

2023-2024 Municipal Policy

The [2023-2024 VLCT Municipal Legislative Policy](#) was approved by all voting delegates present at VLCT's 2022 Annual Meeting.

The VLCT Board of Directors created five legislative policy committees to develop recommendations for a legislative platform in each policy area. The committees meet the summer before each new biennium to discuss recent legislative action and recommend policy platforms and priorities to the Board of Directors. The Board drafts amendments to the previous biennium's policy, the amendments are voted on by delegates at the Annual Meeting, and Advocacy staff pursue the elements of the policy in the ensuing legislative session.

1. The **Finance, Administration and Intergovernmental Relations (FAIR) Policy Committee** is responsible for governance; taxation including education funding, open meeting and public records; clerk-treasurer issues; economic development.
2. The **Public Safety Policy Committee** is responsible for fair and impartial policing including federal immigration law and Act 5; authority, information, and funding to combat drug-related crime; Department of Corrections' policy; training and funding to support fire safety volunteers and professionals, emergency medical technicians, and law enforcement officials; dispatch; highway safety; marijuana legalization.
3. The **Quality of Life and Housing Policy Committee** is responsible for land use planning, development, and regulation; housing; Act 250; economic development; telecommunications; health care; related quality of life matters.
4. The **Transportation Policy Committee** is responsible for funding for municipal highway aid and water quality related to highways; communication among state, federal, and local officials on transportation issues; efficiency and effectiveness in transportation construction programs; trucks and oversized vehicles on municipal highways; policy related to rail.
5. The **Environment Policy Committee** is responsible for conservation, climate, energy, water quality, and wastewater management matters; implementation of the federal and state Clean Water Acts; stormwater management; integrated planning for water quality; total maximum daily loads and basin planning.

Committee members meet with secretaries and commissioners of agencies from time to time to discuss strategy and the implementation of laws. VLCT Advocacy staff also relies upon committee members for advice and expertise on specific issues during the legislative session.

Each year, VLCT members help set VLCT's municipal legislative priorities. Suggested policy amendments are made either in writing prior to the VLCT Annual Meeting (at Town Fair) or on the floor at the meeting, where they are debated and adopted.

The text of the approved 2023-2024 policy is as follows:

Municipal Guiding Principles

VLCT supports:

1. a robust partnership between state and local government that recognizes municipal capacity to implement programs;
2. targeted measures granting municipalities authority to legislate effective solutions to matters that solely affect the municipality;
3. measures to provide fiscal capacity to municipalities;
4. meaningful action supporting and ensuring racial justice, equity, diversity and belonging;
5. local discretion to pursue sustainable housing and economic development, recovery, and resiliency;
6. flexibility in implementing state regulatory and statutory requirements;
7. including local officials in determining changes in local response to emergency situations;
8. substantial deference to municipal planning, zoning, and siting decisions;
9. state collection of fees and taxes assessed to implement statewide goals;
10. locally initiated and approved regionalization of services and inter-municipal cooperation to achieve cost savings;

11. resources to provide sustainable public safety, fire protection, and emergency medical services and to support the individuals who do that work; and

12. direct aid to municipalities to mitigate the effects of economic distress, increased expenditures, and reduced revenues due to emergencies and disasters, including COVID-19.

State Mandates. VLCT opposes all unfunded mandates, pre-emption of municipal action, regulatory overreach by state agencies not supported in statute, and cost shifts to local government. We call for the completion of fiscal impact statements that itemize potential shifts in costs to local governments prior to action being taken by the legislature or administration

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.

VLCT supports funding and incentives for all mandated programs and shifts of responsibility to local governments including:

1. all transportation and municipal highway programs;
2. programs to spur economic recovery, direct aid to help cities and towns recover from public health and safety emergencies, and deference to locally implemented tax stabilization agreements;
3. required stormwater and water quality management infrastructure;
4. cybersecurity training for local officials accessing state databases and internet sites;
5. Department of Corrections (DOC) programs to avoid adverse local government impacts resulting from criminal justice system decisions;
6. services and mobile crisis units to serve those with mental health or addiction needs; and
7. education and training of local officials who are responsible for fulfilling state-mandated functions.

