

PREAMBLE

Vermont today faces challenges that range from a declining fiscal health and shrinking economy to the need for sustainable infrastructure improvement, economic development and smart growth prospects, environmental resource and emergency management, energy resources, corrections and public safety strategy, and affordable health care. In all of these areas the state, federal, and local governments must work together to proactively take advantage of opportunities and address challenges.

Neither Vermont nor any other state can rely on the federal government to uphold its obligations to fund programs it has mandated to states and local governments. *The state should refuse to follow in those footsteps and fund all those mandates it imposes on local governments.*

In addition, Vermont has:

- limited taxing capacity and income;
- a small population that is not growing;
- a generally rural and aging population; ~~and~~
- a government and revenue raising structure that was largely developed to meet the demands envisioned and resources available a half century ago; ~~and~~
- an expanding opiate addiction crisis.

Therefore, Vermont must find ways to deliver government services to its citizens through the most efficient means available. Shifting costs and obligations from state to local governments is not sustainable or acceptable. The state should solicit the opinions and utilize the expertise of the citizens who are being served and who pay for government. Given the extended recession and never-ending pressures on both municipal and state finances, municipal officials must be included in any discussion that assesses the functions of government and seeks innovative ways for Vermont to generate revenues, deliver services, and reduce the cost of delivering them.

Where this Municipal Policy is silent on a public policy issue affecting municipal government, it shall be the position of the Vermont League of Cities and Towns to support provision of authority, autonomy, and resources to cities and towns.

1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

1.01 EDUCATION FUNDING

The current Vermont education funding system has significantly diminished municipal tax capacity for non-education expenditures. With each passing year, the education funding structure makes it harder for municipalities to craft municipal budgets and then have the voters approve them. It is especially difficult to fund expensive and needed municipal improvements. Municipal officials who have to administer the billion-dollar-plus property tax system and who provide essential services and infrastructure are compelled to rely overwhelmingly on property taxes. ~~Unless changes are made to Act 60 and Act 68, the continuing pressure that led to the large increases in 2013 and 2014 state property tax rates will only be the beginning of significant and unsustainable increases in the coming years, and the act of rejecting school budgets on Town Meeting Day, which occurred in 35 municipalities in 2014, will be repeated. Increases in education property taxes are unsustainable. Act 48 (H.-361), passed this year, did do little to ease the education property tax burden. Additions to the costs to the Education Fund will eliminate any savings that school district consolidation efforts might generate.~~

Many aspects of education finance are controlled by the state. Each year, it has raided the Education Fund by failing to restrict the uses of the Education Fund to those specified in Act 60 and failing to fully fund the General Fund support of education originally specified in Act 68. Local officials, meanwhile, spend a ~~good deal too much of~~ time trying to continually understand and implement the always morphing complexities of the education finance system.

Therefore, municipal and school officials, the state administration, and the legislature should begin immediately, as equal partners, to ~~accurately~~ analyze the issues within Acts 60/68 (including ways in which they do not meet the *Brigham* decision), ~~and now Act 48,-~~ and then create a new education finance system that reduces and reforms the property tax burden. The legislature should measure whether or not Act 48 is successful in bending the rate of increase of education property tax expenditures and define what percentage reduction in the increase defines success of that legislation. Until then, Education Fund monies should *only* be used for functions listed in 16 V.S.A. § 4025(b). Further, the billing and collection of the state education property tax should remain at the local level.

1.02 VERMONT TAX STRUCTURE OVERHAUL

The legislature should act to ensure that all three main components of Vermont's tax structure—income, sales, and property—are thoroughly analyzed and reformed to be simpler, sustainable, equitable, balanced, and ~~that~~ make Vermont more economically competitive. Establish a plan to implement the recommendations of the Blue Ribbon Tax Commission. Municipal officials should be fully involved in ~~such an analysis and developing the~~ reform process and implementing the Blue Ribbon Tax Commission recommendations. Vermont's reformed tax structure should also include sufficient revenues to pay for initiatives that local governments need but cannot afford. Since the state education property tax continues to be controversial, no new state property taxes should be imposed until a reformed tax structure is adopted. Additionally, until such reform is adopted, the state should either reimburse municipalities for all state-mandated property tax exemptions or give voters the authority to impose municipal service fees on those properties exempted by the state.

48 **1.03 OPEN MEETING LAW CHANGES**

49
50 Several changes to the ~~2014 amendments to the~~ Open Meeting Law must be made to make the law
51 workable for municipal government:

- 52 • Require a roll call vote for anyone participating in a meeting telephonically only if the voice vote is
53 not unanimous;
- 54 • Increase the five-day requirement for posting minutes to ten business days;
- 55 • Limit mandatory application of the 2014 amendment’s posting and penalty requirements to statutory-
56 and charter-required public bodies; make other municipal public bodies, including committees and
57 subcommittees of public bodies, comply with the law as it existed before July 1, 2014 and;
- 58 ~~• Postpone web posting requirements and all consequences for non-compliance until July 1, 2015;~~
- 59 ~~• Have the state provide and maintain a website and staff to post all meeting agenda and minutes of~~
60 ~~municipal government public bodies; and~~
- 61 • Have the state provide sustainable funding for an educational program to acquaint municipal officials
62 with the Open Meeting Law requirements.

