Though Town Fair is still over four months away, planning for it has begun in earnest at VLCT.

Members who are interested in serving on one of the four volunteer committees that draft VLCT’s legislative platform should have returned their nomination forms to VLCT by June 1. Vendor registrations are coming in, and workshop topics have been selected.

VLCT staff members are very excited to be heading north to the Robert E. Miller Expo Centre at the Champlain Valley Fairgrounds in Essex Junction. For the first time in recent Town Fair history, all exhibits, meals, meetings and workshops will be held under one roof!

Please watch your mail in late July and the VLCT Web site in early August for registration forms for Town Fair. We look forward to seeing you at the Fair.

VLCT Board of Directors Profile

Jared Cadwell, Selectperson, Fayston

Remember the expression, think globally, act locally? Well, a much expanded variation of that theme – think and act globally and locally – comes to mind when talking to Jared Cadwell, one of two new members of the VLCT Board of Directors.

Cadwell has been involved in local government since 1988, when he became a member of the Board of Directors of the Mad River Recreation District. For almost 20 years, he worked for the international exchange organization Project Harmony, first as a volunteer and, eventually as its paid Executive Director. His many life experiences – as a child in Pittsford, raising his own family in Fayston, and working

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TIPS FOR IDENTIFYING FRAUD RISK

Recent local newspaper headlines have demonstrated that fraud does not just occur with the Enrons of the world; it can just as easily rear its ugly head in our rural municipalities. In fact, adequate internal controls and satisfactory accounting and reporting practices are sometimes more likely to be lacking in smaller communities due to resource limitations. This means that local governments in Vermont must be more diligent in protecting the assets of their municipalities by recognizing why and how fraud occurs.

The financial statements generated by municipal officials tell citizens what the assets, liabilities, and operation results are for whatever period they are provided. Two things can cause these statements to be materially inaccurate: poor accounting and fraud. Both result in errors that give citizens bad information about municipal finances, but fraud causes an intentional misstatement of those finances. There is less chance of this happening if local officials:

1. Follow generally accepted accounting principles (GAAP) as defined by the Government Accounting Standards Board (GASB).
2. Establish and maintain adequate internal controls, ensuring that no one individual or related individual.

(Continued on Page Thirteen)

TO THE EDITOR:

The State of Vermont Emergency Management Office has been actively involved with local first responders, ham radio operators, regional planning commissions, local officials, state agencies and private and non-profit businesses to become more thoroughly prepared for all emergencies. As you aware, emergencies that are weather related which cause flooding or power outages are just as important as threats from hazardous spills and airplane crashes.

Oftentimes we cannot reach any municipal officials outside the Monday through Friday, 8 a.m. – 4 p.m. routine. Over the past several years, a significant amount of FEMA and Homeland Security funds have been allocated to help towns and cities prepare and update their Rapid Response Plans and Emergency Operations Plans through the technical assistance of the regional planning commissions, and, in some cases, Local Emergency Planning Committees (LEPCs) and consultants. I very much appreciate the efforts of those communities that have updated and developed the plans, signed them and provided them to our office. However, many communities have not yet signed the Rapid Responses Plans and/or Emergency Operations Plans to acknowledge their accuracy and forwarded them to my office.

IT IS VERY IMPORTANT TO HAVE UPDATED EMERGENCY CONTACT INFORMATION FOR COMMUNITIES IN THE EVENT OF AN EMERGENCY SITUATION.

If your municipality has not yet prepared, updated or signed its plan, and you need assistance to do so, please contact your regional planning commission or my office (www.dps.state.vt.us/vem/).

Thank you.
Sincerely,
Barbara Farr, Director
State of Vermont
Dept. of Public Safety Emergency Management Office
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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In *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority*, ___ U.S. ___ (April 30, 2007), the United States Supreme Court ruled that an ordinance requiring private haulers to obtain permits to collect solid waste and deliver it to county collection sites did not discriminate against interstate commerce in violation of the Commerce Clause of the United States Constitution. (The Commerce Clause states that only Congress can erect barriers to trade between the states.)

Historically, each municipality in New York’s Oneida and Herkimer Counties was responsible for disposing of its own waste. Like most Vermont municipalities during that same time period, these communities utilized local landfills, some of which operated without permits and in violation of state regulations. Responding to these and other related problems, the Counties requested, and New York created, the Oneida-Herkimer Solid Waste Management Authority (the Authority), a quasi-municipal public benefit corporation.

The Authority was authorized by law to collect, process and dispose of solid waste generated in the Counties. Additionally, it could impose “immediate and reasonable limitations on competition” by, for instance, adopting “laws requiring that all solid waste…be delivered to a specific solid waste management-resource recovery facility.”

In 1989, the Authority and the Counties entered into an agreement under which the Authority agreed to manage all solid waste within the Counties. Private haulers would remain free to pick up citizens’ trash from the curb, but the Authority would take over the job of processing the trash, sorting it, and sending it off for disposal. The Authority collected tipping fees to cover its operating and maintenance costs for its facilities. If the Authority’s operating costs and debt service were not recouped through tipping fees and other charges, the agreement provided that the Counties would make up the difference.

While the Authority’s powers were broad, the agreement had a flaw: citizens could have their waste hauled to less expensive facilities that were outside the territory of the Authority. To avoid being stuck with the bill for facilities that citizens voted for, but then chose not to use, the Counties enacted “flow control” ordinances requiring that all solid waste generated within the Counties be delivered to the Authority’s processing sites. Private haulers were also required to obtain a permit from the Authority to collect waste in the Counties.

Trash haulers operating in the area objected, arguing that these ordinances stifled competition and that without them, they could dispose of solid waste in out-of-state facilities for far less money. In rejecting the

(Continued on Page Nine)
VMERS Offers New Health Savings Account for Retirees

The Vermont Municipal Employees’ Retirement System (VMERS) Board of Trustees recently announced a plan to create individual retiree health savings accounts (HSAs) for its 4,700 vested active members and retirees. The system will fund the accounts through $5 million in surplus revenues.

