductions from payments to election workers. The new threshold is \$1,200. This means that Social Security deductions are not required for elections workers earning less than \$1,200 in a calendar year. For more information, visit www.ssa.gov/OACT/COLA/CovThresh.html.

LAW CENTER CONDUCTS SOLID WASTE MANAGEMENT DISTRICT TRAINING

The VLCT Municipal Law Center recently conducted an on-site training session for the Central Vermont Solid Waste Management District. The training focused on running effective, and legal, meetings and hearings and included a discussion of the role and authority of Solid Waste Management Districts in Vermont. If your Solid Waste Management District is interested in an on-site Law Center training, call Jon Groveman at 800/649-7915.

WELCOME SUMMER INTERN

When you call the Municipal Law Center this summer you are likely to speak with Brent Roberts. Brent will be interning with the Law Center through late August. Brent is entering his third year at Vermont Law School and is pleased to be serving municipal officials. Brent currently resides in Hartford, Vermont and is captain of the Law School's Ultimate Frisbee team.



ASK THE LEAGUE

EXECUTIVE SESSION; ZONING ADMINISTRATOR AS PLANNING COMMISSIONER?

Can a town resident demand that the selectboard address an issue in an executive session?

The resident may certainly make a request that the selectboard address an issue in a closed executive session. However, neither a resident, a qualified voter, a town employee, or an elected official can force the board into a private executive session.

Under 1 V.S.A. § 313 of Vermont's Open Meeting Law, a public body may only enter a private executive session if, (1) a motion to go into the executive session is approved by a majority of the entire public body, and (2) the reason for the executive session is one permitted by statute. The motion is key because the public body may only discuss the matter identified in the motion in the executive session. Accordingly, if a motion is not made to go into executive session or a motion is made and not passed, the selectboard may not go into executive session no matter who requests the session.

Are members of a public body precluded by law from discussing the details of matters taken up in executive sessions?

Legally speaking, no. It is important to remember that the ability to go into a private executive session to discuss public business is a privilege granted under Vermont's Open Meeting Law. The privilege allows boards to deviate from the general rule that public

business must be conducted in open sessions. There is no mandate to go into executive session and boards may decide not to do so even if the law allows them to do so. Similarly, while board members do not have to keep minutes in executive session and they have a right not to disclose matters discussed in executive session, as a general rule individual board members cannot be legally precluded from revealing details of executive session discussions. As with most legal advice, there is a caveat to the general rule. Board members should be aware that some information is designated confidential by law. For example, certain personnel information must be kept confidential. If you think information discussed in executive session falls into this category, check with the VLCT

Municipal Law Center or town attorney before disclosing it.

Can the zoning administrator serve on the planning commission?

We addressed this question about a year ago, but it keeps coming up. There is no legal prohibition against the zoning administrator serving on the planning commission. However, we recommend against it because it creates a conflict of interest in that the planning commission appoints the zoning administrator with the approval of the selectboard. If possible, we advise towns to avoid putting someone on the public body that is responsible for appointing that person.

- Jon Groveman, Director, VLCT Municipal Law Center

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INFORMATION SOUGHT ON RAISING NON-TAX REVENUE

One of the topics that came up repeatedly in January's VLCT News reader survey was the need for an article on non-tax, or alternative sources, of revenue. We'd like to write it but need your success stories to incorporate into the article. Please contact Katherine Roe, VLCT News Editor, if you have information to share on this topic, 800/648-7915; e-mail, kroe@vlct.org. Thank you!



MAYOR CASSARINO -

(Continued from Page One)

is also interested in working with the Legislature to fully fund the state's Payment in Lieu of Taxes (PILOT) program.

It is these issues that compelled him to volunteer for the VLCT Board of Directors. "We need to continue advocating with the Legislature," he stated. This belief stems from the difficulties Mayor Cassarino has in funding basic local government services in his city. "My



Mayor John Cassarino

major issue today," he noted, "is funding local government. I think every city in the country is challenged by this." Transporting goods into and out of Rutland from around the state and neighboring New York, be it by truck or by rail, is also a continuing challenge, according to the Mayor.

While financing the Rutland City government is made even more challenging by a

charter provision that caps the general city government's tax rate, city voters did last year approve a 1% rooms, meals and entertainment tax. Authority to levy the tax is also a charter provision, but it hadn't been used in recent history. "Mayor Jeff Wennberg and Alderman Kevin Jones brought it up in the early 90s," Mayor Cassarino recalled, adding, "but I wasn't in favor of it then." Then, early in his mayoral tenure, Rutland suffered from a triple homicide related to drugs. "I realized then that something more needed to be done to fight drugs," he said.

The "something more" developed into Rutland's own "War on Drugs." Mayor Cassarino spearheaded an effort that raised \$100,000 in private money to fund a variety of law enforcement and community building efforts (see "Rutland Takes Community Policing to the Next Step" in the March 2002 *VLCT News*). Much of the additional funds raised by the new rooms, meals and entertainment tax have been devoted to hiring additional police and fire personnel. Mayor Cassarino is also proud of the fact that Rutland has been able to move the police station into new quarters and renovate City Hall, despite tight budgets.

