

# Vermont League of Cities and Towns Municipal Policy Guiding Principles 2017

## 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 to inform 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;
- PILOT payments 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 to serve those with long- and short-term mental health or addiction needs;
- support services and mobile crisis units;
- municipal recovery of costs incurred in providing services to individuals lodged in state-owned or funded facilities and costs to comply with their federal, state, or court-ordered licensing, registration, or testing;
- 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 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 ~~immediately~~ as equal partners to analyze the issues within Acts 60, 68, ~~(including ways in which they do not meet the Brigham decision)~~ and ~~new~~ Act 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. Act 46's success in curbing the rate at which education property taxes increase and establish the target rate of increase that will define the legislation's success.
3. ~~Until then,~~ Education Fund monies should *only* be used for pre-K--12 education functions listed in 16 V.S.A. § 4025(b), and billing and collection of the state education property tax should remain at the local level.

### Explanation.

Vermont's education funding system has significantly diminished the capacity for municipalities to use property tax dollars for non-education expenditures, making it difficult for municipalities to craft and secure voter approval for municipal budgets, particularly when seeking funding for expensive but essential municipal projects. Act 46 (H.361) of 2015 did not ease the education property tax burden.

Many aspects of education finance are controlled by the State, which continually raids the Education Fund, fails to restrict the Education Fund to uses specified in Act 60, and fails to fully fund General Fund support of education as specified in Act 68. Local officials and others spend far too much time trying to understand and implement the increasing complexities of the education finance system.

## 1.02 VERMONT TAX STRUCTURE OVERHAUL

### Policy.

VLCT supports:

1. legislation to reform Vermont's income, sales, and property tax structure; 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.

### Explanation.

The legislature should require that income, sales, and property taxes are thoroughly analyzed and reformed to ensure simplicity, sustainability, equity, and balance. The Blue Ribbon Tax Commission last analyzed state tax sources in 2010. That analysis should be updated. Vermont's reformed tax structure should include sufficient revenues for initiatives that local governments need but cannot afford.

## 1.03 OPEN MEETING LAW CHANGES

### 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.

**1.043 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS**

**Policy.**

VLCT supports full funding of all state Payments In Lieu of Taxes (PILOTs) using fair market value for all state buildings and state lands and expanding PILOTs to include all state owned lands.

Proceeds from local option taxes should fund only PILOTS for those state--owned buildings specified in 32 V.S.A. 3701(1)(A). All dollars raised by local option taxes should be retained in the buildings PILOT and used only to increase PILOT payments for those state owned buildings specified in 32 V.S.A. 3701(1)(A) as of the year 2016.

**Explanation.**

The General Fund must fund any remaining balance and all other PILOT payments until proceeds from local option taxes fully fund the state buildings PILOT. Otherwise, specific municipal taxpayers fund the loss of revenue related to lands and buildings that benefit all Vermont taxpayers.

**1.054 LOCAL OPTION TAXES**

**Policy.**

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

**Explanation.**

Eighteen municipalities have approved local option taxes (sales, meals and rooms or alcohol). That authority should be extended to all municipalities.

**1.067 PROTECTING AND ENHANCING MUNICIPAL FINANCES**

- ~~A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set in statute on a three-year cycle. Include significant local input.~~
- ~~B. Ensure that the legislature increases existing or imposes new state agency fees assessed against municipalities only when the agency can show a comparable increase in the costs, quality, or quantity of the services provided.~~
- ~~C. Provide ways for the state to help municipalities get the highest interest income on their investments while continuing to ensure low risk of loss.~~
- ~~D. Clearly communicate the state economic development strategy to municipalities and regional entities and engage them in a partnership to implement that strategy on the local, regional, and state levels.~~
- ~~E. Require the state to pay its portion of costs associated with defending the grand list and property tax collections, including appeals and abatements. The \$150,000 appropriation to defend appeals from reappraisals of TransCanada Hydro Northeast, Inc. properties along the Connecticut and Deerfield Rivers is a good start in that direction. The state should also pay the taxpayer directly for any education property taxes and interest required to be reimbursed due to a property valuation adjustment resulting from an appeal beyond the board of civil authority.~~

- ~~F. The state should reimburse municipalities for any local costs for implementation of any state election law changes or reapportionment (including voter and election official education), as well as subsequent administrative or technological costs. The implementation of any election law changes must also satisfy the requirements of local election officials to have an election system that functions smoothly and effectively on Election Day.~~
- ~~G. Make statutory changes that enable cities and towns to better manage end stage blighted properties and tax sale transactions.~~

**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.

**Explanation.**

Municipal fees established in statute have not been increased in many years. Those fees should be reviewed and amended on the same cycle as are state agency fees for permits and licenses.

A municipality must be authorized to sell an entire property at tax sale and not only that portion sufficient to cover the amount of delinquent taxes. The law appropriately provides that any revenue derived from a tax sale that exceeds the amount owed on taxes goes to the delinquent property tax payer. The window for lodging an appeal of a tax sale should be limited to 30 days following the date of issuance of the tax collector's deed.