“We have been looking for a way to meet the health care needs of our retirees without getting our retirement system into the funding bind that paying for health insurance outright could cause,” said VMERS Board Chair Steven Jeffrey. “We want to avoid the financial challenges so many other retirement plans have had to face as health care premiums continue to drastically rise.”

How it Works

Each vested active and retired member will receive a share of the total amount to be distributed based on the number of years he or she contributed to the system. (The average member with 15 years of contributing service could get between $1200 and $1500 to put toward his or her retirement health costs.) Until an employee retires, the money for the HSA will be invested in the name of the individual. Upon retirement, the HSA’s principal and interest earned would be available to pay, tax-free, medical expenses and premium reimbursements.

“The $5 million to be available to vested members in July is anticipated to be the first of many deposits to the health savings accounts,” said Vermont State Treasurer Jeb Spaulding, who also serves on the VMERS Board of Trustees, as well as on the state employees’ and teachers’ retirement boards.

“As of last June, the fund had a surplus of almost $12 million over the $276.5 million needed for the payment of pensions.”

VMERS will only make future deposits into the health savings accounts when the system’s funding position is more than is actuarially needed to fund current and future pension obligations.

Changes to Quarterly C-101 Filing for Catamount Health Assessments

This is a reminder to all VLCT members that the second quarter C101s (Employer’s Quarterly Wage & Contribution) Reports are due July 31, 2007 and will include the new state reporting requirements for the Catamount Health Assessment. The Department of Labor sent initial information and mailings regarding these new reporting requirements to all Vermont employers in January.

These new reporting and assessment payments are required of all Vermont employers, including municipal employers, starting with the second quarter report and with every subsequent quarter thereafter.

For the remainder of 2007, employers may exempt eight FTEs (full-time equivalents) from this assessment. This exemption will change to six FTEs in 2008 and four in 2009. Please refer to the Health Care Assessment Worksheet provided by the Department of Labor to determine the number of “uncovered” FTEs for your municipality. Additional copies of this worksheet, including sample copies of the recommended employee Declaration of Coverage forms, may be obtained from the Department of Labor’s Web site at www.labor.vermont.gov under the Forms and Publications section.

As a general reminder, please note when you are completing your quarterly C101s, do not include wages for any elected officials or volunteer firefighters. These particular job classes are not eligible for unemployment compensation. If your group participates in the VLCT Unemployment Trust, please feel free to contact Member Relations at 800/649-7915 for questions on UI eligibility or for further information.

If you have any questions regarding these new reporting requirements or the assessment payments, please contact the Vermont Employer Services Unit at 802/828-4344 or the Vermont Employers’ Assistance Line at 877/214-3331. You may also log on to the Department of Labor’s Web site at the address noted above for more information.

For specific information regarding the new Catamount Health program and eligibility requirements, please contact the Vermont Department of Banking, Insurance and Health Care Administration (BISHCA) at 802/828-3301 or log on to www.bishca.state.vt.us.

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(Continued on Page Seven)
Questions asked by VLCT members and answered by the League’s legal and research staff

**Ask The League**

**Dog Attack; DRB Notice; Finality of AMP Decision**

What are a town’s obligations when notified of a dog attack on a domestic animal?

The owner of a domestic animal (cow, sheep, lamb, fowl, etc.) worried, maimed, or killed by a dog may recover damages for any loss suffered from the owner of the dog or from the town in which the attack occurred.

To proceed against the town, the owner must notify one or more selectpersons within 24 hours of learning of the attack. The selectperson must then go to the premises and make a full, fair, and honest investigation of whether dogs in the town are to blame for the damage inflicted to the owner’s domestic animal. If so, the selectperson must appraise the amount of damage inflicted and return a certificate in that amount to the selectboard.

(If unable to make this decision, the selectperson has failed to perform his or her statutory duty and the owner may recover damages suffered, with costs, in a civil action against the town. *Otis v. Town of Bridport*, 81 Vt. 493 (1908).)

Upon receipt of the certificate, the selectboard must examine it and issue an order upon the town treasurer for all or part of the damage. If the selectboard has any doubts, it may summon the appraisers and all interested parties and make any additional inquiries it deems proper.

State law instructs that if the selectperson called upon to appraise the damage identifies the responsible dog, he or she must issue a warrant to a constable or police officer “commanding him forthwith to kill such dog or dogs wherever found.” 20 V.S.A. § 745. Given that such action may constitute an unconstitutional taking of property in violation of the Fourteenth Amendment, VLCT suggests first affording the dog owner notice and an opportunity to be heard.

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center

Who should receive written notification for development review applications when the adjoining property owner is a common interest community or mobile home park?

In most instances the local municipal officer need not make an inquiry into the form of ownership of an adjoining property. Notice is simply sent to the property owner on record, listed on either the property tax map or in the grand list book.

However, in the case of a common ownership community, notice should be sent to all adjoining apartment, site, or unit owners as well as the association of owners. In the case of a mobile home park, notice should be sent to the owner of the lot and/or the owner of the park.

The public notice requirements for all development review hearings before an appropriate municipal panel (AMP) require providing written notification to the applicant and to “owners of all properties adjoining the property subject to development, without regard to any public right-of-way.” 24 V.S.A. §§ 4464(a)(1)(C),(2)(B).

Such notice must:

- include a description of the proposed project;
- direct the recipient where additional information may be obtained; and
- inform the recipient that participation in the local proceeding is a prerequisite to the right to appeal.

(Continued on next page)
AMPs are given considerable latitude when it comes to fulfilling their notice requirements. Courts will not invalidate an AMP's actions so long as reasonable efforts were made to provide adequate posting and notice and the content is not materially misleading. 24 V.S.A. § 4464(a)(5).

- Garrett Baxter, Senior Associate, VLCT Municipal Assistance Center

Can an appropriate municipal panel make minor changes to conditions contained within a final decision after the decision is issued?

