Save the Date!

Town Fair 2006 is Thursday, October 5

VLCT’s Annual Meeting, trade show, awards luncheon, and educational workshops, which together make up our annual Town Fair, will return this year to the Barre Municipal Auditorium in Barre, Vermont. The Fair will be held on October 5.

While registration packets for the Fair will not be available until July, VLCT members will receive several Town Fair-related communications from VLCT before then. Please keep an eye out for:

- Legislative Policy Committee Nomination Form. One of Town Fair’s most important functions is to debate and approve VLCT’s legislative platform, the Municipal Policy. Four volunteer committees draft the four different parts of the Policy. If you would like to serve on a committee, please take a moment to fill this form out and return it to VLCT.

The money is part of the federal transportation funding coming to Vermont through SAFETEA-LU, which Senator Jeffords worked on prior to its passage in August 2005 as the ranking member of the Senate Environment and Public Works Committee. (See “Federal Transportation Bill to Benefit Vermont” in the October 2005 VLCT News.) Municipalities located outside of Chittenden County are eligible to apply for the stormwater mitigation grants. (The federal transportation funding authorizes another $3 million for municipalities in the Champlain Water District for similar projects in Chittenden County, to be administered separately at a later date.)

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(Continued on Page Five)

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(Continued on Page Five)
CONGRATULATIONS, YOU’VE WON!

At the end of the 1973 movie, “The Candidate,” the lead character, played by Robert Redford, learns that he has won election to a U.S. Senate seat, and says, “Now, what do we do?”

Hopefully, if you were a successful candidate from Town Meeting 2006 you have not found yourself at such a loss. In some cases, you were chosen by your peers to perform important public functions in your town, such as listing property values for taxation, keeping the land and vital records of the town, or maintaining its financial operations. Other positions, such as mayor, city council member or selectboard member, require not only the technical and managerial skills of budgeting or road maintenance, but also require you to become a leader of your community – though this aspect of your public service will be limited by restrictive state laws and greatly influenced by public pressure.

Managing assumes having a clearly articulated goal already determined, a road map of how to get there and a set amount of resources and authority to accomplish that goal. Usually, managing presumes that, if needed, you can make the people assigned to assist you do so under promise of reward or threat of penalty. Leadership requires the setting of those goals, the acquisition of the resources to attain that goal, the drawing of the map of how to get there, and limited authority. Leadership, by definition, assumes that you don’t do all of this yourself, and that what needs to be done requires the efforts of many.

There is a distinct difference between managing and leading, though in Vermont’s smaller municipalities, local officials often are called upon to demonstrate both abilities. Selectpersons in many Vermont towns may find that to bring a great idea to fruition without the help of even a small staff, they have to exchange their leader hat for their manager hat.

Selectpersons in many Vermont towns may find that to bring a great idea to fruition without the help of even a small staff, they have to exchange their leader hat for their manager hat. However, the role of a position in a town depends on the size of your town, your town’s needs and the size of a town’s budget.

It is debatable whether leadership is genetically acquired or can be taught. Regardless, whatever job to which you were elected does require an expanding body of knowledge that must be learned to round out your natural common sense. In addition to learning on the job, take advantage of the myriad of training opportunities available from VLCT and other organizations. Lug around a handbook that contains some of the finer points of your position. (Please consult the Calendar on the back cover of this issue for available handbooks.)

Additionally, talk with others faced with the same challenges. Those of you with experience, please be willing to share with your new officers and those in neighboring towns. Look to the long term needs and desires of your community and set yourselves on a path to get there, all the while making sure you don’t trip yourself up along the way by inadvertently violating the Open Meeting or Public Records laws, among others. Make sure that you provide your community and town government with resources that are adequate to meet the needs of your residents. Of course, this must be balanced with the limited resources your taxpayers are willing or able to share for the benefits accruing to all the citizens in your town.

Congratulations to all you of you who were elected or reelected, and thank you for your willingness to serve your community. To the extent that your League of Cities and Towns can be of service, please don’t hesitate to call.

- Steven Jeffrey, VLCT Executive Director

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General Dwight D. Eisenhower defined leadership as “the art of getting someone else to do something you want done because he wants to do it.” Vermont local government structure and politics requires a significant amount of leadership from our town officials to function effectively. The statutes provide the different town officers with the authority to perform their duties, but do not direct the people elected to them to cooperate with one another, or provide a solution when there are differences of opinion. Leadership can fill the voids left by our antiquated laws, but in Vermont, it requires a light touch.

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- Steven Jeffrey, VLCT Executive Director
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In a recent decision, Appeal of Tepper et al, 225-12-04 Vtec (Feb. 8, 2006), the Environmental Court shed some light on how local zoning boards should approach several common hearing issues. The case involved the subdivision of a sixty-nine acre parcel in the towns of Ludlow and Plymouth. When the Ludlow Development Review Board (DRB) denied the property owners a permit for the subdivision, the property owners appealed the decision to the Environmental Court.