63
64 **1.04 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS**

65
66 The state should fully fund all state Payment In Lieu Of Taxes (PILOT) programs (including for state
67 buildings, Agency of Natural Resources (ANR) land, capital city, and Department of Corrections
68 facilities) on an ongoing basis. The state must expand PILOT to include all state lands and must value
69 state buildings at full fair market value and all state land in accordance with local land schedules for
70 PILOT purposes. Until proceeds from the local option taxes fully fund the state buildings PILOT, the
71 state General Fund must fund any remaining balance and all other PILOT payments-
72

73 **1.05 LOCAL OPTION TAXES**

74
75 The legislature should enable all cities, towns, and villages to adopt consumption taxes.
76

77 **1.06 UNFUNDED MANDATES**

78
79 The state should provide reimbursement for state mandates on or cost shifts to local governments. The
80 Joint Fiscal Office must prepare and make public a fiscal impact statement showing the administrative,
81 implementation, and service costs imposed on local governments before any state legislative or
82 administrative action affecting them can be approved.
83

84 **1.07 PROTECTING AND ENHANCING MUNICIPAL FINANCES**

- 85
86 A. Require the House Ways and Means and Senate Finance committees to review and adjust all local
87 fees set in statute on a three-year cycle. Include significant local input.
88
- 89 B. Ensure that the legislature increases existing or imposes new state agency fees assessed against
90 municipalities only when the agency can show a comparable increase in the costs, quality, or quantity
91 of the services provided.
92
- 93 C. Provide ways for the state to help municipalities get the highest interest income on their ~~cash~~
94 investments while continuing to ensureing low risk of loss-
95

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- 96 D. ~~Adopt a state economic development strategy, e~~Clearly communicate ~~that the state economic~~
97 ~~development~~ strategy to municipalities and regional entities; and ~~then help engage them in a~~
98 ~~partnership to them~~ implement that strategy on the local, regional, and state levels.
99
- 100 E. Require the state to pay its portion of costs associated with defending the grand list and property tax
101 collections, including appeals and abatements. ~~The \$150,000 appropriation to defend appeals from~~
102 ~~reappraisals of TransCanada Hydro Northeast, Inc., properties along the Connecticut and Deerfield~~
103 ~~Rivers is a good start in that direction.~~ The state should also pay the taxpayer directly for any
104 education property taxes and interest required to be reimbursed due to a property valuation
105 adjustment resulting from an appeal beyond the board of civil authority.
106
- 107 F. The state should reimburse municipalities for any local costs for implementation of any state election
108 law changes or reapportionment (including voter and election official education), as well as
109 subsequent administrative or technological costs. The implementation of any election law changes
110 must also satisfy the requirements of local election officials to have an election system that functions
111 smoothly and effectively on Election Day.
112
- 113 G. Make statutory changes that enable cities and towns to better manage end-stage blighted properties
114 and tax sale transactions.
115

1.08 MUNICIPAL AUTHORITY

- 117
- 118 A. Vermont should join 44 other states by enacting a constitutional “home rule” amendment as follows:
119 “A city, town, or village shall have the power, through approval by a majority of its voters, to adopt,
120 amend, and repeal a charter of incorporation. A charter may authorize the municipality to exercise
121 any legislative power or perform any function not specifically prohibited by the Vermont Constitution
122 or general law. The powers and functions granted to cities, towns and villages under this section shall
123 be liberally construed.” Municipal charters and amendments thereto, properly adopted by cities,
124 towns, and villages, should take effect one year after their approval without a vote by the legislature,
125 unless both houses of the legislature vote by majority to take up the municipal charter or amendment
126 for consideration. Upon enactment of this provision, the legislature could vote to take up the charter
127 or amendment only if the proposal contains provisions never previously approved by the legislature.
128
- 129 B. Any enabling authority to create new general purpose regionally based governmental entities must
130 ensure that:
- 131 1. To be eligible to serve on the new regional governance entity’s governance board, a person must
132 be elected to or appointed by the local legislative body.
- 133 2.- The new regional governance entity is created by vote of municipalities who choose to be
134 members, with the governance structures determined by those member municipalities.
- 135 23.-Enabling authority is made part of the union municipal district statute (24 V.S.A. Chapter 121).
136
- 137 C. Vermont law provides for municipalities to adopt conflict of interest policies or ordinances, including
138 enforcement mechanisms, either by action of the local legislative body or by petition of the voters.
139 Authority to address ethical lapses at the local level must be retained at the local level of government.
140

1.09 PUBLIC RECORDS IMPACT ON MUNICIPALITIES

- 141
- 142
- 143 A. Make any non-profit organization that receives government financial support, subsidy, or exemption
144 from federal, state, or local taxation—except those exempted based on a constitutionally-protected
145 religious purpose—subject to the state Open Meeting and Public Records laws.
146

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- 147 B. Clarify that the Public Records Law allows municipalities to charge for and collect the actual cost of
148 staff time associated with complying with a request to inspect or copy public records. Allow a public
149 agency to require pre-payment for the cost of staff time involved in producing documents for
150 inspection.
151
- 152 C. Make property tax bills with homestead property tax adjustments public documents.
153
- 154 D. ~~Under Amend the Public Records law to;~~ allow individuals to request the same materials no more
155 than twice during a 12-month period.
156

