**It’s Fair Season!**

**Town Fair 2006 – Learn, Network, Celebrate**

VLCT’s annual meeting and trade show is coming up on October 5, 2006 at the Barre Municipal Civic Center in Barre, Vermont.

Over 500 local officials are expected to attend all or part of the day-long schedule of meetings, workshops, and exhibitions. Over 50 vendors have already signed up to exhibit at the trade show. (See list elsewhere in this issue.) Please plan to come and check out the wide array of products and services displayed by Town Fair vendors, among them architectural, engineering, information technology, banking, highway equipment, environmental consulting, and printing firms, as well as state and federal government departments and agencies.

In this election year, VLCT has invited the major party candidates for governor to participate in a gubernatorial forum. The

(Continued on Page Ten)

**Burlington Unveils First Hydrogen-Fueled Vehicle in New England**

On the eve of Independence Day, the City of Burlington took another step toward energy independence when it unveiled the first hydrogen fueling station and hydrogen fueled car in the Northeast. As approximately fifty people watched, Congressman Bernie Sanders, who secured a $1 million U.S. Department of Energy grant to fund the project, drove a converted Toyota Prius up to the City’s new hydrogen fueling station, where EVermont Board member (and president of the Montpelier City Council) Harold Garabedian filled the fuel tank with hydrogen.

The project is a partnership between the City of Burlington Public Works Department, EVermont, and the Burlington Electric Department. Northern Power Systems, based in Waitsfield, and Proton Energy Systems, Inc., both subsidiaries of Distributed Energy Systems Corporation, provided

(Continued on Page Nineteen)

**New VLCT Web Site Debuts**

Recent visitors to www.vlct.org have discovered a revamped Web site featuring improved navigation, new features, and a fresh color palette and design. The redesigned site debuted in late July, and is VLCT’s third since we established a Web presence almost ten years ago.

For this iteration, VLCT worked with the Richmond Web design firm Bluhouse Group to rethink and rework how our site functions for our members and others.

The new site’s horizontal navigation and drop down menus make all areas of the site accessible with just one or two clicks. VLCT’s principal services – the Municipal Assistance Center (MAC), the new Resource Library, Insurance and Risk Services, Advocacy, and Events Calendar – are no longer hidden within a Member Services

(Continued on Page Two)
section. Instead, they have taken over the “hot real estate” across the top of the new site.

Besides the navigational improvements, there are several new features of the site that we are very excited about:

- **Resource Library.** This new library brings VLCT’s extensive informational resources into the electronic age, and makes them accessible to our members 24/7. The library is searchable by keyword or browsable by category. Current categories include *VLCT News* articles from 1999 to the present, VLCT Model Ordinances and Policies, Roles and Responsibilities of Town Officers, Weekly Legislative Report and Annual Wrap-ups, and Handbooks and Surveys. New categories will be added over the next year and include sample municipal ordinances, policies, and job descriptions. The library also features a Hot Documents area for new or important materials and a Quick Search option. The Quick Search feature allows VLCT staff to select important, or common, topics, refine the search, and then save the results for you, the user.

- **Municipal Directory.** This section of the site makes parts of VLCT’s extensive database of local contact information accessible to our members and others, via a search function or downloadable text and/or Excel files. All city, town, and village office locations and selected local official contact information will be available.

- **Municipal Index to Laws Affecting Local Government.** Everyone who has worked in Vermont municipal law knows that it is difficult, at best, to find a particular statute. VLCT MAC staff members have prepared an index to important municipal laws that greatly helps with the search process. On the new Web site, MAC’s practical, easy-to-use guide to the Vermont Statutes Annotated now links directly to the on-line version of the underlying statute. Check it out on the Resource Library page.

In addition to these functions, the VLCT Web site still offers the popular Insurance and Risk Services Customer Service section, where members may fill out first reports of injury on-line, as well as requests for vehicle insurance cards, property changes, and certificates of insurance. And, while the VLCT Safety and Health Promotion Department’s Wellness Library is physically located in VLCT’s office in Montpelier, its contents are available for searching 24/7 on the site. An on-line order form allows members of the VLCT Health Trust and VLCT PACIF to order materials from the Library.

You may also sign up for a VLCT workshop or purchase a VLCT publication on the site. There are plenty of opportunities to do business with VLCT, as well as to search for information about the League or your duties as a local official. Please take advantage of the site’s wealth of information and resources, and let us know if there are improvements to be made.

- Katherine Roe, VLCT Communications Coordinator
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Admission of Evidence and Knock and Announce

Fourth Amendment “Knock and Announce” Under the Microscope

Two recent court decisions may impact how Vermont law enforcement officers conduct searches pursuant to court-issued search warrants. The first decision, *Hudson v. Michigan* 546 U.S. ___(2006), issued by the U.S. Supreme Court, found that under the Fourth Amendment to the U.S. Constitution, evidence found by law enforcement officers who fail to knock and announce their presence in serving a search warrant should not be suppressed. This is a departure from the common law rule requiring suppression of evidence where law enforcement has failed to knock and announce prior to “breaking a house.” In contrast, the Essex County, Vermont district court, in *State of Vermont v. Ellen Sheltra* Docket No. 96-12-05 (July 7, 2006), found that the Vermont Constitution holds law enforcement officers to a higher standard, and thus requires that evidence be excluded from court proceedings if it was found during a search in which police failed to knock before entering a home.