First elected Mayor in 1999, Mayor Cassarino came to the office with a long history of involvement in Rutland issues and politics, as executive director of the Open Door Mission for 18 years and as an alderman for 16 years. He was born in Rutland and graduated from its St. Peter's Parochial School and Mt. St. Joseph Academy, then from the Lewis Hotel Management School in Washington, DC.

It was his position with the Open Door Mission, a homeless shelter, which got him involved in city politics. "Back in the early 80s, the shelter was in debt, our building was condemned and we couldn't get approval from the City for a new building," he recalled. "So in 1983 I ran for alderman." This began a four-year process of developing a proposal for the City's former Park Street School to become a men's and women's shelter and soup kitchen,

gaining voter and court approval, and finally the opening of Rutland's first soup kitchen and shelter in March 1987. "We've served 500,000 meals since," Mayor Cassarino said proudly. He remains on the Mission's Board of Directors, and notes that it now enjoys great community support and a strong, involved Board of Directors.

Mayor Cassarino was four times elected President of the Board of Alderman during his tenure on the Board, and feels it was this position that most prepared him for becoming Mayor. "As President, I got to be more of a liaison with the administration and got in the building a little more," he recalled. "After I was elected Mayor, I started to like it – you don't have to be a genius and sometimes just a little common sense will go a long way," he said with a smile. It also helped, he feels, that he is a people person, with Rutland's interests first on his agenda and a motto of "you can get more done with honey than with vinegar." This has served him well in union negotiations – the Mayor can't recall a major grievance with the local unions in three years – and in the grocery store, where getting a gallon of milk can turn into a long conversation about a particular stretch of City road!

"I'm very much a local person," Mayor Cassarino said, adding, "when I am done here I will probably retire." Running for Governor would probably not fit into his retirement plans, but spending more time with his wife Mary, their five children and two grandchildren would. And playing a lot more golf than time currently allows. "My game has gone downhill a bit since I became Mayor," he noted. It can't be too bad – this year Mayor Cassarino was written up in the *National Amputee Golf* magazine for winning several tournaments. Yes, he said, he has accomplished all of the above without his left hand, which he was born without.

Welcome to the VLCT Board Mayor John Cassarino!

- Katherine Roe, VLCT Communications Coordinator

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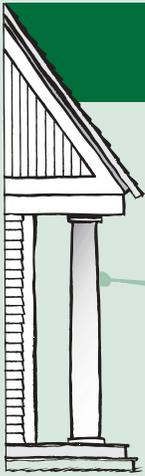
CONGRATULATIONS

The Green Mountain Water Environment Association recently recognized the following facilities and operators for excellence in the water and wastewater profession:

Wastewater Facility Excellence Award: **Bartlett's Bay Wastewater Treatment Facility, South Burlington**

Wastewater Operator Excellence Award: **Bruce Atkinson and Dennis Hillier, West Rutland Wastewater Treatment Facility**

Water Operator Excellence Award: **Warren Steadman, Simon Operation Systems/Grand Isle Consolidated Water District**



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ANOTHER SUCCESSFUL STEVENS ADVANCED DRIVER TRAINING

This year's first session of the Stevens Advanced Driver Training was a huge success. As always, students were provided with a hands-on training experience in the proper use of anti-lock brakes, emergency lane changes, proper backing techniques and what a vehicle is capable of at different speeds.

"From a risk management standpoint we are very excited that of the 75 people who attended the training, 70 had never been through it before," said Patrick Williams, Deputy Director, VLCT Group Services. "We are also pleased that the attendees represented 19 different municipal members. It is our goal to bring this training to as many people and municipal members as possible. We especially want to make sure we reach the employees who are operating a vehicle as part of their daily duties for their respective communities," Williams noted.

Remember the summer session of the Stevens Advanced Driver Training will take place from August 12 through August 16 at the Knapp Airport in Berlin, Vermont. Please call Maureen Turbitt at 800/649-7915 for more information.

HEALTH TRUST UPDATE

The Preferred Brand-Name Drug list has been updated effective May 1, 2002. You may access this list via the Blue Cross Blue Shield web site at www.bcbsvt.com, select RX Center, then select Preferred Brand-Name Drug List.

If you do not have web access and would like to receive a copy of the list, please call Niki White in our Member Relations Department at 800/649-7915.

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VLCT PACIF PHOTO CONTEST

Don't forget to send in your best examples of municipal government on film. The VLCT PACIF Photo Contest will award cash prizes to municipal employees/photographers who best capture what municipal government means to them. The deadline is December 31, 2002, but don't let that prevent you from sending in your first efforts now. Note: photographers must work for a municipality that is a member of VLCT PACIF, the VLCT Health Trust or the VLCT Unemployment Trust.

