TOWN FAIR 2006
ELECTION YEAR FAIR FEATURES STATE/LOCAL ISSUES

A beautiful Vermont fall day welcomed attendees at VLCT’s annual Town Fair, held on October 5 in Barre, Vermont. With a chill in the early morning air, more than 350 members representing 111 municipalities from around the state arrived at the scenic hilltop location of the Barre Municipal Civic Center. Over 150 representatives from 90 vendors also attended and eagerly shared their products and services with Town Fair attendees.

In this election year, Town Fair offered two opportunities for attendees to weigh in on statewide policies. Local officials packed the Gubernatorial Debate in the morning and the VLCT Annual Meeting in the afternoon to learn about and vote on topics such as education finance reform, property appraisal, corrections policies, transportation funding, payment in lieu of taxes for state property, workforce development and retention, and land use regulations. VLCT was pleased to welcome Republican Governor James Douglas and his Democratic challenger Scudder Parker to Town Fair for a discussion of these issues. (See related articles on the Debate and Annual Meeting elsewhere in this issue.)

Sandwiched between the Debate and Annual Meeting were a series of workshops, “downtime” for visiting vendors, and Town Fair’s traditional turkey dinner and award ceremony. For additional information on any of the products you saw at Town Fair, please contact VLCT’s Jessica Hill at 800/649-7915 or jhill@vlct.org.

If you did not fill out an evaluation form at Town Fair, it is not too late to send us your thoughts (jhill@vlct.org). We welcome your feedback! Just as interesting to us, if not more

What’s On Our Minds
GUBERNATORIAL CANDIDATES RESPOND TO LOCAL CONCERNS

A standing room only crowd of local officials availed themselves of the opportunity to hear gubernatorial candidates Scudder Parker and Jim Douglas debate municipal governance issues at Town Fair. Moderated by Associated Press reporter Ross Sneyd, the candidates responded first to previously submitted questions and then to questions from the audience. The candidates have met in multiple debate forums this campaign season but their Town Fair debate was the only one in which they focused their attention on municipal issues.

Mediation In Environmental Court
A NEW METHOD OF PROBLEM-SOLVING

The Environmental Court, located in Berlin, is a statewide court that hears state and municipal enforcement cases in zoning and environmental matters. The Court also hears appeals from municipal zoning and planning boards and, under Act 250, from district environmental commissions. The Court has two judges (Merideth Wright and Thomas S. Durkin) and six other staff members: the court manager, case manager, two docket clerks, and two law clerks.

In early 2005, the Environmental Court implemented a court-ordered mediation program. Previously, cases had been mediated only if the parties desired to participate in such a process. Now, judges order the parties to mediate whenever the judges decide a case is appropriate for mediation.

In a typical case, if mediation is ordered, litigants are given a short period of time (usually two weeks) to select a mediator and slightly more time (usually four weeks after the mediator is chosen) to complete mediation. The Court sends the mediator a copy of the case scheduling order (which sets out mediation regulations). VLCT was pleased to welcome Republican Governor James Douglas and his Democratic challenger Scudder Parker to Town Fair for a discussion of these issues. (See related articles on the Debate and Annual Meeting elsewhere in this issue.)

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so, is feedback from our members who decided not to attend Town Fair. Please take a moment to let us know why. A better understanding of how more of our members could attend will help us organize a better event for you. And, believe it or not, we are already beginning to organize **Town Fair 2007**, which will be held on October 11 at the Champlain Valley Fairgrounds in Essex Junction. We are excited to be trying a new venue and hope to see you there!

### $100.00 Grand Raffle Winners

- Kevin Cook – St. Albans Town
- Scott Critchfield – Bellows Falls Village
- Denise Gabaree – Northfield Town
- Carol Hammond – Vernon Town
- Marilyn Kinney – Dorset Town
- George Lague – Swanton Village
- Clyde Prouty – Londonderry
- Linda Spence – Manchester Town
- Irv Thomae – Norwich
- Don Waterman – Newbury Town

### Town Citizenship Award

Margaret “Peg” Rood

### Lifetime Achievement Award

Roy Ingalls

### Municipal Person of the Year

Eric Nye, II

U.S. Congressional Representative and U.S. Senate candidate Bernie Sanders was one of many politicians who attended Town Fair 2006 (top left). Hundreds of municipal officials, employees, and volunteers from around the state enjoyed Town Fair’s traditional turkey dinner luncheon (middle left).

Eric Nye, II receives his Municipal Person of the Year award from VLCT Executive Director Steven Jeffrey (bottom left).

The VLCT Annual Meeting featured a long debate about the League’s Education Finance Reform recommendations, interspersed with many votes (top right).

VLCT’s new COBRA plan administrator, COBRA Outsourcing Co., participated in Town Fair’s extensive trade show (bottom right).
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Connie Brennan  Nicole Dumais  Arleen Girard  Paul Martel  Richard Ranaghan  John Conte  Patricia Carlino
Dianne Skerry  Melissa Williams  Wanda Oczechowski  Shelly Quinn  Ted May

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Environmental Court Tackles DRB Member Bias and Punts

The Vermont Environmental Court has issued a decision sharply critical of the St. Albans town development review board’s (DRB) failure to address member bias during a hearing on an application for construction of a new Wal-Mart store. In re: JLD Properties – Wal-Mart St. Albans 132-7-05 Vtec (September 2006).

Of particular concern to the Environmental Court were the actions of Ernest Levesque, Jr. Mr. Levesque was a member of the St. Albans town DRB and had served as the zoning administrator for the town of St. Albans in the 1990s. While participating in the hearing on the application to construct a new Wal-Mart store, Mr. Levesque wore a hat bearing the words “ST. ALBANS NEEDS WAL-MART.” After the chair of the DRB asked him to remove the hat, Mr. Levesque placed the hat in front of him on the hearing table, where it could be seen by the hearing participants.

Mr. Levesque had received the hat while serving as the St. Albans zoning administrator, as a gift from a Wal-Mart employee after another local permit proceeding. It was also revealed that, some time before serving on the DRB, Mr. Levesque had telephoned the principal of the company seeking the permit to suggest that Wal-Mart first go into an existing retail space in St. Albans so that it would have community support behind it when it applied for a permit to construct a new facility. This last fact was not disclosed to the public at the hearing.