1.10 OTHER PRIORITIES

- 159 In addition to the ~~nine~~ priority issues listed above, VLCT also supports legislation that would accomplish
160 the following:
161
- 162 A. Require municipal ratification of the county budget.
163
- 164 B. ~~As VLCT and the legislature profess a belief in the principle of local control, a~~ Allow local voters to
165 determine all issues pertaining to the collection of delinquent property taxes, including the decision
166 whether or not to assess the delinquent property tax penalty to each late installment.
167
- 168 C. Require that all state rules, regulations, criteria and other administrative actions that impact the
169 operations of local government be implemented only after 30 days have passed following a publicly
170 noticed hearing.
171
- 172 D. Eliminate the mandate that local governments take over any non-municipal cemeteries.
173
- 174 E. Continue to implement mechanisms to exempt resident property owners with high unearned income
175 or assets from receiving a property tax adjustment.
176
- 177 F. Prevent abuse of the current use program by restoring it to an agricultural and silvicultural
178 preservation program and not the tax avoidance mechanism it has become for many.
179
- 180 G. Encourage municipal efforts to achieve cost savings and efficiencies through cooperative activities
181 and eliminate any current statute or rule that prohibits or hinders that cooperation.
182
- 183 H. After June 30, the state Department of Taxes must be responsible for any changes to education tax
184 property parcel classification or homestead property tax adjustment amounts and must deal directly
185 with the taxpayer.
186
- 187 I. On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf
188 of municipalities as employers.
189
- 190 J. Give town voters the authority to choose to appoint town clerks and treasurers instead of electing
191 them.
192
- 193 K. Allow re-votes on budgets to be warned and held at locations other than the place of the original vote
194 in instances where the original location is not available (such as a school once school is in session).
195
- 196 L. Eliminate the requirement for municipal officials to complete the State Auditor's Internal Control
197 Checklist for Vermont towns.

198
199
200
201
202

M. The legislature should re-establish that five programs administered by the Department of Taxes – State Payment in Lieu of Property Taxes; State Payment for Reappraisal Costs; Current Use Hold Harmless; State Payment for Assistance with Equalization Study; and Lister Education – are obligations of the state and are not conditioned upon signature of grant agreements.

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2.0 TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

A. Substantially increase funding to Town Highway Aid programs, Class 1 local highways, Class 2 Paving and Town Highway Structures grant programs, and the Town Highway Bridge Program in order to enable municipalities to comply with mandates to implement water quality improvement and protection projects, as established in Act 64 of 2015.

B. Fully fund any new programs, particularly those related to stormwater management requirements. Ensure VTrans and other state agencies pay their fair share of local stormwater fees.

CB. Continue to prevent the transfer of money that is not specific to transportation matters from the Transportation Fund.

DC. ~~Continue the cooperation and collaboration with the Agency of Transportation (VTrans) and among all state agencies and local government that resulted from recent weather-related recovery efforts.~~ Ensure communication among all Agency of Transportation (VTrans) divisions and state agencies to eliminate redundant and contradictory oversight of municipal projects, to expedite the permitting process, and to tailor project review to the size and impact of a proposal.

~~D. Increase motor vehicle and truck fees and other revenue sources in order to sustain Transportation Fund revenues in the future.~~

E. Increase the gas tax to take advantage of the low price of gas and dedicate the revenues to meeting municipal stormwater obligations. Implement additional recommendations of the 2013 Vermont Transportation Funding Options Section 40 Report that was completed in compliance with Act 153 of 2012 in order to sustain Transportation Fund revenues in the future.-

~~F. Continue the use of bonding as an option for funding long-term capital improvements.~~

~~G. Commit the funding necessary to maintain, repair, or replace Vermont's structurally deficient bridges.~~

HF. Streamline the ~~planning and approval~~ process for the Local Transportation Facilities (LTF) program to utilize ~~federal and state~~ funding of local projects most efficiently in terms of project cost, time, and value. LTF projects should be managed by local government, which should have the responsibility to see the project through to completion. ~~Provide for a final audit of any LTF project and eliminate other levels of detailed and redundant review prior to or during project construction.~~

IG. ~~Provide more opportunities to municipalities for utilizing a design-build process on projects that involve state and federal funding in lieu of the current design-bid-build process.~~ Apply efficiencies from the Accelerated Bridge Construction (ABC) and design-bid-build processes to other programs and ensure that the process is applied to all bridge projects unless there is a compelling reason to not use it.

2.02 ADDITIONAL FUNDING PRIORITIES

A. Ensure that the level of funding for the Town Highway Emergency Fund is sufficient to cover costs incurred by municipalities as the result of natural or manmade disasters, regardless of whether or not a federal disaster declaration has been made.

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- 1
2 | B. ~~Ensure that funding that was in past years dedicated to the Vermont Local Roads and Expand funding~~
3 | ~~to the Municipal Assistance Bureau and Better Backroads programs continues to be allocated in at~~
4 | ~~least an equal dollar amount for for~~ training and assistance to municipalities.
5
6 C. Reimburse any project using federal dollars at the federally allowed rate if it includes undergrounding
7 | of utilities or moving water, sewer, and similar infrastructure. If VTrans mandates moving water and
8 | sewer infrastructure for transportation projects, the agency must reimburse municipalities for those
9 | costs.
10
11 | ~~D. Instruct VTrans to partner with municipalities and other agencies to enhance the asset~~
12 | ~~management/project priority program to ensure the importance of local and regional priorities and the~~
13 | ~~participation of local officials in selecting projects. Modify the project prioritization system to~~
14 | ~~account for the economic development impacts of a project including job creation, increase in tax~~
15 | ~~revenues, and increase in gross state product.~~
16
17 | ~~E. Increase state funding for public transit providers.~~
18
19 | ~~F. Continue to provide more “park and ride” lots, subject to local regulation, and to upgrade existing lots~~
20 | ~~while providing for long term maintenance.~~
21
22 | ~~G. The state should install and maintain traffic signs and signals on Class 1 town highways.~~
23
24 | **HD.** Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts
25 | and bridges, which are mandated by a state agency but are not eligible for funding from FEMA or
26 | other federal sources. Insist that town highways and bridges be adequately engineered so they are
27 | properly engineered to mitigate the impacts of any weather-related disasters.
28 | ~~I. Promote through all means available including a new funding program the improvement of town~~
29 | ~~highways and bridges so they are properly engineered to mitigate the impacts of weather related~~
30 | ~~disasters.—~~