No. Regardless of how small a change is contemplated, changing a decision after the close of a quasi-judicial proceeding creates the appearance of a conflict, and infringes on an individual's due process rights. Ultimately, this type of action by an appropriate municipal panel (AMP) would affect the integrity of the development review process.

If an interested person wishes to contest conditions contained within a decision, the most common course of action is to file an appeal in Environmental Court. A less common practice is for an applicant to request reconsideration under 24 V.S.A. § 4470. If an AMP decides to honor the request for reconsideration, it is important for the AMP to protect the due process rights of all parties. Hallmarks of due process include providing adequate notice to parties, and an opportunity to be heard. The notification process for reconsideration is the same as for any development review hearing, as outlined in 24 V.S.A. § 4464(a). The focus of the reconsideration hearing could be on specific concerns that an interested person might have with the issued decision (for example, timeframes for which a financial guarantee must be provided).

An AMP may reject a request for reconsideration without a hearing if it considers the issues raised by an interested person to involve substantially or materially the same facts as were considered the first time around - frequent use of reconsideration could create a slippery slope if a board considers its decision where the facts of the application have not changed. However, it must still render a written decision ten days from the filing of the request. To guide a panel's decision on whether or not to reconsider a matter, the panel could incorporate into its rules of procedure the circumstances under which it might use this process. This may also lessen chances of inconsistent application of the statute.

- Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center

ICMA Retirement Corporation, an organization that currently administers almost 7,000 defined contribution and deferred compensation retirement plans for the public sector, will manage the funds. The State Treasurer's office will conduct public education meetings with eligible employees, retirees and local governments in May and June to ready participants for the $5 million in deposits to be made July 1.

For more information about these meetings, contact Cynthia Webster at the Vermont Retirement Division by calling 802/828-2302 or toll free at 800/642-3191.

Tuesday, May 29, 9:00-10:30 a.m., Bennington; 3:30-5:00 p.m., Rutland
Wednesday, May 30, 9:00-10:30 a.m., Montpelier; 3:00-4:30 p.m., St. Johnsbury
Thursday, May 31, 9:00-10:30 a.m., St. Albans; 3:00-4:30 p.m., Burlington
Friday, June 1, 9:00-10:30 a.m., Hartford; 3:00-4:30 p.m., Brattleboro
Monday, June 4, 3:00-4:30 p.m., Barre Town
Tuesday, June 5, 9:00-10:30 a.m., Stowe; 3:30-5:00 p.m., Newport
Wednesday, June 6, 9:00-10:30 a.m., Milton; 3:00-4:30 p.m., Vergennes
Thursday, June 7, 9:00-10:30 a.m., Montpelier; 3:00-4:30 p.m., Windsor
Friday, June 8, 9:00-10:30 a.m., Rutland; 3:00-4:30 p.m., Bennington
After two unexpected delays (opposition from Adelphia/Comcast and Verizon during the City's application for a state Public Service Board Certificate of Public Good and lengthy contractual negotiations with cable content providers), the network is now up and running in the City’s South End and New North End neighborhoods. The Old North End will be completed this summer, bringing to over 15,000 the number of premises that have access to the service.

According to Burlington Telecom’s Web site, the network has been entirely funded with private funds, at no cost to taxpayers. The capital financing mechanism used is a lease purchase agreement secured by the network itself. Operating costs will be paid for by service customers, or by fees charged to other service providers who use the network.

Burlington Telecom characterizes its network as the “electronic road system” of the future. It is the backbone of a system that will carry the information and services that the City’s residents need, far into the future. “Fiber optics has infinite capacity,” Burlington Telecom General Manager Tim Nulty recently told the VLCT Board of Directors. “Wireless will become a more effective mobile component to fiber but never a competitor.”

Burlington Telecom – Coming Soon to a Municipality Near You?

As Burlington’s fiber optics system nears completion, Nulty said other municipalities are now approaching Burlington Telecom to ask how it might expand its services their way. It is this pent-up demand that brought Nulty and Burlington’s Chief Administrative Officer, Jonathan Leopold, to a recent VLCT Board meeting. The men presented a concept paper that outlines how Burlington Telecom could work with municipalities around the state to expand its network and provide services to their citizens.

The core of the partnership would be a commitment on both sides to build a system which is: a) universal, i.e. everyone would be served; b) open access; i.e. anyone could use the “road” system to deliver services; c) financially self-sufficient (no taxpayer money); and, d) “future proof,” i.e. easily upgradable to meet the evolving needs of technology.

The partnership between Burlington Telecom and another municipality would be defined by three contracts:

1. A financing contract between the town and a financier that results, eventually, in the town owning the local network and the connecting link to Burlington Telecom (most advantageous would be a financial arrangement similar to Burlington Telecom’s).
2. A design/build/operate contract with Burlington Telecom (towns could take over some of the maintenance eventually, if they wished).
3. A contract whereby Burlington Telecom would rent the town’s infrastructure to deliver cable television, voice telephone and high-speed Internet to subscribers in that town. The rent would consist of two parts: a) a flat fee equal to the cost of servicing the town’s debt; and, b) 50 percent of the profits generated by the services provided by Burlington Telecom in the town. After the Burlington Telecom rental contract expires, towns would be free to continue with Burlington Telecom or choose another provider.

As they would any other potential service provider, members of the VLCT Board posed many tough questions to Leopold and Nulty. Several questions addressed why Burlington Telecom could provide these services and the state’s other providers couldn’t. Nulty explained that the principle reason is that it is not in the economic interest of the incumbent carriers to overbuild their own existing copper networks with new fiber, even though they can get low-interest financing from the federal government to assist them in doing this. Municipalities have a completely different perspective – that it is in their economic interest to build new, state-of-the-art infrastructure in order to support economic development of their communities. In addition, the availability of tax-exempt municipal lease financing gives them equivalent financial opportunities to those available to private carriers. Other questions focused on whether or not the “next best technological thing” could take over fiber optics, making Burlington Telecom’s network obsolete.