1.0 Finance, Administration and Intergovernmental Relations (FAIR)

1.01 VERMONT TAX STRUCTURE OVERHAUL

VLCT supports:

1. authority for each municipality to adopt local option taxes through a vote of the local voters;
2. additional fiscal capacity, including consideration of a municipal revenue sharing program that provides sustainable and reliable annual funding to every municipality to support the delivery of services, innovative programs, and maintenance of infrastructure for Vermonters;
3. legislation to reform Vermont's tax system to ensure sustainability, affordability, equity, and balance;
4. reimbursing municipalities for all state-mandated property tax exemptions, or providing local voters with the authority to impose municipal service fees on such properties; and
5. extending locally implemented tax stabilization agreements to education tax obligations to encourage and promote economic growth.

VLCT opposes any new state-imposed property taxes.

1.02 K-12 EDUCATION

VLCT supports:

1. a transparent education finance system that reduces the education homestead property tax and more closely link voters' actions in approving budgets to the taxes they pay to fund their

school districts;

2. a legislative assessment of school district budgets, especially special education costs and their impact on small schools;
3. using Education Fund monies only for pre-K-12 education – that is, banning new obligations from being shifted to the Education Fund;
4. the local legislative body appointing a replacement member to a consolidated school board in the event of a vacancy until an election is held;
5. directing the Vermont Department of Taxes to bill and collect education property taxes; and
6. in light of skyrocketing residential property values, taking measures to ensure the capacity of Vermonters to stay in their homes.

1.03 OPEN MEETING, PUBLIC RECORDS, AND ELECTIONS LAWS

VLCT supports:

1. applying the Open Meeting Law and Public Records Act to the legislative and executive branches of state government;
2. changing statute to increase the requirement for posting minutes from five days to ten business days;
- 3 making the remote meeting option a permanent feature of the Open Meeting Law;
4. changing statute to provide transparency and flexibility in how non-statutory public bodies comply with the Open Meeting Law;

5. robust funding to comply with Open Meeting Law and Public Records Act mandates, including the hardware and software to ensure their availability to the public and long-term preservation;
6. amending the Public Records Act to allow individuals or entities the right to request the same materials no more than twice during a 12-month period, and allowing a five-day initial response time; and
7. making permanent the option of posting legal notices on electronic news media to comply with requirements for open meeting, public records, and legal notices laws.

1.04 PROTECTING AND ENHANCING MUNICIPAL FINANCE

VLCT supports:

1. developing a partnership with the state, municipalities, and regional entities to implement a long-term economic recovery and development strategy at all levels of government;
2. continuing state payments of costs to defend the grand list and property tax collections – including appeals, attorneys’ fees, and abatements – in proportion to the state share of the overall property tax;
3. providing for an unrestricted fund balance within the municipal general fund budget;
4. requiring local legislative body approval of the county operating budget;
5. eliminating the mandate that local governments take over non-municipal cemeteries unless the state pays for the expenses to do so;
6. continued state funding of education for local officials whose responsibilities include complying with state performance standards;

7. A. allowing proceeds from the state's portion of local options taxes to fund only payment in lieu of taxes (PILOT) for state-owned property specified in 32 V.S.A. § 3701(1), and

B. retaining all local option taxes in the state-owned property PILOT and using PILOT only to increase payments for those state-owned buildings specified in 32 V.S.A. § 3701(1) and, in the event of a surplus, for state-owned lands on which state buildings are located.

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

2.0 Transportation

2.01 PRIORITY ISSUES

VLCT supports:

1. simplifying funding, permitting, and program administration to maximize all state and federal dollars and alleviate burdensome processes at both the state and local levels;
2. transparency and collaboration with municipalities when developing the transportation budget and allocating funds to cities, towns, and villages;
3. developing sustainable funding sources for the Transportation Fund that recognize the state goal of reducing fossil fuel usage;
4. encouraging adoption of the "Complete Streets" program and incorporating its principles into projects;
5. policies that empower municipalities to reduce local emissions, increase resiliency to the effects of climate change, and participate in the transition to a cleaner energy economy;

6. indexing of the gas tax to inflation to maintain the purchasing power of municipal infrastructure investments; and

7. authorizing municipalities to set speed limits on local roads below 25 m.p.h.

