



MUNICIPAL GUIDING PRINCIPLES

VLCT supports:

- a robust ongoing partnership between state and local governments;
- decision-making at the local level, including allowing the adoption of local fees and taxes; full implementation of municipal charter provisions following adoption by local voters; and a home rule amendment to the Vermont constitution;
- including local officials and personnel in discussions regarding changes governing local response to emergency situations;
- enabling implementation of local planning decisions and encouraging collaboration between the state and municipalities to support policies that best meet the needs of cities and towns;
- substantial deference to municipal planning, zoning, and siting decisions when state entities make permitting decisions;
- allowing maximum flexibility in decision-making regarding how cities and towns respond to state regulatory and statutory requirements; and
- allowing local flexibility in pursuing economic development activity.

State Mandates. VLCT opposes all unfunded mandated programs, pre-emption of municipal programs, or shifts in costs to local government. We support full reimbursement of costs for any mandated programs and the preparation of fiscal impact statements that show any potential shift in cost prior to any action that is taken legislatively or administratively.

State Funding Policy. VLCT supports using state funding efficiently, effectively, and fairly for the specific purposes for which it is appropriated. We oppose diverting those funds to other programs or functions.

VLCT supports funding and incentives for:

- an Open Meeting Law educational program;
- payments in lieu of taxes (PILOT) based on fair market value;
- all municipal highway programs;
- programs to spur economic development at the local level;
- expeditious construction and repair of municipal sidewalks and recreation paths;
- required stormwater management infrastructure;
- Department of Corrections programs that return offenders to the community;
- sufficient beds as well as support services and mobile crisis units to serve those with long- and short-term mental health or addiction needs;
- local government recovery of costs incurred in providing services to individuals lodged in state-owned or funded facilities and costs to comply with federal, state, or court-ordered licensing, registration, or testing of those individuals;
- housing and transportation of persons who present a danger to themselves or the public;
- public safety answering points (PSAPs), the Community Drug Interdiction Program and state drug task force, and the Vermont Fire Academy certified training programs; and
- reimbursement of costs of training municipal law enforcement officers who are hired by the state.

1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

1.01 EDUCATION FUNDING

Policy.

1. Municipal and school officials, state administration, and the legislature should begin as equal partners to analyze the issues within Acts 60, 68, and 46 and create a new education finance system that reduces and reforms the property tax burden.
2. The legislature should assess whether Act 46 has resulted in cost reductions in school district budgets and per-pupil expenditures. The legislature should develop a tangible definition of success.
3. Education Fund monies should *only* be used for pre-K-12 education. Billing and collection of the state education property tax should remain at the local level.

1.02 VERMONT TAX STRUCTURE OVERHAUL

Policy.

VLCT supports:

1. legislation to reform Vermont's income, sales, and property taxes; and
2. providing sufficient revenue for local government initiatives and reimbursing municipalities for all state-mandated property tax exemptions or providing local voters with the authority to impose municipal service fees on such properties.

VLCT opposes any new state property taxes until a reformed tax structure is adopted.

1.03 OPEN MEETING LAW

Policy.

VLCT supports:

1. applying the Open Meeting Law to the legislative and executive branches of state government as well as local government; and
2. making the following changes to the law during the 2017 legislative session to facilitate its use by municipal government:
 - increasing the five-day requirement for posting minutes to ten business days;
 - limiting mandatory application of the 2014 amendment's posting and penalty requirements to statutory- and charter-required public bodies;
 - making other municipal public bodies, including committees and subcommittees of public bodies, comply with the law as it existed before July 1, 2014. and;
 - providing sustainable funding for an educational program to acquaint municipal officials with the Open Meeting Law's requirements.

1.04 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

Policy.

1. VLCT supports full funding of all state payments in lieu of taxes (PILOT) using fair market value for all state buildings and state lands and expanding PILOT to include all state owned lands.
2. Proceeds from local options taxes should fund only PILOT for those state-owned buildings specified in 32 V.S.A. § 3701(1)(A) as of 2016. All dollars raised by local option taxes should be retained in the buildings PILOT and used only to increase PILOT for those state owned buildings specified in 32 V.S.A. § 3701(1)(A) as of the year 2016.