On this point, Nulty was adamant that fiber optics’ capacity is almost infinite. It is, he said, “a matter of pure physics.” While he does see an expanding role for wireless delivery of information, he opined “the best way to use wireless is to lay it on a foundation of fiber optics – then each telephone pole becomes an antenna site.” He shared his vision of a police officer some day being able to pull...
FIBER OPTICS -
(Continued from previous page)

out his or her laptop during a traffic stop, connect wirelessly to a nearby utility pole, and receive information via the pole’s connection to the fiber optic network.

Asked why Burlington Telecom expects that new lines will have to be built to reach any towns it partners with, rather than simply buying space on the state’s existing, though limited long-distance fiber optic network (especially that available from VTel and VELCO), Nulty said, simply, the price its owners have set is too high. “If the price were lowered to make it more attractive than building,” he noted, “Burlington Telecom would happily lease from existing networks.”

Board members also questioned what kind of impact the state’s newly minted telecommunications legislation would have on Burlington Telecom’s operations. “The new law will help us and support us,” Nulty said, adding, “it will also help the 20 percent [of Vermont’s population] who are way out there.” Burlington’s head start on high-speed information delivery will also make it likely that it will be able to offer services of better quality, sooner, than any of the state-financed efforts to come.

A ROLE FOR VLCT?

Leopold and Nulty didn’t come to the VLCT Board of Directors simply to describe how Burlington Telecom works and what it could offer other municipalities. (And, to make those in the room with dial-up and no cable television service turn ever-darker shades of green…) Their ultimate goal was to start a discussion with the Board about how VLCT could help its members take advantage of Burlington Telecom’s services.

“Towns need help,” Nulty said, “with the legal ramifications [of contracts] and with the financial mechanisms.” He noted that larger towns with the staff and the organizational capacity to proceed on their own will do so without VLCT’s assistance. However, smaller municipalities without those resources could benefit from VLCT acting as an aggregator, or consultant, or in another, to be determined role.

If your municipality is interested in learning more about the expansion of Burlington Telecom and/or you would like to discuss your ideas for VLCT’s role in the process, please contact VLCT Executive Director Steven Jeffrey (sjeffrey@vlct.org or 800/649-7915).

LEGAL/REG. NOTES -
(Continued from Page Four)

haulers’ arguments, the Court noted that disposing of waste has been a traditional government activity for years, and “compelling reasons justify treating such laws differently from laws favoring particular businesses over their competitors.” Laws that favor the government in such areas — but treat every private business exactly the same — do not discriminate against interstate commerce for purposes of the Commerce Clause, and any incidental burden they may have on interstate commerce does not outweigh the benefits they confer on citizens. “It bears mentioning,” wrote the Court, “that the most palpable harm imposed by the ordinances — more expensive trash removal — is likely to fall upon the very people who voted for the law.”

A copy of the full decision can be obtained at: http://www.supremecourtus.gov/opinions/06pdf/05-1345.pdf.

- Jim Barlow, Staff Attorney, VLCT Municipal Assistance Center

TRIVIA

Our ace Trivia “contestant” from Royalton, Jackie Higgins, beat out a dozen of her colleagues last month with her correct answer to the question of who invented the elevator brake. It was Elisha Graves Otis, who was born in Halifax, Vermont in 1811.

Here is our June challenge:

This endangered snake is found in Central Vermont and can be between 36 and 60 inches long. What kind of snake is it?

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.

Burlington Telecom’s Web site is located at www.burlingtontelecom.com.

- Katherine Roe, VLCT Communications Coordinator

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DENTAL OPEN ENROLLMENT

Northeast Delta Dental’s (NEDD) new plan year begins on July 1, 2007, with new rates and an open enrollment period. With this plan anniversary, groups may choose to change NEDD plan options, add an orthodontic rider or change an existing rider. Additionally, employees who have not previously been enrolled under the group’s dental coverage may join or existing subscribers may add dependents. For any NEDD group changes, please notify Member Relations at 800/649-7915 no later than June 12, 2007. Employee enrollment changes may be faxed directly to NEDD Eligibility at 602/226-1252. NEDD enrollment forms can be printed from the VLCT Web site (http://www.vlct.org/insuranceriskservices/customerservice/) or requested from any Member Relations staff person.

CIGNA OPEN ENROLLMENT

This is a reminder to all VLCT Health Trust members that the next open enrollment period for CIGNA health coverage will take place July 1, 2007. At this time, employees who were not previously enrolled may join a group’s plan coverage or existing subscribers may add dependents. Please complete forms for new enrollments or adding dependents and fax to CIGNA directly at 603/268-7830 or to VLCT Member Relations at 802/229-2211 for processing no later than June 12th. For enrollment forms or more information, please feel free to contact Member Relations staff at 800-649-7915 for assistance. Enrollment forms may also be downloaded from the VLCT Web site, http://www.vlct.org/insuranceriskservices/customerservice/.

NEW CIGNA ENROLLMENT FORMS COMING!

Member Relations is pleased to announce that a new, revised version of the CIGNA health insurance enrollment forms will soon be available. Member Relations staff have been working directly with CIGNA HealthCare on a customized version of the enrollment form to suit the VLCT Health Trust plans and offerings. We hope to roll out this new form to members very soon. Keep a close watch on e-mail, the Web site and future newsletters for updates.

WELCOME

Cynthia Gibbs, Treasurer and Assistant Town Clerk in Grafton, was recently elected to a three-year term on the VLCT Unemployment Insurance Trust Board of Directors.

The UI Trust Board is still seeking nominations of people who would like to serve in its alternate board member seat. Interested persons may print a copy of the nomination form from the VLCT Web site at http://www.vlct.org/aboutvlct/boards/nominationforms/.

We would like all VLCT Health Trust member municipalities to do their part in helping to control health care costs by participating in the Leader Program. Please contact Heidi Joyce, Senior Health Promotion Consultant, for more information.
Safety training often focuses on how to identify and protect against specific, regulated substance, equipment, and task hazards. But your everyday routines and habits can also pose potential hazards, although you may not be as likely to notice the risks in simple tasks you perform all the time. That's why it's especially important to take a second look at the “small stuff” of your job, the stuff you do all the time with hardly a thought.