Ludlow is among a handful of towns that have adopted the Municipal Administrative Procedures Act (MAPA) for their zoning and subdivision hearings. 24 V.S.A. §§ 1201 et seq. MAPA sets out procedural requirements for boards conducting contested hearings. In the zoning context, adherence to MAPA is only required where the town, through its voters or the legislative body, has adopted MAPA’s provisions. 24 V.S.A. § 1202(a). While the Tepper decision turned on several provision of MAPA, it may serve as guidance for appropriate municipal panels (AMPs) in non-MAPA towns.

Among the questions presented in the appeal was whether the Ludlow DRB should have accepted letters from ten neighbors opposing the project, which were presented to the DRB before the hearing began. The property owners asserted that these letters comprised testimony, which, pursuant to MAPA’s requirements, must be made under oath. 24 V.S.A. § 1206(a). The appellants also contended that the letters comprised ex parte communication. The letters were properly considered pre-hearing filings under 24 V.S.A. § 1206(c). They were not testimony, requiring submission under oath, pursuant to 24 V.S.A. § 1206(a), because they were not “evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition.”

Though only about a dozen Vermont towns have adopted MAPA, the Environmental Court’s decision in Tepper is instructive in several respects: ex parte communication and letters to boards, site visits, and quorum issues.

The Environmental Court rejected both these arguments, holding that because the letters were received before the start of the hearings and because they were disclosed to the property owners, who had an opportunity to subpoena and cross-examine the letter writers, the letters did not comprise ex parte communication. The letters were properly considered pre-hearing filings under 24 V.S.A. § 1206(c). They were not testimony, requiring submission under oath, pursuant to 24 V.S.A. § 1206(a), because they were not “evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition.”

The property owners also asserted that the Ludlow DRB should have considered its site visit a hearing and that evidence received...
Mitigation Grants -

(Continued from Page One)

...ing in fiscal year 2009. The maximum grant amount for any one project is $150,000, and municipalities must supply at least 20% of the total cost. Municipalities will apply directly to VTrans, which will negotiate the grant agreements, via a one-page application. VTrans will accept applications on an ongoing basis, beginning March 1, 2006, until funds are committed for that fiscal year. An advisory committee will assist VTrans in project selection.

In order to be eligible for the funds, the municipal projects must be used to reduce stormwater pollution on or related to public roads and road maintenance activities in Vermont. Examples of possible projects include:

- Stabilizing ditches, culverts and other drainage facilities against erosion and flooding.
- Stabilizing critical roadside slopes having a negative impact on public waterways.
- Planning and engineering related to the above.
- Purchasing land or easements required for completion of a project under this program.
- Constructing or reconstructing salt/sand storage facilities and other road-related facilities to reduce impact on public waterways.
- Purchasing high efficiency street sweeping equipment.
- Developing local regulations to improve water quality.
- Constructing stormwater best management practices, such as detention basins, oil-grit separators, swales, etc.

Two project proposals are already in the works. One, in Rutland, involves the construction of a stormwater swirl separator to remove sediment and trash associated with Route 4 and several residential streets, with an anticipated construction cost of $120,000. The other, in St. Albans, would modify the existing Stevens-Rugg diversion channel to store and treat stormwater from Stevens Brook before discharging into Rugg Brook. The anticipated construction cost of this project is $243,000.

The Vermont Local Roads Program is organizing informational meetings during the month of April 2006 to assist municipalities with their grant applications. The meetings will be held from 8:30 a.m. to 12:00 p.m. on the following dates and locations:

- April 10 at the Barton Village Hall
- April 11 at the St. Albans Comfort Inn
- April 12 at the Manchester Bar & Grill
- April 13 at the Middlebury Inn
- April 17 in Berlin at Suzanna’s Restaurant
- April 20 in Norwich at Tracy Hall

Questions can be directed to Hank Lambert, Director of the Vermont Local Roads Program, at 800/462-6555 (in Vermont) or 802/654-2652 or e-mail hlambert@smcvt.edu.

-Milly Archer, VLCT Water Quality Coordinator
Motion to Pass Over; Creating a DRB; Impact Fees & Affordable Housing

At town meeting, a voter made a motion to pass over an article. The moderator could not find reference to the motion in Robert’s Rules of Order. What is a motion to pass over and how should it be handled?

Your moderator’s confusion is certainly understandable, as Robert’s Rules of Order does not address the motion to pass over. The Vermont Supreme Court has only briefly mentioned the motion a few times in the last two hundred years and never provided much insight as to its meaning or proper use. Nevertheless, a motion to pass over an article is heard at town meetings every year. You have got to love tradition!

This is pretty much the extent of what we know for certain about the motion to pass over:

The vote to pass over this article, though not strictly parliamentary, may be the judgment of the town upon the merits of the question, as fully obtained as if the motion and vote had been to dismiss the article. We assume, in the absence of any evidence to the contrary, that the town, by its vote under the fourth article, decided not to pay bounties to soldiers who had re-enlisted to the defendant’s credit, or, in other words, the town, by that vote, declined to pay bounties to this class of soldiers.