The appellants argued that their constitutional due process right to a fair and open hearing before an impartial decision-maker was violated so egregiously as to require the Environmental Court to conclude that the DRB decision was void or should be vacated, and to remand the matter for further proceedings before the DRB so that it can render a valid decision.

The Court noted that, as a member of the DRB conducting a quasi-judicial hearing on the application, Mr. Levesque had a right to his privately-held opinion, but when he wore a hat with a pro-Wal-Mart inscription while sitting to judge the merits of an application to site a Wal-Mart store, he “destroyed the appearance of fairness that due process requires and to which the stakeholders at the hearing were entitled, whether or not he also departed from the reality of giving the application a fair hearing.” The appearance of prejudgment contravened the constitutional standard of a fair trial before an impartial decision-maker: “[Mr. Levesque’s] act of disrespect for the integrity of the DRB proceedings, whether or not intended as such, gave both the stakeholders and observers good reason to doubt that the proceedings were being conducted by the required impartial and wholly disinterested tribunal.”

Despite its strong criticism, the Environmental Court ultimately refused to remand the case back to the DRB for a new hearing. Instead, it elected to proceed with a de novo appeal, turning away from an excellent opportunity to demonstrate to Vermont cities and towns the potential consequences of failing to address DRB member bias and conflicts of interest.

A copy of the decision can be obtained at http://www.vermontjudiciary.org/ccdecisions/05-132z.JLD-StAWalMart.sjo.pdf

- Jim Barlow, Attorney, VLCT Municipal Assistance Center

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What’s on Our Minds -  
(Continued from Page One)

Prepared Questions

Education Finance. In the next fiscal year, it is projected that Vermont property taxpayers will be paying twice as much in education property taxes as they were when Act 60 was implemented nine years ago—despite a 10 percent reduction in the number of students. As Governor, what modifications to our education system will you propose to the Legislature, if any?

Scudder Parker had the first crack at this question. He emphasized the need for a concerted program to lower cost drivers such as the federal No Child Left Behind (NCLB) mandates, energy costs, health care costs, full federal funding of special education, and working with communities to develop strategies to better use physical and teacher resources as well as looking at locally generated school consolidation that would save money. He believes that in much the same way a timing belt on a car is checked, it is time to comprehensively re-evaluate Act 60 and 68 and he pledged to participate in that conversation as Governor.

Jim Douglas cast the history of Vermont as the history of paying for education and stated emphatically that we can’t let property taxes increase at a rate faster than paychecks do. In this legislative session, Douglas pointed out, he proposed a 10% across the board tax rate reduction and reforms to the Common Level of Appraisal (CLA), as well as reductions in the prebate program. He believes that a cap on property taxes needs to be imposed, as long as it includes an escape provision if a school district votes for it by a margin of 60% or more.

Transportation. With the demand for state transportation dollars far exceeding what is available, how would you propose to make the state match needed to take advantage of increased federal funding without directly or indirectly raising property taxes?

Douglas stated that the House voted to raise gas and diesel taxes but he was pleased that the Senate defeated that proposal. He is proud that this year all dollars received from the federal government for transportation projects were matched without raising taxes. At the same time, he said funding for local projects was increased by 25% and the annual paving budget was increased to $55 million.

Parker countered that the Governor’s first proposal was to raid the education fund in order to meet federal match requirements. “I will not support raiding the education fund for other purposes,” he declared. He said the Governor’s next proposals were to raise the sales tax and then to raise fees, both of which affect Vermonters more than they affect visitors to the state. The solution devised this year was a one-time fix. Parker also believes that the person managing VTrans needs to be a person who knows the whole range of transportation issues and that the administration and Legislature need to look long-range at what will fund transportation needs.

Corrections. Given the overcrowding in Vermont’s correctional facilities and decisions to help relieve that pressure by moving offenders back into the community, the successful reintegration of offenders into society is as important as it has ever been. What will you do as Governor to facilitate the successful re-entry of offenders without shifting the costs and responsibility for their supervision to municipalities?

Parker expressed his appreciation for the thoughtfulness of the question. He believes that it reflects an awareness of the need to get people out of prisons and back into the community, and the failure of the state to partner with local officials to provide the social services, police and legal services that prisoners need. He indicated that, whereas Corrections used to be 30% of the cost of the higher education budget for the state, it now represents 125% of the cost of higher education budgets, that crime is increasing significantly in Chittenden County and that recommendations of the Overcrowding Commission Report have not been implemented.

Douglas acknowledged the difficulty of this question and said that more needs to be done. He indicated that, upon release from prison, the majority of persons under the supervision of the Department of Corrections go back to the community in which they lived prior to offending. He reminded the audience that Vermont has an offender work program, is implementing a GPS bracelet program to monitor offenders, and has a transitional housing program, as well as supporting Community Justice Centers. Because the majority of people in jail are there as a result of drug-related crime, his administration has tried to address the root cause of criminal activity by launching the Drug Education, Treatment, Enforcement and Rehabilitation initiative to provide offenders the treatment, enforcement and education they need to successfully reintegrate into society.

Payments in Lieu of Taxes (PILOT). What will you do to assure that the state provides to cities and towns the funding necessary to plow the streets, provide fire and law enforcement protection, and deliver all the other

The candidates have met in multiple debate forums this campaign season but their Town Fair debate was the only one in which they focused their attention on municipal issues.

Is it time to economize on transportation costs for your organization?

With today’s high fuel costs, it makes more sense than ever before to economize on transportation costs. Would your non-profit organization or small non-profit commuter group benefit from owning and operating a 7-15 passenger commuter van—financed interest-free?

The Vermont Agency of Transportation (VTrans) and the Vermont Economic Development Authority (VEDA) have funds available through the State Infrastructure Bank (SIB) Program to help qualified non-profits finance up to 90% of the cost of commuter vans. VTrans fully subsidizes the SIB interest charges and application fee.

To learn more, visit www.veda.org or call 802-828-5627.

(Continued on Page Eight)
When is an employee’s on-call time compensable?