For example, when was the last time you really examined your work area and workstation for hazards? If it wasn’t yesterday, you could be in for trouble today. Every day, when you start your shift, take a couple of minutes to look around carefully to make sure that no new or previously unrecognized hazards have crept up on you.

If you want to remain accident-free, it’s also a good idea to review the specific steps involved in routine tasks. As you review, identify any hazards associated with each step. For example, if you grab your personal protective equipment (PPE) at the start of your shift and slap it on without first inspecting it, you’ve missed a potential hazard. The PPE could be damaged or worn and therefore fail to protect you later when you need it.

For more information about the safety and wellness resources available from the VLCT Safety and Health Promotion Program, please contact Shawna O’Neill at so-neill@vlct.org, or call 800/649-7915. You may also visit the Program’s on-line Wellness Library at http://www.vlct.org/insurance-risk-services/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.
2007-2008 VLCT Municipal Calendar

With the close of the legislative session last month, VLCT was able to put the finishing touches on its 2007-8 Municipal Calendar. Several bills had an impact on the Calendar’s content.

The Calendar, which is generously sponsored by the Chittenden Bank, is a compendium of important municipal dates and deadlines relating to elections, property taxes, and state filing and reporting obligations. Each VLCT member will receive a Calendar for free in the mail by late June. Please notify us if you do not receive your distinctive mailing tube by then.

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uals have control over several areas of finance and that no opportunity is presented in which fraud can easily occur.

3. Prepare the financial statements - both balance sheet and budget reports - on a monthly basis for review by management and/or the selectboard.

4. When you hire personnel, complete a thorough background and reference check, particularly if he or she will be handling any of the municipality’s assets.

5. Follow some type of bid process for significant contracts and avoid related party transactions (doing business with a selectboard member’s brother or good friend, especially without a bid process).

6. Hire an independent CPA firm to audit the books at least every three years if not annually.

Are you at risk for fraudulent activity in your municipality? Audit firms look at three key factors that will increase the chance of fraud: incentives or pressures, opportunities and the attitude of management and staff.

**INCENTIVE**

You are at risk if there are incentives or pressures for staff or officers that lead them to misappropriate funds. Personal finance problems can easily lead someone with unfettered access to cash to simply steal or to “borrow” and justify this with his or her intention to pay it back sometime in the future. It is **never** okay to borrow public funds for **any** reason. Adverse relationships between a municipality and its employees can also cause an individual to commit fraud, rationalizing it as “getting what he or she deserved.”

**OPPORTUNITY**

Allowing the opportunity for people in the above circumstances to perpetrate fraud is a recipe for disaster. Large amounts of available cash, unrestricted access to accounting records, portable assets such as tools, and assets easily susceptible to personal use such as vehicles or gas can be misappropriated if there are no controls in effect to prevent it. Adequate management or oversight, with segregation of duties and proper records or inventory, will eliminate these opportunities.

Cash should be received, recorded and deposited by different people and management should evaluate receipts over time, carefully examining unusual decreases.

Someone other than the individual processing the transaction should approve accounting transactions and checks. Someone who doesn’t approve or process the transaction should reconcile bank statements. If the municipality does not have the resources to spread these functions out among different staff members, the duties should still be segregated as much as possible. Use outside help such as an accounting or bookkeeping firm if necessary to supplement internal staff.

Maintain a proper inventory or usage log of those assets that could be stolen or misused. Management should examine the records periodically to ensure that inventory is not disappearing or assets are not being taken for personal use.

(Continued from Page Two)

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with fledgling democracies abroad – have resulted in a broad perspective that shapes his local government work today.

It all started with his upbringing in Pittsford. “Both of my parents were involved in community projects, from the school board to town government,” Cadwell remembered. “I also had a great uncle who served in the Vermont Senate back in the 1930s.” So, when Cadwell had his first chance to jump into politics, he did so by participating in Boys’ State and his high school student government. “I guess,” he said, “it was in my blood.”

Today, as a member of Fayston’s selectboard, Cadwell is interested in stimulating community activism and engagement and in protecting Fayston’s “tremendous natural resource base.” Balancing the town’s need for affordable housing and recreational opportunities with its desire to protect its natural habitat is a challenge that he is eager to take on. Fayston does this work through regular updates to its town plan, and through Cadwell’s position as chair of the Mad River Valley Planning District. “We just sent a very detailed questionnaire to everyone in town and got a 30 percent response,” he noted. While he would have liked a larger response, Cadwell said that the survey analysts were thrilled with 30 percent.

The survey, Cadwell noted, showed “a very clear interest in protecting our natural resource assets. [The planning process is] promoting a good dialogue around moving away from one-acre zoning to clustering houses and permitting accessory apartments for residential homes – not your typical rural solutions.”

A healthy dialogue – on many different subjects – is just what Cadwell is after within Fayston and its neighboring towns. “What is most fulfilling to me as a local official is to encourage local citizens to be involved, to speak up and not be intimidated by the status quo,” he said.

“It is a challenge for me and for all local officials to take the time to cultivate relationships with people and then pose the question, ‘You have these talents. I wonder if you would share them with the town?’ To be honest, we don’t ask the question often enough. If 50 percent of the people you ask say yes, I consider the process a success.”

This is a subject that Cadwell, a native Vermonter, is passionate about. “Vermont has been in transition for the last 25-30 years,” he noted. “People have been moving here who have tremendous entrepreneurial spirits and who are drawn to the Vermont lifestyle. They need to be educated that this lifestyle didn’t just happen, that it is the product of a long history of hard work and participation in the community. People have to realize that this local government does require at least modest participation to be successful.