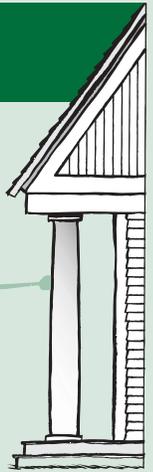
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Town of Shelburne



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Invest EAP, provider of employee assistance program services for members of the VLCT Health and PACIF Trusts, has a new web site. Employees of Health and PACIF Trust member municipalities (and their household members) can visit the site for information on work-related or personal problems. Look for a special mailing to arrive shortly with your access password to www.investeap.org.



HAVE FUN, BE SAFE

USE SAFETY SENSE ON VACATION

Vacation is a time to relax and unwind. Whether you travel or stay close to home, it is a well-earned time to rejuvenate your body and spirit. To get the most out of your vacation while keeping safe, check out these safety tips for some common summer vacation activities:

SWIMMING

- Never swim alone.
- Do not swim if you are tired or not feeling well.
- Do not swim without a lifeguard on duty.
- Know how deep the water is before you dive.
- Watch out for strong currents.



- Reapply sunscreen after you have been in the water.

BOATING AND FISHING

- Be sure you know how to operate the boat.
- Make sure all passengers wear a life jacket.
- Let someone on shore know where you are going.
- Do not drink alcohol in or around boats.
- Do not go out too far—and start in long before dark.
- Do not overload the boat.
- Always save enough fuel to get back to shore.

HIKING AND CAMPING

- Plan your hike carefully so that you will be able to get back to your campsite before dark.
- Do not hike alone, and let someone know where you are going.
- Stay on marked trails.
- Take water and a compass along.
- Learn to recognize poison ivy, oak, and sumac.
- Do not eat mushrooms you find growing outdoors.

- Do not leave a campfire unattended.
- Place food in your car overnight so that you do not attract animals.

BICYCLING

- Wear a helmet.
- Wear light, bright clothing that makes you easily visible.
- Ride single file with the traffic.
- Ride in the street near the curb, not on the sidewalk.
- Be alert to both cars and pedestrians.
- Obey traffic signals.
- Respect the rights and safety of others if biking off road.

Upcoming Dates

NOVEMBER 15, 2002

HEALTH TRUST ANNUAL MEETING

Lake Morey Inn, Fairlee, Vermont.



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E-GOVERNMENT -

(Continued from Page One)

The answer is usually yes, as evidenced by the excitement at the conference about the possibilities of e-government. While there are legal, financial and training challenges to overcome, e-government is here to stay - and to expand.

- Katherine Roe, VLCT Communications Coordinator

(For more information about future e-government training opportunities, contact Mike Gilbar, Director, VLCT Administrative Services, 800/649-7915. Mike sits on the Vermont Municipal Information Technology Committee, which also needs volunteers to help it fulfill its mission "to provide direction and support to initiatives that will improve and expand the use of appropriate information technologies in municipal government in Vermont.")

JUNE'S TRIVIAL PURSUIT

The answers poured in last month, proving once again that sports are king! Congratulations to Gloria Warden, Planning and Zoning Assistant, Town of Charlotte, who guessed John LeClair as the only Vermont native to have his name on the Stanley Cup. Here's a puzzler for June:

Can you unscramble "Herbert gave Nell a bribe and teeny nose girders" to spell six Vermont municipalities?

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.

KILLINGTON AND RUTLAND TOWN – EARLY SUCCESSES IN E-GOVERNMENT

KILLINGTON – PAYING PROPERTY TAXES ON-LINE

The Town of Killington began offering its taxpayers a new service last year – the ability to pay their property taxes on-line. According to Town Manager Dave Lewis, the first year went smoothly, with 50-100 taxpayers out of 3,000 choosing to pay on-line.

"That is more than what I would have thought," Lewis commented. He attributed it to the Town's high percentage of out of state property owners, who appreciate the ability to pay at the last minute and over several months if necessary – and like to accumulate their frequent flyer miles!

Lewis said that when the Town initially explored offering the service, the high fees associated with credit card payments deterred them. "We run a golf course and have to offer the credit card option there because people come to it off the street and expect it," he said. The Town budgets \$10-15,000 annually for those credit card fees, and wasn't interested in increasing that figure to cover payment of property taxes by credit card.

Then the company Killington contracts with to offer the on-line property tax payments offered to add the fee onto the payment and call it a convenience fee. "This piqued our interest," Lewis said, and they began to investigate the company's reputation and proposed contract. With no cost to the Town, it soon signed a contract with Official Payments Corporation (officialpayments.com). Six other Vermont municipalities have since followed, according to officialpayments.com; some are even collecting utility bills in this way.

Money collected by Official Payments is wired within 24 hours to Killington's bank account, and a daily e-mail is sent recording the amounts received and for which property taxpayer account(s). "The service doesn't save the Town any time or money," Lewis commented, "but does offer convenience to your taxpayers ... I'd recommend it."

RUTLAND TOWN – MISS A SELECTBOARD MEETING? CATCH IT ON THE WEB!

Question – how did Rutland Town Administrator Joe Zingale get comments on a selectboard meeting from a resident who was vacationing in Florida at the time of the meeting? Answer – The vacationer logged onto rutlandtown.com and viewed a video of the meeting.