In *Hudson*, the police obtained a search warrant to search for drugs and firearms at Hudson’s home. In executing the warrant, the police announced their presence, but waited only about three to five seconds before opening the unlocked door to Hudson’s home. (The case law requires that officers must follow a “reasonable wait time,” typically in the twenty-second range, depending on the situation.) They discovered crack cocaine, as well as a loaded gun lodged between the seat cushions of the chair in which Hudson was sitting. Hudson was convicted of drug possession and appealed on the grounds that the premature entry violated his Fourth Amendment rights. After winds-

Now, under federal constitutional law, evidence found after failing to knock and announce will not be suppressed. However, the failure to knock and announce may still result in civil liability under 42 U.S.C. § 1983 for violation of the resident’s Fourth Amendment rights.

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Supreme Court is not changing the rules by which law enforcement officers will be required to operate; rather, the remedy for failing to operate under the rule is different. Now, under federal constitutional law, evidence found after failing to knock and announce will not be suppressed. However, the failure to knock and announce may still result in civil liability under 42 U.S.C. § 1983 for violation of the resident’s Fourth Amendment rights. The media have asserted that police no longer must knock to announce their presence, which is not true. The police must still do so, but failure to do so may not result in the suppression of evidence.

Nevertheless, a Vermont trial court, examining exactly the same issue, has come to a different conclusion. While Vermont court precedent concerning the Fourth Amendment has traditionally been “coterminous” with federal court precedent, here the jurisprudence diverges, and the Vermont Constitution requires the suppression of evidence found after a failure to knock and announce. The issue in Sheltra is the same as that in Hudson: Should evidence be suppressed for failure of law enforcement to knock and announce prior to entering a home to serve a search warrant? In Sheltra, state police obtained a search warrant to search a home in Island Pond, seeking illegal marijuana as well as other related drugs, paraphernalia, and information. The warrant was executed by members of the Vermont Drug Task Force, who placed themselves in front of the door to the residence, about to form a “stack” prior to entering the home. The stack allows officers to assemble in front of a door and squeeze the shoulder of the officer in front of them, so that once the squeeze reaches the officer in front of the door, that officer knows the others are ready. The officers claim the door to the home opened unexpectedly prior to the stack being fully assembled, which prompted the lead officer to yell, “State Police with a search warrant” and enter the home. Upon entering the home, the police apparently found and seized drug evidence, though this was never explicitly stated in the written ruling.

As the State’s prosecution began, the defendants moved to suppress the drug evidence, claiming their rights under the Vermont Constitution had been violated by the “no-knock” search. Judge Bent considered the U.S. Supreme Court’s opinion in Hudson v. Michigan, but concluded that Vermont jurisprudence should depart from federal jurisprudence, stating, “The practical remedy of exclusion serves as a restraint on violations of law by law enforcement personnel without the need for secondary litigation (such as the lawsuit under 42 U.S.C. § 1983 mentioned above).” Because this search was so tainted by the no-knock seizure, “Evidence obtained in violation of the Vermont Constitution, or as the result of a violation, cannot be admitted at trial as a matter of state law. Introduction of such evidence at trial eviscerates our most sacred rights, impinges on individual privacy, perverts our judicial process, distorts any notion of fairness, and encourages official misconduct.”

While the Sheltra case is not binding on a statewide basis—a trial court decision really only applies to the county in which that court is located—Vermont law enforcement officers should continue to be extremely wary in conducting searches, whether authorized by warrant or not.

There is certainly an unresolved question as to whether a no-knock search will result in the suppression of evidence, one that will most likely be appealed to the Vermont Supreme Court. Even if this question is resolved such that evidence will not be excluded, law enforcement officers may still be held liable under § 1983—not a welcome prospect. As a best practice, VLCT recommends continuing to knock to announce police presence, followed by a “reasonable wait time.” Additionally, it would be wise to consult with colleagues and law enforcement experts in updating your municipal law enforcement protocols. We’ll keep you posted as Sheltra winds its way through the courts.

- Brian Monaghan, VLCT Staff Attorney
Questions asked by VLCT members and answered by the League’s legal and research staff

ASK THE LEAGUE

Vendor Regulation; JP Vacancy

A vendor has been selling hot dogs from a truck in the town hall driveway. He also occasionally uses a small pullout along a town highway near the public beach. We have had several citizen complaints, but we don’t have an itinerant vendor ordinance. Is there anything we can do?

Your selectboard can be as formal or informal in addressing itinerant vendors as the circumstances warrant. The selectboard has general responsibility for and authority over town property, including the town hall, as well as the general responsibility to ensure the safety on town highways. 24 V.S.A. § 872; 19 V.S.A. § 304. It also has the legal authority to regulate itinerant vendors. 24 V.S.A. § 2291(9). By the same token, there is no obligation on the part of the selectboard to make town property available to vendors for their private use.

We would first recommend simply asking the vendor to stop using the town property to conduct his business. If a verbal request is unsuccessful, you could follow up with a letter. If these efforts are not successful, the next step would be to consider adopting an itinerant vendor ordinance and commencing formal enforcement. Your board needs to make the determination as to the appropriate level of response. Passing an ordinance to address a one-time issue might not be the best approach.

- Jim Barlow, VLCT Staff Attorney

A justice of the peace has resigned. Who fills the vacancy?

As with other town offices, a vacancy is created in the office of the justice of the peace when a justice “resigns his or her office, or has been removed therefrom, or dies, or becomes insane or removes from town…” 24 V.S.A. § 961(a). Generally, vacancies in town offices are remedied by a town’s legislative body which, after posting notice of the vacancy in at least two public places in town, and in and near the town clerk’s office, appoints a replacement. Alternatively, a vacancy may be filled by the voters at a special meeting.