1.05 LOCAL OPTION TAXES

Policy.

VLCT supports allowing all cities, towns, and villages to adopt consumption taxes.

1.06 PROTECTING AND ENHANCING MUNICIPAL FINANCES

Policy.

VLCT supports:

1. adjusting all local fees set in statute on a minimum three-year cycle, with significant local input;
2. creating a partnership with municipalities and regional entities to implement a clearly communicated state economic development strategy at all levels of government;
3. enabling cities and towns to more effectively manage blighted properties and tax sale transactions;
4. state payment of its portion of costs associated with defending the grand list and property tax collections, including appeals and abatements; and
5. paying taxpayers directly for education property taxes and interest required to be reimbursed when a property value is adjusted as a result of an appeal beyond the board of civil authority.

VLCT opposes any new or increased state agency fees assessed against municipalities unless the agency shows a comparable increase in costs, quality, or quantity of the services provided.

1.07 MUNICIPAL AUTHORITY

Policy.

VLCT supports:

1. properly adopted municipal charters and amendments taking effect on the July 1 following voter approval without a vote by the legislature, unless both houses of the legislature vote by majority to take up the municipal charter or amendment for consideration. Upon enactment of this provision, the legislature could vote to take up the charter or amendment only if the proposal contained provisions never previously approved by the legislature; and
2. continuation of authority for municipalities to adopt conflict of interest policies or ordinances locally, either by local legislative body action or by voter petition.

VLCT opposes municipal conflict of interest policies being governed by a state-imposed process or law.

1.09 PUBLIC RECORDS IMPACT ON MUNICIPALITIES

Policy.

VLCT supports:

1. subjecting nonprofit organizations that receive government financial support, except those exempted based on a constitutionally-protected religious purpose, to the Open Meeting and Public Records laws;
2. clarifying that the Public Records Law allows municipalities to charge for and collect the actual cost of staff time associated with complying with a request to inspect or copy public records and allows a public agency to require pre-payment for the cost of that staff time;
3. making property tax bills with homestead property tax adjustments public documents; and
4. amending the Public Records Law to allow individuals the right to request the same materials no more than twice during a 12-month period.

1.10 OTHER PRIORITIES

Policy.

VLCT supports:

1. requiring municipal ratification of the county budget including any costs incurred as a result of a sheriff providing dispatch services;
2. allowing local voters to decide all delinquent property tax collection issues, including whether or not to assess delinquent property tax penalties on each late installment;
3. requiring that all state rules, regulations, criteria, and other administrative actions affecting local government operations be implemented only 30 days after a publicly noticed hearing;
4. eliminating the mandate that local governments take over any non-municipal cemeteries;
5. continuing to implement mechanisms prohibiting resident property owners with high unearned income or assets from receiving a property tax adjustment;
6. restoring the current use program to an agricultural and silvicultural preservation program;
7. encouraging cooperative municipal activities to achieve cost savings and efficiencies and eliminate any statute or rule that prohibits or hinders cooperation;
8. holding the Department of Taxes responsible for any changes to education tax property parcel classification or homestead property tax adjustment amounts made after June 30;
9. requiring the Department of Taxes to deal directly with the taxpayer; and
10. giving town voters the authority to choose to appoint or elect town clerks and treasurers.

2.0 TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

Policy.

VLCT supports:

1. substantially increasing funding to all highway programs affecting local government, now that the Agency of Transportation (VTrans) has stable funding from the federal government for five years under the Fixing America's Surface Transportation Act of 2015, and a FY17 budget of \$618 million;
2. fully funding any new transportation programs, including the municipal roads permit;
3. ensuring communication among all state agencies and their divisions so that redundant and contradictory oversight of municipal projects is eliminated, the permitting process is expedited, and project review is tailored to the size and impact of a proposal;
4. increasing the gas tax and dedicating new revenues to meeting municipal stormwater obligations;
5. implementing additional recommendations of the 2013 Vermont Transportation Funding Options Section 40 Report;
6. creating a streamlined and efficient process for the Local Transportation Facilities (LTF) program to use funding most efficiently and funding it with state money; and
7. applying efficiencies from the Accelerated Bridge Construction (ABC) and design-bid-build processes to other programs and ensuring that the processes are applied to all bridge projects unless there is a compelling reason not to use it.