Pretty slick, yes? Since January, Zingale has been video taping the Rutland Town selectboard meetings and then plugging his camera into Windows Moviemaker to create a computer file of the meeting. Finally, he uploads the file to the Town's web site, sometimes the evening of but usually the day after the meeting. And when he has time (not often enough according to him), he takes his camera out to videotape interviews with longtime Rutland Town residents about the history of their town for a Town Talk section of the web site.

There are a few technical details that must be in place first for the whole process to work. First, viewers must have a high-speed connection to the Internet – a dial up connection just won't cut it. If they are using Windows, most viewers will already have its Media Player on their system.

Municipalities interested in following in Zingale's footsteps should make sure their web site host can sell them the space they'll need for the megabyte hungry files - at an affordable rate. And again, Windows users will probably have Moviemaker already available to them. Zingale administers Rutland Town's web site; if your Town does not maintain its own site you will have to pay your "webmaster" to upload the files to your site. Finally, Zingale uses his own personal video camera to do the taping, but says that if the Town were to purchase one it would be looking at \$600-1,000 for a basic camera and up to \$2,000 for a digital camera.

Zingale also places the meetings on CDs, so that residents can borrow the disks for viewing at home. "I'd like to see them go to the library and eventually to the schools," he commented.

The feedback from residents has been good. Zingale said the most frequent viewers are residents who missed a meeting for whatever reason, people who attended but who want to view a particular section of the meeting again, and people who do business with the Town and wish to get up to speed on a particular project they may be working on or interested in bidding on. Many are, he said, busy raising families and are not able to attend evening meetings.

"This opens up democracy to everyone," Zingale concluded, which makes the effort worthwhile to him and to his selectboard.

- Katherine Roe, VLCT Communications Coordinator

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Tech Check

AVOID BEING A SOFTWARE PIRATE

Imagine receiving a letter from Microsoft telling you that you need to produce a list of all Microsoft software your municipality uses along with the accompanying license agreements, all within 30 days. Virginia Beach got such a letter and ended up paying \$129,000 because they couldn't locate all their licenses, either because they were lost or they just never had licenses for some of the software. Loading illegal copies of software can cost you big bucks. And losing your license agreements will cost you as well.

There are two major software "policing" organizations: BSA (Business Software Alliance) and SPA (Software Publisher's Association). They, along with Microsoft and a few other big software companies, work to protect copyrighted software from piracy. They encourage employees to report piracy and will perform random audits. The penalty can be as much as \$150,000 for each license that is missing. With piracy so common, a disgruntled employee can be costly for a municipality.

So keep in mind the following:

- ☒ DO NOT copy software on more than one computer unless the license allows you to do so, such as with a Site License Agreement. Most agreements, particularly Microsoft's, will be non-concurrent End User License Agreements meaning they will allow only one copy per machine. Period. Concurrent license agreements allow you to purchase licenses according to how many users will be in the application at the same time. For example, you might purchase three licenses, but ten employees can use the software. If

more than three try to use it at the same time, they will be denied access.

- ☒ Read your license agreements and be sure you understand them. If you have questions about what is legal and what isn't, contact the software vendor or visit their website.
- ☒ Keep copies of ALL license agreements for ALL software for EVERY computer either with each computer (preferably in a binder next to it) or in a central location.
- ☒ Develop and implement a policy prohibiting maintaining illegal software on office computers. BSA has a sample policy in the appendix of their Software Management Guide available on their website.

- ☒ If at all possible, periodically audit office computers to ensure that employees are complying with the policy and have not loaded any software that does not have a license agreement.

Some useful info or documents on the internet to check out:

1. <http://www.bsa.org/usa/freetools/business/gsmus.pdf>
2. <http://www.microsoft.com/licensing/>
3. <http://www.aaxnet.com/topics/slicense.html>
4. <http://www.adobe.com/aboutadobe/antipiracy/pdfs/10facts2.pdf>
5. http://whatis.techtarget.com/content/0,290959,sid9_gci820384,00.html

- Michael Gilbar, Director, VLCT Administrative Services



VLCT/SYMQUEST TEAM UP TO OFFER COMPUTER TRAINING

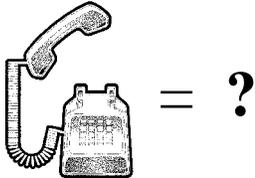
DON'T LET THAT COMPUTER WEAR YOU DOWN!

The Vermont League of Cities and Towns is pleased to announce its new partnership with SymQuest/KnowledgeWave Training. The partnership opens up a comprehensive technical training program to VLCT members at a substantially reduced cost.

KnowledgeWave Training, Inc. is a Vermont-based computer training firm, with classrooms conveniently located in South Burlington and Montpelier. KnowledgeWave is Vermont's only Microsoft and Novell Certified Education Center and offers a wide variety of technical and desktop application classes. The facilities, staff and training programs are truly second to none.