A very simple principle underscores our free market economy: you work, you get paid. This simple principle becomes a bit more complicated when employees are on call. Employees are on call when they provide services during their off-hours. For example, a police officer monitoring the radio at home for emergencies or a highway crewperson who plows during the winter are both on call.

The U.S. Department of Labor considers an employee on call when “required to remain on call on the employer’s premises or so close thereto that he cannot use the time effectively for his own purposes…” 29 C.F.R. § 785.17. Accordingly, the general rule of thumb is that an employee should be compensated when waiting to be engaged in personal pursuits, and (2) any agreements that may exist between the employees and their employer, to determine whether an employee’s on-call waiting time is compensable. Owens v. Local No. 169, As’n of W. Pulp & Paper Workers, 971 F.2d 347 (9th Cir. 1992).

It is this formula that Vermont’s courts may look to for guidance. The first factor, “the degree to which an employee is free to engage in personal pursuits,” is measured by (1) whether employees are required to live on-premises; (2) restrictive travel; (3) excessive call-volume; (4) unduly strict response times; (5) the ability to trade on-call shifts; (6) whether using a pager eased restrictions; and (7) whether employees actually pursued personal pursuits during their on-call shifts.

Basicly, the factors that permit personal pursuits are balanced against those that restrict personal pursuits to figure out whether an employee is so restricted that he or she is engaged to wait.

The second factor, “whether any agreements exist between the employees and their employer,” helps courts determine whether they consider on-call time as actual work. Though neither factor will decide the matter on its own, together they can help courts determine whether an employee’s on-call time should be compensated.

We suggest municipalities keep the first factor in mind when characterizing employees’ on-call time, and to follow the example of the second by incorporating it into an on-call policy that informs the employer, employee, and courts exactly when employees work and when they get paid.

- Garrett Baxter, Senior Associate, Municipal Assistance Center

What are the notice and warnings requirements for a petition calling for a special meeting to disapprove an ordinance or rule?

This is one of the VLCT Municipal Assistance Center’s most frequently asked questions. Please note that the warning and notice requirements for this type of special meeting are different from those for addressing other matters proper before the voters. See 17 V.S.A. § 2641.

If your legislative body receives a valid petition (signed by not less than five percent of the qualified voters of the municipality and received within 44 days following the date of adoption of a rule or ordinance), a special meeting must be called within 60 days of its receipt (or an article included in the warning for the next annual meeting if it falls within that 60-day period) to determine whether the voters will “disapprove” the rule or ordinance. 24 V.S.A. § 1973(b) (c). We will only address the calling of a special meeting for the purpose of this article.

Voting would be in the traditional, open-type town meeting, unless the municipality has voted to use the Australian ballot system for public questions. In either event, two copies of the ordinance or rule must be posted at each polling place during the hours of voting and copies must also be made available at the polls upon request. If Australian ballot is used, there is no need to reprint the entire ordinance or rule on the ballot; a warning (and ballot) asking “Shall the voters of [name of municipality] disapprove the proposed [name] ordinance?” would suffice.

The warning for the meeting must include the date, time, and location of the meeting, be signed by a majority of the legislative body, filed with the clerk, and recorded with the date and time received noted upon it prior to its posting. It must be posted in

(Continued on next page)
at least two public places in the municipality and in or near the town clerk’s office at least 30 but not more than 40 days prior to the meeting. The warning must also be published in a newspaper of general circulation unless otherwise distributed to the voters 10 days prior to the meeting. The posted notice accompanying the warning must include information about voter registration, absentee voting, and other appropriate information. If the municipality votes public questions from the floor, then information applicable only to Australian ballot voting need not be included.

- Garrett Baxter, Senior Associate, Municipal Assistance Center

Are election workers exempt from tax withholdings?

Yes and no. Election workers only work a few days a year for state and local government, and therefore have different tax withholding guidelines to follow. With November elections rapidly approaching, the following information taken from The Payroll Source should help answer most questions about this process.

Election workers are not subject to federal income tax withholding because these amounts are “in the nature of fees paid to public officials.” Such fees are not subject to federal income tax withholding.

Additionally, election workers receiving less than $1,300 in 2006 (indexed annually for inflation) are not subject to social security and Medicare taxes. However, if an election worker is paid more than $1,300 in 2006, the entire amount is subject to social security and Medicare taxes. Earnings must be reported in Boxes 3 and 5 of the Form W-2.

Finally, if an election worker receives less than $600 in a year and is not subject to social security coverage under a Section 218 agreement, no reporting is required on a Form W-2. If the election worker does earn $600 or more, the earnings must be reported in Box 1 of the W-2.

Keep in mind, these specific dollar amounts are a combined total of all earnings from a single government employer. For example, an individual earns $200 as an election worker and is also employed in another position, earning $500, within that same government entity. Both the $200 and $500 payments, and the amount of income tax withheld, must be reported on the W-2.

- Tara Fischer, Research and Information Assistant, Municipal Assistance Center

Fairlee Volunteer Urges Increased Statewide Action on Milfoil

In 1991, Eurasian water milfoil was discovered in Fairlee’s Lake Morey. For 13 years, the spread of the plants was kept under control, but over the past several years, it has intensified to the point where the infestation exists in virtually every part of the Lake’s perimeter.

Milfoil is described on the Vermont Department of Environmental Conservation’s (DEC) Web site as a non-native aquatic plant which “forms dense beds that can seriously impair the recreational use of a lake, reduce the availability of fish spawning grounds, out-compete beneficial native plants, and otherwise alter a lake’s environment.”

Milfoil infestations can also have a significant financial impact on a community. Since 1992, Fairlee has spent over $1 million on control activities. About half of this amount was reimbursed by the state through various grants. The balance came from the town and volunteer in-kind contributions. In 2005, DEC funds partially paid for 35 milfoil control projects in towns around the state. Total dollars distributed were $527,422, and total project costs were estimated at $1,093,192. Volunteers did much of the work. Methods of control employed in funded projects included installing bottom barriers, suction harvesting, herbicides, handpulling, hydoraking, and mechanical harvesting. Fairlee has employed bottom barriers, suction harvesting, and hand pulling. However, they are no longer effective.