VLCT opposes:

1. shifting funding for local transportation programs to the budget of the Agency of Transportation (VTrans) as a mechanism to fill shortfalls in the state budget

2 using Transportation Fund money to pay for non-transportation purposes, and

3. using Transportation Fund money to pay for projects required by the Agency of Natural Resources such as stormwater mitigation projects mandated to comply with stormwater regulations.

2.02 ADDITIONAL FUNDING PRIORITIES

VLCT supports:

1. ensuring that funding for local transportation meets current local assessments of documented needs;

2. dedicated state and federal funding for clean water initiatives so ongoing transportation programs don't subsidize those mandates;

3. ensuring that town highways and bridges are adequately funded to achieve resiliency and stormwater standards throughout construction and upon completion;

4. 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 is declared;

5. replacing federal funding of the Transportation Alternatives Program with only state money in order to reduce regulatory burdens imposed on the program; and

6. applying Accelerated Bridge Construction (ABC) and design-bid-build process efficiencies to other programs and to all bridge projects unless there is a compelling reason to not use them.

2.03 STATE AND LOCAL COOPERATION

VLCT supports:

1. sufficiently funding district transportation administrators and ensuring their flexibility and authority to work directly with local governments;
2. finalizing road design and traffic standards to better define approaches to downtown areas and enhance traffic and infrastructure needs for Vermont's villages and downtowns;
3. providing increased incentives to municipalities to take over state highways that function as main streets;
4. eliminating provisions in VTrans' master license agreements that coerce municipalities to indemnify VTrans or the railroads on activities related to municipal projects;
5. deference to local experience and conditions when studying speed limits on state highways;
6. increased cooperation of state agencies for incident response on interstate and state highways to share the burden currently placed on local public safety departments;
7. expanding VTrans' painting operations to include all lines on paved Class 2 highways each year; and
8. directing VTrans to install rumble strips when requested on state highways and paved Class 2 highways.

2.04 COMMERCIAL VEHICLES

VLCT supports:

1. instituting a statewide process for permitting overweight or oversized vehicles on local roads ;
2. indexing vehicle registration fees to axle weight and remitting fees to the Transportation Fund;
3. remitting a portion of overweight permitting fees to municipalities; and
4. requiring commercial, forestry, and agricultural custom service vehicles to comply with all motor vehicle laws when operating on state and local highways.

2.05 RAIL

VLCT supports:

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

6. authorizing municipalities to extend municipal amenities and infrastructure under or across railroad tracks to serve residents with no railroad imposed annual charge, ensuring access to maintain them, and protecting municipalities from liability for accidents caused by the railroad or VTTrans that affect those lines.

3.0 Public Safety

3.01 PRIORITY ISSUES FOR IMPLEMENTATION

VLCT supports:

1. initiatives that address the critical shortage of public safety personnel statewide and that implement new ways to recruit and retain them;
2. law enforcement implementing principles of procedural justice and continued efforts to ensure:
 - A. fair, equitable, and impartial law enforcement;
 - B. building trust and legitimacy in communities including marginalized, vulnerable, and disadvantaged populations;
 - C. creating sound policy and oversight mechanisms in accordance with the governance structure of the municipality;
 - D. best practices in the use of technology and social media;
 - E. embracing community policing principles that include crime reduction strategies;
 - F. providing ongoing training and education to employees;
 - G. emphasizing officer wellness, safety, mental health, and critical incident stress management; and
 - H. providing sufficient funding to attain these goals;

3. providing public safety officials with the technology, authority, information, training, funding, and revenue to ensure the above law enforcement services;
4. providing statewide access to affordable state-of-the-art telecommunications services that benefit public safety and first responders and builds the economy; and
5. preserving qualified immunity for law enforcement and all government officials.