With the new partnership, VLCT regular and associate members are able to enroll in one-

(Continued on next page)



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YOUTH CONCERNS TAKE OVER THE STATE HOUSE

Last month, 91 middle school students descended upon the Capitol in Montpelier to present their research and action plans on a wide range of public policy issues. Their 11 projects were entered in the second annual Project Citizen competition; at the end of the day, **Milton Junior High School's** "Creating a Teen Center" project was selected as the Vermont entry for the National Conference of State Legislatures annual meeting in Denver later this summer.

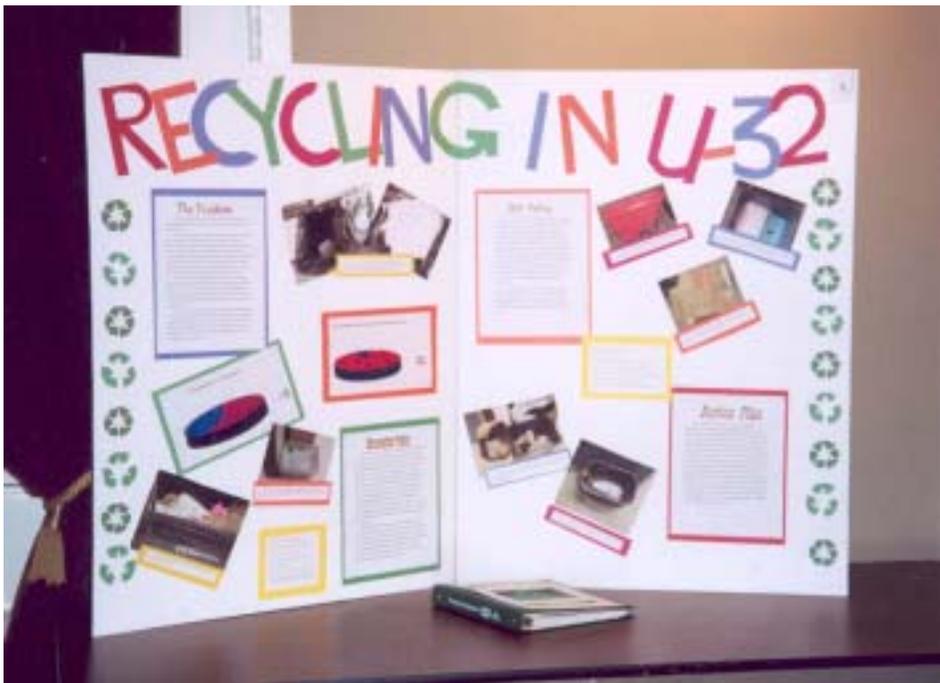
Using the Project Citizen text developed by the Center for Civic Education, the 11 graphic portfolios and accompanying documentation binders constructed by the students were presented in oral hearings and formal displays to distinguished panels of judges for their evaluation. Other awards went to the Rock Point School students for their work and suggestions for the blind and visually impaired and the Hartford Memorial Middle School students for their investigation and proposals for homeless shelter space. An exemplary hearing presentation award went to **U-32 Junior High's** recycling project, a state portfolio award to **Twinfield's** genetically modified foods

investigation, and a local portfolio award for the teen night club proposal from **Northfield Middle School**.

Among the other topics presented for display and in hearings during the day were baseball field safety, foreign languages in schools, drug usage and policies, and the power of student government representation.

Project Citizen is a middle school civic education program that promotes knowledgeable and responsible participation in local and state government. Students identify a public policy problem, gather and evaluate information on that problem, examine and evaluate solutions, select or develop a proposed public policy, and then create an action plan. Students' work is displayed in a group portfolio containing a display section and a documentation section. The program is coordinated in Vermont by William Haines and Karen Horn, Director, VLCT Legislative and Membership Services. Funding is provided through the Center for Civic Education by an Act of Congress and also a grant from the Vermont Legislature.

- William Haines, State Coordinator, We the People... Vermont



The team from East Montpelier's U-32 Junior High School won an award at last month's Project Citizen competition for Exemplary Presentation. If your municipality is interested in working with your local middle school on the Project Citizen civic education program, contact Karen Horn at VLCT.

COMPUTER TRAINING - *(Continued from previous page)*

day desktop application classes at the reduced rate of only \$99/class (regularly \$179), and receive a 25% discount off all other technical classes. KnowledgeWave guarantees all that they teach. Members have the ability to re-sit a class at no charge (within one-year) if they feel that they did not grasp all the concepts at the original training.

KnowledgeWave can also provide customized, private training for your staff with special discounts for regular and associate members. Based on the number of requests, customized technical classes can be put together for substantial savings. If you have specific needs outside the desktop application classes, contact the phone number or e-mail the address below and we may be able to pull together a class with other members for a significantly discounted price.

Please visit KnowledgeWave's web site (<http://www.knowledgewave.com>), call 800/831-8449 or send e-mail to vlct@knowledgewave.com for more specific course information and training dates. Identify yourself as a VLCT member when you do so that you will be sure to receive the reduced rate for your class.