**1.07 ~~8~~-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 it 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 overseen by a state imposed process or law.

**Explanation.**

Municipalities adopt conflict of interest policies and ordinances at the municipal level. The state needs to adopt and enforce conflict of interest policies at the state executive and legislative branches of government.

## 1.08.9 PUBLIC RECORDS IMPACT ON MUNICIPALITIES

### Policy.

#### VLCT supports:

1. subjecting non-profit 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.

## 1.09 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;
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 project;
4. increasing the gas tax and dedicating those 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**;
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:

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

**Explanation.**

Increasing Town Highway Aid programs, Class 1 Local Highways, Class 2 Paving and Town Highway Structures grant programs, and the Town Highway Bridge Program is critical to enable municipalities to comply with water quality improvement and protection project mandates. Funding new transportation programs, particularly those related to stormwater management requirements, is critical, as is ensuring that VTrans and other state agencies pay their fair share of local stormwater fees. Implementing additional recommendations of the 2013 Vermont Transportation Funding Options Section 40 Report can be used to sustain future Transportation Fund revenues. LTF projects should be managed by local governments with responsibility to see the project through to completion.

## **2.02 ADDITIONAL FUNDING PRIORITIES**

Policy.

VLCT supports:

1. ensuring that 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 assistance to 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 upgrades to municipal post-disaster recovery projects mandated by state agencies but not eligible for funding from **the Federal Emergency Management Agency** or other federal sources; and
6. ensuring that town highways and bridges are adequately engineered to mitigate the impacts of future weather-related disaster.

Explanation.

If VTrans mandates moving water and sewer infrastructure for transportation projects, the agency must reimburse municipalities for those costs.

## **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 highway 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.

Explanation.

The purpose for expanding existing District Transportation Administrators' flexibility and authority to work with local governments is to ensure effective technical assistance and efficiency in implementing transportation projects. When VTrans partners with municipalities and other agencies, it enhances the asset management/project priority program to ensure the importance of local and regional priorities and the participation of local officials in selecting projects.

## 2.04 COMMERCIAL VEHICLES

Policy.

VLCT supports:

1. urging 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 construction and repair of 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;
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 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 regulate the speed of 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 21<sup>st</sup> 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.

#### Explanation.

All activity designed to combat Vermont's growing drug culture should be accomplished in a coordinated fashion and state-sponsored initiatives to address opiate addiction should be supported by evidence based models. It is vital to determine the specific need for beds for individuals with both long-term and short-term mental health needs. Those with short-term needs should not be kept in hospital emergency rooms or similar places. Public safety and human resources officials should be part of the decisions regarding the location of temporary housing and municipal zoning should be respected in those decisions, especially as it pertains to the potential for co-location with individuals under the supervision of the Department of Corrections. The state should use public databases, to screen and appropriately place potential housing voucher recipients.

### 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.
8. **re-convening the Community Safety and Corrections Taskforce of 2010, which was discussing the adequacy of corrections facilities, and whose work was interrupted by Tropical Storm Irene.**

Explanation.

DOC must inform local officials, particularly the chief law enforcement officer and local legislative body, of the circumstances of an incarcerated individual's release and any risk to the municipality it may create. Support services for individuals with mental illness or addictions are critical before they become a threat to themselves or others. Mobile crisis units are vital to address emergency situations.

### 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;
6. providing funding to municipalities to undertake drug investigations at the local level.

Explanation.

Drug enforcement must have a robust local component. State police cannot be everywhere. Distribution of funding must support municipal enforcement efforts.

### 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 addressing the particular 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.

Explanation.

Many years' accumulation of unfunded training requirements for law enforcement, fire safety, and emergency services personnel has significantly increased both the cost and time commitment required to meet certification requirements. -Current mandated training needs to be re-evaluated to determine whether or not it remains relevant and outdated training mandates need to be deleted.

### 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.

#### Explanation.

Imposing a mandatory response time may endanger the traveling public, reduce ability of volunteers to meet requirements of the job and diminish the value of Vermont's volunteer fire departments or emergency services providers.

### 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 18<sup>th</sup> 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 providing field training to a constable;
3. enacting state law that mirrors federal law regarding forfeiture of property, particularly when property is used in commission of a crime; and
4. prosecuting as a listed crime possession of bath salts and designer drugs above a specified quantity;
5. in any discussion of marijuana legalization, identifying the effects on cities, towns, and villages, including those on school populations, municipal first responders, municipal ordinances, and municipal budgets;
6. 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 before appropriating revenues to new uses and programs.

Explanation.

All Vermonters need access to safe, quality, ADA-compliant, and affordable housing. Incentives and programs should encourage housing designed and built to minimize impacts on natural resources, that takes advantage of public investments in infrastructure, Act250 incentives for housing, and technology to support sustainable growth and economic development.

#### 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. once recommendations are in place, 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.
5. assigning to district commissions review of projects with impacts that would 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.

