



## **2018 PROPOSED POLICY**

### **MUNICIPAL GUIDING PRINCIPLES**

#### **VLCT supports:**

1. a robust ongoing partnership between state and local governments;
2. 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;
3. including local officials and personnel in discussions regarding changes governing local response to emergency situations;
4. 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;
5. substantial deference to municipal officials' planning, zoning, and siting decisions when state entities make permitting decisions;
6. maximum flexibility in municipal decision-making regarding how cities and towns respond to state regulatory and statutory requirements;
7. allowing local flexibility in pursuing economic development activity;
8. state collection of funds assessed to implement statewide goals; and
9. locally initiated and approved regionalization of services.

**State Mandates.** VLCT opposes all unfunded mandated programs, pre-emption of municipal programs, regulatory overreach by agencies of state government that is not supported in statute, and cost shifts 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 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:

- payments in lieu of taxes (PILOT) based on fair market value;
- all municipal highway programs;
- programs to spur economic development at the local level;
- required stormwater management infrastructure;
- Department of Corrections programs that return offenders to the community;

- sufficient beds, 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;
- reimbursing the cost to train municipal law enforcement officers who are hired by the state.

## **1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)**

### **1.01 EDUCATION FUNDING**

**Policy.**

VLCT supports:

1. municipal and school officials, state administration, and the legislature working as equal partners to create a new education finance system that reduces and reforms the property tax burden;
2. a legislative assessment to determine if Act 46 has resulted in cost reductions in school district budgets and per-pupil expenditures without affecting educational quality;
3. using Education Fund monies *only* for pre-K-12 education (No new obligations should be shifted to the Education Fund.);
4. maintaining billing and collection of the state education property tax at the local level; and
5. simplifying the education finance system to make it understandable, transparent, and reasonable to implement.

### **1.02 VERMONT TAX STRUCTURE OVERHAUL**

**Policy.**

VLCT supports:

1. legislation to reform Vermont's income, sales, and property taxes that ensures simplicity, equity, balance, and sustainability; 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.

### **1.03 OPEN MEETING LAW**

**Policy.**

VLCT supports:

1. applying the Open Meeting Law to the legislative and executive branches of state government;
2. applying the Open Meeting Law to entities that receive state or municipal funding; and
3. making the following changes to the law:
  - increasing the requirement for posting minutes from five days to ten business days;

- limiting mandatory application of the 2014 amendment establishing 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 funding for an educational program for municipal officials addressing Open Meeting Law requirements.

#### **1.04 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS**

##### **Policy.**

VLCT expects full funding of all state payments in lieu of taxes (PILOT) using fair market value as the basis of valuation for “state owned property” (state buildings including Vermont state colleges, the University of Vermont and State Agricultural College, and buildings of the Agency of Transportation and Department of the Military, but excluding the value of the land on which buildings are located and state-owned land pertaining to state correctional facilities (32 V.S.A. § 3701 (1)). In the event of a surplus in the state-owned property PILOT which is funded with local option taxes, dedicate funds to full fair market value payments. Additionally, in the event of a surplus, expand the state-owned property PILOT to include payments for all state-owned lands on which state buildings are located.

#### **1.05 LOCAL OPTION TAXES**

##### **Policy.**

VLCT supports:

1. allowing all cities, towns, and villages to adopt consumption taxes;
2. allowing proceeds from the state’s portion of local options taxes to fund only PILOT for that state-owned property specified in 32 V.S.A. § 3701(1) as of 2017. All money raised by local option taxes should be retained in the state-owned property PILOT and used only to increase PILOT for those state-owned buildings specified in 32 V.S.A. § 3701(1) as of 2017 and in the event of a fund surplus, for state-owned lands on which state buildings are located.

#### **1.06 PROTECTING AND ENHANCING MUNICIPAL FINANCES**

##### **Policy.**

VLCT supports:

1. adjusting all local fees set in statute on a minimum three-year cycle, encouraging significant participation from local officials;
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 effectively manage blighted properties and tax sale transactions;
4. state payment of costs associated with defending the grand list and property tax collections, including appeals, attorneys’ fees, and abatements in proportion to its share of the overall property tax; and
5. paying taxpayers directly for education property taxes and interest required to be reimbursed when a property value is adjusted due to 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 any state-imposed process or law that governs municipal conflict of interest policies.

