2008 TOWN FAIR
QUESTIONS ANSWERED HERE

VLCT PACIF WELCOMES
TOWN OF VERNON

VLCT’s property and casualty insurance program, VLCT PACIF, provides service for 357 Vermont cities, towns, villages and other municipal organizations. We are honored that each of these members has chosen VLCT PACIF as the entity that can best serve its property and casualty and workers’ compensation insurance needs.

The Town of Vernon, the newest addition to the VLCT PACIF family, recently went through this selection process. After a careful comparison between their existing insurance program, written through The Richards Group and Massamont Insurance, and the VLCT PACIF program, Vernon opted to join PACIF.

VLCT’s Deputy Director for Insurance Operations Ken Canning, Underwriting Manager John Condon and Associate Underwriter Dan Roda made up the team that presented PACIF’s programs and services to the Vernon Selectboard. “Vernon thoroughly explored their insurance choices,” Canning said, crediting Town Treasurer Sally Brassor and all of the selectboard members with asking excellent questions and carefully researching their options. “Purchasing insurance is not just a simple commodity purchase. When you dig a little, you find significant differences among plans,” Canning added.

(Continued on Page Seven)

VLCT BOARD OF
DIRECTORS PROFILE

RENNY PERRY
MANAGER, CITY OF VERGENNES

A few words of advice from an undergraduate professor have guided new VLCT Board member Renny Perry ever since. Those words were to “do as much in life as you possibly can,” and Renny’s journey from his undergraduate years at Northeastern University in Boston to Vergennes, Vermont has certainly embodied that credo.

A list of Renny’s careers to date includes: civil engineering as an undergraduate in Northeastern’s cooperative work-study program; manager of the university’s first forensics laboratory; administrator of its graduate program in criminal justice (his undergraduate degree is in criminal justice); assistant manager and then manager of Brewer,

(Continued on Page Eight)

What is Town Fair?
Town Fair is an amazing gathering of Vermont local officials, employees and volunteers,

Why should I attend?
To learn from a wide variety of workshops, network with your peers, attend local government organizations’ annual and special meetings, and help set VLCT’s legislative priorities for the upcoming year. In addition, there is a trade show filled with the exhibits of more than 60 vendors, whose products and services help municipalities run more smoothly.

When is Town Fair?
Thursday, October 2, 2008.

(Continued on next page)
**Town Fair -**
(Continued from previous page)

**What time does Town Fair begin?**
Join us at 8:00 a.m. for registration and a wonderful breakfast at the Conversation Café, which is generously sponsored by the Chittenden Bank. You will want to arrive as close to 8:00 a.m. as possible to give yourself time to eat and visit trade show exhibits before the gubernatorial debate and other events begin at 9:00 a.m. Time is built into the schedule later in the day to visit exhibits, but why not start your day with the “grand tour?”

**When is the VLCT Annual Meeting and who can attend?**
The Meeting begins at 2:30 p.m. in the Northstar Ballroom. Anyone may attend, but you must be the Voting Delegate (one is permitted from each member city or town) to vote.

**What are some of this year’s special events?**
- VLCT is hosting a gubernatorial debate. All of the major party candidates have been invited. Feel free to send your questions in advance to info@vlct.org.
- The VLCT Municipal Golf Tournament is back. Join us on Wednesday, October 1, at the Green Mountain National Golf Course.
- An extensive list of training and educational workshops offered by VLCT staff and outside experts.

**What is this year’s theme?**
Your VLCT Team – Helping Vermont Municipalities Hit Home Runs!

**How do I register?**
Watch your mail for a complete Town Fair registration kit or visit our Web site at http://www.vlct.org/events/calendar/town-fair/attendeeinformation/ to download a form. Register before September 5 to save $10.00 per person!
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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John Conte  Nicole Dumais  Arleen Girard  Ted May  Ted Scontras  Dianne Skerry  Melissa Williams
The Vermont Supreme Court once reasoned that the underlying policy rationale for the pre-existing small lot exception was “to provide that [undersized] lots whose existence predates the enactment of zoning but whose size does not quite comply with the new zoning law will not go to waste unused, but could be allowed to be developed for purposes consistent with uses permitted in the zone where located.” However, in the recent case *In re: Lake Carmi, LLC Conditional Use Application*, the Vermont Environmental Court made it clear that this exception does not absolve these lots from all other applicable dimensional requirements.