However, a vacancy in the office of the justice of the peace is filled, not by a town’s legislative body or by the voters, but by Vermont’s governor. Why the difference? The answer is that the justice of the peace is not a town officer, but a county officer who is elected and serves at the town level. Accordingly, it is 24 V.S.A. § 2623 concerning vacancies in state, county, or legislative office that controls. That statute provides, “the governor may request the political party of the person whose death or resignation created the vacancy to submit one or more recommendations as to a successor.” After a recommendation is made, the governor may appoint someone to fill the vacancy for the remaining portion of the justice’s two-year term. While it is customary for the governor to appoint a member of the party to which the former justice was a member, he is under no obligation to do so and may appoint a qualified person “whether or not the appointee is recommended by the party committee.” 17 V.S.A. § 2623(b).

(Continued on next page)
ASK THE LEAGUE - (Continued from previous page)

Since a resignation is effective only when sent to the governmental unit authorized to fill the vacancy for the office resigned, the governor must be notified when a vacancy is created in the office of the justice of the peace. In addition to notifying the governor, we suggest that the justice also notify the town clerk as a courtesy, since it is he or she who certifies the election of a justice.

17 V.S.A. §§ 2592(I), 2623.

- Garrett Baxter, Senior Associate, Municipal Assistance Center

PANEL REVIEWS WETLANDS RULES

Last April, the Natural Resources Board’s Water Resources Panel launched an investigation of strategies for amending Vermont’s Wetlands Rules.

(The Water Resources Panel is looking into the Wetlands rules because permit reform legislation that became effective early in 2005 transferred the rule-making functions of the Water Resources Board to the Water Resources Panel.)

As anyone who has undertaken any development or regulated development in recent years knows, if a proposed project is likely to impact a “significant” (Class 1 or Class 2) wetland, then a “conditional use determination” must be requested from the Agency of Natural Resources. Establishment of Class 1 and Class 2 wetlands is initially established by their appearance on the National Wetlands Inventory Maps that were published by the U.S. Fish and Wildlife Service in the late 1970s and revised to conform with the wetlands rules. These maps, known as the Vermont Significant Wetland Inventory Maps (VSWI), denote approximate location and configuration of significant wetlands, except that they are frequently wrong. According to current rules, actual boundaries of wetlands on the VSWI maps shall be determined in the field.

In opening the investigation, former Water Resources Panel Chair Pat Moulton-Powden wrote that several considerations led the panel to investigate amending the Vermont Wetland Rules.

- Experience has shown that the state wetland inventory maps omit approximately thirty percent or more of the significant wetlands in Vermont.
- “Approximately seven percent of the wetlands depicted on the state wetland inventory maps may not be wetlands at all or may not be significant wetlands.”
- “Additional complications associated with the use of the state wetland inventory maps to protect significant wetlands in Vermont involve protecting unmapped wetlands that are contiguous to mapped wetlands and coordinating the Vermont Wetland Rules with other wetland regulations at the local, state, and federal levels.”
- “Recent developments in the law have raised questions about the process for re-classifying wetlands and for more accurately depicting wetland boundaries on the state wetland inventory maps.”

In all but two states, New York and Vermont, state wetlands maps are advisory. In New York and here, state wetlands maps establish jurisdiction in the regulatory process. Complicating the problems with using the maps to establish jurisdiction are the facts that Vermont’s maps are out of date and that wetlands themselves are dynamic systems. Additionally, there are questions about the jurisdiction of the state program relative to the federal program, who makes state decisions about jurisdiction, and how well either state or federal programs are coordinated with local land use regulations. Is Vermont protecting the right wetlands with its current rule? Is it achieving state and federal policies of no net loss of wetlands? And, of particular interest to local governments, is the current regulatory program efficient, easy to use, and effective?

The investigation includes parties from all potentially interested groups, including local governments. The first couple of meetings were laden with background information. Now, as the group begins to work with the assistance of a facilitator, three subcommittees have been established: Map Improvement Workgroup, Technical Issues, and Federal/State Coordination Workgroups.

Should readers have comments or questions about this process or what needs to change to improve the wetlands permit process for municipalities, please contact Karen Horn, VLCT Director, Public Policy and Advocacy, at khorn@vlct.org.

- Karen Horn, VLCT Director, Public Policy and Advocacy
In an attempt to satisfy a mandate established by passage of a corrections bill (S.165, Act 63) in 2005, the Department of Corrections (DOC) has spent the summer working and re-working a proposed administrative rule that outlines the number of offenders that each field staff officer should, and can, supervise.

The latest draft of the rule defines staff-to-offender caseload ratios, but offers those reading or using the rule little guidance on how the ratios were created, if they are indeed sufficient to provide adequate supervision and thus ensure public safety, and what the DOC will do if it finds that it does not have the personnel needed to maintain those ratios.

The ratios are split into two basic categories, risk management (requiring more intensive supervision, comprised of offenders on furlough or conditional re-entry) and response supervision (requiring less intensive supervision, made up of offenders ranging from those transitioning from risk management to those with more limited supervisory needs). The proposed ratios are as follows:

**Risk Management Caseloads**
- Youth = 1 staff for every 20 offenders.
- Risk management = 1 staff for every 30-60 offenders.

**Response Supervision Caseloads**
- Probation/Parole Transition from Risk Management = 1 staff for every 100-200 offenders.
- Low/Moderate Risk Severity Probation/Parole = 1 staff for every 150-200 offenders.
- Probation - Administrative = 1 staff for every 150-300 offenders.