Conventional wisdom holds that the motion to pass over may be one of three things, depending upon when it is made:

- A motion to Suspend the Rules, if made before the main motion is moved;
- An Objection to Consideration of the Question, if made after the main motion is moved but before debate begins; or
- A motion to Postpone Indefinitely, if made after the main motion is moved and after debate begins.

It is most likely in your case that the voter wanted to use the motion to pass over to avoid a vote on the article altogether. If this was the case, then the motion to pass over was probably a motion to Postpone Indefinitely under Robert’s Rules.

According to Section 11 of Robert’s Rules, a motion to Postpone Indefinitely “is useful in disposing of a badly chosen main motion that cannot either be adopted or expressly rejected without possibly undesirable consequences.” As a motion to Postpone Indefinitely, a motion to pass over kills the main motion and avoids a direct vote on the question. It is effectively an indirect rejection of the main motion. The motion to Postpone Indefinitely must be seconded and it is debatable. It requires only a majority vote. An affirmative vote on the motion can be reconsidered, a negative vote cannot.

- Jim Barlow, Staff Attorney, VLCT Municipal Assistance Center

How do we shift from a zoning board of adjustment (ZBA) to a development review board (DRB)?

The decision to create a DRB rests with a municipality’s legislative body (e.g. selectboard, board of trustees, etc.). The process is simple, requiring only that a

(Continued on next page)
motion be made and supported by a concur- nce of a majority of the total num- ber of its members. Because the shift of autho- rity from the ZBA to the DRB oc- curs by operation of law, a municipality does not need to amend those of its by- laws that make reference to the ZBA prior to switching to the DRB. However, this is re- quired if a municipality has adopted local Act 250 review authority.

Once the legislative body creates the DRB, it must decide how many members it will have (DRBs must have between five and nine members), their terms of office, and whom it will appoint. The legislative body may establish a board of alternates; adopt on-the-record review for appeals and/or Local Act 250 review authority; and determine whether the Municipal Ad- ministrative Procedure Act (MAPA) will govern the development review process.

A formal resolution memorializing the legislative body’s decision is not required, but is recommended. In addition to the above information, the resolution should include the effective date of transition to the DRB; specify that all matters presently pend- ing before the planning commission and ZBA should be completed by the effec- tive date and that all new applications for development review received after the effective date will be scheduled for the DRB. Please contact the Municipal Assis- tance Center if you are interested in sam- ple resolutions.

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center

Our town is in the midst of a housing boom, most of which is financially out of reach of our residents. Can we levy an impact fee on this new development, the proceeds from which would be put into a fund to create affordable housing in our town?

Impact fees may only be used for cer- tain purposes under both Vermont and federal law; affordable housing typically does not fall into one of those permitted purposes.

The two primary purposes for imposing impact fees are to pay for the cost of municipal and school capital projects that are directly and proportionately attribut- able to the new development.

Aspen, Colorado has a unique impact fee bylaw that permits the town to levy an im- pact fee on new development for the pur- chase of school lands, school buildings, rec- reation facilities, and housing for school em- ployees and their immediate families. Some would say that this is clear authority to im- pose impact fees on new development to pay for much-needed affordable housing for lo- cal residents. That’s not the case. This bylaw authorizes an impact fee to pay for capital school projects. Arguably, housing for teach- ers and staff is an appropriate school capital project, and therefore, the town of Aspen has de- cided that it’s a fair policy to provide hous- ing for those employees.

This does not open the door for a town to impose impact fees to pay for affordable housing for anyone who fits into a certain income category. To the contrary, this reg- ulation is very narrowly tailored to provide housing only for employees of the school dis- trict, something that is permitted under both impact fee enabling legislation and the lo- cal bylaw.

While funding affordable housing is a laudable community goal, it’s not something that may be done via the imposition of im- pact fees.

Towns seeking to use impact fees should be cautious to not view them as a way to fund any and all new municipal projects. The use of impact fee proceeds is subject to very strict rules in how the monies may be used. In particular, there must be a reason- able relationship between the fees assessed and the capital construction that will be fi- nanced by the fees. A basic example would be a new subdivision that requires the town to construct a sewer and water line exten- sion, a project for which there is a clear rela- tionship between the fee assessed and the eventual outlay. Additionally, impact fees are restricted as to the types of projects they may be used for, and the timeline in which they must be spent. Towns seeking to im- pose impact fees should work closely with their regional planning commission, town attorney, or the VLCT Municipal Assistance Center.

- Brian Monaghan, Staff Attorney, VLCT Municipal Assistance Center

(Editor’s Note: See also “A Primer on Im- pact Fees” in the May 2004 issue of the VLCT News.)
The daughters of two Vermont municipal employees competed in the 2006 Winter Olympic Games in Turin, Italy. Hannah Teter, pictured at left with her father, Jeff Teter, won the gold medal in the women’s halfpipe snowboard event. Jeff is the Mt. Holly road foreman. Here, they share a moment in Bardoneccia, Italy, the day before Hannah’s impressive win.

Jill Kearney, director of the Norwich Recreation Department, also traveled to Italy to watch her daughter, Hannah, compete in the freestyle skiing moguls event. Here, they are celebrating at an Olympic send-off celebration at the Hanover (NH) Inn last December. Hannah, who won the 2005 Freestyle Ski World Championships in Ruka, Finland, came in twenty-second in her Olympic event.