The case at issue involved a consolidated appeal of two adjoining parcels on Lake Carmi in Franklin owned by James and Mary Cameron. The Camerons had applied to the Franklin Zoning Board of Adjustment (ZBA) seeking a conditional use application to convert one of their existing seasonal residences to a year-round use. The Franklin ZBA denied their request citing that the parcel failed to meet the minimum lot size requirements. On appeal to Environmental Court, the Camerons contested that the change of use they sought was allowed because the parcel in question was an existing small lot.

Franklin’s zoning bylaws state that any land use in the district where the Cameron parcels are located, other than accessory uses in structures, must obtain conditional use approval. Specifically, section 330(C)(3) states that any parcel with a single family seasonal dwelling in the district must measure at least 14,000 square feet; year-round dwellings must be at least 40,000 square feet in size. The parcel in question (75 Dewing Road) was approximately 3,223 square feet in size. In keeping with state law on this matter (see 24 V.S.A. § 4406), Franklin’s bylaws allowed for the development of pre-existing small lots. The Environmental Court noted that if Franklin’s bylaws had established minimum lot sizes by zoning district – without consideration of the intensity of the proposed development – the Cameron’s proposed change of use would have been authorized. However, the bylaws tied a lot’s minimum lot size to the intensity of the intended use of the parcel. In other words, as the intensity of the development increased so did the minimum lot size necessary for approval.

(Continued on next page)
The central question before the Court was whether pre-existing small lots were excused from all dimensional requirements. The Vermont Supreme Court’s holding in another case provided the answer stating that such an “extraordinary result would place ‘small lots’ in a situation of special and unique privilege not available to standard zoning lots in the district, and in derogation of the controlled use and growth concept of zoning.” Practically speaking, the Environmental Court acknowledged that affording the Cameron’s their relief would result in an absurd result, as they would be entitled to “an even greater intensity on their 12,800 square foot lot than would be afforded a lot that initially conforms to the size requirements for a single family seasonal dwelling…” within the same district. Consequently, the Environmental Court adopted the Supreme Court’s rationale that state law as it is concerned here “does not continue to operate to give such lots expanded privileges not available to standard lots in the [zoning district].”

While the take-away message of this case – that pre-existing small lots must still meet all other dimensional requirements of local zoning – may be obvious to most, it is worth repeating because often times when interpreting state law it is the most obvious question, but is one that never gets asked.

- Garret Baxter, Attorney, VLCT Municipal Assistance Center

**Dog and Clerk Fee Poster Updates**

The staff of the VLCT Municipal Assistance Center is currently updating two of VLCT’s must-have posters: the Municipal Clerk Fee Schedule and the Municipal Dog & Wolf-Hybrid Licenses and Fees.

The clerk fee poster lists the fees that municipal clerks can charge for various documents and services. The dog and wolf-hybrid fee poster lists licensing requirements and the fees clerks can charge for those licenses.

You may order copies of the posters from the VLCT Web site’s online Bookstore at http://www.vlct.org/marketplace/bookstore/.

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**Please Support Our Advertisers**

Each month, the VLCT News contains display advertisements from a variety of businesses seeking to serve Vermont’s municipalities. The revenue from these advertisements helps lower our cost to produce the newsletter. If your municipality is planning a future purchase of products or services offered by our advertisers, please consider contacting them, and don’t forget to let them know you saw their advertisement in the VLCT News. Thank you.
Does the selectboard have the authority to reduce weight limits on bridges?