## **1.08 PUBLIC RECORDS**

### **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. recognizing the tremendous increase in volume and expansiveness of public records requests enabled by advances in technology, as well as the increasing complexity of information sources that are considered public records, amending the Public Records Law to allow individuals or entities the right to request the same materials no more than twice during a 12-month period, and providing for a five-day initial response time.

## **1.09 OTHER PRIORITIES**

### **Policy.**

VLCT supports:

1. requiring municipal ratification of the county budget;
2. allowing local voters to decide whether or not to assess property tax penalties on each late installment;
3. requiring the implementation of all state rules, regulations, criteria, and other administrative actions affecting local government operations 30 days after a publicly noticed hearing;
4. eliminating the mandate that local governments take over non-municipal cemeteries;
5. continuing to implement mechanisms that prohibit resident property owners with high unearned income or assets from receiving a property tax adjustment;
6. encouraging cooperative municipal activities to achieve cost savings and eliminate any statute or rule that prohibits or hinders cooperation;

7. 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 and requiring the department to deal directly with the taxpayer; and
8. allowing a gap-day without early voting or new voter registrations on the day before Election Day;
9. the Vermont Tax Department and Agency of Commerce and Community Development assessing the long-term benefits of applying education tax stabilization in concert with municipal tax stabilization agreements so as to spur economic development in a community; and
10. providing the option of posting legal notices on web-based news media to comply with requirements for open meeting, public records, and legal notices laws.

## **2.0 TRANSPORTATION**

### **2.01 PRIORITY ISSUES FOR IMPLEMENTATION**

#### **Policy.**

VLCT supports:

1. substantially increasing funding to all highway programs that affect local government, especially clean water initiatives and mandates, in light of five years of stable funding from the federal government to the Agency of Transportation (VTrans) under the Fixing America's Surface Transportation Act of 2015;
2. fully funding any new transportation programs, including the Municipal Roads General Permit (MRGP);
3. ensuring communication between all state agencies and their divisions to eliminate redundant oversight of municipal projects, expediting the permitting process, and tailoring project review to the size and impact of the proposal;
4. simplifying and streamlining funding and program administration to maximize all state and federal dollars and alleviate burdensome processes at both the state and local level; 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. funding the Local Transportation Facilities (LTF) program with state money; and
7. applying efficiencies from the Accelerated Bridge Construction (ABC) and design-bid-build processes to other programs and applying the processes to all bridge projects unless there is a compelling reason not to use them.

VLCT opposes:

- the establishment of a municipal roads permit fee without regard to a municipality's size or number of road miles or charging fees 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. finding new state and federal funding streams for clean water initiatives so other transportation programs won't have to subsidize them;
3. using a portion of clean water funding to assist municipalities with project planning, development, programming, design, maintenance, scoping, and implementation to ensure proper implementation of the array of clean water programs and mandates, such as the Municipal Separate Storm Sewer System General Permit (MS4), Vermont's Stormwater Total Maximum Daily Loads (TMDL), and MRGPs;
4. streamlining Municipal Assistance Bureau programs and establishing performance standards within VTrans;
6. reimbursing any project using federal dollars at the federally allowed rate if it includes undergrounding of utilities or moving water, sewer, and similar infrastructure;
7. fully funding any upgrade to a municipal post-disaster recovery project mandated by a state agency which is not eligible for funding from the Federal Emergency Management Agency or other federal source; and
8. ensuring that town highways and bridges are adequately engineered to mitigate any impacts of future weather-related disaster.

## **2.03 STATE AND LOCAL COOPERATION**

### **Policy.**

VLCT supports:

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

## **2.04 COMMERCIAL VEHICLES**

### **Policy.**

VLCT supports:

1. substantially increasing the overweight permit fee or instituting a statewide process for permitting overweight or oversized vehicles on local roads and authorizing municipalities to fine vehicle owners who violate permit or fail to obtain such a 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 when projects are constructed or re-constructed.

## **2.06 RAIL**

### **Policy.**

VLCT supports:

1. requiring that all railroad-related projects comply with environmental regulations, especially those 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 trains from speeding in downtown areas;
5. extending passenger rail service to Burlington on the western side of the state by 2020; and
6. providing the authority for municipalities to extend municipal water or wastewater lines under railroad tracks to serve citizens, ensuring access to maintain them, and protecting municipalities from liability for accidents caused by the railroad that affect those lines.