Welcome home, Teter and Kearney families, and best wishes to the two Hannahs in their future competitions!

**This Just In...**

VLCT recently welcomed Pauline Singley to its Group Services staff. Pauline fills the new position of Manager, Safety and Health Promotion.

While new to the staff, Pauline is no stranger to VLCT. She worked for the Town of Middlebury for eight years as its Business Manager/Personnel Director, and served on the VLCT Health Trust Board of Directors during that time. Please watch for a more extensive article on Pauline next month.
• **VLCT Awards Program Nomination Forms.** In contrast to the generally serious business of approving the Municipal Policy, the Town Fair Awards Luncheon is a chance for all attendees to enjoy a lighthearted moment of recognition for their honored local government colleagues. Awards are given to the Municipal Person of the Year and the Legislator of the Year. They are also made in the areas of Town Government, Town Citizenship, and Lifetime Achievement. If you have a potential award winner in mind, please fill out the nomination form and return it to VLCT.

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**Voters**

(Continued from Page One)

All of this probably happened before your first selectboard meeting! When that meeting finally arrives, you will hear about the imminent town-wide reappraisal, and begin to figure out the intricacies of state and local education funding in Vermont. You will get an update on a zoning enforcement action the town has taken in Environmental Court. You’ll hear about tax maps and hazmats (that’s hazardous materials), about floodplains and road gravel.

Most importantly, you will not throw up your hands and resign! Your fellow board members will become your mentors and teachers, and you will begin to educate yourself. There are many resources available, beginning on Page Two of this issue with a discussion of leadership and management written by VLCT Executive Director Steven Jeffrey. VLCT also offers handbooks and workshops for most local offices, and other statewide educational or technical assistance organizations stand by ready and willing to help.

Don’t be shy. Call us or visit our Web site, www.vlct.org, and we will do our best to help you get started on a long and rewarding public service career.

- Katherine Roe, VLCT Communications Coordinator

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**Zoning Administrator List-serve Created**

Would you like to be a part of Vermont’s statewide zoning administrators’ e-mail forum?
It’s simple, completely free, and brand new as of March thanks to interest from zoning administrators and planners from around the state. Go to http://list.uvm.edu/archives/vtzoningadmins.html to join or read on for details.

**How it works.**

1. A member (anyone who has signed up) e-mails a question to the central listserve computer at vtzoningadmins@list.uvm.edu.
2. The question is sent to all other members in Vermont.
3. Any member who would like to answer simply replies to the e-mail with his or her response(s).

**Who can sign up?**

Zoning administrators and others interested in local zoning, development review, etc. from around the state are welcome to join.

**What is the cost?**

NO COST.

**Who is putting this together?**

This service is being offered free by the Vermont Land Use Education and Training Collaborative, a collection of organizations from around the state that are focused on the education of local officials. The organizations include the State’s Regional Planning Commissions, the University of Vermont, the Vermont League of Cities and Towns, and the Secretary of State’s office, among others.

**Will anyone be monitoring the questions and answers?**

While the University of Vermont’s Center for Rural Studies will be the “owners” of the service, there will be no official monitor of the discussions. Several members, including the Vermont League of Cities and Towns, will chime in from time to time on key issues.

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**Saving Money on Vaccines**

Did you know that members of VLCT PACIF are eligible for discounted prices on Hepatitis vaccines?

Municipalities that are members of VLCT PACIF, and that wish to purchase Hepatitis A, B or the combination A & B vaccine for their employees, are eligible for discounted prices through the pharmaceutical company GlaxoSmithKline. This purchase agreement would mean a savings of about seventy percent for our members. GlaxoSmithKline will ship the vaccines to a healthcare professional of the municipality’s choice. The chosen healthcare professional will need to verify some information before shipment. VLCT will receive the discounted bill from GlaxoSmithKline, and then forward it to the municipality to pay in full to GlaxoSmithKline. Proof of payment will need to be sent to VLCT as well.

If you are interested in purchasing hepatitis vaccines for your municipality or would like to know more about the OSHA Bloodborne Pathogen standard, please contact Shawna McNamara, VLCT Risk Management Administrative Assistant, at 800/649-7915.

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**Can I get out of the service if I want?**

Absolutely. To remove yourself from the list, just go to http://list.uvm.edu/archives/vtzoningadmins.html and click on “Join or leave the list.”

**Will my e-mail be used for any spam lists?**

No. This list will be used for the zoning administrator e-mail forum and nothing else.

