LOCAL DEMOCRACY WINS
ONE, LOSES ONE

By nature, local officials tend to be proponents of traditional, open town meetings. You could call us direct democracy junkies. We work hard to make our communities great places to live, work, and play. And, at least once a year, we look forward to turning the operations and future of our town back to Town Meeting voters to discuss how we (all of us, voters and local officials) might run our towns a little bit better.

After Town Meeting we carefully track how the votes went on efforts to move more local business to Australian ballot, away from the traditional, open floor voting that has characterized New England town meetings for centuries. This year, the VLCT News checked in with two of the communities that considered this issue at their Town Meetings: Tinmouth and Middlesex. We thank the authors, Tinmouth Town Clerk and Treasurer Gail Fallar, and Middlesex writer Kelly Ault, for sharing their post-Town Meeting thoughts with VLCT News readers. Both treat the pros and cons of Australian balloting versus open, floor voting, with great respect, and provide much food for thought as we consider the future of Town Meeting in Vermont. May it be debated, respectfully, for many, many years to come.

- Katherine Roe, VLCT Communications Coordinator

MIDDLESEX
PRESERVES TRADITIONAL
TOWN MEETING

It was a comment from a tall man in jeans and a long, white beard that provided context for the impassioned hour-long discussion. “Times have changed,” he said with a tremor of emotion in his voice. “Our world is different now.”

Middlesex residents were discussing an article proposing to move financial

(Continued on Page Eight)

TINMOUTH BIDS
ADIEU TO TRADITIONAL
TOWN MEETING

On December 10, 2006, at a special town meeting called in response to petitions, nearly half of the registered voters in the Town of Tinmouth turned out to discuss the merits of switching to Australian ballot voting or keeping traditional town meeting. At the end of the day, by a vote of 98-96 (on the first of six

(Continued on Page Eight)

WELCOME NEW AND
RETURNING LOCAL
OFFICIALS

VLCT offers congratulations to all new and returning local officials who were elected to office on Town Meeting Day.

For those who chose not to run again (but who might still be reading the VLCT News with a different municipal hat on), thank you for your service!

For those who are new to their office, VLCT offers a wide variety of resources that will help you get started. Please watch for the print and/or electronic versions of this newsletter and the Weekly Legislative Report. Consider attending a workshop put on by the VLCT Municipal Assistance Center (MAC) – for more information about its spring schedule of educational workshops, please visit our Web site’s Events Calendar at www.vlct.org.

You will also find in this issue a brief New Officials’ Guide to VLCT, designed to

(Continued on Page Seven)
EMERGENCY MEDICAL SERVICES IN VERMONT

STATE RELEASES SUMMARY OF OPTIONS

The recently released “EMS Buyer’s Guide” is a comprehensive look at emergency medical service (EMS) delivery options for municipalities, as well as the laws and other rules that govern the delivery of EMS in Vermont.

Produced by a consultant working for the Vermont Department of Health (VDH, which licenses Vermont ambulance services), the Guide is intended to provide local officials – who must decide how to deliver EMS in their communities – with an overview of what is allowed, what options are available, and what those options might entail (funding, cost, level of service, and so on).

The Guide starts with a look at existing structures and operational methods. Within the State’s 13 regional EMS districts, the availability and type of ambulance service can vary significantly, depending on which district a town is in. Anyone in District 3, which includes the more heavily populated urban areas of Vermont surrounding Burlington, is probably familiar with EMS as a municipal service, provided by the town or city (in some cases it is paired with a fire department) and staffed by professionals who may have obtained certification as paramedics (the highest level of EMS certification).

Residents living in District 2, which encompasses most of the more sparsely populated Northeast Kingdom, are accustomed to primarily volunteer EMS services. Many of those volunteer services may receive some funding and general guidance from the towns they cover, while a significant number operate as independent entities that must also rely on funding sources such as insurance reimbursements and fundraising to cover most of the service’s operating expenses.

According to VDH, 31 EMS operations are governmental (indicating some tie to a municipality), 50 are non-profit operations (volunteer and paid departments), and seven are for-profit operations. In addition, IBM in Essex is licensed to operate its own ambulance service.

The Guide notes some of the more significant operational expenses that a town should consider when reviewing its EMS options, such as personnel and vehicle (ambulance) costs. The revenue section outlines the six major sources of funding for EMS operations in Vermont: community support (local property taxes), billing reimbursement, grants (state and federal), donations/fundraising, volunteer time (the revenue in question being the unpaid volunteer hours), and special coverage assignments (providing ambulance services to special events).

(Continued on Page Sixteen)
At TD Banknorth, our Government Banking Team knows how demanding it is to run local, state, and county municipalities. That's why we're focused exclusively on helping communities make the most of taxpayer dollars. With personal, responsive service, our local team will go above and beyond to meet your banking needs.

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On December 3, 2004, the DRB sent its written decision approving the Final Plat application to the developers. Ms. Carroll and others appealed the DRB’s approval to the Vermont Environmental Court. The developers filed a motion to dismiss the appeal, arguing that Ms. Carroll had not “participated in a municipal regulatory proceeding” as required by the newly amended Municipal and Regional Planning and Development Act (Chapter 117 of Title 24) because she did not offer evidence, either through testimony or a statement of concern, at the hearing on the developers’ Final Plat application. Ms. Carroll responded that the preliminary and final plat review hearing were part of one overall proceeding for subdivision review. Although the Environmental Court seemed to agree with Ms. Carroll that the preliminary and final plat review are essentially one subdivision proceeding, it ultimately could find no statutory authority on which to base such a decision, and dismissed her appeal.

(Continued on next page)
Legal/Reg. Notes -
(Continued from previous page)

On appeal to the Vermont Supreme Court, Ms. Carroll challenged the Environmental Court’s dismissal on the grounds that (1) the new Chapter 117 provision requiring her to participate in a municipal regulatory proceeding did not apply because it came into effect a year after the developers’ original filing of its request for a subdivision; (2) she participated in the final plat hearing; and (3) her participation in the preliminary plat hearing constituted participation for purposes of the entire municipal regulatory proceeding, i.e. the developers’ subdivision application. Because the Supreme Court agreed with Ms. Carroll’s third argument, it refused to address the first two.