Explanation.

Vermont municipalities support reforms that recognize priorities in duly adopted municipal plans, and that make the overall permitting process more efficient and less redundant.

#### 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 use 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 agricultural and; diversified agripreneurial and silvicultural facilities through zoning bylaws;
4. compliance by a federal or state governmental entity that owns or leases any facility with the municipal approved plan and zoning bylaws;
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; and
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 assist municipalities implement duly adopted plans.

Explanation.

The State must provide local governments authority to manage growth and land use in their municipalities. Development that revitalizes traditional downtowns, promotes smart growth, and mitigates damage caused by natural or manmade disasters must be facilitated. When a federal or state governmental entity proposes a change to a facility, it must advise the municipality of any change before it's made and must provide a master management plan for all structures it owns or leases. Regional plans should not be used to take governance and planning authority from the local government level.

#### 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 safe management and disposal of products determined to be hazardous;
6. providing municipalities with maximum flexibility to implement the 2012 universal recycling law;
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 encourage economic development.

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

Explanation.

The Clean Water Fund Board should be expanded to include representation from municipalities and other affected parties outside the administration.

Enforcing State-mandated variable rate pricing and separating recyclable materials from the waste stream should be a condition of a Department of Environmental Conservation permit for haulers. The legislature should establish urban soil management practices for soils disturbed in the process of preparing a site for development that distinguish between naturally occurring background contaminants and contaminants that are at higher concentrations than surrounding undisturbed soil due to pollution.

#### 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 all buildings where appropriate, installing them without detracting from a building's structural or design integrity, and ensuring that such measures are subject to existing local building and electrical codes and standards;
4. establishing State mechanisms to ensure statewide compliance with the Vermont energy efficient building codes without imposing further mandates on municipalities; and
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.

Explanation.

S.260 is a small step in the direction of providing deference to municipal plans in the CPG process. PSD guidance and standards for renewable energy plan components must be clear, achievable and developed in collaboration with municipalities. Renewable energy projects must be approved consistent with municipal plans and siting standards established pursuant to that guidance. Municipalities, service areas and utilities should collaborate on planning for Vermont's renewable energy future.

#### **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, evidence-based protocols and best practices for prescription of opioids;
7. continuing and expanding health promotion and wellness activities that offer an opportunity to promote healthy lifestyles and appropriate use of medical care; and;
8. the universal availability of opioid addiction treatment on demand.

Explanation.

The health insurance landscape in Vermont continues to evolve. Health insurance rates continue to increase faster than the general rate of inflation. Out of pocket health care costs continue to increase.

There must be a balance between the funding necessary to provide high quality health insurance and establishing affordable rates. Whole population health objectives will address health care costs in clinical and other settings to change behavior and provide health care along with other services to reduce the need for in-hospital health care.

Much progress has been made in establishing medical protocols and best practices for prescription opioids for both short term and chronic pain relief. This work must continue. Alternative approaches to managing chronic pain should be considered. Workers' compensation insurers need more effective tools to help manage opioid usage for chronic pain by their claimants.

## 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; and;
6. requiring ANR to automatically re-issue permits for a five-year term if they have been expired without renewal for more than three years.
7. assuring 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 historical WWTP performance.

#### Explanation.

The state's financial and technical support should occur through locally appropriate watershed plans and water management provisions that promote the health of the economy and the environment. A reasonable TMDL standard should lead to a cleaner lake, a more vibrant landscape, and a healthy economy. ANR permits must address non-point pollution discharges as part of the overall implementation plan for reducing nitrogen contributions to the Long Island Sound TMDL. Permit limits must be based upon waste load allocations and not upon actual discharge results; the consequence of holding WWTPs to past performance levels will be to incent significant increases in discharge volumes to protect plant reserve capacity.

### 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 IMPLEMENTATION OF ENVIRONMENTAL PROJECTS

#### Policy.

#### VLCT supports:

1. ANR and EPA implementing the Integrated Planning Approach Framework so municipalities can prioritize and schedule, notwithstanding statutory limits, municipal Clean Water Act responsibilities and investments in compliance activities according to greatest need;

2. requiring ANR to use a system similar to the Integrated Planning Approach Framework that allows municipalities to prioritize and schedule, notwithstanding statutory limits, municipal investments in compliance, based on financial ability; and
3. limiting rights of third parties to appeal approved integrated planning and implementation schedules. Those appeals only further delay the time when municipalities can begin to implement measures to improve water quality.

Explanation.

Municipalities must have discretion to work with ANR and EPA to make infrastructure improvements on a schedule that accommodates their financial capacity. Municipalities should not be penalized for achieving exemplary phosphorus levels at wastewater treatment facilities by having those levels made the limits of discharge permits.

#### 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.

Explanation.

The mandated municipal roads permit must recognize the limitations of financial and human resources capacity to implement improvements and assure that the most significant portions of the municipal transportation network are addressed first.

#### 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.