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ENCOURAGING A BREASTFEEDING- FRIENDLY WORKPLACE

The League recently joined with the Vermont Business Roundtable, the Vermont Chamber of Commerce and the state departments of Health, Economic Development and Personnel, in an educational effort to promote breastfeeding-friendly workplaces.

The Vermont Breastfeeding-Friendly Employer project is designed to help employers develop policies that enable women to provide their babies with the benefits of breast milk through age one, and recognizes employers that do so.

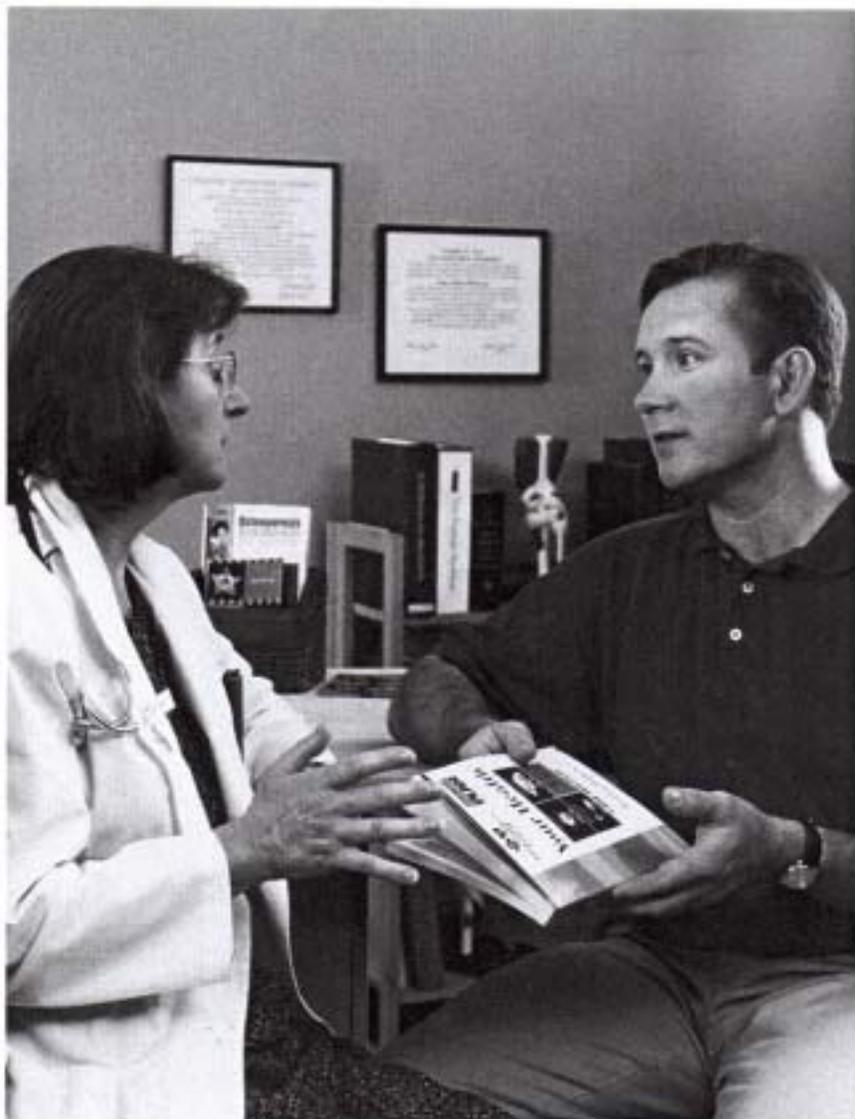
“Breastfeeding for the first 12 months gives babies the healthiest start in life,” said Dr. Jan K. Carney, Vermont Health Commissioner. “But ... a woman’s decision to continue breastfeeding often depends on workplace conditions,” she added.

That’s why the Health Department, Vermont business groups and VLCT are working together to help workplaces become more breastfeeding-friendly. Setting aside a private area and the time for mothers to pump, and space in a refrigerator for the milk, are some ways that employers can help moms continue to nurse their babies after they have returned to work. It’s a win-win situation - studies have shown that the benefits of supporting breastfeeding mothers who are returning to the workplace include reduced health care costs and absenteeism, increased retention, improved employee morale, and positive employer-community relations.

The educational project was developed in response to recommendations of the Breastfeeding Study Commission established by the Vermont Legislature in 2000. Municipal employers who are interested in developing workplace policies and procedures to encourage breastfeeding can find out more from the Vermont Department of Health website: www.HealthyVermonters.info.

Note too that copies of the section of the VLCT Personnel Policy that allow new parents to bring their babies to work for a transition period following parental leave are also available from Jill Muhr, VLCT Human Resources Administrator, 800/649-7915; e-mail, jmuhr@vlct.org.

the signs of a healthier vermont.



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

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



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GASB 34 GUIDE FOR VERMONT TOWNS

PART 1: OVERVIEW

ACCOUNTING STANDARDS

In June of 1999, the Governmental Accounting Standards Board (GASB) issued Statement 34 introducing a revised financial reporting model. Although independent auditors have been following GASB guidelines for a number of years, many local officials find GAAP (Generally Accepted Accounting Procedures) and GASB to be a great mystery. For those folks, a brief discussion of the history of accounting guidelines and why they exist is included before our detailed narrative on Statement 34.