Yes, the selectboard may lower the weight limits established in 23 V.S.A. § 1392 on town bridges and class 2, 3 and 4 highways. 23 V.S.A. § 1396 (a). The statute provides little guidance regarding what the selectboard should consider when lowering weight limits; however, the legal load limit for bridges cannot be less than 20,000 pounds. 23 V.S.A. § 1396 (c). The process is simple. After the selectboard settles on a lower weight limit for a bridge, the approaches to the bridge must be posted with permanent signage showing the legal load limit. A certified statement indicating the bridge location, legal load limit, and the date of posting must be filed in the town clerk’s office. Likewise, a certified statement must be filed in the town clerk’s office if a bridge weight restriction is removed.

- Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center

Can the town increase bridge and highway overweight permit administration fees?

No. The fee is set in statute at $5/truck or $10/fleet. 23 V.S.A. § 1400a (d). However, the selectboard can charge an additional fee to recoup costs associated with “extra wear or maintenance required on the highway traveled over or on any bridge” by issuance of an overweight permit. 23 V.S.A. § 1400a (c). This additional fee would be calculated for the applicant based on the following factors:

- the configuration and number of axles of the vehicle involved;
- the number and length of trips the vehicle will be making; and
- the condition of the highway before and after use by the vehicle, and costs associated with any needed repair.

The town may use this money to maintain any bridges or highways in the town.

- Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center

Does the fence viewer have any role in enforcing the spite fence statute, 24 V.S.A. § 3817?

No. The fence viewer is considered an archaic office by most, and has very little authority. In fact, the 2008 legislative session removed the requirement that the selectboard appoint fence viewers, poundkeepers, inspectors of lumber, shingles and wood, and weighers of coal. So, who enforces the spite fence statute if the fence viewer has no role? Well, we believe this is a private matter between the property owners, which would be resolved in Superior Court. The plaintiff would request that the court order the fence to be removed and award damages, including the $100.00 penalty provided for in the statute.

- Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center
Vernon Joins PACIF -  
(Continued from Page One)

Municipalities that explore PACIF’s offerings realize that PACIF brings a lot more to the table than just insurance coverage. Cannning noted that over the course of three selectboard meetings and during their research between meetings, Vernon officials learned that VLCT PACIF utilizes a comprehensive risk management approach to meet municipal insurance protection needs.

“Our loss control field staff works proactively with each of our members to prevent claims by creating safe workplaces and protecting property,” noted Cannning. To this end, PACIF provides many extra benefits at no additional cost, such as unlimited loss control training and consultation services, an employee assistance program and participation in a CDL driver random drug and alcohol-testing consortium. PACIF members also receive reduced tuition for educational workshops presented by VLCT’s Municipal Assistance Center.

In reflecting on her town’s decision, Treasurer Brasser said, “After careful scrutiny, I believe the majority of the Vernon Selectboard feels that not only does PACIF make sense in that it is comprised of like municipalities and understands the intricate issues surrounding municipal insurance, but also that its provision for ancillary education and loss control services is unmatched in the commercial insurance industry.”

Welcome, Vernon!
- Katherine Roe, VLCT Communications Coordinator

Ready for Election 2008?  
Make Sure You Have the 2008-2009 VLCT Municipal Calendar

All VLCT members recently received a free copy of the 2008-2009 VLCT Municipal Calendar. Generously underwritten by the Chittenden Bank, the Calendar lists important municipal dates and deadlines related to elections, property taxes, and state and federal filing and reporting obligations.

Additional copies of the Calendar are available for a modest fee from the VLCT Web site’s online Bookstore, at http://www.vlct.org/marketplace/bookstore/.

VLCT extends its appreciation to the Chittenden Bank for underwriting the costs of the Calendar. Please let Municipal Assistance Center Attorney Garrett Baxter (gbaxter@vlct.org) know if you have any additions or changes for the 2009-2010 version.

Vermont League of Cities & Towns 2008-2009 Municipal Calendar

Need a Written Legal Opinion?
Looking for Expertise Drafting a New Ordinance?
Need Help Updating That Personnel Policy?

VLCT’s attorneys can provide your municipality with legal assistance at highly competitive rates. Please call Jim Barlow or Garrett Baxter for more information at 1-800-649-7915.