VLCT opposes:

- municipal roads permit fees both establishment of one fee regardless of municipality size or number of road miles, and fees being charged at all for roads permits which the law requires of every municipality;
- using any money from the Transportation Fund for non-transportation purposes.

2.02 ADDITIONAL FUNDING PRIORITIES

Policy.

VLCT supports:

1. ensuring that the level of funding for the Town Highway Emergency Fund is sufficient to cover municipal costs resulting from natural or manmade disasters, whether or not a federal disaster has been declared;
2. streamlining Municipal Assistance Bureau programs and processes and establishing performance standards that must be met within the agency;
3. expanding funding to the Municipal Assistance Bureau and Better Roads Program for training and assisting municipalities;
4. reimbursing any project using federal dollars at the federally allowed rate if it includes undergrounding of utilities or moving water, sewer, and similar infrastructure;
5. fully funding any upgrade to a municipal post-disaster recovery project mandated by a state agency but that is not eligible for funding from the Federal Emergency Management Agency or other federal source; and
6. ensuring that town highways and bridges are adequately engineered to mitigate the impacts of any future weather-related disaster.

2.03 STATE AND LOCAL COOPERATION

Policy.

VLCT supports:

1. restoring District Transportation Administrators' flexibility and authority to work with local governments;
2. eliminating Act 250 review and nullifying existing Act 250 permits of town highway maintenance and reconstruction projects;
3. revising existing road design and traffic standards to better define village areas and respect the traffic and infrastructure needs of Vermont's villages and downtowns;
4. expanding the state's line painting operations to include painting lines on all Class 2 highways each year;
5. modifying the billboard law to allow municipalities to hang temporary banners within the state highway right-of-way advertising events and activities;
6. exempting municipalities from signing management or maintenance agreements as co-applicants or accepting responsibility for the state's stormwater infrastructure on state projects; and
7. providing incentives to municipalities to take over state highways that function as main streets.

2.04 COMMERCIAL VEHICLES

Policy.

VLCT supports:

1. the institution of a statewide process for permitting overweight or oversized vehicles on local roads and authorizing municipalities to fine owners of permitted vehicles violating or not obtaining such permit; and
2. requiring commercial and agricultural custom service vehicles to comply with all motor vehicle laws when operating on state and local highways.

2.05 MULTI-MODAL TRANSPORTATION

Policy.

VLCT supports:

1. establishing a state funding source for the construction and repair of municipal sidewalks and recreation paths;

2. fully funding the “Complete Streets” program, and providing state money to fund portions of paving and rehabilitation projects in combination with other funding sources; and
3. encouraging state coordination with municipalities on state-managed projects regarding appropriate siting of transportation infrastructure and ensuring funding is available to pay for required stormwater management infrastructure at the time projects are constructed or re-constructed.

2.06 RAIL

Policy.

VLCT supports:

1. requiring all railroad-related projects to comply with environmental regulations, especially regarding water quality;
2. requiring rail companies to notify municipalities of hazardous materials they are transporting through or storing within a municipality’s borders;
3. restricting funds allocated for rail or related projects to those specific projects;
4. working with railroad companies to prohibit speeding trains in downtown areas; and
5. extending passenger rail service to Burlington on the western side of the state by 2020.

3.0 PUBLIC SAFETY

3.01 PRIORITY ISSUES FOR IMPLEMENTATION

Policy.

VLCT supports:

1. the recommendations of the President’s Task Force on 21st Century Policing with sufficient funding to implement them successfully;
2. providing public safety officials the authority, information, and funding to combat drug-related crimes throughout the state;
3. funding Department of Corrections’ (DOC’s) programs and initiatives rooted in evidence-based outcomes to avoid adverse local government impacts resulting from criminal justice system decisions;
4. assessing the number of beds required to accommodate the need for short- and long-term mental health and addiction care, and providing sufficient funding to pay for all beds related to long- and short-term mental health needs; and
5. including host municipality officials in decisions about where to provide temporary housing and respecting local zoning bylaws and plans in those decisions.