3.02 CORRECTIONS, MENTAL HEALTH, AND ADDICTION

VLCT supports:

1. a statewide, integrated approach for mental health and addiction services across health, human services, and public safety departments and agencies;
2. notifying municipal officials when unhoused individuals are temporarily housed in a municipality and ensuring necessary support services are provided;
3. developing collaborative solutions among all affected stakeholders to handle incapacitated persons;
4. the Department of Corrections (DOC) notifying local officials of changes in offenders' status, particularly those at risk to re-offend, and collaborating with local officials in the placement of released persons;
5. ensuring that an offender housed in a community setting receives reasonable DOC supervision and access to support services that ensures the safety of the community, victim, and the offender;
6. adhering to municipal zoning in approving housing for offenders and unhoused individuals temporarily housed in a municipality, and locating adequate supervision and support services for those individuals; and

7. authorizing DOC officials to serve citations and domestic abuse orders to offenders in a correctional facility in lieu of municipal police officers serving them.

3.03 PUBLIC SAFETY FUNDING

VLCT supports:

1. a long-term, systemic approach to financially support call handling and dispatch emergency services;
2. funding to increase the availability of on-demand drug abuse and mental health treatment services;
3. authorizing local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, or testing requirement;
4. eliminating unfunded training requirements for first responders;
5. providing funding to municipalities to undertake drug investigations at the local level;
6. directing the state to increase the Medicaid reimbursement rates for Emergency Medical Services (EMS) to cover the actual cost of care;
7. providing funding to municipalities that explore, consolidate, integrate, or regionalize public safety services; and,
8. funding for wellness, safety, mental health, and critical incident stress management for first responders.

3.04 PUBLIC SAFETY TRAINING

VLCT supports:

1. instituting flexible alternatives to the residential Vermont Police Academy training program;
2. providing adequate funding and resources to the Vermont Fire Academy, Vermont Police Academy, and the Department of Health for certified training programs and activities for all emergency services personnel;
3. ensuring that statutorily authorized training mandates and the associated impacts on public safety personnel and agencies are current, necessary, and appropriate to an officer's level of experience;
4. focusing Vermont Police Academy funding and training on core law enforcement responsibilities, including the VLCT Board adopted document entitled [Perspectives on Police Reform](#);
5. providing adequate funding to ensure appropriate levels of staffing and training to each sector of the public safety community;
6. developing standards for providing reciprocity with other states' training programs; and
7. developing a Vermont-specific voluntary law enforcement accreditation program that is state funded, neutral, and fair.

3.05 STATE, LOCAL, AND REGIONAL COOPERATION

VLCT supports:

1. systemic criminal justice reforms that address the drivers of crime and reduce reoffending;
1. a cautionary approach to the expungement of criminal records to ensure protection of victims and the general public;

3. providing for a Vermont law enforcement officer to make an arrest based on a warrant from another state;
4. maintaining the independent status and function of the E-911 Board; and,
5. directing resources to developing and implementing reliable roadside testing for law enforcement officials when enforcing incidents of drugged driving.

4.0 Quality of Life and Housing

4.01 JUST, EQUITABLE, AND INCLUSIVE COMMUNITIES

VLCT supports:

1. educating local officials to build more equitable, just, and inclusive communities;
2. eliminating racial disparities and healing racial divisions; and
3. municipalities taking meaningful action to effect systemic changes that ensure equity and fairness.

4.02 HOUSING

VLCT supports:

1. committing funding and reforming regulatory tools to increase the number of available housing units through the construction and rehabilitation of “missing middle” and affordable housing;

2. directing housing incentives and programs to designated downtowns, village centers, new town centers, growth centers, new neighborhoods, and other areas designated in municipal plans;
3. policies that encourage high-density, multi-unit housing;
4. prohibiting appeals of land use permits based solely upon the premise that the number of units is too high; and
5. providing transitional housing and integrated support services to alleviate homelessness.