# **3.0 PUBLIC SAFETY**

## **3.01 PRIORITY ISSUES FOR IMPLEMENTATION**

### **Policy.**

VLCT supports:

1. Law enforcement implementing the principles of procedural justice and continued efforts to address and support:
  - building trust and legitimacy in communities;

- creating sound policy and oversight mechanisms;
  - best practices in the use of technology and social media;
  - embracing community policing principles to include crime reduction strategies;
  - providing ongoing training and education to employees;
  - emphasizing officer wellness and safety; and
  - providing sufficient funding to make these goals successful.
2. providing public safety officials with the authority, information, and funding to combat drugged driving and other drug-related crimes;
  3. funding Department of Corrections' (DOC's) programs and initiatives to avoid adverse local government impacts resulting from criminal justice system decisions;
  4. providing the support for presently unmet social service needs in communities related to short - and long-term mental health and addiction care;
  5. 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;
  6. collaborating with host municipality officials in decisions about where to provide or locate temporary transitional housing while respecting local zoning bylaws and plans in those decisions;
  7. developing a transparent and comprehensive planning process and collaborative governance structure that includes a broad spectrum of stakeholders to resolve technology issues;
  8. providing statewide access to complete, affordable fiber optics service that benefits public safety first responders, and builds the economy;
  9. creating new ways to recruit and retain public safety personnel, both paid and volunteer.

Marijuana should only be legalized for recreational purposes after all public safety, public health, and local regulatory and budgetary concerns are adequately addressed.

### **3.02 CORRECTIONS, MENTAL HEALTH, AND ADDICTION**

#### **Policy.**

VLCT supports:

1. requiring 30 days' notice to local officials from the DOC 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. adherence to municipal zoning in approving housing for offenders and locating adequate supervision and support services where offenders are lodged near the general population;
4. clarifying in Title 24 Chapter 117 that temporary housing for offenders does not meet the definition of a "group home";
5. coordination between DOC and municipal law enforcement to monitor the release of offenders and avoid undue burden on any individual municipality;
6. authorizing 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
7. collaborative solutions to handle incapacitated persons between all affected stakeholders.

### **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 for volunteer first responders;
3. identifying and funding housing and transportation needs of persons who present a danger to themselves or to the public;
4. reimbursing providers for uninsured costs of providing emergency medical services for all persons lodged in state-owned or -funded facilities; and
5. providing funding to municipalities to undertake their own drug investigations.

### **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 of volunteer firefighters and emergency services personnel;
2. providing adequate funding and resources to the Department of Health for certified training programs and activities for all full-time, part-time, and volunteer emergency services personnel;
3. determining if current statutorily mandated training mandates and the associated impacts on public safety personnel and agencies are necessary;
4. exploring flexible alternatives to the traditional residential Vermont Police Academy recruit training program;
5. providing tuition credits to municipalities that send students to the Vermont Police Academy if those municipalities also contribute instructors or training assistants; and
6. reimbursing the cost to train municipal law enforcement officers who are hired by the state.

### **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, and 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. directing resources to developing and implementing reliable roadside testing for law enforcement when enforcing incidents of drugged driving;
2. enacting primary enforcement of the seat belt law;

3. providing for sanctions levied upon a driver under 18 charged with a motor vehicle violation to continue past the driver's 18<sup>th</sup> birthday until the case is adjudicated; and
4. 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 crime possession of bath salts and, synthetic and designer drugs above a specified quantity;
4. in any discussion of marijuana legalization, identifying and addressing its impacts on cities, towns, and villages, including those on school populations, municipal first responders, municipal regulations, and municipal budgets; 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. 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;
4. eliminating Act 250 review of projects with local impact in municipalities that have duly adopted municipal plans approved by the regional commission, zoning, and subdivision regulations if the local legislative body votes to eliminate such review;

5. assigning to district commissions review of projects with regional impact expected to affect regional interests; and
6. retaining Criterion 10, conformance with any duly adopted local or regional plan or capital program, under 24 V.S.A. chapter 117.

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 must 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 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. continuing the Tax Increment Financing (TIF) program and providing incentives to municipalities and funding municipal infrastructure necessary to support economic development;
6. authorizing municipalities to enact ordinances that hold property owners responsible for the maintenance of their properties and structures to address the structural integrity of dilapidated properties that present a hazard to the public health;
7. recognizing that adopted regional plans are only guidance documents whose function is to help municipalities implement duly adopted plans at the local level; and
8. balancing environmental standards for relocation of lightly contaminated urban soil with state policy to locate or redevelop economic development and housing projects in compact centers with access to wastewater, water supply, and transportation options instead of in greenfields.
9. stimulating needed investment in downtowns, new town centers, villages, and areas in which state and local policies encourage economic development.