VLCT opposes the legalization of marijuana or the expansion of current exemptions to Act 76 of 2015.

3.02 CORRECTIONS COMMUNITY

Policy.

VLCT supports:

1. requiring 30 days’ notice to local officials of changes in the status of offenders in their municipalities, particularly those at risk to re-offend, and collaborating with those officials in any decision about where to place a released person;
2. ensuring that offenders housed in community settings receive reasonable DOC supervision and access to support services that ensures the safety of the community;
3. additional personnel to provide support services for individuals with mental illness or addictions and additional mobile crisis units to support law enforcement and emergency services in crisis situations;

4. adherence to municipal zoning in approving housing for offenders and locating adequate supervision and wrap-around support services where offenders are lodged in close proximity to one another and the general population;
5. clarifying in Title 24 Chapter 117 that temporary housing for offenders does not meet the definition of a “group home;”
6. coordination between DOC and municipal law enforcement to monitor the release of offenders to avoid undue adverse burden on any individual municipality;
7. authority for corrections officers to serve citations and domestic abuse orders to offenders in a correctional facility in lieu of municipal police serving the paperwork there; and
8. re-convening the Community Safety and Corrections Taskforce of 2010, which had been discussing the adequacy of corrections facilities before its work was interrupted by Tropical Storm Irene.

3.03 PUBLIC SAFETY FUNDING

Policy.

VLCT supports:

1. authorizing local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, or testing requirement;
2. a moratorium on unfunded training requirements;
3. identifying and funding housing and transportation needs of persons who present a danger to themselves or to the public;
4. reimbursing municipalities for uninsured costs of providing emergency medical services for all persons lodged in state-owned or -funded facilities;
5. restoring adequate funding for the Community Drug Interdiction Program and the state drug task force; and
6. providing funding to municipalities to undertake drug investigations at the local level.

3.04 PUBLIC SAFETY TRAINING

Policy.

VLCT supports:

1. providing adequate funding and resources to the Vermont Fire Academy for certified training programs and activities for all full-time, part-time, and volunteer firefighters that address the needs and constraints of volunteer firefighters and emergency services personnel;
2. the Law Enforcement Advisory Board assessing statutorily mandated training and determining if it should still be required;
3. regionalizing and diversifying the delivery system for the continuing education of public safety personnel;
4. providing tuition credits to municipalities that send students to the Criminal Justice Training Academy if those municipalities also contribute instructors or training assistants; and
5. including all users of the Criminal Justice Training Academy in discussions to reorganize the structure and funding for local first responder and emergency services provider training.

3.05 PUBLIC SAFETY EMERGENCY RESPONSE

Policy.

VLCT supports:

1. including local personnel in discussions about changes in laws or regulations governing how local public safety and emergency management personnel respond to emergency incidents, particularly hazardous materials incidents; and
2. providing incentives or seed funding for regional public safety services programs run locally.

VLCT opposes mandating a response time for fire departments or EMTs.

3.06 SAFE DRIVING INITIATIVES

Policy.

VLCT supports:

1. enacting primary enforcement of the seat belt law;
2. providing that sanctions levied upon a driver under 18 charged with a motor vehicle violation continue past the driver's 18th birthday until the case is adjudicated; and
3. the state's initiatives to address highway safety, particularly with respect to bicyclists, pedestrians, and workers in the highway right of way.

3.07 LAW ENFORCEMENT ISSUES

Policy.

VLCT supports:

1. allowing a Vermont law enforcement officer to make an arrest based on a warrant from another state;
2. indemnifying any law enforcement agency that provides field training to a constable;
3. prosecuting as a listed crime possession of bath salts and designer drugs above a specified quantity;
4. identifying the effects on cities, towns, and villages – including those on local school populations, municipal first responders, municipal ordinances, and municipal budgets – in any discussion of marijuana legalization; and
5. maintaining the independent status and function of the E-911 and Vermont Communications boards.

4.0 QUALITY OF LIFE AND ENVIRONMENT

4.01 HOUSING

Policy.

VLCT supports:

1. directing incentives and programs to designated downtowns, village centers, new town centers, growth centers, and other areas designated in the adopted municipal plan for growth and development near jobs, services, and amenities;
2. where regional and municipal plans agree, accommodating development in prioritized areas and implementing Act 250 incentives for housing; and
3. allocating property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200.