While the ratios provide a benchmark to use in an attempt to define proper caseload sizes, there is no mention of the formula or other method used to determine that those are the optimal ratios – and, as such, no way at all to verify that adequate supervision can and will result. Can any single DOC employee realistically and adequately supervise sixty offenders from the risk management (i.e. “high-risk”) category, while ensuring public safety and successful offender re-entry? Are the ratios established for the other categories realistic (as many as three hundred offenders for one employee of the DOC to supervise)?

The proposed rule also states that theDOC will be “mindful of fiscal constraints” while addressing field staffing needs. In practical terms, this means that no new positions will be added if the proposed staffing ratios are not met or maintained. In the appropriations bill (H.881, Act 215) passed for the current fiscal year, the only mention of new field staff positions (up to five new positions) is tied to DOC’s need to place offenders in out-of-state facilities. Before any of these new field staff positions can be created, the number of Vermont offenders lodged out-of-state must drop below the budgeted level (around 400) and be projected to remain below that level for the following twelve months. This scenario does not seem likely in this fiscal year.

The rule was reviewed by the Legislative Committee on Administrative Rules in June, and is on the agenda for its meeting in late July. The Committee will make the final decision on the proposed rule, but has set no timeframe for when that decision will be made. The drafts are available on the DOC’s Web site for public comment. For a complete copy of the proposed rule, please visit: http://www.doc.state.vt.us/__data/page/18/Re-Posted_for_Comments_6.23.06-.pdf.

- Trevor Lashua, VLCT Associate, Advocacy and Information
Grant Funds Available for Training Land Use Boards

The Vermont Department of Housing and Community Affairs (DHCA) recently announced a new grant program to fund on-site training for local land use boards. The Municipal Education Grant (MEG) program provides municipalities with up to $800 to pay for a trainer and the expenses necessary to bring him or her directly to municipalities. To be eligible for reimbursement, the training must help volunteer members of local boards and commissions understand their duties as defined by 24 V.S.A. Chapter 117.

The MEG program is intended to train local officials as a group – funding for individual members to attend a workshop or course is not eligible. All officials involved in land use planning and regulation, including selectpersons, can participate. Trainers should be contacted prior to submitting a grant application. A list of possible trainers and recommended training topics is provided on the DHCA Web site (www.dhca.state.vt.us).

Approximately $50,000 is available for FY07. Municipalities that are awarded a grant must pay all expenses up front but will be reimbursed by DHCA for up to $800. The opening date for review of MEG applications is August 22, 2006; the closing date is May 1, 2007. DHCA will review applications as they are received, with the goal of issuing a decision within two weeks of receipt of an application. DHCA will seek to distribute the funds equally throughout the state.

Grant recipients will be required to conduct the training and seek reimbursement within 90 days of obtaining the grant.

The MEG program is a pilot program administered by DHCA on behalf of the Vermont Land Use Education and Training Collaborative. The Collaborative, of which VLCT is a member, will evaluate the MEG program before grants are offered in subsequent years.

For more information about the MEG program, please contact Wendy Tudor, DHCA Planning Division, at 802/828-5249 or wendy.tudor@state.vt.us.

Town Highway Emergency Fund Receives Cash Infusion

With extensive damage across the state as a result of spring and summer heavy rainfall, the Vermont Emergency Board decided in July to transfer an additional $1.5 million to the Town Highway Emergency Fund.

The Legislature had originally appropriated $1.25 million for the Town Highway Emergency Fund for the 2007 fiscal year. Due to a combination of outstanding and new financial commitments, this amount is insufficient to cover the funding needs of municipalities for road, bridge, culvert, and other infrastructure damage suffered in recent months. The additional $1.5 million, transferred from the appropriation for the Department of Motor Vehicles (DMV), should fulfill funding needs and leave an estimated $250,000 in the fund for future emergencies.

The $1.5 million hole left in the DMV budget will be addressed during the budget adjustment process that occurs once the Legislature convenes in January.

Municipalities that experience damage to roads and other infrastructure due to an event such as excessive rain should contact the Agency of Transportation District Transportation Administrator (DTA) for their area for a grant application form. Money received from the Town Highway Emergency Fund can be used for Class 1, 2, and 3 town highway and/or bridge repair, reconstruction, or replacement.

The town must meet four criteria to be eligible for funding assistance:

1. The disaster has made state aid “reasonable and necessary to preserve the public good;”
2. The amount of damage is not enough to qualify for assistance from either the Federal Emergency Management Agency (FEMA) or the Federal Highway Administration (FHWA);
3. The level of reimbursement for repair or replacement must coincide with the bridge and road standards in place at the time of the disaster;
4. The cost of the damage meets or exceeds ten percent of a town’s highway budget (minus what has been budgeted for winter maintenance).

Municipalities will be reimbursed for either ninety percent of the repair/replacement

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From mid-June through mid-July, volunteer members of VLCT’s four legislative policy committees met to consider changes to the VLCT Municipal Policy. The committees’ work will result in the draft 2007 Municipal Policy, which will be voted upon at Town Fair in October and used to guide VLCT’s advocacy efforts during the 2007 legislative session.

A number of the changes being proposed for 2007 are the result of legislative action during the 2006 session. For example, the Policy’s section on health care (which is the purview of the Quality of Life and Environment Committee) has been changed to reflect the creation of the Catamount Health Plan. Whereas the 2006 Municipal Policy focused on support for VLCT’s own Health Care Reform Proposal, the 2007 draft contains a set of health care goals. The list of goals includes a focus on preventative care, improvements in efficiencies in the health care delivery system, and quality health care for all Vermonters.