In Lake Morey and other similarly affected lakes, the increased infestation, if not addressed promptly and effectively, will adversely affect property values and, ultimately, host communities’ financial viability. At present, one-half of Fairlee’s property tax is paid by people with Lake frontage, access or views. Two of the biggest taxpayers, the Aloha Camps and the Lake Morey Resort, are lake-dependent; they provide employment, hire local trades people, purchase goods and services from area businesses, and attract tourist dollars.

Currently, 60 lakes and 20 rivers in Vermont are infested with milfoil. The 100 or so towns associated with these water bodies are now or can soon expect to be experiencing similar problems.

In the 2004 capital bill, DEC was directed to report on the status of the Vermont Aquatic Nuisance Control Grant in Aid Program to control invasive aquatic plants (not only milfoil but also water chestnuts, hydrilla and zebra mussels, among others). That report was delivered to the Legislature in January 2006 but DEC was never asked to discuss its findings with any committee. Its recommendations include hiring personnel to oversee and implement local programs and increasing funding by $7-$9.3 million so that the Program could fund 75% of grant requests.

One issue from the perspective of local officials and volunteers is that DEC needs to dedicate more of its resources to putting state personnel in the field (or lake) to complete nuisance control tasks in what are significant state resources—the waters of the state. In Fairlee, local officials and citizen volunteers feel strongly that the time has come for the Legislature to take action and for DEC to become more proactive in expanding the arsenal of safe and effective alternatives to combat this threat to Vermont’s waters and economy.

- Don Weaver, Chair, Lake Morey Commission
Douglas reminded the audience that PILOT has grown significantly in the last five years. He stated “we now devote a portion of the local option tax to PILOT” and agreed that because of it, PILOT payments have doubled in a short span of time.

Parker made clear his belief that PILOT is a symbolic statement of the state’s willingness to acknowledge the costs imposed on communities by state properties. He indicated that he will make sure PILOT dollars are available at a very fair rate to share costs and that, as the local option tax is expanded around the state, it will be a good source of funding for PILOT. As Governor, he would listen carefully and thoroughly to local officials’ concerns, as the state needs to be constantly aware of the costs it imposes on municipalities.

Education Fund Revenues and Uses. How will you comply with the wishes of the voters expressed at the 2006 Town Meeting that opposed new uses of and diversion of revenues from the state Education Fund?

Parker said, “I won’t do it. I won’t propose it or support it.” He stated that the worry of municipalities at the time Act 60 was passed was that harnessing the property tax as a statewide tax made it almost impossible to resist. The promise that the state property tax will be used only for the education fund needs to be kept. He also reiterated that income sensitivity was a commitment made early on and its focus needs to be maintained.

Douglas made it clear that he did propose a larger cut in the tax rate than the Legislature had approved and pledged to propose a cap on education property taxes in 2007. There are 46 states with some kind of cap in place today, said Douglas, who strongly believes that Vermont’s economic future is dependent on such a cap.

Questions from the Floor. As Governor, will you support a constitutional amendment to accord cities and towns the authority to govern themselves in matters affecting only their municipalities?

Douglas reminded local officials that the Vermont Constitution is the shortest, least amended, and least specific of all 50 states. He is not enthusiastic about a constitutional amendment. Local officials should remember that towns are the first unit of government, the form closest to the people, and a form of government he respects highly.

Parker indicated that the proposal is an expression of the concern that the trust between local governments and the state has eroded over the years. In his experience, the state turns a deaf ear to imagination, initiative and creativity at the local level. He believes that government works best in partnership, with the state providing resources to local government for planning and implementation. Many of the good ideas about permit processes, housing needs, and corrections come from local officials and people in the communities. Essentially agreeing with the Governor, Parker said he was not excited about a constitutional amendment that may have serious unintended consequences in how it would be implemented.

Local Option Taxes. As Governor, will you support extending the authority to institute local option taxes to all municipalities?

Parker pointed out that the state has begun to do this in a way that is predictable and fair. He is cautious about the local option tax being extended to all municipalities if it results in erosion of the state’s revenue raising capacity.

Douglas indicated that he supported the status quo and emphasized that we shouldn’t try to think of more ways to tax the people of Vermont. According to the census, Vermont has the highest tax burden per capita in the country. He believes that Vermont doesn’t have a very good record of shifting the burden without letting taxes rise at the same time.

Health Care. The past decade has featured annual double-digit increases in the cost of health insurance, which severely strains municipal budgets. How large of a premium reduction in health insurance rates can Vermont municipalities expect this January due to last session’s passage of the Catamount Health Plan?

Parker indicated that because the Catamount Health Plan does not go into effect for a year, he has no prediction about its impact in January. He said that this is the fastest growing component of school and municipal budgets and that we have to address it in a sustained way that takes that piece out of the battles waged annually around local school budgets. He does not believe that the Plan addresses the issue of people paying huge premiums and deductibles for health care.

Douglas agreed that more needs to be done to control costs but argued that he expects the Catamount Health Plan to do a great deal of good in the next few years. He expects over the next few years to see a significant number of additional Vermonter, around 19,000, covered by insurance. He cited an article in Inc. Magazine that said that part of the reason Vermont is seen as a good place to do business is our focus on wellness, preventive care and chronic disease management. He expects that the Vermont Medicare program will reduce the cost shift to the insured, and that, in the next few years, premium increases will moderate.

Land Use. The real dictator of how towns develop may be the classification of the waters of the state or the state permitting process (Act 250), rather than municipally adopted plans. What will you do to assure that growth decisions made at the local level remain standing in state permitting processes and water classification decisions?

Douglas believes that the growth centers legislation (Act 183, passed this legislative session) is a very important and positive piece of legislation. It allows communities to identify areas in which they want to grow, especially providing residential growth. This is another type of issue where a close working relationship is needed between the state and towns. He reminded the audience that water flows without regard to town boundaries, and that he wants to work with municipalities to do the right thing. Douglas also reminded local officials that when he took office there were thousands of expired stormwater permits, a backlog that has been almost wiped clean now. His biggest program to address water quality is the Clean and Clear Action Plan. He said he is pleased to see so many municipalities taking water quality very seriously.