Whereas the old Municipal and Regional Planning and Development Act conferred an automatic right of appeal to Environmental Court to anyone who met the definition of an “interested person,” under the new law, interested party status alone is not sufficient. 24 V.S.A. § 4464(b). Now, only those interested persons who participated in a municipal regulatory proceeding have a right to appeal. “Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.” 24 V.S.A. § 4471(a).

In this case, the main question before the Court was what did the Vermont Legislature mean by the phrase “municipal regulatory proceeding?” When interpreting a statute, the Court’s objective is to give effect to the Legislature’s intent, which it does by looking to the statute’s plain meaning. The Court presumes that the Legislature intended a plain, ordinary meaning of language, and will not read something into the statute which is not there, unless doing so is necessary to make the statute effective. Here, the Legislature did not define the phrase “municipal regulatory proceeding” and the use of the phrase was not clear enough for the Court to make a decision based solely on its wording.

To aid in its analysis, the Court looked to Black’s Law Dictionary 1241 (8th ed. 2004) which defines “proceeding” as “(t)he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment.” Applying this definition, the Court looked upon the preliminary plat review as simply a step in the subdivision review process. In holding for Ms. Carroll, the Court reasoned that looking upon the preliminary plat and final plat reviews as part of one overall municipal regulatory proceeding – rather than as separate proceedings – was consistent with the Legislature’s goal of limiting the right to appeal to only those interested persons who have participated in a municipal regulatory proceeding.

Finally, while the Court did clarify that an interested person need only participate in either the preliminary or final plat review in order to obtain a right to appeal, as an aside, it also raised the question of whether an interested person may appeal a preliminary plat review. The Court concluded, “(w)e doubt that the interested party can appeal from a decision that reflects only a ‘general agreement’ between the developer and the DRB…, but we need not ground our decision on this point.”

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center

IRS Changes Its Mind!

After initially informing municipalities that they could request a refund of their federal telephone excise tax by completing IRS Form 8913 and attaching it to Form 990-T, the federal Internal Revenue Service (IRS) recently announced that municipalities requesting the refund must now use Form 8849, Claim for Refund of Excise Taxes, and Form 8849 Schedule 6, Other Claims. Municipalities may contact their telephone service providers directly to determine how much of a refund to request. The IRS announcement and new directions for requesting the refund are available at http://www.irs.gov/govt/fslg/article/0,,id=168262,00.html.

(Editor’s Note: For background on this complicated issue, please see recent articles in the January and March issues of the VLCT News. We sincerely hope there will be no more!)
What are a Vermont municipality’s obligations under the Americans with Disabilities Act?

State and federal laws place a wide range of obligations on municipalities to ensure that their practices and programs do not discriminate against persons with disabilities. The most well known of these laws is the Americans With Disabilities Act (ADA), which was enacted on July 26, 1990.

The most commonly recognized portion of the ADA is Title I. Title I requires municipal employers with 15 or more employees to provide qualified individuals with disabilities equal access to the full range of employment-related opportunities available to others. It prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. The law limits questions that can be asked about an applicant’s disability before a job offer is made and requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities unless an undue hardship would result.

Title II of the ADA requires a municipality to give people with disabilities an equal opportunity to benefit from all of its programs, services, and activities. It covers all activities of local government, regardless of a municipality’s size or receipt of federal funding. Title II also requires local governments to follow architectural standards in the new construction and alteration of buildings, and to relocate programs or otherwise provide access in inaccessible older buildings. While local governments are not required under Title II to take actions that would result in undue financial and administrative burdens, they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination – unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. Local governments with fifty or more employees are also required to appoint an ADA coordinator, develop a transition plan for ADA compliance and develop an ADA grievance procedure.

Other provisions of Title II cover public transportation services. Public transportation providers must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase accessible buses, remanufacture buses in an accessible manner and, unless it would result in an undue burden, provide services to individuals who are unable to use the regular transit system independently and must be picked up and dropped off at their destinations.

Title III of the ADA applies to private entities providing public accommodations, commercial facilities and examinations and courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

Under the ADA, all municipalities were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993. ADA self-evaluations consider all of a municipality’s programs, activities, and services, as well as the policies and practices that a municipality has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified.

It has been fourteen years since the original ADA self-evaluation deadline. Hopefully, your town’s ADA self-evaluation recently, now is a good time to do so. Periodic review of this document can go a long way toward ensuring that ADA compliance is being maintained in your town. An excellent resource for Vermont municipalities is the ADA Guide for Small Towns, published by the United States Department of Justice. A copy can be obtained at: http://www.ada.gov/smtown.htm.

- Jim Barlow, Attorney, VLCT Municipal Assistance Center

Our town is considering changing from a town administrator to a town manager. What is the difference?

The main difference is that town, city, or village managers are charged by law with

(Continued on next page)
the "efficient administration of the affairs of the town." He or she supervises all appointed staff and departments, manages all town finances, develops and administers the budget, and serves as the general manager of the Town. The manager is also responsible for the hiring and firing of all personnel and overseeing all town buildings, facilities, and infrastructure. In larger municipalities, many of these duties are delegated to other professional staff members that report to the manager.

An administrator, on the other hand, is not a creature of statute. An administrator's duties are usually enumerated in either a job description or town charter and, generally speaking, do not reflect the broad management authority of the manager. Administrators typically do not have the authority to hire and fire, do not oversee town finances, and are not responsible for the overall efficiency of town government.

An administrator can assume some of the duties of a chief administrative officer if they are expressly delegated via a job description. However, most communities find that the only way to ensure accountability across the organization is to adopt the manager form of government.

According to the International City/County Management Association, a primary strength of the council/manager form of government is “the combination of the political leadership of elected officials with the strong managerial experience of an appointed local government manager.”