If you are interested, please join the service now at http://list.uvm.edu/archives/vtzoningadmins.html.
The federal Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.1030, the “Bloodborne Pathogens Standard,” covers all employers who require employees to perform duties that may expose them to bloodborne pathogens. The Standard also requires that the municipality have a written Bloodborne Pathogens Exposure Control Plan (ECP). The goal of the ECP is to identify potential exposure and define work practices for preventing exposure. Bloodborne pathogens are defined as “pathogenic microorganisms present in human blood that can lead to diseases.” The most common diseases are:

- Human Immunodeficiency Virus (HIV)
- Hepatitis A (HAV)
- Hepatitis B (HBV)
- Hepatitis C (HCV)

(There is currently no vaccine for Hepatitis C or HIV.)
at the site visit should have been taken under oath. 24 V.S.A. §§ 1205(c), 1206(a). The court rejected these arguments as well, holding that, unless the DRB relies upon observations from the site visit and those observations are testified to at the hearing, evidence of the site visit need not be included in the record. Since there was no indication in the record that the DRB relied upon any statements made exclusively at the site visit, the statements could not be considered testimony.

Finally, the property owners argued that the DRB’s vote was defective because one member of the DRB was absent from one of the hearings, but participated in the DRB’s decision on the proposed subdivision application. MAPA requires a member, who has been absent from a hearing but still wishes to participate in the decision, to listen to the recording or read the transcripts of any testimony missed and to review all evidence prior to participating in the decision. 24 V.S.A. § 1208. The court noted that it was the property owners’ burden to show that the DRB had failed to follow MAPA’s requirements in allowing the absent member to participate in the decision. Lacking such evidence, the court was obligated to presume that the DRB had followed the requirements of the law in allowing the absent member to vote.

Though only about a dozen Vermont towns have adopted MAPA, the Environmental Court’s decision in *Tepper* is instructive in several respects. For example, development review boards, zoning boards of adjustment, and planning commissions are frequently presented with letters supporting or opposing specific projects. Questions often arise as to how these letters should be handled, especially where the letter writer later fails to attend the hearing on the application. These questions have been more frequent in light of changes to Chapter 117 limiting the opportunity to appeal AMP decisions to interested persons who have participated in a local regulatory proceeding.

Under the changes to Chapter 117, participation has been defined as offering, through oral or written testimony, evidence or a statement of concern related to the subject proceeding. The failure to participate at the local level can foreclose an interested person’s opportunity to appeal an AMP decision. 24 V.S.A. § 4471(a). Though the question turned on interpretation of a MAPA provision, *Tepper* may indicate that the Environmental Court will take the position that the submission of a letter to an AMP opposing a project, without any further action on the part of an interested person, may not rise to the level of “written testimony, evidence or statement of concern” required to preserve an interested person’s right to appeal the AMP’s decision.

With regard to *ex parte* communications, the Environmental Court’s narrow approach – holding that the neighbors’ letters were not *ex parte* communication because they were presented before the start of the hearings – ignores the reality that *ex parte* communications can influence AMP decisions regardless of when they are made. Nonetheless, as the Court correctly points out, timely disclosure of *ex parte* communications, when combined with an opportunity to question those involved in the communication, can effectively reduce the effect such communications may have on AMP decision making. Disclosure remains the key to effectively handling *ex parte* communications.

The Environmental Court’s practical view of site visits should also be welcome news. As the Court acknowledged:

> **The most valuable component of a site visit is the observations that put into context the evidence presented and arguments made at hearings. Site visits are a necessary tool for any entity charged with reviewing zoning or subdivision applications. To deny the DRB the use of this necessary tool, unless a cumbersome procedure is followed of placing attendees under oath and making a record ignores the fact that the evidence itself is derived from the physical environment and from statements made by the parties in attendance.**

The Court pointed out, however, that where a DRB relies upon observations or comments made exclusively at a site visit, that evidence should be included in the record, which would probably require that the site visit be recorded, or that the persons making the comments be under oath.

AMPs, especially large boards with no provision for the regular use of alternates, frequently face quorum problems. These problems can be especially sticky where the one or more members have been unable to attend all the hearings on an application and there is not a quorum of members to make a decision. AMPs faced with this problem are wise to follow MAPA’s requirements of requiring the absent member to listen to the recording of the hearing and review all evidence submitted prior to participating in the deliberations. The Environmental Court’s approach in *Tepper* puts the burden on appellants to establish that AMP members have acted improperly when following this procedure.


Jim Barlow, Staff Attorney, VLCT Municipal Assistance Center

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**STATE AUDITOR ISSUES REPORT CRITICAL OF VERMONT DEPARTMENT OF PUBLIC SAFETY GRANT MANAGEMENT PRACTICES**

State Auditor Randy Brock has issued an audit report critical of the Vermont Department of Public Safety (DPS) and the manner in which it administered Homeland Security grants awarded to two Vermont local governments and one local government collaborative. Auditor Brock was also critical of the grant recipients.

Although the total amount of money at issue is fairly small – roughly $31,000 – the lessons learned by local officials, especially those officials that relied on advice from DPS, have been significant. In the report, Auditor Brock made several recommendations for improving internal controls and policies at DPS. He also recommended that DPS seek reimbursement of grant moneys from each grant recipient.

A copy of the report can be obtained from the Office of the State Auditor at [http://www.state.vt.us/sao/reviews/2-22-06_DPS_Homeland_Security_Audit.pdf](http://www.state.vt.us/sao/reviews/2-22-06_DPS_Homeland_Security_Audit.pdf).