Parker stated that communities need to understand the impacts of local development of land and water resources on the broader natural resource base of the state. The understanding comes from having adequate information, including general mapping, aquifer mapping, and strategies to improve the quality of water, downtown investment and protection of open lands. All are critical to making effective planning decisions that will hold up in the regulatory process. The state needs to partner with communities and farmers for effective implementation.

- Karen Horn, VLCT Director of Public Policy and Advocacy
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The Health Trust Board Adopts Policy on Retiree Participation

For over twelve years, the VLCT Health Trust has allowed member municipalities the option of offering continued group health insurance to their retiring employees. Until now, the Trust has allowed each municipality to define what a “retired employee” is for its group. The lack of guidelines in this area prompted the Board of Directors to adopt a Policy on Extending Health Insurance Coverage to Municipal Retirees at its September meeting. With input from Health Trust members, the Board wrote a policy that allows municipalities to offer continued health insurance to their employees who are truly retiring and not just leaving the job. It sets some commonly used limits of age and length of service for eligibility to continue to obtain health insurance after employment separation. It also requires retirees to choose immediately upon retirement whether they will avail themselves of the coverage. In addition, the policy specifies under what conditions employees’ spouses and other dependents might be covered.

As of October 1, 2006, the policy covers current employees of municipalities that offer retiree coverage. It also allows retirees already enrolled in their town’s policy as of October 1 to continue to obtain health insurance through the Trust.

The Trust Board of Directors took this action because of its concern about the impact of rising health insurance costs on the municipal property taxpayers and employees who have to pay them. Without any guidelines for retiree coverage, the Trust faced the consequences of “adverse selection,” that is, having its health insurance product selected by individuals only when they became sick, or only when it saved them money over their alternatives (a spouse’s plan, for example).

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What to Do in a Workplace Fire

When you hear a fire alarm:
- Evacuate using your assigned evacuation route. If that route is blocked, use your alternate.
- Close doors behind you as you leave.
- If you encounter smoke, crawl low under it.
- Once outside, move away from exits. Go to your assigned assembly area and report to the person taking a head count.
- Remain outside until you are told it is safe to re-enter the building.

If you are unable to get out of the building:
- Create an area of refuge in a room with windows. Use wet cloths to seal cracks under doors and vents against smoke.
- Don’t break windows. Open the window just a crack if you need air.
- Stay low under smoke, and cover your nose and mouth with a wet cloth.
- Signal for help by using a phone or hanging something in the window.

If you discover a fire:
- Activate the nearest fire alarm.
- Call 911 immediately. Don’t assume that someone else has already done this.
- Evacuate the building.

If you fight a fire with an extinguisher:
- Call 911 or get a co-worker to do it.
- Make sure everybody else in the area has been warned and is evacuating.
- Select the right extinguisher for the type of fire.
- Give up and evacuate if the fire is not extinguished by the time the extinguisher is empty.
- Don’t try to fight a large or spreading fire — evacuate.

Cuts -
(Continued from previous page)

2006 Leader Program Concludes
Thank you to the 46 VLCT Health Trust Leader program participants who returned their updated Leader form and supporting audit materials to VLCT by the October 16 deadline. VLCT will review this material and notify eligible participants by December 31, 2006 of the money being returned to them.

VLCT Director of Member Relations Larry Smith finishes trying out the League’s new hybrid vehicle. The Toyota Camry will be used by VLCT member relations staff members when they visit with municipalities around the state.

The Camry is the League’s first hybrid car and the seventh VLCT fleet vehicle. Most VLCT vehicles are minivans, which are needed to carry staff training materials. The VLCT Board recently voted, however, to purchase hybrid vehicles whenever possible. With an average of 34 MPG, the hybrid will lower VLCT’s gasoline costs. Even better for its drivers, the new car is a cheerful cherry red!

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**VLCT STAFF NEWS AND NOTES**

**Underwriting Welcomes Danielle Trombly**

VLCT’s Underwriting Division became fully staffed last month with the addition of Danielle Trombly to its staff. Danielle fills the position of Underwriting Assistant that was vacated with the promotion of Vicky Abare to the position of Senior Underwriting Assistant. Congratulations to both women on your new positions!

Danielle Trombly comes to VLCT having most recently worked in New York City as an Administrative Assistant for a small health and fitness organization. She has also worked in the past for two well-known Montpelier businesses, the New England Culinary Institute and First in Fitness. While living in New York, Danielle completed all of her coursework on-line through Champlain College in Burlington. She graduated in May 2006 with a bachelor’s degree in Business. Danielle grew up in Calais and currently resides in Barre with her fiancé, Andrew Brown.

Led by Tina Feeney, Underwriting Manager, the Underwriting Division makes sure that the coverage offered by VLCT PACIF is comprehensive, accurate and, given the relative risks, fairly priced. In addition to Trombly and Abare, Feeney’s energetic and user-friendly team includes Senior Underwriter Susan Dubie. PACIF members should not hesitate to contact any member of the Division with coverage questions, changes or other queries. You may also conduct PACIF business on-line on the VLCT Web site, where there are forms for asking coverage questions, changing, adding, or deleting vehicles or property, and requesting a vehicle insurance card or certificate of insurance. Please visit http://www.vlct.org/insurance-riskservices/customerservice/ for more information.

**Municipal Assistance Center Bids Adieu to Brian Monaghan**

VLCT MAC Attorney Brian Monaghan left the League in early October to join the Burlington law firm of McNeil, Ledy and Sheahan. Monaghan, who had worked for VLCT for four years, will continue to practice municipal law. As a result, we expect that he will not become a stranger to VLCT or to our members. We wish him all the best in his new position.

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For everyday needs and difficult times, call Monday–Friday, 8:00am–8:00pm. Dial 2-1-1 from anywhere in Vermont or 1-866-652-4636 toll-free in Vermont or 1-802-652-4636 from outside Vermont.

Also visit:
www.vermont211.org

In Vermont, call 9-1-1 to save a life, stop a crime or report a fire; call 2-1-1 for community information and referral.
Tech Check

USING ADOBE READER TO WORK WITH PDF FILES

With the debut of the VLCT Municipal Assistance Center’s on-line Resource Library in early August, VLCT members suddenly had access to a wide range of electronic reference material. The Library is populated with a mix of Word and PDF (portable document format) files. Generally, the PDF files contain reference material, such as handbooks and newsletter articles, while the Word documents contain material that members might adapt for use in their town (a model ordinance or policy, for example).