Under this system, the selectboard or council is the elected representative of the community and, therefore, concentrates on policy issues and is responsive to citizens’ needs and wishes. The manager is appointed to carry out those policy decisions, and to advise the board in the determination of policy.

Adopting (or repealing) the manager form requires voter approval, which is more than just a procedural requirement. The public outreach and education that occurs leading up to the vote puts the public on notice that the community is considering a fundamental choice in how it wishes to be governed.

This governance choice is illuminated by the statutory language that accompanies the shift. Until the manager form is adopted, the selectboard is responsible for the “general supervision of the affairs of the town.” 24 V.S.A. § 872. Once the manager form is adopted, the manager assumes legal responsibility for the “general supervision of the affairs of the town… and is responsible for the efficient administration thereof.” 24 V.S.A. § 1235. This transfer of responsibility allows the selectboard to hold the manager accountable for overall town performance and, in turn, increases the manager's ability to hold staff accountable for performance. It also frees the selectboard to focus on the larger policy issues facing the community, rather than management of day-to-day operations.

For more information on the council/manager form generally, visit www.icma.org.  For more information on the council/manager form in Vermont, contact the VLCT Municipal Assistance Center at 800/649-7915.

- Dominic Cloud, Director, VLCT Municipal Assistance Center

WELCOME OFFICIALS -
(Continued from Page One)

MUNICIPAL ASSISTANCE CENTER ISSUES FIRST TECHNICAL PAPER

The VLCT Municipal Assistance Center (MAC) recently completed the first in its new series of occasional Technical Papers. Entitled, “Making It Stick: The Art of Writing Effective Zoning Decisions,” this paper is inserted into this newsletter for your convenience. Part checklist, part pep talk, the four-page document is a guide to turning the evidence gathered at a local land use hearing into a zoning decision that will serve both the town and the applicant well.

Our members include all 246 cities and towns in Vermont, so rest assured that if you call, we will be available to help. Our toll-free telephone number is 800/649-7915 and our general e-mail address is info@vlct.org. Individual staff members can be reached at firstinitiallastname@vlct.org.

Again, welcome aboard, and good luck in your upcoming year(s) in office!
MIDDLESEX - (Continued from Page One)

matters from Town Meeting to Australian ballot. The cascade of comments that followed echoed the sentiment that busy and complex lives make it difficult for many to attend Town Meeting. “Someone’s driveway is not getting plowed tonight because I’m at Town Meeting,” said another man, as he talked of those unable to take time off from work. Others spoke about residents serving in the military.

But it was the greater number of comments from residents rejecting the article that also built upon the man’s remark, claiming that increased isolation from neighbors and local officials makes the face-to-face format of Town Meeting more valuable than ever.

A slew of speakers expressed confidence that Town Meeting ensures quality decision-making by deepening an understanding of what residents and town officials want for their communities. The option of asking questions and amending articles was empowering, they said. It was certainly more desirable than the possibility of voting down something – like a town budget – by a “No” vote on an Australian ballot. That “No” provides little feedback to town administrators as to the reason why and can trigger a time-consuming and expensive re-vote process. Many acknowledged the value in hearing the discussion on both sides of an issue, stating it was important to know what their neighbors believed.

Which is why speakers universally described a 15-20% turnout at town meeting as discouragingly low – meaning 80-85% of the voters stay home. There was recognition, however, that Australian ballot is unlikely to increase turnout more than 10%, and, even then, it would most likely decrease over time. Besides, speakers said, 15-20% is actually a typical, if not high, turnout for voting on local issues across the country.

There was acknowledgement that Town Meeting is a legislature – not a polling place – and an acceptance of the requirement that voters need to be present to be part of the lawmaking process. The uniqueness of this open forum prompted a well-traveled speaker to share that “there is nothing like [Town Meeting] in the world…It is what I love most about Vermont. We can’t give it up.”

Many speakers acknowledged the significant way that Town Meeting connected them to their neighbors in a growing rural community with limited institutions to bring people together. Learning about committee projects, meeting local personalities and seeing old friends were identified as important values, leading one speaker to challenge every member in the hall to become involved in civic affairs.

A paper ballot vote defeated the article 157-63. But even more powerful for both supporters of Town Meeting and Australian ballot was the enlightening conversation brimming with social, practical or ethical rationales. Weaving together these personal definitions of democracy strengthens not only Middlesex’s Town Meeting, but also our sense of community.

- Kelly Ault, Middlesex Town Meeting Solutions Committee

(Kelly is a free lance writer living in Middlesex. She serves on the Middlesex Town Meeting Solutions Committee, which is a group of residents working to improve participation in Town Meeting and other civic affairs.)

(Continued from Page One)

TINMOUTH - (Continued from Page One)

votes), the voters decided to abandon Tinmouth’s 232-year old tradition and elect officers, adopt budgets and vote all public questions by Australian ballot for both the town and the school.

As the margin was so narrow, petitions to reconsider were soon circulated and turned in to the town clerk. The timing was such that, as the school board and the selectboard received the petitions, both boards decided it was appropriate to hold the reconsideration in conjunction with regular town meeting, rather than warning a special meeting. The original petitioners were livid for two reasons – one, that anyone would petition to reconsider, and two, that the reconsideration was being held at regular town meeting.

Tinmouth has 413 voters, and on Saturday, March 3, 2007, 230 of them gathered together for their last traditional town meeting. For seven and a half hours, folks debated the pros and cons of Australian ballot and keeping traditional town meeting, elected officers, amended and adopted town (Continued on next page)

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**Need a written legal opinion?**

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**Sample Projects:**
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- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances
and school budgets, and passed numerous public questions.

Sadly, this old-fashioned form of democracy was the last time for Tinmouth. Two hundred and thirty-three years of history are now banished to the history books. It was a sad day for Truman Young who, at age 88, remarked that he had been going to town meeting since he was a lad, and now wouldn’t be able to go to another. “What are we going to do?” he asked. It was a sad day for Rainbow Squier who, at age 13, with a very long look on her face, remarked that she really wanted to vote at a town meeting, and now wouldn’t have that right.