Municipalities interested in avoiding the problems associated with this round of Homeland Security Grant funding should take a moment to read the report.

Jim Barlow, Staff Attorney, VLCT Municipal Assistance Center
For those of you contemplating or planning for an independent audit in the near future, follow the tips below to avoid tech-related recommendations in your management letter:

- Be sure to have a disaster recovery plan in place. This is one recommendation that has cropped up with a number of audits recently. Minimum requirements include:
  1) Identification of an off-site storage location. You will need to keep at least one set of your backup media somewhere off-site to ensure that in the event of a disaster, you will have something to restore. (See the February, 2006 Tech Check for an article on backing up data.) You might also consider using a vendor to store backup files for you and provide recovery services. Companies that provide other computer services, including accounting software vendor NEMRC, may be able to do this for you.
  2) A listing of the files that would have to be obtained from the off-site location in the event of a disaster. If you’re not keeping full backups, what files do you need to restore your system and get back on line as quickly as possible? Files used on a regular basis are the top priority. Also, be sure to test your backups regularly.
  3) Detailed instructions for restoring all backup files, as well as copies of all technical and financial policies and procedures manuals for the municipality. Have the person responsible for IT document backup recovery procedures. These, and copies of all your operations manuals, should be kept either in hard copy or in some kind of electronic format on a CD or on another computer and kept in the same location as the backups.
  4) An alternative operations location where you could continue to do business until you can get back up and running. Find a place that can accommodate your staff and get a written agreement from them indicating that they are willing to provide a temporary work location for you. If some staff can work from their homes, document who those individuals are and what they will need for equipment and supplies. You may want to work out an intermunicipal agreement with a neighboring town.
  5) Responsibilities of all staff during the disaster. Determine who will be the di-

(Continued on Page Sixteen)
The Towns of Halifax and Hardwick each recently submitted their quilt squares to VLCT’s Local Government Quilt. Halifax made its square from a photo of the Town’s 200th Anniversary Quilt (1791-1991), which hangs in the Halifax Town Office. Thank you to Elizabeth Hull, Susie Putnam, and Joan Conser for their ideas and hard work. Hardwick’s square features an embroidery design of the Hardwick Town House beautifully done by Mary Jo Williams.

Thank you to these two towns for keeping the quilt momentum going. VLCT staff member Patricia Boyle has bound this first “edition” of the quilt and hung it in the Board of Directors room in our Montpelier office. Forty-eight municipalities are represented by this stunning piece of art and craft.

Please consider sending in your 10-inch x 10-inch square with an 8-inch x 8-inch design for inclusion in future quilts. VLCT will continue to put quilts together until all Vermont municipalities are represented. There is plenty of wall space in our office, and it would be wonderful to have the quilts travel around the state as well.

For more information, contact Pat Boyle, VLCT Claims Representative, at 800/649-7915 or at pboyle@vlct.org.

VLCT Education Finance Reform Committee Formed

Acting pursuant to a resolution passed by the membership at the 2005 VLCT Annual Meeting, the VLCT Board of Directors recently formed the 2006 VLCT Education Finance Reform Committee.

As passed, the 2005 Annual Meeting Resolution states “That the Board shall prepare and present to the membership an alternative proposal for education financing no later than the annual meeting in 2006.” In forming the Education Finance Reform Committee, the VLCT Board has delegated to it the responsibility of drafting the proposal in time for consideration by VLCT members at the 2006 Annual Meeting.

Members of the Committee, which met for the first time in early March, are Middlebury selectperson William Perkins, Chair; Montpelier manager William Fraser; Killington manager David Lewis; East Montpelier selectperson Edie Miller; and Wilmington selectperson Paul Myers.

VLCT last developed an education finance plan in 2001, for the 2002 legislative session. And, in fact, VLCT’s history of proposing initiatives on local revenue reform goes back to 1973. Over thirty years later, the complicated and contentious issue of funding local education is still of vital importance to Vermont’s local officials.

For more information about this year’s effort, please contact Steven Jeffrey, VLCT Executive Director, at sjeffrey@vlct.org or 800/649-7915.
At Blue Cross and Blue Shield of Vermont, our customers are friends we want to keep. When you contact us for answers to questions, explanations of benefits, help in finding health care or any other request, we focus all energy on giving you excellent advice and assistance. Our customer service representatives, case managers and other employees are your neighbors, right here, in Vermont. As such, we make helping our members get the best out of Vermont’s unique community-based health care system our top priority. Call us at 1-800-247-2583 (247-BLUE), visit us on the web at www.bcbsvt.com or drop in and see us at our offices in Berlin and Williston.

“Customer service answers all of my questions... and they’re local. I can walk in and see them.”

At Blue Cross and Blue Shield of Vermont, our customers are friends we want to keep. When you contact us for answers to questions, explanations of benefits, help in finding health care or any other request, we focus all energy on giving you excellent advice and assistance. Our customer service representatives, case managers and other employees are your neighbors, right here, in Vermont. As such, we make helping our members get the best out of Vermont’s unique community-based health care system our top priority. Call us at 1-800-247-2583 (247-BLUE), visit us on the web at www.bcbsvt.com or drop in and see us at our offices in Berlin and Williston.
The Town of West Fairlee recently launched its new Web site using the VLCT-sponsored GovOffice Web site tool. The Town is very proud of its new site. Check it out at http://www.westfairleevt.com/.