“Look at the investment we make into our homes and our careers. Similar efforts need to be made for our communities,” Cadwell advised. “The bottom line is that this is a protection of your investment. If you like this lifestyle, take the time to protect it.”
As he moves from local to statewide politics by taking a seat on the VLCT Board, Cadwell’s interest in community engagement and dialogue manifests itself as a concern about how the state moves information and goods within its borders. In his work with Project Harmony, Cadwell helped bring the Internet to communities in Russia, Azerbaijan, and Armenia. “The information infrastructure on its own is a good thing,” he noted, “but its potential in the educational sphere and for local governments reaching out to citizens is more interesting to me.”

For this reason, Cadwell is keen on seeing all parts of the state served by high-speed Internet service. As it happens, his first VLCT Board meeting coincided with a Burlington Telecom presentation to the Board about expanding such service from Burlington to other municipalities around the state (see article elsewhere in this issue). “If Vermont is to continue to be attractive and affordable,” Cadwell commented, “it is critically important that we lay the Internet backbone. I applaud the VLCT Board for inviting the discussion [with Burlington Telecom]. VLCT can encourage and support such infrastructure and potentially take a leadership role.”

Cadwell is equally concerned about Vermont’s traditional highways and the bridges that connect them. “Fayston has 38 miles of dirt roads and more bridges than I can count on my fingers and toes,” he said. “I am very concerned about the deteriorating infrastructure around the state. Any surplus monies that the state has should go there – the payback is huge for that investment.”

The very proud father of two, Cadwell is also interested in how the state pays for educating its students. While not willing to weigh in, yet, on a solution, he does note that the challenges ahead in education include how to continue to finance individual town schools. He asks, “Would we be better off investing in more regional elementary schools?”

Cadwell’s own two children, Parker, 13, and Celia, 15, are graduates of Fayston’s elementary school, which has 110 students in grades K-6. Cadwell is currently enjoying a hiatus from his paid work, while his wife, Katherine, takes a turn at being the family’s primary breadwinner. As any parent knows, being the Chief Administrative Officer of a busy household is a full-time job in itself. Besides his local government volunteering, Cadwell is chief chauffeur and some-time coach for his children’s soccer and hockey teams and plays hockey himself at the Waterbury Ice Center. He serves on the Ice Center’s Board of Directors, as well as on the Board of the Green Mountain Valley School, a ski school where he once served as Headmaster.

His current schedule allows him to do things like have coffee from time to time with a few of his colleagues from the Warren and Waitsfield selectboards. What did they discuss the morning of his VLCT News profile interview? Climate change and “greening” their respective municipal buildings and machinery. It’s that global and local theme, again!

- Katherine Roe, VLCT Communications Coordinator
GREENSBURG, KANSAS FUND

VLCT’s counterpart in Kansas, the League of Kansas Municipalities (LKM), has set up a fund to aid the City of Greensburg in its post-tornado rebuilding efforts. In announcing the Greensburg Fund, the LKM noted that “all government buildings and structures, … the power plant, all churches, schools, the hospital, the housing stock, and all businesses were destroyed by the Category EF-5 tornado."

If you would like to donate to the Fund, please make your check out to the “Greensburg Fund” and mail it to the League of Kansas Municipalities, Attn: Greensburg Fund, 300 SW 8th Ave., Topeka, KS 66603. All donations will be distributed directly to the city government of the City of Greensburg, to be used in any manner that the City determines is appropriate.

Fraud Risk -
(Continued from Page Thirteen)

ATTITUDE

Local officials should be aware that their attitude could increase risk by encouraging the above opportunities. Officials may not see the need for controls for people they trust or think controls are too much of an effort or a drain on resources. It only takes one instance of fraud to do significant damage to the municipality’s finances as well as to a local government’s credibility. Citizens can have long memories, and if you are asleep at the wheel when an employee takes advantage of an opportunity, it will take years to regain their trust.

A common misperception is that auditors are supposed to be looking for fraud and should be able to find it if it exists. They assess the risk for material misstatement in your financial reporting and will test the accounting records and controls according to that level of risk. If the municipality has few controls, the auditors will perform more tests. Fraud could indeed be found if fraudulent transactions were included in the test samples, but it is also possible that samples randomly chosen are “clean.” This does not mean that a regular audit has no value. That extra set of eyes on the books is indeed a deterrent. If local officials are diligent about overseeing and examining the financial and reporting activities, the chance of fraud is much less likely.

In summary, fraud occurs when you mix an employee or an officer who has the incentive or pressure to misappropriate with the opportunity. The opportunity is created when management is either ignorant of the need for eliminating opportunity or believes that it is not necessary. Public stewardship demands a higher level of accountability and it is incumbent on our municipal officials to protect their citizens’ assets by understanding the risk of fraud and instituting the proper controls to avoid it.

- Michael Gilbar, VLCT Chief Financial Officer

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**Classifieds -**

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**Equipment Operator.** Randolph, Vt. is seeking a highway equipment operator with snowplow and highway construction experience. Vermont CDL required; operation of construction equipment a plus. Competitive salary and benefits. For more information, call 802/728-5433 or 728-5110. To apply, send cover letter and resume to Equipment Operator, Town of Randolph, P.O. Drawer B, Randolph, VT 05060. **Position open until filled.** Equal Opportunity Employer. (5-8)

**Police Officers.** The Vernon, Vt. Police Department is currently accepting applications for part-time Police Officers. Applicants need to be Vermont Certified Police Officers, have a strong desire to work with a community-based police department, and be available to work night, weekend, and holiday shifts. Applications are available at the Vernon Police Department located at 567 Governor Hunt Road or a resume may be sent to Vernon Police Department, P.O. Box 63, Vernon, VT 05354. Compensation will be based on the level of experience. The Town of Vernon is an equal opportunity employer. (5-7)