4.03 ACT 250 AND REGULATORY PROGRAMS

VLCT supports:

1. allowing municipalities with duly adopted local zoning and subdivision regulations to accept responsibility to administer Act 250 solely within their own jurisdictions;
2. eliminating Act 250 jurisdiction over projects in designated downtowns, growth centers, new town centers, designated village centers, neighborhood development areas, and other areas designated in municipal plans;
3. defining “regional impact” in Act 250 to mean a measurable effect on areas outside the borders of the city or town in which a project is proposed to be located;
4. limiting district commissions’ review of projects to those with regional impact and projects in municipalities without duly adopted zoning or subdivision bylaws;
5. retaining Criterion 10 of Act 250, conformance with a duly adopted local plan or capital program adopted pursuant to 24 V.S.A. Chapter 117; and
6. eliminating so-called “legacy only” Act 250 jurisdiction over properties that would not otherwise trigger current Act 250 jurisdiction.

4.04 GROWTH AND LOCAL LAND USE

VLCT supports:

1. basing development decisions upon adopted municipal plans and using adopted regional plans only as guidance documents;
2. local government participation in regulating development of telecommunications service and alternative connectivity solutions; and
3. establishing a universal telecommunications service.

4.05 HEALTH CARE

VLCT supports:

1. universal health care coverage;
2. the “whole population” health care model, which engages diverse partners to improve the individual experience of and accessibility to care, reduce the per capita cost, make health insurance affordable, and improve the health of the population;
3. universal availability of opioid addiction and mental health treatment on demand, and the funding sources to provide such services; and
4. ensuring that community hospitals and health centers continue to offer medical and specialty care services.

5.0 Environment

5.01 CLIMATE ACTION AND ENVIRONMENT

VLCT supports:

1. working in partnership with the state to ensure the climate change reduction benefits of the Inflation Reduction Act support Vermont municipalities' efforts in reducing Greenhouse Gas (GHG) emissions and building resiliency;
2. implementing policies that empower municipalities to reduce emissions, plan for and increase resiliency to the effects of climate change, and transition to communities powered and sustained by cleaner energy sources;
3. reducing the consumption of fossil fuels by 40 percent below GHG emission levels by January 1, 2030, as required by the Vermont Global Warming Solutions Act of 2020;
4. encouraging the use of renewable energy-efficient measures in buildings where appropriate, installing them without detracting from a building's structural or design integrity, and ensuring that such installations are subject to existing building and electrical codes and standards;
5. establishing mechanisms to ensure statewide compliance with Vermont's state building codes for energy efficiency without imposing further mandates on municipalities;
6. ensuring local input and control over siting and permitting of renewable energy projects;
7. prioritizing permitting for renewable energy projects whose renewable energy credits remain in Vermont, that are built "close to load" (that is, close to where the energy is being used), and whose GHG reduction costs include externalities;
8. working with the Vermont Electric Power Company, Inc. (VELCO) and distribution utilities to cost effectively solve grid constraints that limit the additional generation of renewable energy;
9. renewable energy net metering remaining at a level that encourages in-state investment in that technology;

10. housing and commercial development located where there is municipal infrastructure and duly adopted zoning to mitigate the effects of climate change;
11. holding municipalities harmless from liability for presence or consequences of forever chemicals;
12. re-evaluating implementation of environmental standards that require relocation of lightly contaminated urban soil, especially in light of state policies to encourage economic development and housing;
13. new sources of federal and state funding and technical support to reduce the residential carbon footprint, weatherize buildings, and reduce energy cost burdens of low and middle income households;
14. elevating adaptation and resilience in the Vermont Global Warming Solutions Act and Climate Action Plan to the same priority level as GHG reduction and investing to ensure capacity for climate resilience, planning, and implementation at the municipal level, including the provision of tools, resources, and funding;
15. new sources of funding to electrify vehicles and equipment and install charging infrastructure; and
16. continued protection of habitat blocks, forest blocks, and wetlands for carbon sequestration and resiliency.

5.02 AGENCY OF NATURAL RESOURCES SYSTEM IMPROVEMENT

VLCT supports:

1. efficient and coordinated permitting, grant management, program management and enforcement of regulations across the Agency of Natural Resources (ANR);

2. leadership in ANR and the Department of Environmental Conservation (DEC) to secure the best outcomes for reducing carbon footprints, ensuring environmental justice, and securing water quality benefits in each basin, and

3. leadership in ANR and DEC to resolve regulatory conflicts in favor of the programs or requirements that produce the most economically feasible environmental benefits whenever compliance projects encounter conflicting requirements among programs.