The Finance, Administration, and Intergovernmental Relations (FAIR) Committee once again tackled education-funding reform; it will finish its work in this complicated area in late August. The Committee has also proposed that one of VLCT’s highest priorities for the 2007 state budget be full funding of the state payments in lieu of taxes (PILOT) program, with state buildings valued at their full fair-market value. Local option taxes for all municipalities (if they so choose) and prevention of new unfunded mandates are also included in the FAIR section of the Policy.

The Transportation Committee addressed a number of topics, especially the need to match available federal funds, keep Transportation Fund dollars in the Transportation Fund, and improve project management and efficiency – with an extra focus on the Local Transportation Facilities program administered by the Agency of Transportation.

Recommended changes made by the Public Safety Committee include language that calls for the State to indemnify local public safety officers when they are working at the Criminal Justice Training Academy as instructors or training assistants. Other additions include the call for completion of an emergency communications system that allows all emergency responders (police, fire, and EMS) to talk freely with one another during a disaster event (either manmade or natural), and the continued need to pressure the Department of Corrections to adequately supervise offenders released back into communities.

Please watch your mail and www.vlct.org late in the summer for a copy of the draft 2007 Municipal Policy. Accompanying the Policy will be a form soliciting VLCT members’ input on the draft. Please take a moment to review the Policy and send us your ideas for changes.

- Trevor Lashua, VLCT Associate, Advocacy and Information, and Katherine Roe, VLCT Communications Coordinator

### About the VLCT Municipal Policy

The Municipal Policy is the foundation upon which VLCT’s advocacy efforts are based when the Legislature is in session. The Policy is updated annually by four committees, reviewed by the membership, and, finally, reviewed and edited by the League board before it is put before the membership for amendment and final approval at Town Fair.

The four policy committees are Transportation, Public Safety, Quality of Life and Environment, and FAIR (Finance, Administration, and Intergovernmental Relations). Each is comprised of a cross-section of the League’s membership that includes selectboard and city council members, town clerks, law enforcement/public safety, and town managers and administrators.
2006 Town Fair Exhibitors

The businesses, government agencies, and organizations listed below will be attending Town Fair on October 5 in Barre, Vermont. Many of them are also advertising in this special Town Fair Preview issue of the VLCT News.

Please take a moment to visit their exhibits at Town Fair, and, if they are VLCT News or Town Fair Program Guide advertisers, don't forget to mention that you saw their advertisement in a VLCT publication. Remember, our advertisers and vendors help lower our Town Fair registration fees.

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Hoyle Tanner & Associates, Inc.
Consulting engineers

Massamont Insurance Co.
Insurance for government subdivisions

(Continued on Page Seventeen)
UPDATE ON THE HEALTH PROMOTION LEADER PROGRAM FOR HEALTH TRUST MEMBERS

FORTY-FIVE PARTICIPANTS TO DATE

New for 2006, the Health Promotion Leader is an incentive program that rewards municipalities who participate in health promotion and wellness programs. The following Health Trust members have completed their benchmarks and are working to improve their scores for their final version, due on October 16, 2006.

These members are working with us to help control health care costs and we appreciate their efforts. Participating members are eligible for up to a four percent rate credit (subject to a cap) at the end of 2006.

Based on the benchmarking scores to date, the Health Trust will be returning $189,624 to these members.

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Shelburne
South Burlington
St. Albans City
St. Johnsbury
Stowe
Swanton Village
Unorganized Towns and Gores in Essex County
Vergennes
VLCT
Vermont State Housing Authority
Vernon
Williston
Wilmington
Winhall
Woodstock

There’s still time to participate in this program. We encourage all our members to get involved in an effort to help control health care costs. If you are interested in having one of our staff visit your municipality to explain the program, contact Shawna McNamara or Heidi Joyce in our Safety and Health Promotion Department at 800/649-7915.

- Heidi Joyce, VLCT Senior Health Promotion Consultant

VLCT HEALTH TRUST 2007 RENEWAL

It’s not too early to start planning for the 2007 Health Trust renewal season. If your group is considering alternative health plans for 2007 or additional benefits such as cafeteria plans, dental and/or life and disability coverage, VLCT’s Member Relations staff is ready to assist you with your group benefits planning for the upcoming year. In late August or early September, all VLCT Health Trust members will receive a mailing regarding the upcoming 2007 Health Trust renewal along with a 2007 On-Site Visit Request Form. If you would like a visit from one of the Member Relations representatives for a benefits overview or an orientation to the various products available through the VLCT Health Trust, please complete and return the form and a representative will contact you to set up an appointment. The On-Site Visit Request Form will also be posted on and available to download from the VLCT Web site.

If you have any questions regarding your group benefits or available VLCT Health Trust programs and coverage options, please feel free to call the Member Relations staff at 800/649-7915 for assistance.

INVEST EAP

VLCT’s employee assistance program partner, Invest EAP, will be using the service of Chip Keinath in a new capacity. Chip is a certified drug and alcohol counselor with much experience assisting clients to overcome the challenges posed by drug and alcohol addiction. Chip will now be available to offer special drug and alcohol training workshops for VLCT member organizations. A variety of workshops are available, including understanding drug and alcohol issues; how to know if you have a problem; and how to speak to your teenager about these issues. If your town has an interest in such a workshop, please contact Heidi Joyce at the Vermont League of Cities and Towns, tel. 802/229-9111, ext. 132.