**Police Chief.** Montpelier, Vt. (pop. 8,100) seeks a dynamic Chief of Police to lead a professional and dedicated police department staff to work in partnership with the community to address quality of life and safety issues. The successful applicant will replace the retiring chief of police who has served 27 years in the position. The Montpelier Police Department has a full-time staff of 26 employees, 16 of whom are sworn officers, and an annual budget in excess of $1.6 million. The City of Montpelier operates under a city charter with a Council-Manager form of government. The Chief is appointed by and reports to the City Manager. He or she is responsible for all police operations, emphasizing community policing, crime prevention, dispatching, parking enforcement/management and partnership with the community and other local, state and federal law enforcement agencies. Requirements: excellent and proven leadership, human resources, interpersonal, communication and management skills; must understand the dynamics of working in a small but busy city and be committed to staff development and training; proven skills in labor relations, budget preparation, presentation and management, as well as building and maintaining active community partnerships; a minimum of a Bachelor's degree and at least ten years of law enforcement related experience including five years experience at a command level; certification from the Vermont Police Academy or the ability to obtain it within one year of appointment; valid Vermont motor vehicle operator’s license or the ability to obtain one within one month of appointment; US citizenship. Graduation from the FBI National Academy is desirable. Salary negotiable based on experience and qualifications (currently budgeted at $70,015). Excellent and comprehensive benefits package. **Please submit letter, resume and list of references by June 8, 2007 to:** William J. Fraser, City Manager, City Hall, 39 Main Street, Montpelier, VT 05602-2950. Montpelier is an equal opportunity employer. (5-2)

**Prosecutor.** Littleton, NH is seeking a prosecutor to review and evaluate cases to determine if there is enough evidence to go to trial, interpret laws to determine how they apply to the case, recommend the sentence to be given upon conviction, gather facts and information to prepare for a case and prosecute cases in court. The prosecutor shall generally advise and represent the Police Department in connection with criminal matters. JD required or sitting for next exam, and must be admitted to NH Bar Assoc. or be eligible to be admitted to the NH Bar Assoc. with 0-3 years of prosecuting experience. Applicants must complete pre-employment screening which includes drug test, physical and background check. EOIE. To apply, send cover letter and resume to Town Manager, Town of Littleton, 125 Main Street, Suite 200, Littleton, NH 03561. No phone calls, please. (5-1)

**Truck Driver.** Montpelier, Vt. has an immediate opening for a permanent full-time truck driver in the Street Division. Must be a high school or vocational school graduate, possess a valid Vermont CDL, and have an excellent driving record. Applications are available at the Public Works Facility, 783 Dog River Road, and at the Public Works Office at City Hall. For more information, call 802/223-9510. EOE. (5-1)

**Zoning Administrator.** Berlin, Vt. is accepting applications for an interim and full-time Zoning Administrator. Knowledge and experience in municipal zoning and planning or related field is desirable. Salary commensurate with education and experience. The Town provides a benefits package. For more information, call the Town Administrator’s office at 223-4405. To apply, submit a resume and at least three references to Town Administrator, Municipal Office Building, 108 Shed Road, Berlin, VT 05602. **Position open until filled.** (4-26)

**Underwriting Manager.** VLCT seeks an underwriting professional to engage in and manage all aspects of the underwriting process for its self-insured municipal property, casualty and workers’ compensation insurance fund. We seek an individual with technical expertise who can think analytically and strategically, yet is willing to roll up his or her sleeves to get the job done. This is an opportunity to grow your career while supporting our gratifying mission to serve and strengthen Vermont local governments. Duties include: overseeing and providing direct underwriting service to larger and more complex members of municipal pool; assisting with member retention through education and promotion; preparing and implementing annual operating plan; placing reinsurance; developing and revising programs and new lines of coverage; recommending and assisting in the development of new services and coverage enhancements and amendments; providing new member quotes, preparing and managing budgets; establishing and implementing underwriting procedures and standards, managing and administering rates and manuals, approving workers’ comp. audits, providing

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new member quotes, supervision, training and development of staff; and managing state compliance and filings. Qualifications include bachelor's degree plus significant insurance or risk management background. Attainment of CPCU or similar designation desirable. VLCT offers a generous benefits package including defined benefit pension plan, 401(a) with 7.1% employer contribution; 3 health plan choices including 100% employer paid option; flexible spending account; long-term care insurance and more. To apply, submit cover letter, resume and names/phone numbers of three references in strict confidence to jobsearch@vlct.org (Underwriting as subject), or mail to Human Resources, Vermont League of Cities & Towns, 89 Main Street, Montpelier, VT 05602-2948. Equal Opportunity Employer. (4-18)

Police Officer. Brattleboro, Vt. seeks applicants for the position of police officer. The Brattleboro Police Department has 28 officers and operates under a philosophy of community-oriented policing. Applicant must be at least 20 years old and be able to undertake a hiring process that includes both psychological and physical testing. Opportunities exist within the department to serve on specialized teams such as detective unit and special response. Starting salary of $32,000 moves to $34,300 after one year, with opportunities to increase salary through educational incentives (2%-5%) and shift (2.5%-4%). Vermont full-time certified officers receive a $3,000 sign-on bonus; out of state full-time certified officers receive a $1,500 sign-on bonus. Attractive benefit package VMERS plan D, offering early retirement at 50 with 20 years of service. Send application to Brattleboro Police Dept., 230 Main Street, Brattleboro, VT 05301. You can get an application either at that address or online at www.brattleboropolice.org under Recruiting. Position open until filled. (4-12)

Insurance Trust Fund Safety & Health Promotion Manager. VLCT is renewing its search for a manager to provide hands-on leadership to its risk management for the property, casualty and workers’ compensation insurance pool owned by Vermont municipalities. The successful candidate is an experienced, goal-oriented professional who works well both as a team leader and team member. Responsibilities include analyzing and evaluating members’ experience; performing loss control and health promotion consulting and assisting members with the development of appropriate action and improvement plans; fostering member communications and follow up; recommending and managing the annual budget; managing and developing four team members. Requirements include excellent communications, presentation and management skills; bachelor’s degree in a related field (or equivalent experience); ten years of loss control, safety or health promotion and at least three years supervisory experience. High level of property, casualty and workers’ compensation knowledge needed. CSP, ARM, AIM or similar certification is desirable. Travel within Vermont, including occasional nighttime meetings, is expected. VLCT offers an excellent total compensation package including great benefits, a convenient downtown Montpelier location, and exceptional colleagues and professional growth potential. If interested, email a confidential cover letter, resume and names/phone numbers of three references to jobsearch@vlct.org with “Manager, S&H” as subject. Review begins immediately; applications accepted until position is filled. EOE. (3-27)