Many who are sad are asking, do these folks who voted to switch really know what they’ve given up for the convenience of voting just yes or no? Perhaps they don’t, as many haven’t been to town meeting in years and for others it was their first town meeting experience.

A number of folks spoke about compromising – after all, only 59 towns vote everything from the floor and only 23 vote every-thing by Australian ballot. So that means that 160 or so town, cities and villages use a combination of the two. None of that was to be heard that day.

Many folks spoke to the sense of community created by the face-to-face discussions that work out serious issues, and of neighbors and friends who greet each other, if only once a year. Not to mention the ability to amend budgets and articles from the floor, or to find someone to fill a vacant office. In fact, voters decreased the town budget by $5,000 and increased the paving line in the highway budget by $25,000. This will not be possible again. Folks also related how they were educated at town meeting, sometimes having their opinions changed after hearing another side of an issue. Because informational meetings that precede Australian ballot are very poorly attended, they asked, how will voters make informed decisions?

The supporters of Australian balloting spoke to its convenience – voters could drop by the polling place for a few min-
utes to vote, they could request absentee ballots, more voters could participate, and that it was their right as taxpayers to vote on budgets. That last point is a bit of a stretch in Tinmouth, as many property owners/taxpayers live elsewhere and they don’t get a chance to vote.

Unfortunately, in Tinmouth’s situation, it appears that there was more to this discussion than simply changing the way town and school business is voted. While some supporters truly believe the benefits of Australian ballot outweigh losing town meeting, many others seemed to have another agenda. There were undertones of using Australian ballot to close the school and to change the leadership in town government. The supporters of Australian ballot waged a vigorous campaign that was filled at times with misinformation, such as the town could have both town meeting and Australian ballot-
ing. There were nasty rumors spread about a number of officers and folks who volunteer hundreds of hours each year to make and keep Tinmouth a special place.

Some say, “It’s no big deal, it’s only the way we vote.” Well, to many it is way more than that. It’s how we view ourselves as a town – are we special or just like “Anytown?” Numerous folks from many towns have offered sympathy to Tinmouth. They lament how their town lost its sense of community after it switched to Australian ballot-
ing.

And so, many volunteers in Tinmouth are wondering if their efforts are in vain. If their hard work is not appreciated, why bother? The chair of the Planning Commission resigned after serving 35 years on that Board. Those who support traditional town meeting are generally those who spend a great deal of time volunteering, realizing its importance in helping maintain a sense of community.

How will we go forward? Will we be able to keep our sense of community? How will we be able to bridge the gap and ease the pain created by the tactics used? Will we be able to make “lemonade?” Being a resilient bunch, most likely we will, but I suspect that it will take a great deal of time and effort.

- Gail Fallar, Town Clerk and Treasurer, Tinmouth

(Gail is a past member of the VLCT Board of Directors and a current Representative to the Vermont Legislature.)
Last year, the VLCT Health Trust added a new service to its suite of products – administration of the Consolidated Omnibus Budget Reconciliation Act’s (COBRA) health benefits. This service is now available free of charge to all Health Trust members who wish to use it.

The vendor selected to provide the service, COBRA Outsourcing, recently contacted all Health Trust members to make them aware of the availability of the service and to introduce the resources available at www.cobraoutsourcing.com. VLCT Member Relations Manager Larry Smith also recently sent all Health Trust members an Engagement of Services Notice, which members can use to sign up for the COBRA administration services.

If you have any questions about these free services, please contact COBRA Outsourcing’s Client Services Specialist Suzanne Kozney at 877-884-7030, ext. 7123 or e-mail her at skozney@cobraoutsourcing.com.

A small percentage of VLCT PACIF’s members will see a change in the way they will be audited this year for workers’ compensation purposes. A new self-audit form, with instructions, will be sent out to these members by April 15 and should be returned within 20 days of its receipt. The self-audit process will save VLCT PACIF members and staff valuable time and money, especially in the area of fuel costs. If you are not selected for a self-audit, the procedure will remain the same as in past years – please expect to be contacted by a PACIF representative in the next few months to set up an audit visit.

The VLCT Health Trust recently welcomed two new members to its Board of Directors. Sandy Miller, Manager, Town of Milton, joined the Board as a new Director and Todd Steadman, Town of Hartford Liaison to the Green Mountain Economic Development Corporation, joined the Board as an Alternate Director. Miller and Steadman took the seats recently vacated by Michael Welch, Manager, Town of St. Johnsbury, and Carl Rogers, Manager, Town of Barre. VLCT extends its appreciation to Welch and Rogers for their dedicated service to the Health Trust Board, and to all of its municipal members.
If you’re planning to do a little spring cleaning at work or at home, remember these steps for using cleaning products safely:

1. **Identify the hazards.**
   Read the label for hazards and precautions before you use any cleaning product. (At work also check the MSDS.) If the product contains hazardous chemicals, choose a safer and more environmentally-friendly product, such as baking soda and/or vinegar.

2. **Follow all safety instructions.**
   Use only the concentration called for in label instructions, diluting when required.
   Use any personal protective equipment the label (and MSDS) recommends, such as rubber gloves and eye protection. Also follow instructions for disposal of wastewater and empty containers.

3. **Take only what you need from a container.**
   Keep containers closed when not in use.

4. **Make sure there is adequate ventilation.**
   Be careful when working in tight places like closets or other spaces with limited ventilation. Stay far enough away from the substance to avoid inhaling it. Get to fresh air quickly if you accidentally inhale strong vapors.

5. **Avoid direct skin contact.**
   When using cleaning products with hazardous chemicals, wear long sleeves and long pants. Make sure your feet are covered. Wash thoroughly after using cleaning products.