4.02 ACT 250 AND STATE PERMITS

Policy.

VLCT supports:

1. further consolidating, coordinating, and expediting all required state permit processes for all projects;
2. delegating responsibility for Act 250 to municipalities demonstrating the professional capacity and willingness to assume responsibility for administration;
3. defining “local impact” and “regional impact” for development projects in Act 250 and comprehensively evaluating Act 250 jurisdiction over projects with local and regional impacts, including recommendations for jurisdictional thresholds and levels of review commensurate with the potential impact of a project;
4. eliminating Act 250 review of projects with local impact in municipalities that have in place duly adopted municipal plans approved by the regional commission and zoning and subdivision regulations, if the local legislative body votes to eliminate such review, once recommendations are in place; and

5. assigning to district commissions review of projects with regional impact expected to affect regional interests.

VLCT opposes revisiting permitting decisions in a second forum such as Act 250 if a local or state permit decision has been made subsequent to appropriate hearing and review. Regional plans should be considered in concert with municipal plans and may not be used to trump duly adopted municipal plans.

4.03 GROWTH AND LOCAL LAND USE

Policy.

VLCT supports:

1. allocating property transfer tax revenue to cities and towns for municipal planning purposes at the rate established in Act 200 before appropriating revenues to new uses and programs;
2. providing additional incentives to spur development in locally planned growth centers as well as designated downtowns, new town centers, or village centers;
3. enabling municipalities to regulate the zoning of retail agricultural and diversified agripreneurial and silvicultural facilities through zoning bylaws;
4. compliance with the municipal approved plan and zoning bylaws by a federal or state governmental entity that owns or leases any facility;
5. enabling municipalities to establish incentives and requirements to develop housing and encourage economic development that entices people to stay in Vermont;
6. continuing the Tax Increment Financing (TIF) program and providing incentives to municipalities and funding municipal infrastructure necessary to support economic development;
7. authorizing municipalities to enact ordinances that hold property owners responsible for the maintenance and appearance of their properties and structures; and
8. recognizing that an adopted regional plan is not a regulation but a guidance document to help municipalities implement duly adopted plans.

4.04 WATER QUALITY AND WASTE MANAGEMENT

Policy.

VLCT supports:

1. stable funding and expanded governance of the Clean Water Fund to achieve the goals of the Vermont Clean Water Act and Total Maximum Daily Loads (TMDLs);
2. holding municipalities harmless from liability for any hazardous material incident at any facility that conforms with all state and federal permits and regulations;
3. enabling local governments to determine the most appropriate collection, storage, disposal, and treatment methods for sewage, solid waste, wastewater, their process byproducts, and recyclables;
4. regulating complete treatment processes for materials such as wastewater, solid waste, and recyclables through single permits that address the entire treatment cycle at a facility, and issuing permits for facilities based on the useful life or capacity of the facility;
5. requiring the departments of Health and Environmental Conservation to coordinate regulations and create unified treatment standards for the safe management and disposal of products determined to be hazardous;
6. providing municipalities with maximum flexibility to implement the Universal Recycling Law of 2012;
7. providing for relocation of lightly contaminated urban soil so as to protect the public and the environment; and
8. facilitating needed investment in downtowns, new town centers, villages, and areas in which state and local policies encourages economic development.

VLCT opposes requiring certificate or permit holders to reduce any analyte or TMDL below background levels found in the environment.

4.05 AIR QUALITY, ENERGY AND TELECOMMUNICATIONS

Policy.

VLCT supports:

1. reducing the consumption of fossil fuels;
2. ensuring the reliability of Vermont's energy supply and restoring balance between the transition to renewable energy and the protection of land use priorities established in municipal plans and state land use goals;
3. encouraging the use of solar panels and renewable or energy efficiency measures on buildings where appropriate, installing them without detracting from a building's structural or design integrity, and ensuring that such installations are subject to existing local building and electrical codes and standards;
4. establishing state mechanisms to ensure statewide compliance with Vermont's energy efficient building codes without imposing further mandates on municipalities;
5. including all local decisions concerning a renewable energy generation project within the Public Service Board docket, providing substantial deference to those local decisions and municipal plans, formulating areas of inquiry based on concerns raised in the local hearing process, and specifically addressing local concerns raised in local determinations and adopted municipal plans; and
6. moving renewable energy generation project determinations related to siting of facilities to Act 250 jurisdiction.