2.03 STATE AND LOCAL COOPERATION

- 34 A. Expand the District Transportation Administrators' (DTAs') flexibility and authority to permanently
35 | work with local governments to ensure technical assistance and efficiency in implementing
36 | transportation projects.
37
38 B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing
39 | Act 250 permits for maintenance and reconstruction projects.
40
41 C. Revise existing road design and traffic standards to better define village areas and respect the traffic
42 | and infrastructure needs of Vermont's villages and downtowns.
43
44 | ~~D. Share VTrans' facilities and other resources (such as purchasing contracts) with municipalities.~~
45 | D. Urge VTrans to partner with municipalities and other agencies to enhance the asset
46 | management/project priority program to ensure the importance of local and regional priorities and the
47 | participation of local officials in selecting projects. Modify the project prioritization system to
48 | account for the economic development impacts of a project such as including job creation, increased
49 | in tax revenues, and increased in gross state product.
50

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- 1 E. Expand the state’s line painting operations on Class 2 highways to include the annual painting of all
2 ~~other lines upon the request of a municipality when center and lane lines are being painted. Those~~
3 ~~lines should be painted annually. Municipalities that request that service should pay the cost of~~
4 ~~painting those lines.~~
5
6 F. Modify the billboard law so that municipalities may hang temporary banners within the state highway
7 right-of-way advertising events and activities.
8
9 ~~G. Establish fines and penalties for illegally possessing municipal road signs including Vermont E-911~~
10 ~~signs, signals, or markings.~~
11
12 ~~GH. Do not allow the state to force~~ Exempt municipalities from having to sign management or
13 maintenance agreements as co-applicants or accept responsibility for the state’s stormwater
14 infrastructure on state projects.
15
16 ~~HI.~~ Any additions to the VTrans Town Road and Bridge Standards should not result in ~~undue increased~~
17 unfunded maintenance and construction costs to municipalities.
18
19 ~~IJ. VTrans and the Agency of Natural Resources~~ should collaborate with municipalities to develop and
20 implement ~~a plan to remove any tree damaged by invasive species such as the emerald ash borer~~ a
21 policy that ensures consultation with host municipalities on the removal or placement of trees, or
22 public safety improvements such as traffic calming devices or blinking crosswalk signs in the state
23 right-of-way.
24
25 ~~K. Before installing rumble strips in the center stripe, bike lane, or highway shoulder, VTrans must~~
26 ~~consult with the municipality to determine its appropriateness.~~
27
28 ~~L. The state should develop a policy on the seasonal use of studded snow tires.~~
29

30 2.04 COMMERCIAL VEHICLES

- 31
32 A. Urge the state to institute a statewide process for permitting overweight or oversized vehicles on
33 Vermont’s local roads. Municipalities must retain their authority to issue permits to and impose fees
34 on all overweight vehicle traffic on local roads. Authorize municipalities to fine owners of ~~locally~~
35 permitted vehicles who violate or do not obtain any such permit.
36
37 B. Require commercial and agricultural custom service vehicles to comply with all motor vehicle laws in
38 order to operate on state and local highways, thereby eliminating highway erosion and public safety
39 risks caused by their operation.
40

41 2.05 MULTI-MODAL TRANSPORTATION

- 42
43 A. Establish a state funding source—such as a revolving loan fund or grant program similar to the Class
44 2 Paving and Rehabilitation program—for the construction and repair of municipal sidewalks and
45 recreation paths. Provide access to these dollars to fund “Complete Street” portions of paving and
46 rehabilitation projects that may have other partial funding sources.
47
48 BA. Spend funds allocated for rail or related projects solely on those projects. Do not allow the
49 maintenance of private rail crossings must not to be a municipal obligation.
50

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- 1 | ~~C.B.~~ Encourage the state to coordinate with municipalities on state-managed projects regarding appropriate
2 | siting of transportation infrastructure, including roundabouts, bike and pedestrian measures, and the
3 | relocation of rail yards. Ensure funding is available to pay for required stormwater management
4 | infrastructure at the time projects are constructed or re-constructed.
5 |
- 6 | ~~C.~~ Encourage intermodal facilities that provide all combinations of transit suited to a municipality so as
7 | to accommodate economic development.
8 |
- 9 | ~~D.~~ Rail networks need to accommodate double stack trains. Intermodal freight transfer centers must be
10 | established at entry points to the state.
11 |
- 12 | ~~E.~~ When selecting and developing transportation projects, the state must address access to commercial
13 | airports.
14 |
- 15 | ~~F.~~ Establish a state funding source such as a revolving loan fund or grant program similar to the Class
16 | 2 Paving and Rehabilitation program for the construction and repair of municipal sidewalks and
17 | recreation paths. Provide access to these dollars to fund "Complete Street" portions of paving and
18 | rehabilitation projects that may have other partial funding sources.
19 |
- 20 | ~~G.~~ Ensure that all state owned bridges over railroads are properly maintained to prevent safety hazards.

3.0 PUBLIC SAFETY

3.01 PRIORITY ISSUES FOR IMPLEMENTATION

Vermont's local public safety officials join with all municipal officials in calling for the following legislative action:

A. Provide public safety officials the authority, information~~tools~~ and funding to combat, in a coordinated fashion, the growing drug culture throughout the state. State-sponsored initiatives to address opiate addiction should be supported by evidence based models.