#### **4.04 WASTE MANAGEMENT**

##### **Policy.**

VLCT supports:

1. holding municipalities harmless from liability for any hazardous material incident at any facility that conforms with all state and federal permits and regulations;
2. enabling local governments to determine the most appropriate collection, storage, disposal, and treatment methods for sewage, solid waste, wastewater, their process byproducts, and recyclables;
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 facilities based on the useful life or capacity of the facility;

4. 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;
5. providing municipalities with maximum flexibility to implement the Universal Recycling Law of 2012; and
6. stimulating 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 below background levels found in the environment.

#### **4.05 AIR QUALITY AND ENERGY**

Climate change is real, manmade, and affects the environment in the State of Vermont, threatening much of its traditional agricultural, rural, and recreational economy.

##### **Policy.**

VLCT supports:

1. policies that empower municipalities to reduce local emissions, plan for and improve resiliency to climate change, and participate in the transition to a clean energy economy;
2. reducing the consumption of fossil fuels;
3. ensuring the reliability of Vermont's energy supply and restoring balance between transitioning to renewable energy and protecting land use priorities established in municipal plans and state land use goals;
4. encouraging the use of solar panels and renewable or energy-efficient 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;
5. establishing state mechanisms to ensure statewide compliance with Vermont's building codes for energy efficiency without imposing further mandates on municipalities;
6. including all local decisions concerning a renewable energy generation project within the Public Utility Commission 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
7. moving renewable energy generation project determinations related to siting of facilities to Act 250 jurisdiction.

#### **4.06 TELECOMMUNICATIONS**

##### **Policy.**

VLCT supports:

1. active participation by VLCT and municipalities in a transparent governance structure regulating development of fiber optics service that is complete, statewide, and affordable to municipalities for both the use of public safety first responders and for building Vermont's economy and
2. appropriate local regulation of telecommunications facilities.

## **4.07 HEALTH CARE**

Opioid addiction is a tremendous and growing crisis that affects municipalities' ability to provide quality of life and municipal services to Vermonters.

### **Policy.**

VLCT supports:

1. the universal availability of opioid addiction treatment on demand and without delay;
2. empowering municipalities to respond to local public health and opioid addiction induced crises in appropriate ways;
3. requiring medical providers to rigorously adhere to medical community-developed and evidence-based protocols and best practices for the prescription of opioids;
4. the "whole population" health care model, which engages partners across many sectors to improve the individual experience of care, reduces per capita cost of care, and improves the health of populations;
5. refining the health care system to improve the health of Vermonters and manage costs that lead to lower health insurance premiums, allowing more Vermonters to afford health insurance.
6. pursuing universal health care coverage;
7. reducing cost shifts such as from Medicaid;
8. ensuring health care mandates are paid with public funding and are accessible to all; and
9. continuing and expanding health promotion and wellness activities that promote healthy lifestyles and the appropriate use of medical care.

## **5.0 WATER RESOURCES**

### **5.01 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;
2. stable funding and expanded governance, including representation from municipalities, of the Clean Water Fund to achieve the goals of the Vermont Clean Water Act and Total Maximum Daily Loads (TMDLs);
3. centralized collection and management of per parcel or impervious surface fees;
4. project implementation based upon design and scoping to ensure a successful project. Match requirements for funds to support design and scoping should be as attractive and low as possible; and
5. a statewide authority for centralized collection of impervious surface or per parcel fees, development, and implementation of clean water projects.

## **5.02 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 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;
7. ensuring wastewater facility discharge limits are based upon permitted waste load allocations and
8. timely responses and guidance from ANR to permit required conditions, and clear for implementing those conditions.

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 so as 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.

## **5.03 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;
2. increased funding to improve public health protection by ensuring high quality potable water supplies;
3. in-state solutions to handling wastewater residuals and bio-solids, particularly providing for continued land application while preserving valuable and limited in-state landfill space;
4. developing standards for the Combined Sewer Overflow rule that recognize the benefits of combined sewers; and
5. managing drinking water treatment residuals outside of wastewater residuals rules.

## **5.04 PRIORITIZATION 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.

## **5.05 STORMWATER AND MUNICIPAL ROADS**

### **Policy.**

VLCT supports:

1. on-site collaboration and technical assistance from ANR and the Agency of Transportation 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.