Given the Library’s extensive use of PDF documents, we are devoting this month’s Tech Check column to Adobe Reader, the software needed to read them. PDF documents also frequently show up as attachments to e-mails, to ensure that the recipient has the ability to open and read the attached file.

PDF – WHAT IS IT?

Briefly, PDF is a technology developed by Adobe that captures all the elements of a printed document as an electronic image that a person can view, navigate, print or forward to someone else. A PDF document can be read by any computer without a platform conflict as long as the computer has Adobe Reader - a free, universal software.

Adobe Reader lets you open, view, search and print PDF files. It’s a stand-alone application – you don’t need Adobe Acrobat to use it. For example, a writer can create a Microsoft Word document on a Windows computer, convert it into a PDF file and give it to a person using a Macintosh computer, who can use Adobe Reader to read it. The Macintosh user need not have Microsoft Word to read the document.

If you need to create a PDF file, you can either use Adobe’s commercial product, Acrobat, which is not free, or you can use, for example, Software995’s pdf995, which is free. (You merely have to put up with a display of sponsor pages.)

USING READER – SEARCHING AND NAVIGATION

While you can’t make permanent changes to PDF files using Reader, you can perform many edit-like functions. You can search entire PDF files or portions of a file. This is helpful when working with the larger documents in the MAC Resource Library, such as the handbooks. While the Library’s search function will return results from all documents in the Library, you may find Reader’s search more useful once you have opened a large PDF file.

The navigation pane to the left of the window may contain several tabs to help you browse through the document. They are bookmarks, signatures, layers and pages and comments, but they only appear if the document’s author used them. A bookmark is a type of link with representative text on the bookmarks tab in the navigation pane. Each bookmark goes to a specific view or page in the document. You can use electronic bookmarks as you would paper bookmarks to mark a place in a document to which you want to return. You can also use them to jump to a destination in another document (PDF or non-PDF) or to a Web page. Some bookmarks are multi-level. If a plus sign appears beside a bookmark, click it to expand it and see nested bookmarks. The plus sign turns to a minus sign; click that to un-expand the list.

VLCT has bookmarked all of the handbooks that we have put on-line to help you navigate your way through them. This is because, when the handbooks are converted to PDF, the pagination can change, which makes the tables of contents and indices hard to use. Think of bookmarks as your electronic table of contents – browsing through them will tell you what is located where in the handbook; clicking on them will bring you to the referenced topic/page.

USING READER – OTHER FUNCTIONS

Toolbars at the top of the window and the status bar at the bottom provide other controls that you can use to work with PDF documents. The How To window on the right side provides an overview of common tasks. You may be able to select and copy information to the clipboard or export information into other applications, if the PDF author has allowed this via security settings. You can also start an e-mail application and attach PDF documents, validate digital signatures contained in PDF documents, fill in PDF forms and add comments to PDF files in an e-mail-based review, if the author included additional usage rights.

Some PDF documents contain layers – for example, text on one level, and a graphic image on another. You can examine them individually by clicking on the Layers tab.

Page thumbnails provide miniature previews of document pages. You can use thumbnails in the Pages tab to change the display of pages and go to other pages. Click the Pages tab to browse them.

Adobe Reader offers some options for adjusting the zoom level. Three standard magnifications are available as toolbar icons: actual size, fit in window, and fit width. You can also use the magnifying glass icon to zoom in on a particular feature. Select the magnifier and left-click on the page to zoom in; right-click to return to any desired magnification.

You can navigate within a PDF document using toolbar icons, the scroll bar, and common keystrokes such as Page Up and Page Down.

We hope this introduction to some of Adobe Reader’s features will help you make the best use of PDF files. They are ubiquitous, and using them to their full advantage is increasingly important.

TRIVIA

Congratulations this month to Pam Stefanek, manager of the Otter Creek Natural Resources Conservation District. It must have been her line of work – Pam was the first to answer that the tallest sugar maple tree in Vermont is located in Guilford and stands 93 feet tall. (Waterbury, with the widest sugar maple, takes honorable mention.)

Here is our November challenge, again coming from Vermont’s great outdoors:

How many miles of Vermont’s border does the Connecticut River follow?

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.
Mediation -
(Continued from Page One)

The time frames and deadlines in the case, the docket sheet (which provides an overview of the case history), the statement of questions (which sets forth the issues in the case, as the parties see them), and a mediator report form.

How the matter proceeds from there is up to the parties and the mediator. Mediation is confidential; only the results of the mediation are reported to the Court. Potential settlements can be explored with a trained, neutral third party without compromising the neutrality of a judge. If an agreement is reached through mediation, the agreement is filed with the Court only if the parties wish for it to be converted into a court order.

If mediation does not lead to resolution of the case, usually a follow-up telephone conference is set with the parties by the case manager to establish a discovery and trial schedule, which may result in an amended scheduling order from the judge assigned to the case. Experience has shown that even when mediation does not resolve a case, issues are often narrowed, so that a merits hearing can be more focused. And going through the mediation process allows opposing parties to come to know one another, and to understand each other’s needs and goals, which can lead to more civil communications in subsequent stages of the case.

One of the advantages of mediation is that it enables the parties to address all of their real concerns – even if those concerns involve issues that are beyond the Environmental Court’s jurisdiction. In a municipal matter, a mediated agreement often provides for a revised application to be submitted to the planning commission, zoning board of adjustment, or development review board; the Environmental Court case is then placed in an inactive status until the new application is processed to completion.

The roster of Environmental Court mediators is available to the general public on the Vermont Judiciary Web site at www.VermontJudiciary.org. The list is updated on a regular basis. Litigants may also use a mediator who is not on the list. From a municipal perspective, the Environmental Court Mediator List is a great resource, because it provides a list of trained land use mediators who can assist in resolving land use disputes at the local level, even before those disputes get to Court.

Statistics kept by the Environmental Court during the first year of court-ordered mediation underscore the importance of the mediation in dispute resolution. In approximately one-third of the Court’s active cases, mediation was ordered. Of those cases that were mediated, approximately two-thirds were resolved.