For more information about the safety and wellness resources available from the VLCT Safety and Health Promotion Program, please contact Shawna McNamara at smcnamara@vlct.org, or call 800/649-7915. You may also visit the Program’s online Wellness Library at [http://www.vlct.org/insuranceriskservices/wellnesslibrary/](http://www.vlct.org/insuranceriskservices/wellnesslibrary/). You may request materials from the Library on-line; they will be delivered to you with a postage paid return envelope enclosed for your convenience.
**Handbook Chapters Updated**

The VLCT Municipal Assistance Center (MAC) recently completed updates to selected chapters in two of its handbooks.

Chapter V., Compensation and Benefits, in the Municipal Employment Law Handbook, has been updated to reflect recent changes in the federal Fair Labor Standards Act. In the Handbook for Vermont Selectboards, Chapter 13 has been updated to include a section on Emergency Management, and Chapters 20 and 21 have been combined into one, updated Chapter 20 on Municipal Planning and Zoning.

In an effort to provide its handbooks in different formats to meet VLCT members’ different needs, all MAC handbooks are available for sale in bound, printed versions or free for downloading and/or printing from VLCT’s on-line Resource Library.

We recognize that some VLCT members prefer the convenience of having a bound, printed version of the handbook nearby, and are willing to pay for it. Others may want to quickly check a fact in the on-line version or download handbook files as needed - without having to pay the cost of a printed handbook.

To order a handbook, you may visit [http://www.vlct.org/marketplace/bookstore/](http://www.vlct.org/marketplace/bookstore/), or call VLCT at 800/649-7915. To locate the handbooks on-line, please visit [http://resources.vlct.org/](http://resources.vlct.org/).

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**VLCT Staff Notes**

Those calling and visiting VLCT recently have been warmly welcomed by our new Administrative Assistant/Receptionist, Amanda Moran. Amanda took the place of Trisha Clark, who moved into the position of Administrative Assistant for the Claims Department.

Amanda’s previous work experience includes being a Secretary/Receptionist for the Vermont Agency of Commerce and Community Development and a Reservations Agent for the Trapp Family Lodge. She put her customer service skills right to work at VLCT, as she quickly figured out how to direct calls and inquiries to the appropriate VLCT staff member.

Amanda is a graduate of Cabot High School and is currently pursuing her Associate’s Degree in Accounting through the Community College of Vermont. She lives with her family in Marshfield.
Finding Cost of Living Data on the Web

Many times during the course of the year, we receive calls from local officials asking for the latest consumer price index (CPI) figures to use for budgeting or negotiating cost of living adjustments (COLA). This information is relatively easy to get off the Internet, but the variety of forms that it takes can be a bit overwhelming to the casual user. I will discuss two Web sites in this article: the old standard Bureau of Labor Statistics (http://www.bls.gov/cpi/home.htm) and the Municipal Cost Index from the American City and County magazine (http://americancityandcounty.com/mciarchive/index.html).

Let’s look at the Municipal Cost Index (MCI) first. The Municipal Cost Index is a down and dirty set of tables archived by calendar year with columns for the municipal cost index (MCI), construction cost index (CCI), consumer price index (CPI), and purchaser price index (PPI). Click on Municipal Cost Index Archive in the left margin. This will bring you to a page that includes a listing of several years for which index tables are provided. Clicking on any of these will result in a table similar to that shown below, but with a full twelve months of data.

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To use this index, you will need to break out your math skills. To find the percentage change in consumer pricing from December 2005 to December 2006, subtract the prior year from the current year CPI (remember that December data is reported in February in this index): 201.8 – 196.8 = 5. Divide the total by the prior year index: 5/196.8 = 0.0254. Multiply the result by 100 to get the percentage change of 2.54%.

The Bureau of Labor Statistics (BLS) site offers a lot more information but can be considerably more confusing unless you know what you are looking for. The index above from American City and County magazine

(Continued on next page)
uses data from the BLS. The prices paid for a predetermined list of goods and services are measured for two population groups: All Urban Consumers (CPI-U) and Urban Wage Earners and Clerical Workers (CPI-W). These data are averaged and presented in a variety of ways on the Web site. For a good, quick summary of CPI, click on General Overview.

The easiest way to get CPI data (without having to perform any calculations) is to click on Economic News Releases for both current and archived press releases in pdf or html format. The first paragraph of the approximately twenty-page document shows the percentage increase over the prior year and the rest of the release analyzes the data by expenditure category for each population group. It provides the detailed tables for each population group by category and region (Northeast, Midwest, South and West), size, and for selected local areas. You can subscribe to the news service free of charge and receive e-mail alerts of each release. They are very readable and informative, and can be printed and saved as backup for your inflation adjusted budget figures.

The site also gives you a number of detailed table options using BLS standard tables (Tables Created by BLS) or your own customized tables (Get Detailed CPI Statistics). If you decide to create your own tables, be sure that you clearly understand the various data options. Click on Publications and Other Documentation to print a copy of the publication called “Understanding the Consumer Price Index” for a good explanation of the index. For cost of living adjustments, you should probably use the national or the Northeast regional indexes that are unadjusted for seasonal variation. You should probably also use the CPI-U for all urban population. The CPI-W is a sub-set of CPI-U and covers a much smaller portion of the overall population than the CPI-U index.

The tables produced from the BLS Web site show the actual month that the data were surveyed, unlike the Municipal Cost Index. In other words, if the table shows the index for March, it is indeed March's index, not January's.

Using CPI to adjust costs for inflation is a fairly standard practice, but it should be done with caution and with a clear understanding of the data being used. The CPI is a statistical average and will not reflect the true inflation costs for the area in which you live. To be truly effective, when creating your own tables, be consistent and provide the specific data set from which the index is developed. Use the same month's data every year and use the same population group, the same area coverage (national or regional), the same city size class, and the same expenditure category (generally All Items). Document these components of the data set you are using so you can always replicate what you have done in previous years. If you use the news releases, you will already have the consistency and documentation that you need.

- Mike Gilbar, VLCT Chief Financial Officer
With the recent creation of a listserv devoted to them, ancient roads have traveled from town vaults, forests, and fields into the world of modern technology. The new listserv provides local officials, volunteers, and professionals with a place to discuss issues concerning the mapping and researching of these often forgotten, hard to find town highways.