Sample Projects:
- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances
Renny Perry
(Continued from Page One)

Maine; manager in Dover and then Rochester, New Hampshire; part owner of a development company and then a company that refurbished large construction equipment; co-owner of a Hallmark card and gift shop; labor and employment specialist representing public sector clients for New Hampshire's largest law firm; human resources manager for the Vermont State Court system and, finally, city manager in Vergennes. Phew!

Along the way, there was a stop at the University of Maine, Orono, for his master's in public administration. In 1975, with a fresh MPA in hand, Renny expected to go to work for state government. However, the economy was stagnant at the time. "I was living in Brewer and one day I went into the city manager's office and said I was there to volunteer," he recalled. One thing led to another and soon Renny was offered the newly created assistant city manager position.

"That position had a big emphasis on human resources and labor negotiations," Renny said. "I worked under a very unique manager. He had been there for many years and became my mentor more than my boss. He really let me function as a co-manager."

In Brewer, and in many of his subsequent positions, Renny immersed himself in what he calls his two lifelong loves: management and the law. "I greatly benefited," he said, "from the skilled labor attorneys who advised me in my first job in Maine. They taught me everything."

Though happy at Brewer, Renny faced the decision that many managers must make: to grow professionally, you must move to a larger city. He chose to move and accepted the position of city manager for Dover, New Hampshire and then for Rochester, New Hampshire. He was Rochester's first city manager, as the city had just voted to switch from the mayor form to the council-manager form of governance. "Rochester provided me with the opportunity to create the new form of government from the ground up," Renny said. What he learned there was just how political the mayor form of government can be. The city council also needed to adjust to its new role. "There were many legal opinions as to who could do what," he recalled. As an example, "the city council wanted to run departments, but couldn't."

Renny is proud that the council-manager form has survived in Rochester. "They still have it," he said, "and there have been several long-term managers since I was there."

After leaving Rochester, Renny began his private sector life as a business owner and with the law firm. But, still following his professor's advice, during those years he added another experience to his resume: local elected official. He was vice-chair of the Hooksett, New Hampshire town council, city councilor in Dover, New Hampshire and then the Mayor of Dover. "Before I became an elected official," he recalled, "I used to think I knew how they thought. Not so!"

"All of our infrastructure needs to be maintained and, in some cases, updated – without having taxes explode," he noted. "Quite frankly, that doesn't look too rosy for the future, but in working together, we are going to find ways to do it."

For them, service to constituents is paramount; while managers also care about citizens, they are "hired hands." The pressure to deliver to their constituents sometimes makes for some bad overall policy suggestions, Renny noted. "But that is why a city councilor can't accomplish anything alone."

This time in Renny's life was very busy. His work for the law firm took him around the state representing municipalities on labor law issues and negotiations, and some general employment law. At the same time, his duties as Mayor could unexpectedly blossom into a full-time commitment depending upon the issue du jour. The key to why Renny continued his westward, professional migration to Vergennes perhaps lies in the intensity of these New Hampshire commitments.

"We were in Vermont all the time," he recalled. "He and his wife had a house on Lake Champlain, where they relaxed and enjoyed the lake. But one day, Renny saw a house that he fell completely in love with. His wife's high-powered job in New Hampshire wasn't portable, but Renny's law firm helped him to become its first telecommuter. Eventually, both Renny and his wife became em-
“Quite frankly, that doesn’t look too rosy for the future, but in working together, we are going to find ways to do it.”

Given his ten years of downtown retail experience, Renny is also very tuned in to the health of Vergennes’ downtown businesses. “Right now,” he said, “we are doing well and have few vacancies. But downtown merchants don’t make much money, so even a slight economic downturn can turn it for them.” Vergennes’ mix of unusual shops and restaurants draws on regulars and tourists. Boaters love the city’s boat basin and its convenient proximity to shops and restaurants. Bicycle riders – bike tours and day trips – make the city’s Green a popular lunch stop or meeting point.