4.06 HEALTH CARE

Policy.

VLCT supports:

1. the whole population health care model, which aims to engage partners across many sectors to improve the individual experience of care, reduce the per capita cost of care, and improve the health of populations;
2. effectively managing health care and health insurance costs and rates and improving the health care system;
3. pursuing the goal of universal health care coverage;
4. reducing cost shifts such as from Medicaid;
5. establishing health care mandates as public health issues with public funding and accessibility for all;
6. requiring medical providers to rigorously adhere to medical community-developed and evidence-based protocols and best practices for the prescription of opioids;
7. continuing and expanding health promotion and wellness activities that promote healthy lifestyles and appropriate use of medical care; and
8. the universal availability of opioid addiction treatment on demand.

5.0 WATER RESOURCES

5.01 TOTAL MAXIMUM DAILY LOADS (TMDLs)

Policy.

VLCT supports:

1. financial and technical support to municipalities to fully implement mandates included in the Clean Water Act and its associated total maximum daily loads (TMDLs) and Act 64;
2. the fair, effective, and efficient spending of state and federal dollars to achieve TMDL goals and to mitigate phosphorus and other TMDL-regulated discharges;
3. subjecting potential mitigation efforts to a cost-effective analysis, with implementation based on that analysis;

4. directing the Agency of Natural Resources (ANR) to work closely with the U.S. Environmental Protection Agency (EPA) to implement reasonable TMDLs for Lake Champlain and other Vermont waters;
5. reducing runoff from non-point sources of pollution by state and local governments, developers, farmers, and other stakeholders;
6. requiring ANR to automatically re-issue permits for five-year terms if they have been expired without renewal for more than three years; and
7. ensuring wastewater facility discharge limits are based upon permitted waste load allocations.

VLCT opposes:

1. requiring municipalities to construct treatment plants to meet the highest available technical standards for discharges to impaired waters, regardless of cost;
2. re-opening facility permits in order to amend them before their five-year terms expire;
3. imposing water quality mandates without funding to achieve compliance; and
4. adjusting wastewater treatment facility permit discharge limits to reflect their historical performance.

5.02 POTABLE WATER AND WASTEWATER SYSTEM PERMITTING

Policy.

VLCT supports:

1. ANR enforcing the provisions of the Wastewater System and Potable Water Supply Program, including requirements to repair or replace failed on-site septic systems; and
2. funding and improving public health protection by ensuring high quality potable water supplies.

5.03 PRIORITIZE TO IMPLEMENT ENVIRONMENTAL PROJECTS

Policy.

VLCT supports:

1. ANR and EPA implementing the Integrated Planning Approach Framework so municipalities can prioritize and schedule municipal Clean Water Act responsibilities and investments in compliance activities according to greatest need, notwithstanding statutory limits;
2. requiring ANR to use a system similar to the Integrated Planning Approach Framework that allows municipalities to prioritize and schedule municipal investments in compliance based on financial ability, notwithstanding statutory limits; and
3. limiting the rights of third parties to appeal approved integrated planning and implementation schedules.

5.04 STORMWATER AND MUNICIPAL ROADS

Policy.

VLCT supports:

1. on-site collaboration and technical assistance from ANR and VTTrans to municipalities that conduct road inventories so that prioritized projects complying with the Municipal Roads Permit are economically feasible at the municipal level; and
2. promoting the improvement of town highways and bridges through all means available so they are properly engineered to mitigate the impacts of weather-related disasters.

5.05 VERMONT CLEAN WATER ACT FUNDING AND IMPLEMENTATION

Policy.

VLCT supports:

1. accounting for the capacity of potential funding sources to pay for priorities related to the Vermont Clean Water Act in conjunction with programs to which that funding source is already dedicated; and

2. developing standards for the Combined Sewer Overflow rule that recognizes the benefits of combined sewers.