The ancient roads listserv has been up and running for about a month, and, like the clerks’ and treasurers’ Muninet listserv, it is housed by the University of Vermont. Postings have been few in its initial weeks – as word spreads of its existence, it is hoped that local officials and volunteers throughout Vermont will use it as they research and map town highways that may have faded into the landscape.

The listserv is envisioned as a place to share information, and to ask questions of surveyors or others more experienced with this type of research. It provides a forum for Vermonters to discuss the challenges, failures, and successes linked to the highway research many towns are involved in due to the Legislature’s passage of Act 178 last spring.

Act 178, known more familiarly as the “ancient roads bill,” was the Legislature’s attempt to bring resolution to disputes between municipalities and landowners over whether or not some roads ever existed and if so, where. There are also issues surrounding what level of access to a re-discovered road is appropriate (e.g. motorized and non-motorized recreation, access to an otherwise landlocked parcel, and so on).

The act established a new category of town highway called “unidentified corridor,” (what has traditionally been called an ancient road) which are only in existence from July 1, 2009 until July of 2015. To become an unidentified corridor on July 1, 2009, a town highway must meet all four of the following criteria:

1) It must have been legally established.
2) It does not appear on a town highway map/sworn certificate as of July 1, 2009.
3) It is not a legal trail.
4) “[They]… are not otherwise clearly observable by physical evidence of their use as a highway or trail.” (19 V.S.A. § 302 (6))

To avoid having a town highway become an unidentified corridor, a municipality has until 2009 to add any highway meeting the criteria above to its town highway maps and sworn certificate. By doing so, the highway remains a part of the town’s overall road network at its current classification (most likely as a Class 4). (Thus, the recent formation of ancient road committees and other volunteer efforts to research and then map a town’s ancient roads.)

To join the listserv, go to the following Web address: http://list.uvm.edu/cgi-bin/wa?A0=ANCIENTROADS.

Once there, click on the text that says, “Join or leave ANCIENTROADS,” and follow the instructions. E-mail confirmation of subscription is sent to the user, along with instructions on how to post to the listserv.

The Vermont Department of Housing and Community Affairs (which administers the ancient roads grant program) also has helpful material on its Web site. Its site contains documents that help local officials and volunteers navigate Act 178 and perform the potentially arduous task of researching and mapping these otherwise forgotten roads. To visit the page, go to www.dhca.state.vt.us and click on the land use-planning tab. Note, also, that the VLCT Municipal Assistance Center’s electronic Resource Library (www.vlct.org, click on Resource Library) has a “Quick Search” on ancient roads preloaded for your convenience.

- Trevor Lashua, VLCT Associate, Advocacy and Information
The Guide closes with a discussion of the “current pressures” on Vermont’s EMS system, such as the need for trained and qualified people to operate volunteer services, funding, and emerging threats such as a flu pandemic, to name a few.

The Guide also includes suggestions for model operating structures for government operated, non-profit, and for-profit (contracted) services.

To view the Guide, go to www.vlct.org’s Resource Library and search for the EMS Buyer’s Guide.

- Trevor Lashua, VLCT Associate, Advocacy and Information

Vernon Lister Carol Hammond was first in with the correct answer to last month’s Trivia. She knew that Rudyard Kipling lived in Dummerston (from 1892 to 1896) before being driven away by his contentious brother-in-law.

Here is our April challenge:

This covered bridge runs between Vermont and a neighboring state and once prompted heated debate in the Vermont General Assembly over the appropriation of repair costs of $10,000. Opponents wanted the neighboring state to pay because they believed the bridge belonged to that state. One Vermont representative suggested raising the appropriation to $15,000 to shame the other state into contributing to the cost of repair. Name the bridge and the two towns it connected, and for genius points, who was the representative and where was he from?

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.

### Water Supply

Otter Creek Engineering provides solutions for public and private clients’ Water Supply needs with skills in the planning, design, permitting and construction engineering of many types of projects, including:

- Demand analysis
- Source development
- Water treatment
- Storage facilities
- Distribution system improvements

We’re qualified to meet the needs of your project.

### Why Produce the EMS Buyer’s Guide Now?

This Guide was written to assist town officials with their decisions about selecting emergency medical services (EMS) for their communities. It was written with a sense that each year many Vermont communities face tough decisions regarding EMS, and that these decisions are sometimes complex and the solutions expensive.

In many parts of the state, EMS is provided by ambulance services staffed predominantly or exclusively by volunteers. As a result, the cost to communities varies, depending on factors such as the number of runs or types of service provided. What costs there are can be covered by a combination of fundraising and some reimbursement for the actual care given by the service, along with some sort of annual contribution from the towns served.

As with many other health and community services, however, nothing stays the same. Today, some towns face significant challenges in meeting their EMS obligations. A combination of factors has led to this situation, including:

- Costs have increased substantially, so that, today, the charge for a basic ambulance run is over $300.
- Many ambulance services are finding the need to hire more personnel to cover some, or all, of the shifts on a 24/7 basis.
- Services are finding it harder to find committed, reliable volunteers.
- The complexity of operating an ambulance service today requires a level of management talent that often must be paid for. The budget of a medium-sized ambulance service, with 1,000 runs per year, can easily top $500,000 annually.
- Operating costs are on the increase. Gas and oil prices are rising, as are the costs of insurance, legal fees, and medical supplies and equipment (often at rates that exceed the rate of inflation).
- EMS providers are expected to respond to a wider range of incidents than ever before. This additional responsibility requires more training for crews and additional equipment, further adding to the cost of EMS operations.

For these reasons and others, the Vermont Department of Health’s Office of Rural Health Policy commissioned this Guide as a starting point for towns. It offers some basics on how the EMS system works, as well as some thoughts on the factors a town should consider when arranging for EMS. There is no one solution that works for all towns, but we hope that this Guide can provide a solid starting point for the EMS decisions town officials must make.