WELCOME

The Lunenburg Fire District #1 recently joined VLCT PACIF, bringing membership up to 347.
DRINKING AND DRIVING IS A DEADLY BREW

Hot summer evenings are a time when many people like to unwind after work with a couple of beers. And that’s great, as long as you don’t drink and drive.

Even a little alcohol can affect your judgment, vision, and reflexes, the three most critical skills necessary for good, safe driving. Just two beers, two glasses of wine, or two shots of hard liquor, for example, could put a 100-pound woman at or above the legal limit. Although it would take a bit more to make a 175-pound man legally intoxicated, a couple of beers would cause just enough physical and mental impairment to seriously increase the risk of a vehicle accident.

It’s a sobering thought that someone dies in an alcohol-related traffic crash every 30 minutes. Nearly 600,000 Americans are injured in alcohol-related traffic crashes each year. Three out of every 10 Americans face the possibility of being directly involved in an alcohol-related traffic crash during their lifetime. And close to 1.5 million people nationwide were arrested in one recent year for driving under the influence of alcohol and/or narcotics.

So enjoy your beer or glass of wine. You’ve worked hard today. You deserve a little time to sit back and unwind. Just don’t do it behind the wheel of a car!

MEMBER RELATIONS WELCOMES DAN RODA

VLCT Member Relations, the department devoted to assisting VLCT members who purchase insurance and benefits services through VLCT, recently added staff member Dan Roda to its ranks.

Dan fills the position of Member Relations Representative that was left vacant when Joanne Gile left the League for a position in the private sector earlier this year. He joins VLCT’s other Member Relations Representatives Kim Gauthier and Tanya Chambers.

Dan, who lives in South Royalton, will spend one day a week in the VLCT office.
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This month we will explore a small piece of the wide world of macros in an effort to help you streamline your Excel tasks. (It works pretty much the same way in Word.) Recording a macro is a simple way to program - you record your keystrokes and the application (Excel or Word) writes the programming code and saves it. This tool can be used to simplify a variety of routine processes or just a series of keystrokes. A few examples:

- Cut or copy and paste data from one location to another in Excel or Word
- Sort and subtotal data in Excel
- Import data from an external file into Excel
- Merge documents, with or without queries in Word
- Format text in Excel or Word
- Fill cells with numbers, dates, weekdays, months in Excel
- Insert rows and columns in Excel, or autotext and symbols in Word

It’s important to remember that these must be routine processes that do not change. The macro plays back exactly what you recorded, and if you change a file name or location or cell location, for example, the macro will choke or do something you didn’t intend it to do. A recorded macro is ideal for copying and pasting report data from one source to another on a regular basis, such as weekly or monthly, where the sources do not change each time. You will be able to hit a shortcut key each time and have the recorded macro run the routine with a single keystroke, rather than several.

We will use a simple print function as an example, creating a macro to automate the printing of a series of worksheets in a workbook so we can reduce the amount of time it takes to produce reports. At VLCT, we have five different reports (each in a different worksheet) to print each month from a workbook that turns our imported trial balance into all of our required reporting. We first open the workbook. To record the macro:

1. Click on Tools, Macro, then Record New Macro:
2. At the next dialogue box, you will want to create a name for the macro
3. Click Ok and you are ready to record your macro. Notice that there is now a tiny box on your screen with the word “Stop” that you can click on to end the macro when you’re finished. Remember that from this point on, you will be recording every keystroke until you click Stop. Making wrong keystrokes will not be a problem other

(Continued on Page Twenty)
CULTURAL FACILITIES GRANT

The Preservation Trust of Vermont recently announced that $200,000 will be available for Cultural Facilities Grants for FY2007.

This grant program is meant to assist non-profit organizations and municipalities in Vermont to improve the potential of facilities to provide cultural activities for the public. Awards will range from $750 to $20,000. Grant recommendations will be made on the basis of competitive review of submitted materials with priority given to applicants articulating a compelling case for need.

The Cultural Facilities Grant application will be posted on the Vermont Arts Council Web site on August 1, 2006; it is due October 2. This year the grant application will be done completely on-line using the Council's new on-line grant making system. Free informational Grantseekers Workshops will be held in early September; applicants are strongly encouraged to attend one of the workshops. Descriptions of the projects funded through the Cultural Facilities Grant Program in 2006 can be viewed at http://www.vermontartscouncil.org/cultural.html.

VERMONT MAPPING PROGRAM MOVE

The Vermont Mapping Program recently moved from Waterbury to Montpelier. Its new address is:

Vermont Mapping Program
Department of Taxes
133 State Street
Montpelier, VT 05633-1401
Tel. 802/828-0575
Fax 802/828-0578

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cost or the repair/replacement cost after subtracting ten percent of the town’s highway budget (again, minus what has been budgeted for winter maintenance). Whether or not an emergency grant is awarded depends largely on if any money is available in the Fund.

The Emergency Board is comprised of the Governor, the chair of the Senate Finance Committee, the chairs of the House and Senate Appropriation Committees, and the chair of the House Ways and Means Committee. The Emergency Board was created for situations in which the state needs to make unforeseen expenditures due to circumstance or emergency.