~~B. Any state sponsored programs or initiatives intended to address quality of life crimes associated with opiate addiction must be supported by evidence based scientific models.~~

~~C. Prohibit public safety related cost shifts and mandates to municipalities unless the state provides full reimbursement.~~

~~BD. Fully and appropriately fund Department of Corrections (DOC) programs and initiatives so criminal justice system decisions will not adversely impact local government. Local governments should not need to address problems that arise locally as the result of those decisions.~~

~~CE. In any discussion of legalization of marijuana, the legislature should consider the effects on cities, towns and villages. Such consideration should include impacts on local school populations, municipal police, first responders, no smoking ordinances and municipal budgets. Do not expand exemptions to Monitor-Act 76, Vermont's 2013 law addressing the possession of small quantities of marijuana, to ensure that it doesn't adversely impact the ability of law enforcement to address drug related crime. Oppose the legalization of marijuana.~~

~~DF. Maintain the independent status and function of the E-911 and Vermont Communications boards.~~

~~E. Assess the number of beds required to accommodate those in need of long-term mental health care. Provide sufficient funding to pay for those beds as well as others needed to temporarily lodge individuals whose mental health care needs are short-term and who should not be kept in hospital emergency rooms or similar places.~~

~~F. Include the public safety and human resources community of host municipalities in decisions about where to provide temporary housing. Respect municipal zoning in approving temporary housing, especially as it pertains to motels and the potential for co-location with individuals under the supervision of the Department of Corrections. Urge the state to use public databases, such as court records, to screen and appropriately place potential housing voucher recipients.~~

~~G. Support the recommendations of the President's Task Force on 21st Century Policing.~~

3.02 CORRECTIONS COMMUNITY

A. DOC must alert municipal officials to any changes in the status of offenders in their municipalities. DOC must inform local officials of the circumstances of an incarcerated individual's release and include them in any decisions ~~about where to place them. Base sentencing for non-violent misdemeanors on the seriousness of the offense, risk, and the probability of recidivism.~~

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- 51
52 B. Provide funding to ensure that offenders housed in community settings—including juveniles and
53 individuals with drug or alcohol dependencies—receive ~~appropriate~~ adequate supervision by DOC
54 personnel and ~~appropriate~~ adequate access to support services.
55
56 C. Because many individuals with mental illness do not receive sufficient care, make additional funding
57 available for their support services before they become a threat to themselves or others. Make mobile
58 crisis units available to support the work of law enforcement and emergency services in crisis
59 situations.
60
61 D. ~~Include the local public safety community in proposed host municipalities in decisions about where to~~
62 ~~place individuals under DOC supervision.~~ DOC must respect municipal zoning in approving housing
63 for offenders, ~~especially as it pertains to motels. DOC should use public databases, such as court~~
64 ~~records, to screen potential recipients of housing vouchers.~~ Locate adequate supervision and wrap-
65 around support services where offenders are lodged in close proximity to one another and the general
66 population.
67
68 E. Coordinate with municipal law enforcement and Monitor the release of offenders, especially those
69 no longer under the supervision of the Department of Corrections, so there is no undue adverse
70 burden on any individual municipality.
71
72 F. Update 18 V.S.A. § 7505, the statute for a law enforcement official or town service officer to secure
73 an immediate evaluation of a person who might pose a threat to him or herself or others.
74
75 G. Provide authority to corrections officers to service citations and domestic abuse orders to offenders in
76 the custody of the department in lieu of municipal police serving that paperwork at a correctional
77 facility.
78

79 3.03 PUBLIC SAFETY FUNDING

- 80
81 A. Authorize local emergency service agencies to recover all costs associated with complying with any
82 federal, state, or court-ordered licensing, registration, and testing requirement.
83
84 B. Identify and fund the housing and transportation needs of all persons who present a danger to
85 themselves or the public, such as mentally ill individuals or public inebriates.
86
87 C. Reimburse municipalities for uninsured costs of providing emergency medical services for all persons
88 lodged in state-owned or funded facilities, including those who are incapacitated.
89
90 ~~D. Extend the availability of state funding for the operation of public safety answering points (PSAPs) to~~
91 ~~municipal PSAPs in an amount proportional to the volume of E-911 calls processed by each PSAP.~~
92
93 ~~E.~~ Restore adequate funding for the Community Drug Interdiction Program (CDIP) and the state drug
94 task force that helps pay law enforcement expenses incurred in drug enforcement. ~~Support~~
95 ~~implementation of Act 195, the rapid-arraignment law of 2014.~~
96
97 ~~F. Grant municipalities authority to enact ordinances that compel motor vehicle insurers to pay claims~~
98 ~~filed by fire and rescue personnel responding to incidents involving vehicles.~~
99

100

101 **3.04 PUBLIC SAFETY TRAINING**

102
103 A. Provide the Vermont Fire Academy adequate funding for certified training programs for all full-time,
104 part-time, and volunteer firefighters, as well as sufficient resources (manpower, equipment, etc.) to
105 support the certified training activities. Address the particular needs and constraints of volunteer
106 firefighters with respect to time, expense, and training obligations.

107
108 ~~B. Provide sufficient funding to the Criminal Justice Training Academy to stimulate participation in in-~~
109 ~~service training programs sponsored by the Criminal Justice Training Council, including supervisory~~
110 ~~training.~~

111
112 ~~CB.~~ Reimburse municipalities for their costs of training law enforcement officers who are then hired by
113 the state police.

114
115 ~~DC.~~ ~~Provide appropriate, affordable, and flexible training for all public safety personnel.~~ Pay for any
116 training requirements mandated for local first responders. Regionalize and diversify the delivery
117 system for the continuing education of public safety personnel. Consider certification and training
118 costs before enacting mandates.

119
120 ~~ED.~~ Provide tuition credits to municipalities that send students to the Criminal Justice Training Academy
121 for training if those municipalities also contribute employees who provide instruction or act as
122 training assistants there.

123
124 ~~FE.~~ Include all users of the Criminal Justice Training Academy in any discussions to reorganize the
125 structure and funding for local first responder provider training.