The American Institute of Certified Public Accountants (AICPA), the professional organization for independent auditors, initially set and monitored standards for private sector businesses and corporations. Independent auditors follow these standards to remain members in good standing with the AICPA. The responsibility for setting GAAP eventually was given to the Financial Accounting Standards Board (FASB), operating under the Financial Accounting Foundation (FAF), an independent non-profit organization. FASB continues to set the guidelines for the private sector.

For public sector guidelines, FAF created FASB's counterpart, the Governmental Accounting Standards Board (GASB). GASB issues periodic statements that define or clarify guidelines. The importance of Statement 34 lies in its significant changes from previous

standards issued in the prior 33 statements. Incidentally, Statements 37 and 38 are also applicable to our current discussion because they were issued to amend or modify certain parts of statement 34. (Note that the Government Finance Officer's Association (GFOA) also publishes what is known as the "blue book" of government accounting standards, incorporating GASB standards.)

Why do we have these accounting guidelines? Without some kind of financial standards, there would be no way of monitoring and preventing fraud and maintaining accountability from public officials. In Vermont, elected officials can enter office with little or no accounting background and are then expected to keep financial records and report financial conditions to the taxpayers for budgets that may be upwards of \$1 million. Municipalities need to make an effort to train their officials and follow accounting guidelines and financial standards.

The federal government or the state does not mandate these standards, but since independent auditors are required to follow them, when you require such an audit you will have to comply with these standards in order to get a clean audit.

WHO SHOULD COMPLY?

This begs the question of whether or not you should comply with the GASB standards and

GASB 34 in particular. There are a couple of issues here. First, there is no direct legal requirement to comply. However, if you are required to have an independent audit, compliance may be necessary to receive a clean audit. The AICPA will be issuing some guidance to auditors within the next month or so, letting them know what will constitute issuance of a "clean audit." In other words, what will constitute a qualified or adverse opinion, which then will impact how users of the audit will make decisions.

Two situations that may require a clean audit are:

- 1) You need to sell bonds through the bond bank or on your own.
- 2) You have received \$300,000 or more in federal grants.

If your voters approve purchasing any expensive equipment or building projects that necessitate bond financing, the Bond Bank or other financial institution will probably request one or more years of audited financial statements (audited independently, **not** by your elected auditors). This is generally required in order to provide investors who are purchasing the bonds some assurance that the municipality

(Continued on Page Sixteen)

GASB 34 COMPLIANCE DEADLINES

The deadline for compliance depends on your total revenue in the first fiscal year ending after June 15, 1999. That means revenue for either calendar year 1999 or fiscal year 1998-1999 if your year is from July to June. Total revenue should include all governmental and enterprise fund revenue with the exception of extraordinary revenue, defined as revenue that is unusual and infrequent. (An example of the latter would be a donation of \$25,000 for the General Fund from a wealthy taxpayer.)

- **Municipalities with \$100,000,000 or more in revenue** are required to start implementing statement 34 for financial statements with periods beginning after June 15, 2001. Burlington is the only municipality that falls in this category.
- **Municipalities with revenues between \$10,000,000 and \$100,000,000** must begin implementation with financials for the periods beginning after June 15, 2002. This means towns in this category should start complying in calendar year 2003 or fiscal year 2002-2003 (July 1, 2002), if on a July to June year.
- **The remaining towns with revenue under \$10,000,000** must begin complying in calendar year 2004 or fiscal year 2003-2004, if on a July to June year. The majority of Vermont towns falls in this category and should begin preparing for the changes this year.

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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 tlevsque@chittendeneast.k12.vt.us.

Dump Truck. 1996 Ford L8000, 83,000 miles (4900 hrs.), 250hp Cummins, 9spd Fuller, Exhaust brakes, 12,000 FA, 23,000 FA, 23,000 RA, Rear-end lock, drive controlled, 1200/22.5 tires, front live hydraulic pump, oil hubs, Everest plow frame & dump body, Swenson V-box sander, plow available. Contact: Town of Barnard, P.O. Box 274, Barnard, VT 05031 (802/234-9211 or 234-5256). To inspect, contact Road Foreman Buzz Audsley, 802/234-6961.

HELP WANTED

Zoning Administrator. Town of Barnard. Part-time position (approx. 20 hours per week) to administer the Zoning Bylaws in strict compliance with 24 V.S.A., Chapter 117. Provide staff support to the PC and ZBA, interpret Zoning Bylaws, review zoning permit applications, issue permits as appropriate, provide assistance to individuals who wish to develop property, conduct field inspections, investigate complaints and violations, maintain records by parcel number, understanding of Vermont Land Use Law, experience preferred. Please send cover letter and resume with a list of references to the Barnard Town Clerk at P.O. Box 274, Barnard, VT 05031; tel., 802/234-9211.