- Trevor Lashua, VLCT Associate, Advocacy and Information

HIGHWAY FUND -
(Continued from Page Nine)
Stantec is pleased to announce that Dufresne-Henry has joined our organization, providing professional services in:

- Environmental Infrastructure
- Environmental Management
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- Transportation
- Urban Land Engineering
- Planning & Landscape Architecture
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technical leadership on the project. EVermont, started in 1993 by Governor Howard Dean as a public-private partnership, is now a non-profit corporation dedicated to advancing sustainable transportation policies through demonstration of advanced technology vehicles that are sustainable and environmentally friendly, especially in cold climates, hilly terrain, and rural settlement patterns (i.e., here). EVermont coordinated funding for the state-of-the-art project. Chairman John Kassel said, “this project is an important demonstration of the potential of “wind to wheels. It provides a viable link between renewable energy and the transportation industry.”

The fueling station converts electric energy and water into clean hydrogen fuel that can be dispensed into hydrogen-fueled vehicles. As hydrogen contains no carbon, there are no emissions of carbon dioxide (a greenhouse gas), carbon monoxide (a poisonous gas), or hydrocarbons (compounds that can be toxic). Water is the primary by-product. The electricity is generated from a windmill at the Burlington Electric Department, which feeds it back into the electricity “grid.” This electricity provides the energy to split hydrogen and oxygen from water; the hydrogen is then provided to the vehicle (see diagram). The project will provide a valuable testing ground for hydrogen automotive technology in cold-weather climates.

The conversion system and fueling station is on Burlington Public Works Department land, and the Department will use the vehicle locally in a three-year pilot project. The vehicle’s range is about eighty miles, given its current technology. By testing the car in Burlington, project sponsors and engineers hope to make hydrogen-fueled vehicles more accessible in the marketplace. Additionally, now that the fueling station is in place, it could fuel more than the one car you may now spot driving around Burlington.

- Karen Horn, VLCT Director, Public Policy and Advocacy

How do you get there from here? With hydrogen, of course. But, first, start with the wind. The diagram above tells you how.

Chittenden County Metropolitan Planning Organization Director Scott Johnstone (left) and Burlington Public Works Director Steve Goodkind (right) peer at Burlington's new hydrogen "pump."
“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.bcbv.com or drop in and see us at our offices in Berlin and Williston.

4. Follow the same steps you would to print each of the worksheets: File, then Print and Ok. Click the next worksheet tab and print again, repeating this process until you’ve printed the final worksheet. Click on the Stop button in the little macro dialogue box to end the recording.

To run the macro, you can either use the shortcut key you assigned to it (press the control key then "p") or you can click on Tools/Macro/Macros to get a list of all of the recorded macros. Select PrintFins and click on Run. You can also press the Alt key and F8 to get a list of recorded macros.

Other steps can be added to the macro to make adjustments to the page setup, print area, or printer settings before actually printing, so unusual print jobs can be automated and you don’t have to remember the setup each time. Keep in mind that macros can be used in as many ways as you can stretch your imagination, making almost any routine function more efficient.

- Michael Gilban, VLCT Chief Financial Officer

**VLCT Salary Survey Due August 18**

VLCT recently sent its annual salary survey to all members. The completed survey is due back at the VLCT offices by August 18, 2006.

We appreciate timely completion of the surveys so that we may compile the data and get it back to cities and towns in time for it to be useful in the fall budgeting process.

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**Member Relations - (Continued from Page Thirteen)**

and the other four visiting members in the southern part of the state. With the 2006 workers’ compensation audits and the 2007 health insurance renewal season gearing up, he will be busy traveling around Vermont to meet with local officials and employees.

Dan comes to VLCT with a background in education and promotions. Both skills will be put to use as he visits with VLCT members to explain their current insurance and benefits plans, as well as their options for new, changed, or expanded coverage.

A 2004 graduate of Middlebury College with a Bachelor of Arts in English and a minor in Physics, Dan subsequently worked as a substitute teacher at the Middlebury Union Middle School, an educator in the South Royalton School, and independently in promotions and marketing.

He moved to Vermont six years ago from Southern California and has made the transition to Vermont without missing a beat – in his free time he likes to fix up old barns and bring brushy pastures back to life, as well as take care of the chickens and horses that live in them. Dan also plays soccer with a local league, and let slip that he likes to sing. Perhaps he will be drafted into the VLCT staff “band” that performs on occasion at Town Fair’s Local Government Dinner.

Stay tuned, and welcome, Dan!

**VTrans Puts Project Status on Web**

The Vermont Agency of Transportation (VTrans) recently unveiled a new Internet tool designed to help municipal officials and others stay informed about the status of transportation projects.

The tool, titled Project Status Report, can be accessed from VTrans’ home page. The report provides information on all transportation projects that are in the Agency’s Capital Program and Project Development Plan, even if work on the project has yet to begin.

Information provided includes a brief project description, bid information or estimated cost, and key dates in the project’s history, such as when the project was conceived, when environmental permits were acquired and when a contract was put out to bid.

A project’s anticipated completion date, if one has been established, is also included. Other information includes the name and contact information of VTrans program and project managers associated with the project, as well as contact information for a municipal project manager if there is one.

By clicking on Project Status Report on the left-hand pane of VTrans’ homepage, viewers will access an easy-to-use menu that allows the sorting of projects in a number of ways, including by town, by county, by project manager, and by the type of transportation project (paving, bridge, rail, aviation, etc.). Viewers can also access some projects by using a map interface.

The Web tool is designed to provide viewers with the most up to date information about transportation projects with only a few computer clicks. The VTrans Web site is http://www.aot.state.vt.us.