126
127 ~~G. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice~~
128 ~~Training Council.~~

129
130 ~~H. Require the state to provide the best training programs possible, at an affordable costrate, for all~~
131 ~~levels of public safety personnel, including police, constables, fire, search and rescue, and emergency~~
132 ~~medical services.~~

133
134 ~~FI.~~ The state should assume workers' compensation liability when an officer is injured at the Police
135 Academy in the course of training.

136
137 **3.05 PUBLIC SAFETY EMERGENCY RESPONSE**

138
139 ~~As has been amply demonstrated in recent weather related disasters, municipalities are on the front lines~~
140 ~~of response to calamities, particularly in their immediate aftermath. The state must partner with municipal~~
141 ~~officials in planning and executing responses to disasters, both those that merit a national response and~~
142 ~~those that are localized in scale.~~

143
144 A. Include local personnel in discussions about changes in laws or regulations governing how local
145 public safety and emergency management personnel respond to emergency incidents, particularly
146 those involving hazardous materials.

147
148 ~~B. Consult with municipal officials to fund effective implementation of the Vermont State Alert~~
149 ~~Information Center (VTalert.gov) for hazards, pandemics, and public safety emergencies as well as~~
150 ~~deployment of communications systems and protocols.~~

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152 | ~~EB.~~ Create an emergency response fund to cover non-transportation-related disaster recovery costs
153 | incurred by local governments that do not meet Federal Emergency Management Agency (FEMA)
154 | thresholds.

156 | ~~D. Establish a two way electronic data system to provide public safety and emergency management
157 | personnel on the scene of a public safety incident and those with the resources to provide assistance
158 | with accurate and timely information.~~

160 | ~~E. Support the continued development and sustainability of an interoperable communications system
161 | that allows all emergency service agencies and personnel to communicate with one another in
162 | emergency situations. Develop the system in an efficient and cost effective manner, not as the result
163 | of an unfunded mandate.~~

165 | ~~FC.~~ Provide seed funding or other incentives to create a program for municipally run regional public
166 | safety services.

168 | ~~G. The state should help with the administrative costs and burdens of securing funds to help with
169 | municipal emergency response and long term recovery efforts from weather related disasters.~~

171 | ~~HD.~~ Recognizing (a) the value to the state Ensure that the legislature does not enact ~~and~~ a law mandating
172 | a response time for fire departments or EMTs, for such a law might endanger the traveling public and
173 | diminishes the value of Vermont's volunteer fire departments.

175 | ~~I. The state should not mandate that municipalities must to prepare emergency medical services plans or
176 | provide emergency management services, without adequate state funding and technical support.~~

178 | 3.06 SAFE DRIVING INITIATIVES

180 | A. Enact primary enforcement of the seat belt law.

182 | B. Strengthen graduated driver license requirements by providing that sanctions levied upon a driver
183 | under 18 who has been charged with a motor vehicle violation should continue past the driver's 18th
184 | birthday until the case is adjudicated.

186 | ~~C. Support the state's initiatives to address highway safety, particularly with respect to bicyclists,
187 | pedestrians and workers in the highway right of way.~~

189 | 3.07 LAW ENFORCEMENT ISSUES

191 | A. Vermont's procedures to apprehend a "fugitive from justice" (i.e., a person with outstanding warrants
192 | for arrest in other states) are complicated, time-consuming, and redundant. Allow a Vermont law
193 | enforcement officer to make an arrest based on a warrant from another state.

195 | ~~B. Develop innovative and cost effective models for collaboration among state police officers, sheriffs,
196 | and municipalities.~~

198 | ~~C. Enact a law prohibiting a felon from possessing a firearm so that such an offense may be prosecuted
199 | —under state law in addition to federal law.~~

201 | ~~DB.~~ Indemnify any law enforcement agency providing field training to a constable.

202

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- 203 ~~F. Accurately assess the number of beds required to accommodate those in need of long-term mental~~
204 ~~health care. Fund that number of beds as well as others needed for temporarily lodging individuals~~
205 ~~whose severe mental health care needs are short-term and who should not be kept in hospital~~
206 ~~emergency rooms or other similar places.~~
207
208 C. State law regarding forfeiture of property should mirror federal law, particularly when the property is
209 used in the commission of a crime.
210
211 D. Possession of bath salts and designer drugs above a specified quantity should be prosecuted as a listed
212 crime under Vermont law.

DRAFT

4.0 QUALITY OF LIFE AND ENVIRONMENT

4.01 HOUSING

- A. All Vermonters must have access to safe, quality, ADA-compliant, and affordable housing. Incentives and programs should be directed to state designated downtowns, village centers, new town centers, growth centers, and other areas designated in the adopted municipal plan for growth and development that are near jobs, services, and amenities. Incentives and programs should encourage housing that is designed and built to minimize impacts on natural resources and that takes advantage of public investment in infrastructure and technology that supports sustainable growth and economic development.
- B. Urge the legislature to allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200.
- ~~C. Urge the legislature and Department of Health to integrate federal regulations relating to lead paint safety in buildings into state regulations so that there is one clear standard for lead paint safety in buildings, to which local and state officials are trained.~~
- ~~D. Compel the state to provide for implementation of Property Assessed Clean Energy (PACE) programs across Vermont without imposing further mandates on municipalities.~~
- ~~E. Include the public safety and human resources community of host municipalities in decisions about where to provide temporary housing. Respect municipal zoning in approving temporary housing, especially as it pertains to motels and the potential for co location with individuals under the supervision of the Department of Corrections. Urge the state to use public databases, such as court records, to screen and appropriately place potential housing voucher recipients.~~

4.02 ACT 250 AND STATE PERMITS

- Vermont municipalities support the following reforms efforts to make the permitting process more efficient. The following principles should guide those reform efforts:
- A. Further consolidate, coordinate, and expedite all state permit processes required for all projects.
 - ~~B. The legislature should delegate responsibility for Act 250 to municipalities which demonstrate the professional capacity and willingness to assume responsibility for its administration.~~
 - ~~BC.~~ If a local or state permit decision is made subsequent to appropriate hearing and review, issues addressed in that decision should not be revisited in another forum such as Act 250.
 - ~~ED.~~ Define “local impact” and “regional impact” for development projects in Act 250. Then comprehensively evaluate examine Act 250 jurisdiction over projects with local and regional impacts. This evaluation should include recommendations for jurisdictional thresholds and levels of review that are commensurate with the potential impact of a project. With those recommendations amendments in place:
 1. Eliminate 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.