- Peter Holman, Principal, Parkside Consulting, and author of the EMS Buyer’s Guide
VLCT Board of Director Vacancies

The thirteen-member VLCT Board of Directors currently has two seats open. One is for a term that expires in October 2008; the other is for a term that expires in October 2007.

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.”

A person elected to the Board of Directors must be able to attend the monthly Board meeting, which is held at the office of the Vermont League of Cities and Towns in Montpelier, usually commencing at noon on Thursday and lasting three to four hours. As a board member you will be asked to:

- Provide overall governance of the organization;
- Help formulate League legislative policy for approval by the membership;
- Provide direction for VLCT’s long-range goals and objectives; and
- Assist staff on specific legislative positions, including possibly testifying before legislative committees.

The position also demands approximately two days in September or October of each year to help with VLCT’s Town Fair and Annual Meeting. It may also involve membership on VLCT legislative policy committees. Lastly, many of the members of the Board are asked to act on occasion as “ambassador” for the League by visiting neighboring towns and cities to explain our programs and policies, and to seek input from other local officials. VLCT provides reimbursement for travel expenses plus a small per diem for attendance at Board meetings.

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, March 30, 2007. The form is available at http://www.vlct.org/aboutvlct/boards/, or by calling VLCT at 800/649-7915.

VLCT President, Susan Spaulding, and Members Hunter Rieseberg and Nick Ecker-Racz consider a Board position at a recent Board meeting.

Classifieds - (Continued from Page Eighteen)

Manager reports to a five-member Selectboard. The current operating budget is $1.6 million, with 10 full-time employees. Primary responsibilities include day-to-day management of town affairs, budget development and administration, public works oversight and personnel management.

Requirements: excellent interpersonal skills, working knowledge of municipal government, ability to direct and coordinate activities of others, and bachelor’s degree in an appropriate discipline. Candidate should be highly energetic and willing to take the initiative. Hiring range, $40,000-$55,000, DOQ. Please send cover letter and resume in confidence to: Pittsford Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. Resume review began March 5, 2007. E.O.E. (2-7)

Manager. Barre, Vt. (www.ci.barre.vt.us) is seeking applications for the position of City Manager. Central Vermont’s largest municipality, Barre (pop. 9,000) is home to the Barre Opera House, Vermont History Center, and the Vermont Granite Museum. Barre is a full-service municipality with an active and historic downtown, a vibrant local business community and a wide array of housing opportunities. The Manager reports to a six-member city council and one mayor. The current operating budget is $11 million, with 90 full-time employees. Primary responsibilities include developing and managing the City budget, personnel/labor relations, and operational oversight of all City departments. A full job description is available at www.vlct.org under Marketplace. Excellent interpersonal skills, significant experience in municipal management, and a bachelor’s degree in an appropriate discipline required. Hiring range $60,000-$75,000, DOQ. Please send cover letter and resume in confidence to: Barre City Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. Resume review began February 19, 2007. E.O.E. (1-18)
Classifieds -
(Continued from Page Nineteen)

and using generally accepted accounting principles. The position requires a team player who is self-disciplined, motivated, able to handle a variety of tasks and able to maintain a high degree of credibility for the duties of the position in the eyes of the public, the Board of Selectmen and the Budget Committee. This position is responsible for attending and presenting information at required meetings dealing with finance and administration. The successful candidates will possess a thorough knowledge of municipal finance programs and services. Bachelor’s degree from an accredited four-year college or university in Accounting, Finance, Business Administration or a closely related field, with at least three year’s supervisory experience in public finance is strongly desired. The Finance Director is a grade 21, classified, exempt position; salary commensurate with experience DOQ/E. A detailed job description is available upon request. The Town of Raymond offers a competitive benefit package. Please direct a cover letter, resume, and at least five references by April 20, 2007 to Richard C. Bates, Town Manager, 4 Epping Street, Raymond, NH 03077. E-mail letter and resumes are acceptable to arives@townofraymonndnh.com if followed with a hard copy to the above address. EOE. (3-14)

Police Officer. The Town of Randolph, Vt. is seeking a full-time police officer. Applicant must possess a high school diploma or equivalent and a valid Vermont driver’s license, be 21 years of age, be fully certified by the Vermont Criminal Justice Training Council, and should have experience in patrol work and investigation. Salary based on qualifications and experience. Positions offer an attractive benefit package, including sick leave, vacation, paid holidays, personal days, shift differential, medical, dental and retirement plan. For a copy of the job description, call 802/728-5433. Please forward application or letter of interest and resume to Chief Kra- kowiecki, Police Officer Search, Town of Randolph, Drawer B, Randolph, VT 05060. Position open until filled. Equal Opportunity Employer. (3-13)

Civil Engineer. Consulting engineering firm seeks civil engineer for Vermont offices. Professional Engineer License in Civil Engineering required. Project exposure 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. Founded in 1998, the firm has grown to a staff of twenty in two Vermont offices. Our goal is controlled growth based on solid project backlog and financial stability. The firm’s focus has been on design and construction review of a broad spectrum of water, wastewater, site development, stormwater, roadway, hydrogeology, and environmental remediation projects. We provide full services including topographic surveys, engineering design, permitting and funding assistance and construction phase services. 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, 404 East Main Street, East Middlebury, VT 05740, or HR@OtterCrk.com. (3-8)

Town Administrator. The Town of Newmarket, NH (pop. 9,000+) seeks qualified applicants for the position of Town Administrator. Situated on the banks of the estuarine Lamprey River, Newmarket enjoys a vibrant downtown, active civic and community groups, and close proximity to the University of New Hampshire. The town faces challenges, too: a growing population that is generally placing strains on infrastructure and resources and immediate concerns with water treatment and quality, labor negotiations and the redevelopment and construction along the historic Main Street. The town operates under the Town Council form of government. The Town Administrator is responsible for a range of professional duties as the Chief Administrative Officer, supervising all departments, preparing an annual budget, implementing town policies, overseeing significant current and future capital improvement projects, and assisting the Town Council in addressing these challenges and managing the Town affairs in accordance with applicable laws. The position reports to the Town Council. A full job description and more information on the town is available at www.newmarketnh.gov. Interested candidates should submit their resume and compensation history no later than April 13, 2007 to: tasearch@newmarketnh.gov. (3-6)