For additional information about the Environmental Court mediation program, contact Laura Zeisel, Environmental Court Case Manager, at 802/828-1660.

- Laura Zeisel, Case Manager, Vermont Environmental Court
MEDIATION: TWO MUNICIPAL PERSPECTIVES

Juli Beth Hinds, Director of Planning and Zoning in South Burlington, reported that South Burlington has participated in Environmental Court mediation in several contested cases. The process yielded benefits that include, she said, “the opportunity to have a professionally-directed discussion of issues that, in many cases, are best and most productively resolved outside a trial setting.” Hinds has found that mediation is particularly suited to working through the “human factor” that is often at play in land use cases. She also advised “even when full settlements are not achieved, much time and money is saved by all parties when mediation is used to narrow and better define what issues must be decided in court.”

In Manchester, Planning Director and Zoning Administrator Lee Krohn noted that, while the town has not recently participated in formal mediation through the Environmental Court, it has used its own mediation process to resolve appeals of local land use decisions. Key to the process, he said, is “identifying issues and interests, and determining whether alternate solutions might meet both parties’ needs.”

Both planning officials offered a few caveats for municipalities entering the mediation process, either through a court order or independently. “The greatest danger in pushing mediation,” Hinds noted, “is the pressure on municipalities and applicants to compromise on important legal issues in order to achieve a settlement.” She added, “there are occasions when contested cases involve important issues of principle or genuine questions of legal interpretation that should be litigated and decided by a court of law.” Krohn echoed this sentiment when he said, “I believe in creative and reasonable means to resolving disputes, as long as we maintain the underlying integrity of our system and bylaws.”

Krohn also advised that both parties have to genuinely want to solve problems. If one just wants to win, he said, “solving or resolving issues gets lost in the shuffle.” He also cautioned against those parties that use mediation as a way to delay enforcement or to put off approval of a project that they oppose.

(Editor’s Note: Thank you to Juli Beth Hinds, Lee Krohn, and Laura Zeisel for contributing to this issue’s coverage of land use mediation.)

ANNUAL MEETING - (Continued from Page Nine)

Susan Spaulding, town manager from Chester, was re-elected to her second term as President. Sandy Grenier, St. Johnsbury Town Clerk/Treasurer, was also re-elected to her second term as Vice-president. Three incumbent board members were re-elected to another two-year term (Nicholas Ecker-

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Racz, selectboard member from Glover; William Perkins, selectboard member from Middlebury; and John Drury, Town Administrator from Stowe). Two new board members were elected – Robert Kiss, Mayor of Burlington and Ted Simmons, selectboard chair from Orwell. They take the places of Paul Myers, selectboard member from Wilmington, and Steve Willbanks, selectboard member from Strafford, both of whom retired from the board.
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**Retiree Policy**
(Continued from Page Ten)

insurance premiums its members pay are based on the claims of all the members of the group. All active and retired employees purchasing health insurance through the Trust contribute to its loss data and premiums. If, through poor underwriting procedures, the Trust allowed people to take advantage of its great prices, then the rates that all members—municipalities, and to a growing degree, employees themselves—will go up more than they otherwise would. Even if these people pay their full premiums each month, the fact that their experience and claims are worse than the rest of the Health Trust group is likely to force everyone’s premiums higher.

The Health Trust Board of Directors believes the new policy is fair and will protect the Trust membership from people who may have, in the past and to the Trust’s detriment, taken advantage of the lack of such a policy. If you have any questions about the policy, please contact the VLCT Member Relations Division at 800/649-7915.

**VLCT Board of Directors seeks new member**

VLCT Board member John Drury recently announced his resignation as Stowe Town Administrator and corresponding resignation from the VLCT Board. Drury is relocating to Florida, where he has take the position of City Manager for the City of Tavares.

As a result, VLCT is seeking nominations of individuals to fill Drury’s two-year term, which expires in October 2008. The VLCT Bylaws state that a member of the Board of Directors shall be “a qualified official of a member city or town” and that “a qualified official is a person currently holding the position of selectperson, mayor, municipal manager, clerk, treasurer or position established in a municipal charter with responsibilities comparable to one of the aforementioned.”

If you or a qualified individual you know is interested in municipal issues of statewide significance, and would like to be involved in VLCT’s work on these issues as a Board member, please submit a nomination form to VLCT by Friday, December 8, 2006. The form is available at http://www.vlct.org/aboutvlct/boards/ or by calling VLCT at 800/649-7915.
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Selectboard Forum. Saturday, December 9, 2006. Vermont College, Montpelier. Sponsored by the VLCT Municipal Assistance Center. This year, we will offer one selectboard training in the fall and one in the spring. The Selectboard Forum is targeted towards more seasoned members (though all are welcome) and will focus on some of the more difficult challenges of municipal governance such as personnel, financial management and ordinance enforcement.

Legislative Preview. Tuesday, December 12, 2006, Milton Town Office, or Thursday, December 14, Wilmington Town Office. Sponsored by VLCT Public Policy and Advocacy Services. Come and meet with VLCT legislative staff at a convenient location near you to discuss the upcoming session.

Stewardship of the Urban Landscape (S.O.U.L.). Monday evenings from January 8 - March 5, 2007. Vermont Interactive Television sites around the state. S.O.U.L. is a 40-hour course designed for community volunteer group members, tree wardens, municipal officials, citizens, and others who are interested in the topics and issues of urban and community trees and forests. The program combines technical information on tree biology, tree assessment, municipal tree management, and proper maintenance with leadership skills. Participants walk away better prepared to engage in the management of their community's tree resource. For more information, please contact katherine.forrer@uvm.edu, call 802/223-2389, ext. 25, or visit www.vtcommunityforestry.org.

Subdivision Primer. Thursday, January 18, 2006. Vermont Interactive Television sites around the state. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. This second workshop in a three-part series will focus on reviewing subdivision applications, paying particular attention to applying appropriate conditions, reviewing applications for planned unit developments and incorporating water quality protection strategies.

Environmental and Safety Training Seminars. A variety of seminars will be offered this fall by the Vermont Small Business Development Center. Please visit www.vtsbdc.org for more information.