Since starting in Vergennes in 2003, Renny has done everything he can to maintain the city’s current and future health. He has brought the city’s funds from a deficit into the black. “I am a fiscal conservative,” he said, “but not to the degree of not doing something that is necessary because it will cost money.” He oversaw the networking of the city’s computers and its adoption of full governmental accounting practices. The city leases all of its computer hardware and software, which allows it to keep current. “We are coming to the end of our first lease, so we are reviewing our hardware and software needs,” he commented. “The cost [of leasing] is the same, and it forces us to update.”

If you haven’t figured it out by now, Renny is a people person. He even let it slip that, “I really don’t mind going to meetings.” His leadership style is collaborative and participatory. He enjoyed his time in the Maine and New Hampshire statehouses, which is why he joined the VLCT Board of Directors. “Legislators do listen to local officials if they go,” he noted. As a Board member, his personal interests are to encourage local officials to go to the Statehouse and to make sure the three VLCT insurance trusts stay healthy. “I remember the days when the insurance companies said, ‘sorry, we can’t sell you insurance any more,’” he said. “I’ve experienced that first hand, so I am a believer that pools are the long-term way for municipalities to go.”

When Renny and his wife have some time off (she is practice manager for the Vergennes Animal Hospital), you will find them on the golf course – the men’s and ladies’ leagues during the week, the couples’ league on Friday evening, and playing together on the weekends. Their flower gardens and two golden retrievers also keep them busy all summer. What about the winter? “We hibernate,” Renny said, or, since they also like to take a big trip every year or year and a half, they travel to warmer climes.

Welcome to the VLCT Board, Renny Perry.

- Katherine Roe, VLCT Communications Coordinator

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Can Your Municipal Facility Host a VLCT Workshop?

The VLCT Municipal Assistance Center and other divisions of VLCT would like to hold more meetings and workshops in municipal facilities around the state. To help us accomplish this goal, we are asking local officials to contact us if your local town hall or other municipal building might be appropriate for this use. Just think – if your venue is selected, training on a worthwhile subject will occur right in your own back yard!

We are looking for venues all around the state with a capacity of 75-100 people who can be seated in a classroom style. The building must be handicapped-accessible and have parking available. You only have to provide the location – VLCT will contact caterers and other necessary vendors in your area.

For more information or to let us know about your town or city, please contact Jessica Hill, VLCT Manager, Administrative Services at 800/649-7915 or jhill@vlct.org. Thank you!

Annual Housing Conference Features Community Planning and Development

The Vermont Housing Finance Agency (www.vhfa.org) invites you to the 2008 Vermont Statewide Housing Conference on Tuesday, November 18, at the Sheraton Hotel and Conference Center in South Burlington.

This biennial conference is hosted by a group of private and public housing-related organizations, and it is the premier event for people in Vermont’s housing industry and for anyone with an interest in housing development in the Green Mountain State. The conference, which typically draws 350 people from all over the state, offers workshops on housing issues such as state and federal policy, green building, homelessness, housing market analysis, economics, and financing.

In recent years, housing has become an economic issue for Vermont’s communities, so this year’s conference will emphasize community planning and development. It will include workshops aimed at local officials, particularly those who serve on planning commissions, zoning boards and development review boards, and who are concerned about housing development. Topics will include Vermont’s regulatory environment, principles of designing for density in housing development, and taking steps to provide adequate infrastructure for housing development. There will also be workshops on cottage development and the costs of creating new housing.

The keynote speaker will be Michelle Kennedy, of Chelsea, author of Without A Net: Middle Class and Homeless (With Kids) In America.

The conference runs from 9 a.m. until 4 p.m. Doors open and same-day registration begins at 8 a.m. A continental breakfast and a luncheon will be provided. Registration is $50 ($40 if you sign up early); a limited number of scholarships are available. A full agenda and online registration are available at http://www.vhfa.org/conference/.

For more information, contact John Fairbanks at VHFA, 802/652-3434 or jfairbanks@vhfa.org.
Fine-Tune Your Computer Skills at Less Cost

The Vermont League of Cities and Towns, in partnership with KnowledgeWave, is committed to providing our members with technological training that suits their needs. Based in South Burlington, KnowledgeWave is a computer-training firm whose curriculum offers students practical knowledge that allows them to immediately use their new skills when they return to the office.