**TRIVIA**

Congratulations this month to Nellie Noble, Granby Town Clerk, who knows a thing or two about old-time haying. She correctly, and quickly, let us know that a staddle is a wooden, raised platform that was used to store dry hay, back when haying was done by hand. She knew the bonus question as well – her recipe for switchel, a beverage traditionally consumed during haying, includes water, ginger, vinegar, and eggs. Other recipes, thankfully, also included a sweetener.

Here is our August/September challenge:

In 1917 a Baptist minister in Vermont was accused of violating that year’s federal Espionage Act. Who was the minister, what was he accused of, and what was the outcome of the trial?

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

Town Planner. Alton, NH, located on the most southerly shore of Lake Winnipesaukee, seeks a town planner. This position requires short- and long-range planning studies, conducts regulatory review of development applications, oversees construction inspection, ensures compliance with planning department policies, and reports to the Town Administrator. Minimum qualifications: Bachelor’s degree in municipal planning or a related degree, and ability to initiate, develop, document, and present proposals and ideas to a variety of constituents, including various boards, developers, and the public at large. A working knowledge of engineering concepts is a plus. Salary range, $50,000-$60,000. To apply, send a resume to Town Administrator, Alton Town Hall, P.O. Box 659, Alton, NH 03809. Applications accepted until the position is filled. EOE. (7-21)

Director of Planning & Development. Montpelier, Vt. (pop. 8,100), is accepting applications for the position of Planning & Development Director, a department head position that reports directly to the City Manager. The position currently manages the development review, zoning administration, land use planning, community development, housing, revolving loan fund, GIS, Web site, and other related functions, as well as many special projects. The Director supervises 3.5 FTEs, $320,000 general fund budget, $500,000 in community development funds, and several grant-funded projects. Work involves close cooperation and coordination with many citizen boards including the Planning Commission, Development Review Board, Design Review Committee, Montpelier Historic Preservation Commission, Montpelier Downtown Community Association, Conservation Commission, City Council, and others. Attendance at many evening meetings is necessary. The successful applicant will have an advanced degree in land use planning, community development, or related field, at least 5-10 years demonstrated experience in municipal planning/land use regulation, understanding and familiarity with federal and state funding, CDBG programs, successful history in grant writing, administration and project implementation, and a proven ability to manage multiple high priority projects with multiple funding sources. Experience with and knowledge of Vermont land use regulations and planning processes is desired. Excellent written and verbal communication skills, a strong work ethic, good public presentation/discussion skills, grace under pressure and solid departmental management ability are needed. Annual salary negotiable based on experience and qualifications; salary is currently budgeted at $54,871. Excellent benefits package. Submissions will be considered until position is filled. Please submit letter and resume by August 7, 2006 to William J. Fraser, City Manager, City Hall, 39 Main Street, Montpelier, VT 05602-2950. Montpelier is an equal opportunity employer. (7-11)

Engineer (civil/environmental). Weston & Sampson Engineers has an excellent opportunity for an engineer to join our team in our Waterbury, Vermont office. The ideal candidate will be experienced in planning and designing water supply, wastewater and stormwater projects. Other skills – including AutoCad, GIS, a facility for written and verbal communication, and construction oversight – are a plus. Weston & Sampson, established in 1899, offers a depth of experience, creative problem solving, and a competitive benefits package. Check out our Web site at www.westonandsampson.com. Please forward your resume, in confidence, to Weston & Sampson Engineers, Inc., Attention: Human Resources, P.O. Box 189, Waterbury, VT 05676, or e-mail to bisceglk@wseinc.com. (7-18)

Town Manager. The attractive seacoast community of Hampton, New Hampshire (year-round pop. 15,266; summer pop. up to 100,000) seeks an articulate and experienced manager to manage all aspects of town government. Experience should include labor negotiations, financial management, purchasing, budget preparation, grant application and administration. Successful candidate will possess ability to interact effectively with elected and appointed Town officials and the public. Appointed by a five-member board of selectmen. Must have master’s degree in public or business administration with a minimum of seven years experience as a town or city manager or equivalent municipal designation. Candidate will relocate to Hampton within six months of initial employment. Salary

(Continued on Page Twenty-four)
For more information about the following workshops or events, please contact Jessica Hill, VLCT Manager, Administrative Services, tel., 800/649-7915; e-mail, jhill@vlct.org. Or visit www.vlct.org’s Events 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.

Watch your mail in the coming weeks for the 2006-2007 VLCT Calendar of Training and Events!

Green Mountain Payroll Conference. Thursday, September 21, 2006, Capitol Plaza, Montpelier. Sponsored by the Green Mountain Payroll Association. A day filled with educational sessions focusing on the payroll and human resource professions. First come, first served; registration limited to 100. Registrations received after August 9 incur an additional $10.00 fee. After the last session, a 2007 Green Mountain Payroll Association membership will be raffled. You must be present to win. For more information, contact Janis Blais at jblais@nationallife.com or 802/229-3457 or visit www.greenmountainpayroll.netfirms.com.

VLCT Town Fair. Thursday, October 5, 2006, Barre Municipal Civic Center, Barre. The staff at VLCT is working hard to finalize this year’s Town Fair program (see articles elsewhere in this issue). Please watch your mail or www.vlct.org for more program information.

CLASSIFIEDS -
(Continued from Page Twenty-three)

dependent upon qualifications and experience. Excellent fringe benefits. Reply by letter and resume, including salary history and requirements, by Friday, August 25, 2006 to: Professional Recruitment Service – Hampton, P.O. Box 617, Concord, NH 03302-0617. EOE. (7-13)