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- 1
2 | 2. Assign review of projects ~~with that have~~ regional impact ~~and~~ that are expected to affect regional
3 | interests; to district commissions.
4

5 | ~~DE~~. Urge the Natural Resources Board to consult with district commissioners when hiring or evaluating
6 | district environmental coordinators.
7

8 **4.03 GROWTH AND LOCAL LAND USE** 9

10 The state must provide local governments the authority to manage growth and land use in their
11 municipalities.
12

13 A. Allocate property transfer tax revenue to cities and towns for municipal planning purposes at the rate
14 established in Act 200.
15

16 B. Provide incentives to spur development in locally planned growth centers as well as designated
17 downtowns, new town centers, or village centers. Facilitate development that revitalizes traditional
18 downtowns, promotes smart growth, and mitigates damage caused by natural or manmade disasters.
19

20 C. Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities (24
21 V.S.A. § 4413 (d))—including the construction and use of farm structures—through zoning bylaws.
22

23 D. Any facility that is owned or leased by a federal or state governmental entity must comply with the
24 municipality’s approved plan and zoning bylaws. The governmental entity must advise the
25 municipality of any change it wants to make to a facility before it does so. The state should provide to
26 the municipality a master management plan for all structures it owns or leases.
27

28 E. Enable municipalities to establish incentives and requirements to develop housing and encourage
29 economic development that allows people to stay in Vermont.
30

31 F. Continue to support and maintain the Tax Increment Financing (TIF) program: ~~Eliminate the~~
32 ~~limitation on new TIF districts.~~
33

34 ~~G. Establish~~ Until additional state programs are established that are easy to implement, provide
35 incentives to municipalities, and fund municipal infrastructure necessary to support real estate-based
36 economic development.
37

38 G. Authorize municipalities to enact ordinances that hold property owners responsible for the
39 maintenance and appearance of their properties and structures.
40

41 **4.04 WASTE MANAGEMENT AND WASTEWATER** 42

43 A. Hold municipalities harmless from liability for any hazardous materials incident at their facilities
44 when those facilities conform with all state and federal permits and regulations.
45

46 B. Ensure that the State of Vermont’s rules, regulations, and guidelines are flexible enough to enable
47 local governments to determine the most appropriate collection, storage, disposal, and treatment
48 methods for sewage, solid waste, wastewater, their process byproducts, and recyclables.
49

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1 C. Regulate complete treatment processes for materials such as wastewater, solid waste, and recyclables
2 through single permits that address the entire treatment cycle at a facility. Issue permits for facilities
3 based on the useful life or capacity of the facility, not in five-year increments.
4

5 ~~D. The Agency of Natural Resources (ANR) must establish consistent standards for allocating water and
6 wastewater capacity to projects.~~

7
8 ~~ED. Urge~~ ~~the~~ departments of Health and Environmental Conservation to ~~must~~ coordinate regulations
9 regarding safe management and disposal of lead paint that is removed from buildings; so that there is
10 one unified treatment standard.

11
12 —
13 ~~FE. Accord municipalities maximum flexibility to implement Act 148, (the universal recycling law passed
14 in 2012), should be implemented only upon ensuring that new requirements are feasible, available,
15 and affordable for municipalities and their residents. Give municipalities the maximum flexibility to
16 implement the Act. Enforcement of state mandated variable rate pricing and separation of recyclable
17 materials from the waste stream should be a condition of a Department of Environmental
18 Conservation permit for haulers.~~

19
20 G. Vermont's regulation of environmentally-impacted urban soils is a potentially serious and wasteful
21 impediment to downtown investments and a barrier to achieving following the state's land use
22 goalspolicies. The legislature should provide for relocation of mildly contaminated urban soil that
23 protects the public and the environment and also enablesfacilitates needed investment in downtowns
24 throughout Vermont. The legislature should direct ANR to adopt rules, procedures and establish
25 urban soil management practices similar to those adopted in neighboring states for soils disturbed in
26 the process of preparing a site for development, that distinguish between naturally occurring
27 background contaminants and contaminants that are at higher concentrations than surrounding
28 undisturbed soil due to pollution. In parts of the state, background levels for arsenic may exceed
29 allowable amounts and be present in surface water, drinking water, and groundwater that make its
30 way to municipal wastewater treatment facilities. State policy should recognize this fact and not hold
31 not require certification holders to reduce responsible for reducing any analyte or Total Maximum
32 Daily Load (TMDL) below background levels found in the environment.
33

34 ~~4.05 — WATER RESOURCES~~

35
36 ~~A. Restoring and improving clean water for future generations depends on controlling non-point sources,
37 avoiding water quality degradation, and continuing to provide wastewater treatment in a cost-
38 effective manner. The state must provide financial and technical support to municipalities in order to
39 implement the Clean Water Act and its associated TMDLs through locally appropriate watershed
40 plans and water management provisions that promote the health of the economy and the environment.~~