Course offerings include introductory courses in Microsoft Vista, the new operating system now delivered with PCs, and in Microsoft Office 2007, the latest version of the popular office suite. Multi-level courses are available for all Microsoft Office products. Classes are also offered in the Internet, Web design and Crystal Reports.

Classes are currently being offered in South Burlington and Rutland. In addition, KnowledgeWave has increased its accessibility by providing a mobile classroom that will bring superior teaching techniques to you. KnowledgeWave has experienced, dynamic instructors who provide a practical, hands-on approach to learning. Classes may be attended a second time at no cost (up to a year after taking the initial course) in case a refresher is needed.

VLCT’s relationship with KnowledgeWave allows us to offer these courses at a discount from regularly posted prices. For more information and a schedule of courses, please contact Tracy Hatch, VLCT Accounting Clerk, at 800/649-7915. You may also learn more about KnowledgeWave at www.knowledgewave.com.

MAC Introduces Regional Training Workshops

To better serve local government officials, VLCT’s Municipal Assistance Center is hosting three new training workshops across the state this fall. These half-day workshops will be offered in Northern, Central and Southern Vermont:

- **Group Consensus Building** - September 16-18
- **Delinquent Tax Collection** - October 21-23
- **Personnel Administration Primer** - November 18-20

MAC will also offer several of its traditional, full-day workshops in Central Vermont. For information on workshop locations and registration, please visit the VLCT Web site Events Calendar at http://www.vlct.org/eventscalendar/.

Please also watch your mail in late August for VLCT’s 2008-2009 Calendar of Training and Events, a comprehensive listing of VLCT’s educational offerings.

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VLCT Unemployment Trust Changes Claims Administrator

Many VLCT Unemployment Trust members already know that the TALX Corporation acquired Jon Jay Associates, our third party administrator for unemployment claims administrative services, in 2005. Since that time, Jon Jay Associates has been operating as a division of the TALX Corporation.

To provide better services to our members and streamline the unemployment claims process, VLCT, at the direction of the Unemployment Trust Board, is pursuing a full partnership with the TALX Corporation. This means that in the coming two to three months you will notice some changes. The address on your quarterly C101s (Quarterly Wage and Contribution Reports) will change from Jon Jay Associates to TALX UC Express, and you may be contacted in person by new individuals from the TALX Corporation to follow up on separation information or other state-required documentation on reported claims.

This change coincides with migration to a new claims reporting system at TALX. As a result, you will likely notice a change in the format of the quarterly claims reports that VLCT sends to you. We anticipate these changes will take place by or near the end of the third quarter of 2008.

If you have any questions regarding these changes, please call VLCT at 800/649-7915. If you experience any problems or issues during this transition, please feel free to call us and provide us with feedback. We want to ensure this migration process is as smooth as possible for all of our Unemployment Trust members.

Filing Quarterly Wage and Contribution Reports Online

Did you know that you can now file your C101s (Employer’s Quarterly Wage and Contribution Reports) over the Internet? The Vermont Department of Labor has launched the Vermont Internet Tax and Wage System (VITWS) for employers’ convenience to file and pay your quarterly report online rather than having to send it in the mail. This online system is fast, efficient and saves employers time by providing an automated system for reporting ease.

Employers must first register for this service. Go to www.labor.vermont.gov, scroll down to Businesses and click on Unemployment Tax and Benefit Information. On the right under Online Services, click on UI Quarterly Tax Reporting. There you will find instructions for how to register for the online service, helpful tips for using the system and contact information if you need to reach someone for assistance. Once you are registered for the service, you will receive a password for logging in with the next mailing of your quarterly C101 report.

Please note: VLCT Unemployment Trust members who use the state’s online quarterly tax reporting system must still send a printed copy of the submitted report to VLCT for our records.

If you have any questions regarding the above information, please feel free to call Kelley Avery at VLCT at 800/649-7915. You may also contact the Vermont Department of Labor at 802/828-4344.