Zoning Administrator. The Town of Bolton, Vt. is seeking a part-time Zoning Administrator to fill a vacant position. Applicant should have knowledge of planning, zoning and subdivision regulations, be familiar with state statutes, be able to provide testimony before the Development Review Board during appeals, and institute enforcement actions as well as other duties. Office hours are flexible. Salary commensurate with experience. Position is available immediately. If interested, please send cover letter and resume to Linda Baker, Chair, Bolton Planning Commission, 3045 Roosevelt Highway, Waterbury, VT 05676. (2-28)

Town Manager. The Town of Pittsford, Vt. (www.town.pittsford.vt.us) is seeking applications for the position of Town Manager. Pittsford (pop. 3,200) retains a rural character while offering easy access to Rutland City, excellent schools, and a high quality of life. The (Continued on Page Seventeen)
HELP WANTED

Planning Coordinator. Town of Georgia, Vt. Duties include administration of Georgia’s subdivision and site plan regulations, assisting the public with permit applications, and assisting the planning commission with development review and regulation rewrites. Candidates must possess strong organizational and communication skills. Attendance at semimonthly evening meetings, a valid driver’s license and reliable transportation required. Knowledge of local government and land use planning a plus. This position is part-time (24 hrs/week) with benefits. Submit cover letter, resume and references by April 6, 2007 to Town of Georgia, Attn: Planning Dept., 47 Town Common Road North, St. Albans, VT 05478. For more information and a job description, call the Town Office at 802/524-3524. (3-20)

Library Director. The Town of Stowe, Vt., a charming, four-season resort, is seeking a dynamic and creative individual to serve as Library Director of its community library located in an historic building in the heart of Stowe village. This position is responsible for planning, organizing, implementing and facilitating high quality library services for the Town of Stowe. The director administers the department budget and develops long and short-term departmental goals. The position involves considerable interaction with the public, Library Board of Trustees, selectboard, and supervision of library staff. Applicants should possess a high degree of interpersonal skills, knowledge of library computer systems, strong professional and organizational skills and an understanding of public library goals and policies and implementation. Master’s degree in Library Science and three years experience in library operations, budgeting and employee supervision preferred. This is a full-time position with excellent benefits. Starting annual salary range, $44,000-$53,000, dependent on qualifications and experience. For a job description and application, go to www.townofstowevt.org. Send letter of interest and resume to: Town of Stowe, Attn: Susanne Gann, HR Coordinator, P.O. Box 730, Stowe, VT 05672 or email recruit@townofstowevet-

Zoning Administrator. Moretown, Vt. seeks a zoning administrator (ZA). The ZA is responsible for the administration and enforcement of Moretown’s zoning bylaws and other bylaws adopted under the Vermont Municipal Regional Planning & Development Act. The ZA issues permits for land development, provides property owners and other members of the public with necessary forms required to obtain municipal permits, and serves a variety of administrative functions for the municipality. The successful candidate should have a thorough knowledge of the Moretown community, including geographical and settlement patterns, the objectives of the Moretown Town Plan, familiarity with the Moretown Zoning Ordinance and other municipal bylaws, basic understanding of state statutes and regulations related to land use and land development. Equally important is the ability to communicate clearly, both verbally and in writing, as well as excellent organizational skills. This is a half-time, salaried position. If interested, send letter of interest, resume and references by May 1, 2007 to Town of Moretown, Attn: Paula Mastroberardino, P.O. Box 666, Moretown, VT 05660. (3-15)

Municipal Finance Director. The Town of Raymond, NH (pop. 10,000+) seeks a self-motivated and experienced financial manager. The Finance Director is a full-time, department head position responsible for managing all administrative and technical aspects of the Town’s Finance Department. Under the direction of the Town Manager, the Finance Director oversees a $7 million budget. The Director processes, tracks and reports all financial transactions with the primary goal of ensuring a high degree of promptness, accuracy and quality in accordance with applicable federal, state and Town codes.

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Municipal Energy Saving Strategies.
Thursday, April 12, 2007, Montpelier Elks’ Club. Sponsored by the VLCT Municipal Assistance Center. With energy prices soaring, municipal governments are looking at creative opportunities to reduce both costs and consumption. This workshop will discuss why reducing energy costs is an emerging municipal issue and how innovative measures such as performance contracting and alternative fuels could be implemented in your municipality.

Municipal Safety Training.
Thursday, April 12, 2007, Capitol Plaza, Montpelier. Sponsored by VLCT PACIF and the Vermont Department of Labor. Training topics include personal protective equipment; slips, trips and falls; back safety training; and trenching and excavation training. This event is geared toward water, wastewater and highway departments and is free to all PACIF members.

Conducting Effective Tax Appeals.
Thursday, April 26, 2007, Montpelier Elks’ Club. Sponsored by the VLCT Municipal Assistance Center. With ever increasing pressure on the property tax, it is vitally important that the appeals process be properly administered. Come learn what your town can do to conduct effective property tax grievances and appeals.

Growth Centers and Downtown Development.
Thursday, May 10, 2007. Vermont Interactive Television sites around Vermont, including the new Montpelier site! Sponsored by the VLCT Municipal Assistance Center and your regional planning commission. This final workshop in the 2006-7 series will focus on the new growth centers bill and strategies for attracting and concentrating development in designated growth centers.

Municipal Attorneys Forum.
Thursday, May 17, 2007, Capitol Plaza, Montpelier. Sponsored by the VLCT Municipal Assistance Center. This annual workshop provides an opportunity for municipal attorneys to grapple with new and perennial issues in Vermont municipal law. The forum will offer five hours of continuing legal education credit.

VTCMA Spring Conference.