For more information on the GovOffice product, which offers site creation and administration services and templates, please visit www.govoffice.com.

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**Tech Check -**

(Continued from Page Thirteen)

dsaster recovery coordinator and who will be responsible getting the systems back on line, whether it is a staff member or a vendor. Establish a phone tree and meeting place where you will review the plan and assign duties.

6) A prioritized outline of the critical applications to be put back on line. Besides the operating system and the backup software, what are the most critical applications for your staff? Which activities are the most important to recover first? Are taxes due and therefore a priority? If the disaster occurs in January, you’ll need to have applications that you use for putting your annual Town Report together.

7) A list of the reporting needed throughout the disaster. What information in the form of reports needs to continue throughout the recovery process? Document your routine reports as well as any others that may need to be generated and be sure to indicate any deadlines.

- Keep your software protection up to date! Firewalls, virus protection and password protection should all be in place and updated on a routine basis. Auditors have been looking at this to ensure there are adequate controls in place to prevent problems with software that could compromise the financial operations.

- Set up adequate controls for online banking. If your accounting staff is responsible for ACH payments, electronic funds transfers or any other type of non-check disbursements, be sure there is some kind of approval process in place that will allow for proper controls. Whoever signs the checks should approve disbursements, provided that it isn’t the same individual who does the accounting and reconciles the bank statements.

Of course, auditors look at a much wider range of issues and practices than those discussed here. But, by following the advice outlined above, you will have a head start on ensuring that your auditors leave your municipality happy, at least, with your technology-related policies and procedures.

- Michael Gilbar, VLCT Chief Financial Officer
Financial expertise and world-class service at work for you.

Through our Government Banking team, we can offer you access to a wealth of customized financial services — cash management, leasing, investing, financial advisory, lending—along with superior personal service and expertise to help you choose the services you need. For more information, call 1-800-675-7195.
Town Manager. The Town of Wilmington, Vt. (www.wilmingtonvermont.us) seeks an accomplished leader for the position of Town Manager. Wilmington (pop. 2,225, with seasonal increases to over 10,000) is a thriving rural community located in the heart of Vermont’s scenic Deerfield Valley. The Manager reports to a five-member selectboard and supervises all town departments. Since 1976, there have been two managers. Current operating budget is $2.16 million, with 23 full-time employees and five part-time employees. Primary responsibilities include financial management and budgeting, community and intergovernmental relations, personnel administration, and public works project development and oversight. For a complete job description, go to VLCT’s Web site (www.vlct.org). Working knowledge of municipal practices, budgeting, finance, personnel administration and public relations is essential. Bachelor’s degree in appropriate discipline and five years management experience required. Hiring range: $60,000–$65,000, depending on qualifications. Excellent benefit package. Submit resume to Executive Search Committee, Attn: Dawn Francis, Lake Champlain Regional Chamber of Commerce, 60 Main Street, Suite 100, Burlington, VT 05401 by March 31, 2006. Additional information and a position description are available at www.vermont.org. The Lake Champlain Regional Chamber of Commerce (LCCRC) is an equal opportunity employer and does not discriminate on the basis of age, race, color, gender, national origin, ancestry, place of birth, religion, disability, marital or civil union status, sexual orientation, citizenship or any other protected category listed under federal, state or local law. Minorities and women are encouraged to apply. (2-23)

Town Manager. Falmouth, Maine is seeking qualified applicants for the position of Town Manager. Serving as Chief Administrative Officer, the Town Manager is responsible for supervising municipal employees, overseeing all financial management and budgeting activities, and pursuing and coordinating balanced growth and economic development. The Town Council seeks an individual with diverse management and decision-making skills, experience in personnel management and labor relations, strong interpersonal, team-building and communication skills, experience in the use of technology, and demonstrated leadership skills. Falmouth is a dynamic and growing coastal community located in the greater Portland area. Starting salary based on experience, training and qualifications, plus a comprehensive benefit package. Submit resume, cover letter and salary requirements by e-mail to HumanResource@memun.org, by fax to 207/626-5947 or by US mail to Director of Personnel Services, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Deadline: 5:00 p.m. on Thursday, March 23, 2006. Falmouth is an Equal Opportunity Employer. (2-22)
**Help Wanted**

**Zoning Administrator.** The Town of Essex, Vt. seeks a full-time Zoning Administrator. The position is responsible for administering the Town of Essex Outside the Village of Essex Junction Zoning Regulations, assisting with and processing permit applications, attending all zoning board of adjustment meetings, responding to all zoning complaints and allegations of zoning violations and taking appropriate action pursuant to State statutes and zoning bylaws. The zoning administrator works under the direction and supervision of the community development director. Preferred background includes a Bachelor’s Degree and experience in planning and zoning enforcement or related work. The Town provides a competitive salary and benefits package. To apply, send a letter of interest, resume and at least three references to: Patrick Scheidel, Town Manager, 81 Main Street, Essex Junction, VT 05452. For a complete job description, go to www.essex.org or call 802/878-1341. (3-14)