5.03 VERMONT CLEAN WATER ACT FUNDING AND IMPLEMENTATION

VLCT supports:

1. ensuring that grants pay for federal and Vermont Clean Water Act priorities;
2. no-risk funding for project development – including research, planning, design, and scoping – to ensure that projects will successfully implement mandates such as Municipal Separate Storm Sewer System (MS4) General Permits, Vermont's Stormwater Total Maximum Daily Loads (TMDLs), Combined Sewer Systems, and Municipal Road General Permits (MRGPs);
3. a statewide authority for the centralized collection of impervious surface or per parcel fees, development, and implementation of clean water projects;
4. relief from permit compliance deadlines when corresponding funding is delayed or eliminated; and
5. developing a comprehensive compact settlement infrastructure strategy, plan, and budget to implement infrastructure projects and provide for their maintenance and upgrades required by statutes or rules.

5.04 TOTAL MAXIMUM DAILY LOADS (TMDLS)

VLCT supports:

1. directing ANR to track and publish data on the cost to construct TMDL-compliant projects to ensure consistency, transparency, and unified standards;
2. allowing permitted entities to pursue water quality gains elsewhere in their drainage basin when the cost of treatment at facilities within regulatory boundaries reaches an excessive benefit-to-cost ratio;
3. fair, effective, and efficient spending of local, state and federal dollars to achieve TMDL goals;
4. subjecting potential mitigation efforts to a cost-effectiveness analysis and basing implementation on that analysis;
5. reducing and cost-effectively infiltrating runoff from non-point sources of pollution on all properties;
6. timely responses from ANR at all levels and in all programs regarding permit and permit renewal requirements, and clear guidance for implementing those requirements; and
7. policies supporting regenerative solutions that harness nutrient cycles to improve both water quality and quantity, and to restore soil fertility, microbial activity, and moisture-holding capacity.

VLCT opposes:

1. re-opening facility permits to amend them before their five-year terms expire; and
2. adjusting permit discharge limits to reflect their historical performance instead of design capacity.

5.05 POTABLE WATER AND WASTEWATER SYSTEM PERMITTING

VLCT supports:

1. requiring ANR to enforce the provisions of the Wastewater Systems and Potable Water Supplies Program, including repairing or replacing failed on-site septic systems;
2. sufficient grants or no-risk funding to municipalities to protect public health by ensuring availability of potable water supplies and to test for, remediate, and manage per- and polyfluoroalkyl substances (PFAS) contamination;
3. state initiatives to manage wastewater residuals and septage;
4. regulating emerging contaminants at the source instead of the point of discharge;
5. redefining the term “waters of the state” to exclude constructed waterworks such as reservoirs, settling ponds, and any infrastructure related to water supplies;
6. regulating emerging contaminants in a science-based and economically feasible manner;
7. eliminating duplicative state permitting of connections to water and wastewater utilities; and
8. Developing a solid waste and wastewater residuals policy that ensures in-state municipal disposal options.

5.06 MATERIALS MANAGEMENT

VLCT supports:

1. holding municipalities harmless from liability for any hazardous material incident at any facility or property that conforms with all state and federal permits and regulations;
2. holding municipalities harmless from liability for any PFAS-related contaminations; and
3. 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 a facility based on its useful life or capacity.

5.07 PRIORITIZING MUNICIPAL INFRASTRUCTURE PROJECTS

VLCT supports:

1. implementing integrated planning to municipalities to prioritize 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 permitting requirements and schedule municipal investments to achieve compliance based on their financial ability, including relief from statutory deadlines;
3. limiting the right of third parties to appeal approved integrated planning and implementation schedules; and
4. new sources of adequate, ongoing funding to invest in infrastructure in downtowns, new town centers, villages, and any area in which state or local policies encourage housing or economic development.

Publication Date

10/11/2022