For Sale

Fire Truck. Stowe, Vt. is accepting sealed bids for a 1977 Hendrickson Fire Truck with a 1959 American Lafrance tiller (85’ ladder) and a 250 hp Cummings motor with an Allison automatic transmission. The truck may be inspected at the old Moscow Town Garage or by calling Mark Sgantas at 802/253-6033. Vehicle will be sold “as is” with no warranty. Deliver sealed bids to the Stowe Town Manager’s Office, PO Box 730, Stowe, Vermont 05672 by 1 pm on June 12, 2007. (5-11)
ports to a five-member selectboard, manages a $2.5 million budget and 20 FTEs, and supervises all departments, including police, public works and administration. Primary responsibilities include community/intergovernmental relations, financial management, labor relations and economic development. A complete job description is available at www.vlct.org under Marketplace. The ideal candidate will have significant leadership experience, outstanding communication skills, excellent financial management skills, and the ability to manage both union and non-union employees. Bachelor's degree required; Master's degree desirable. Hiring range: $50,000-$65,000, DOQ. Please send resume and cover letter in confidence to Hardwick Search, VLCT, 89 Main Street, Montpelier, VT 05602. Resume review begins June 18, 2007. EOE. (5-16)

Town Manager. Brattleboro, Vt. seeks an accomplished leader for the position of Town Manager. Located in the scenic Connecticut River Valley, Brattleboro (pop. 12,000) maintains a vibrant political culture, an active and engaged citizenry and a small town ambience. With national recognition as an arts community, a thriving and historic downtown and human scale neighborhoods, Brattleboro offers the prospective manager both professional opportunity and a high quality of life. The Manager reports to a five-member selectboard and supervises all departments. Current operating budget is $16 million with 140 full-time employees. Primary responsibilities include financial management and budgeting, long-range planning, community and intergovernmental relations, personnel administration/labor relations and development and implementation of town policies. The initial base salary is expected to be between $75K-$90K with excellent benefits. The successful candidate will likely possess a bachelor's degree in an appropriate discipline, though an advanced degree is preferred. He/she will possess exceptional interpersonal and written communications skills, significant experience in a multi-faceted public sector organization, significant financial and governmental budgetary experience, and will be very comfortable and communicative when dealing with the public. He/she will have a demonstrated track record of motivating employees and inspiring public confidence. He/she must be a “people person” who encourages citizen input, interacts with local organizations and volunteer groups and demonstrates tact and diplomacy in all matters. For a full job description, go to www.vlct.org and click on Marketplace. The Town seeks to hire by the end of July. To apply, please send cover letter and resume in confidence to Brattleboro Manager Search, VLCT, 89 Main Street, Montpelier, VT 05602. Resume review begins June 11, 2007. Please e-mail Dominic Cloud (dcloud@vlct.org) for more information. (5-14)

Library Circulation Assistant. The Pierson Library in Shelburne, Vt. seeks a qualified individual to serve as full-time Circulation Assistant. Responsibilities include running the circulation desk, overseeing volunteers and providing reference and reader advice to patrons. Work includes some evening and occasional Saturday hours. Requirements include high school diploma, library experience and excellent computer, interpersonal and communication skills. Competitive salary and excellent benefit package. Additional information and a complete job description are available online at www.shelburnevt.org, under Related Links. To apply, send letter of interest, references and resume and/or completed application by June 1, 2007 to Myra Emmons, Director, Pierson Library, 5376 Shelburne Road, Shelburne, VT 05482, or e-mail her at memmons@shelburnevt.org. EOE. (5-10)

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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/events/calendar/ and select a workshop for more information or to register on-line. (The on-line registration option is available for VLCT workshops and events only.)

VMERS Retiree Health Savings Account Meetings. See article on page 5 for a schedule of these meetings, to be held around the state from May 29 to June 8. For more information, contact Cynthia Webster at the Vermont Retirement Division, tel., 802/828-2302 or 800/642-3191.

Disaster Planning for Municipal Records. Monday, June 4, 2007, St. Johnsbury and repeats Wednesday, June 6, Middlebury; Friday, June 8, Milton; Monday, July 2, Manchester; and Tuesday, July 3, Hartford. Sponsored by the Vermont State Archives and the Vermont Museum and Gallery Alliance. These day-long workshops will cover writing a disaster plan, dealing with a disaster, and handling different record media and disasters. For more information, please visit the Museum and Gallery Alliance’s Web site at www.vmga.org/whatsnew.html.

VTGFOA Spring Workshop and Meeting. Tuesday, June 5, 2007, Middlebury Inn, Middlebury. Sponsored by the Vermont Government Finance Officers Association, this workshop will address direct payment of property tax prebates and rebates to towns, the Vermont State Auditor’s Advisory Commission, and legislative updates from VLCT staffer Karen Horn.

Introduction to Computer Mapping (GIS). Wednesdays, August 8 and 15, 2007, Montpelier or Wednesdays, August 22 and 29, 2007, Rutland. This course will teach basic Geographic Information Systems (GIS) knowledge and skills to municipal officials and volunteers. Participants do not need to have any prior experience using GIS. For more information, contact Leslie Pelch, VT GIS Outreach Coordinator, at lesliep@vcgi.org. To register, visit www.vcgi.org.

Town Fair. Thursday, October 11, 2007, Robert E. Miller Expo Centre, Champlain Valley Fairgrounds in Essex Junction. Sponsored by the Vermont League of Cities and Towns. Plan to join us for a full day of workshops, networking, annual meetings and the annual trade show. Our first year in Essex Junction promises to be a good one! Watch your mail in late July for registration materials.