Chief - Fire/Ambulance. The City of Barre is accepting applications for Fire Chief position to lead & manage an IAFF Local of 14 full-time and 24 call fire fighters, five fire-fighting vehicles, two ambulances and a \$680,000 budget. Requires in-depth knowledge of fire ground command, fire

prevention, emergency management, hazardous materials response, and emergency medical services plus training, grants, planning, budgeting skills. Ideal candidate has an Associate Degree (four-year degree preferred) in Fire Sciences, current EMT certification, five-eight years career fire service with three years of command in a union environment or equivalent combination of education, training and experience. Excellent benefit package and salary (\$45,000-\$55,000 DOQ. Send resume with salary requirements to City Manager, 6 North Main Street, Barre, VT 05641; 802/476-0240; fax, 802/476-0264; email, citymgr@citygov.ci.barre.vt.us by July 1, 2002. EOE

Public Works Director. Hartford, Vermont (pop. 10,400). Salary \$60,825 - \$65,024 DOQ w/exceptional benefits package. Growing rural/suburban community located in the heart of picturesque Upper Valley of VT and NH, an area rich in natural beauty and recreational opportunities. Require a Bachelor's degree in civil, mechanical, environmental engineering or related field and five years of progressive managerial/supervisory experience in public works operations and maintenance, or a combination of education and experience from which comparable knowledge and skills have been acquired. Registration as a Professional Engineer (VT) preferred. Responsibilities include: fiscal and operational oversight of \$5.1 million budget, planning and operations/maintenance relating to: highways, water, sewer and solid waste systems in a fast-paced environment. Demonstrated ability to efficiently organize, plan and direct all activities of the department with a commitment to quality. Cover letter and resume to: Town Manager, Town of Hartford, 171 Bridge Street, White River Junction, VT 05001 by 7/8/02. EOE/M/F

Municipal Assessor. Manchester, Vermont. The Town of Manchester is seeking qualified candidates to oversee all aspects of its property assessment operations. Manchester is a four-season resort community of 4,200 (2,900 parcels) situated in southwestern Vermont. General information about the Town can be found at www.town.manchester.vt.us. The successful

candidate must be a self-motivated team player who possesses the capacity to establish fair market values for all properties within the town, assist the Board of Listers annually in the preparation of the Grand List and supervise periodic town-wide reappraisals. Effective, courteous and responsive interaction with fellow staff-members, volunteer boards and the public-at-large a must. Salary: \$40,000 to \$43,000, depending upon experience. Excellent fringe benefits. Send cover letter and resume to Jeff Wilson, Town Manager, P.O. Box 909, Manchester Ctr., VT 05255. Application deadline: July 5, 2002.

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

Road Commissioner. The Town of Thetford, Vermont is seeking a road commissioner with experience in highway maintenance, winter and summer; organizational and people skills important; record keeping ability and some knowledge of computers a plus as are mechanical abilities and leadership qualities. CDL- B required, with ICC physical and current drug screen. Motor vehicle record must also be available. **Truck Driver-Laborer.** Town highway experience desired but not required. Must be willing to do varied and various tasks as directed by the Selectboard and/or Road Commissioner. Some knowledge of mechanical systems helpful. CDL- B required, with ICC physical and current drug screen. Motor vehicle record must also be available. The Town of Thetford offers a competitive wage with excellent benefits. Reply by June 28, 2002 to Thetford Selectboard, Town of Thetford, VT 05075. We are an Equal Opportunity Employer.



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GASB 34-

(Continued from Page Fourteen)

is in good financial condition and will be able to make all the bond payments.

The Single Audit Act, a federal mandate, requires independent audits for all municipalities receiving \$300,000 or more in federal grants during their fiscal year. There **may** be a legal requirement for Single Audit Act entities to comply with GASB 34. We may know more within the next few weeks.

The most compelling reason to comply with GASB, however, is accountability. The format of the financial reports and the standards applied to government accounting assist municipalities in providing their taxpayers with solid financials that can be analyzed and compared from period to period with relative ease. It also provides comparability across municipalities, something that cannot be accomplished now with the huge variety of reporting formats used throughout the state. There is less room for error and fraud when specific uniform standards are applied to the accounting process. This adds up to better reporting, more accountability and, hopefully, more informed and supportive taxpayers.

Though Vermont municipalities cherish the ability to do things their own way, in the area of accounting, at least, we might agree that this is not always the best course of action!

THE NEW MODEL AND COMPLIANCE DEADLINES

The new GASB financial reporting model has the following changes:

- 1) Requirement for all funds to report capital assets.
- 2) Requirement to report infrastructure assets.
- 3) Changes in the format of current financial reports.
- 4) Added Government-wide Financial Statements.
- 5) Added Management's Discussion and Analysis.

Beginning with the next issue, each of these areas will be discussed in detail, outlining specifically what you need to do to comply and what can be left to your auditor. The series will take you through the steps of GASB 34 compliance as painlessly as possible.

*- Mike Gilbar, Director, VLCT
Administrative Services*

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 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.

The copy deadline for advertisements is the first Friday of the month for that month's issue. Please feel free to check with the editor for availability after the deadline.

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