Vermont Department of Environmental Conservation, Vermont Rural Water Association and the U.S. EPA. Water system operators, municipal officials, regional planning commissions, town planners, agricultural specialists, community volunteers, basin planners, and government officials are encouraged to attend. $25.00 fee includes breakfast and lunch. Training contact hours available. For registration information and a complete agenda, contact Kira Jacobs, 617/918-1817 or jacobskira@epa.gov.
Wastewater Chief Plant Operator II. The Town of Hartford, Vt. seeks a person with a broad base of technical knowledge and skills in all facets of sewage treatment plant operations, including a good knowledge of applicable regulatory processes and requirements. Must have excellent mechanical skills, a good understanding of basic chemistry relevant to sewage treatment, and planning, administrative and supervisory skills. Must possess a Grade 4 treatment license, good reading, writing and math skills, and be able to use written technical manuals and blueprints. This a full-time union position with excellent employee benefits. To apply, fax cover letter and resume to the Public Works Department at 802/295-3622.

Senior Associate. The VLCT Municipal Assistance Center (MAC) seeks a Senior Associate to play a key role in MAC’s education and consulting programs. This position requires broad knowledge of the principles and practices of local government. The Senior Associate will provide comprehensive information and advice in response to inquiries lodged with the municipal inquiry service and will deliver educational workshops to local officials across the state. This position will also consult with local governments on matters relating to employee relations, organizational development, financial management, and land use planning and administration. The successful candidate will likely have a bachelor’s degree in an appropriate discipline, though an advanced degree is desirable. Municipal experience as an elected or appointed official strongly desired. For a complete job description, visit www.vlct/marketplace. To apply, please e-mail cover letter, resume and list of three references to jobssearch@vlct.org with Senior Associate as the subject. Salary DOQ with excellent benefits package. EOE (10-13)

Water/Wastewater Operator. The Village of Jeffersonville, Vt. seeks a full-time, motivated individual to operate and maintain the village water and wastewater systems. Duties include running the systems efficiently, safely, and in compliance with all legal requirements, and performing other tasks related to village operations. Compensation based on experience and training. Benefits package. Send resume to Village of Jeffersonville, P.O. Box 189, Jeffersonville, VT 05464, or e-mail to jeffvillage@vtusa.net. For more information, call 802/644-5534. EOE. (9-29)

Town Manager. The Town of Randolph, Vt. (www.randolphvt.com) is seeking applications for the position of Town Manager. The Manager reports to a five-member selectboard and supervises all town departments. Current operating budget is $4 million, with 37 full-time employees. Primary responsibilities include community and economic development, staff management and development, financial management and budgeting, and personnel administration. Excellent interpersonal skills, significant experience in municipal management, demonstrated expertise in economic development, and a bachelor’s degree in appropriate discipline required. Hiring range: $50,000-$65,000, DOQ. Please send cover letter and resume in confidence to: Randolph Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. Resume review will begin October 27, 2006. EOE. (9-29)

Civil Engineer. Consulting engineering firm seeks civil engineer for Vermont offices. Professional Engineer License in Civil Engineering required. Projects may include water treatment and distribution, wastewater treatment and collection, site development, stormwater treatment and roadway design. We seek an individual with solid technical background, common sense, a positive attitude and a good sense of humor. Must be able to manage projects, budgets and client contact. Otter Creek Engineering is a growing consulting engineering firm with a solid reputation as committed professionals. We offer a competitive salary and benefits, including payment of health insurance premiums, disability insurance, retirement plan, paid holidays, paid vacation and a great work environment. Send resume and references to Otter Creek Engineering, Inc., P.O. Box 712, East Middlebury VT 05740, or HR@OtterCrk.com. (9-7)

Health Officer. The Town of Colchester, Vt. seeks an experienced professional for the position of Health Officer. Applicants must hold a Bachelor’s degree in planning, civil or structural engineering, environmental sciences, law enforcement or re-

(Continued on Page Eighteen)
Calendar

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 http://www.vlct.org/eventscalendar/ 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.)

Flood Mitigation Workshops. Wednesday, November 8, 2006, Chittenden County Regional Planning Commission, South Burlington. Repeats Thursday, November 9 at the Southern Windsor County Regional Planning Commission and on Tuesday, November 28 at the Town of Lydon Fire Station. For more information on this day-long workshop, contact Ray Doherty at Vermont Emergency Management (rdoherty@dps.state.vt.us).

Building Solutions Conference. Saturday, November 11, Vermont Technical College, Randolph Center. Organized by the Vermont Natural Resources Council (VNRC), the New England Grassroots Environment Fund, and others, this one-day conference offers workshops for community leaders on building economically and environmentally sustainable communities. Workshop topics include growth centers, drinking water protection, the homegrown economy, and land use, transportation and climate change. For more information, contact VNRC Outreach Director Johanna Miller at 802/223-2328 or jmiller@vnrc.org.

Planning For Ancient Highways. Tuesday, November 14, 2006. Vermont Interactive Television sites around the state. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. Legislation passed in 2006 requires towns to research, identify, and map previously unknown Class 4 highways by July of 2009 or face the prospect of having those roads discontinued in 2015. This workshop will focus on the financial and technical resources available to assist towns in this planning process.

Planning and Zoning Forum. Thursday, November 16, 2006. Vermont College, Montpelier. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. This annual workshop will focus on enforcing land use regulations, appeals to the Environmental Court, and new initiatives to encourage growth center development.

VLCT Health Trust Annual Meeting. Friday, November 17, 2006. Stoweflake Resort, Stowe. Sponsored by the VLCT Health Trust. Members and Directors of the VLCT Health Trust will gather to hear reports on the year past, new rates, and trends to watch for in the future.

Vermont Source Water Workshop. Thursday, November 30, 2006. Capitol Plaza Hotel, Montpelier. Sponsored by the VLCT Municipal Assistance Center and your local regional planning commission. Legislation passed in 2006 requires towns to research, identify, and map previously unknown Class 4 highways by July of 2009 or face the prospect of having those roads discontinued in 2015. This workshop will focus on the financial and technical resources available to assist towns in this planning process.