**Police Officer.** The Town of Windsor, Vt. is currently seeking experienced/qualified applicants to join a progressive, proactive, fast-paced, community service department. Officers work as a team to solve problems facing the community. Excellent employee benefit program which includes retirement, 25+ leave days, employee health/dental/life. Competitive pay, in-service training, night differential, overtime. Pay will be determined by experience and education. Must have or meet the VCJTC waiver standards. Please send a resume, cover letter and professional references to Windsor Town Hall, Attn: Chief of Police, P.O. Box 47, Windsor VT 05089. The Town of Windsor is an E.O.E. (3-9)

**Staff Engineer/Assistant DPW Director.** The Town of Essex, Vt. seeks a staff engineer and assistant to the public works director. Responsibilities include reviewing development plans, inspecting new construction, providing computer support, developing municipal engineering plans, and providing technical support on highway, sewer, water and buildings issues. A four-year civil engineering or related degree, plus two years in a municipal or related private enterprise preferred. Relevant experience may be substituted. EIT required, or hire contingent on Spring 2006 EIT passage. Starting salary commensurate with experience. Send resume and application to: Town Manager’s Office, Town of Essex, 81 Main Street, Essex Junction, VT 05452. For job details, call 802/878-1341. Position is open until filled. E.O.E. (3-7)

**Town Administrator.** The Town of Bristol, Vt. (pop. 4000) is seeking an experienced administrator. The position supports a five-person selectboard to administer the activities for the town. Municipal services include a town landfill, police department, public library, public works, fire department, and recreation department. Viable candidates will possess expertise in planning and maintaining a budget, knowledge of zoning laws and regulations, demonstrated ability to effectively manage personnel, ability to acquire and manage grants that will assist in improving the community, and long-term planning goals for the future of the town. Qualifications: Bachelor’s degree in public administration or equivalent experience as an administrator. Competitive salary and benefit package. Contract start date: July 1, 2006. Apply with cover letter, resume and three current letters of recommendation to: Administrator Search Committee, P.O. Box 249, Bristol, VT 05443. Deadline for applications is April 10, 2006. (3-7)

**Chamber of Commerce President.** The Lake Champlain Regional Chamber of Commerce is seeking a new President. Viable candidates will have a minimum of 10 years of senior leadership experience, expertise in generating and managing diverse revenue sources, demonstrated ability to effectively manage personnel, entrepreneurial and/or direct private or public sector experience, expertise in legislative policy development and communication, and strong ties to the business community. This position requires experience in strategic planning, a desire to build collaborative and synergistic rela-
For more information about the following workshops or events, please contact Jessica Hill, VLCT Conference Coordinator, tel., 800/649-7915; e-mail, jhill@vlct.org. Or visit www.vlct.org, select the Calendar, and select a workshop for more information or to register on-line. The on-line registration option is available for VLCT workshops and events only.

**Town Officer’s Education Conferences.** Thursday, April 6, Lyndon State College; Wednesday, April 12, Sheraton Burlington; Tuesday, April 18, Lake Morey Resort; Thursday, April 20, Grand Summit at Mount Snow; Wednesday, May 3, Holiday Inn Rutland. Sponsored by UVM Extension. Register online at http://www.regonline.com/toec06 or by calling Mary Peabody at 802/223-2389 x 13. Registration fee is $50.00 with lunch included.

**Municipal Attorney’s Forum.** Friday, April 7, 2006, Capitol Plaza, Montpelier. Sponsored by VLCT Municipal Assistance Center. This semi-annual workshop provides an opportunity for municipal attorneys to discuss pressing and perennial issues in municipal law.

**Vermont GIS EXPO 2006.** Thursday, April 13, 2006, Wyndham Hotel, Burlington. Sponsored by the Vermont Center for Geographic Information. GIS EXPO 2006 provides exhibitors and attendees the opportunity to network and learn about activity throughout the GIS community in Vermont. To register to attend or to learn more about being an exhibitor or presenter, contact Leslie Pelch (lesliep@vcgi.org) for an application package, call 802/882-3000, or visit www.vcgi.org/expo.

**Selectboard Institute: Part 1.** Saturday, April 22, 2006, Montpelier Elks Lodge. Sponsored by VLCT Municipal Assistance Center. The Selectboard Institute is a pilot program that provides Vermont selectboards with the fundamental skills needed to manage the affairs of the town. Delivered over the course of two Saturdays, the program will focus on the skills selectboard members need to serve as leaders, managers and local legislators.

**Reducing and Preventing Beach Closures on Lakes and Rivers.** Friday, May 5, 2006, Lake Morey, Fairlee. Lake Champlain Sea Grant and EPA New England are co-hosting this workshop to provide tools and guidance for town managers, town elected and volunteer officials, state and local health officials, public works departments, local and state park and beach

(Continued on Page Eighteen)