41
42 ~~B. All Vermont municipalities benefit from clean lakes and rivers. Implementation of TMDLs for waters
43 of the state, including Lake Champlain, must ensure that public dollars are spent in the most fair,
44 effective, and efficient manner to mitigate phosphorus and other TMDL regulated discharges.
45 Vermont must achieve tangible progress in reducing phosphorus and other TMDL regulated
46 discharges. All potential mitigation efforts should undergo a cost effective analysis, and
47 implementation should be prioritized based on that analysis.~~

48
49 ~~C. The legislature must direct ANR to work closely with the Environmental Protection Agency (EPA) to
50 develop a reasonable TMDL standard for phosphorus for Lake Champlain that will lead to a cleaner
51 lake, a more vibrant landscape, and a healthy economy. State policy must not require municipalities~~

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~~to construct treatment plants that meet the highest available technical standards for discharges to impaired waters, regardless of cost, because doing so won't measurably improve the health of those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a disproportionate share of costs. Instead, state and local governments, developers, farmers, and other stakeholders must reduce runoff from non-point sources.~~

~~D. ANR must enforce the provisions of the Wastewater System and Potable Water Supply Program, including requirements to repair or replace failed systems.~~

~~E. ANR must work with municipalities and the EPA to implement the "Integrated Planning Approach Framework" that provides for municipalities to prioritize Clean Water Act responsibilities and necessary investments in compliance, according to greatest need.~~

~~F. Initiatives to monitor and reduce nitrogen discharges from wastewater treatment systems discharging to the Connecticut River should not result in re-opening permits before their five-year terms are up, which may prohibit growth in locally or state-designated growth areas, and should include non-point discharges as part of the implementation plan for reducing nitrogen contributions to the Long Island Sound TMDL.~~

4.06~~5~~ AIR QUALITY AND ENERGY

~~A. Governments at all levels must implement policies, programs, and projects that conserve energy and minimize Vermont's carbon footprint by reducing consumption of fossil fuels. —while ensuring the supply remains reliable and minimize our carbon footprint by reducing our consumption of fossil fuels and promoting the use of local renewable energy resources.~~

~~B. The legislature should ensure that Vermont's energy- supply remains reliable and that the Public Service Board restores balance between the transition to renewable energy and the protection of land use priorities established in municipal plans and state land use goals.~~

~~BC. Encourage solar panels and other renewable or energy efficiency measures on all buildings where appropriate, and install them so as to not detract from a building's structural or design integrity. Such renewable or efficiency measures should be subject to existing local building, plumbing, and electrical codes and standards.~~

~~C. Expand the PACE programs to commercial properties. Urge Tthe Clean Energy Development Fund to should provide funding for renewable and energy efficiency improvements to municipal buildings and projects.~~

~~DC. The Public Service Department and legislature must establish mechanisms at the state level to ensure statewide compliance with the Vermont energy efficient building codes without imposing further mandates on municipalities.~~

~~ED. Accord automatic party status to affected adjacent municipalities as well as host municipalities in Section 248 proceedings. In the Certificate of Public Good (CPG) process, the Public Service Board (PSB) should give "substantial deference" to municipal concerns and determinations by holding hearings in any municipality potentially affected by a proposed project. In so doing, Tthe PSB should include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.~~

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1 ~~4.076~~ PUBLIC HEALTH

2
3 ~~A. Reinststate the Department of Health's program to support town health officers in their broad range of~~
4 ~~statutory responsibilities. Alternatively, amend Title 18 Chapter 11 to provide for the local legislative~~
5 ~~body to directly appoint a town health officer.~~

6
7 ~~B. Ensure that resources are available to the commissioner of the Department for Children and Families~~
8 ~~to provide services for persons in need of general or emergency assistance upon the referral of the~~
9 ~~town service officer; inform town service officers of those services. Establish Department for~~
10 ~~Children and Families support for town service officers.~~

11
12 ~~C. Authorize the municipal inspection of solar panel installations in communities that have electrical~~
13 ~~inspection requirements.~~

14 ~~4.086~~ HEALTH CARE

15
16
17 In 2011, the legislature passed Act 48, "An Act Relating to a Universal and Unified Health System." The
18 Act created a single-payer health system called "Green Mountain Care" to provide "*comprehensive,*
19 *affordable, high-quality, publicly financed health care coverage for all Vermont residents in a seamless*
20 *manner regardless of income, assets, health status, or availability of other health coverage.*" The
21 legislation intended to achieve this reform through "*the coordinated efforts of an independent board,*
22 *state government, and the citizens of Vermont, with input from health care professionals, businesses, and*
23 *members of the public.*"

24
25 Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing
26 universal coverage, it must contain medical costs and reduce administrative costs and burdens.
27 Implementation of Green Mountain Care and any system developed at the federal level must be measured
28 against the following criteria:

29
30 A. Avoid ~~and reduce~~ cost shifts from Medicaid and Medicare.

31
32 B. Provide a comprehensive and equitable health care system that ensures the same benefits for all.
33 Avoid provisions that allow for additional levels of benefit for only some.

34
35 C. Ensure that the system assigns financing, responsibility, and accountability to one place.

36
37 D. ~~Treat A~~all legislatively established health care mandates ~~must be treated~~ as public health issues with
38 public funding and accessibility for all.

39
40 E. Ensure that there are checks and balances in the new health care system. Establish a grievance process
41 that is outside the Green Mountain Care Board.

42

5.0 WATER RESOURCES

5.01 Total Maximum Daily Loads (TMDLs)

- A. Restoring and improving clean water for future generations depends on controlling non-point sources of pollution, avoiding water quality degradation, and continuing to provide wastewater treatment in a cost-effective manner. The state must provide financial and technical support to municipalities in order to implement the Clean Water Act and its associated total maximum daily loads (TMDLs) as well as Act 64 (H.35) through locally appropriate watershed plans and water management provisions that promote the health of the economy and the environment.
- B. All Vermont municipalities benefit from clean lakes and rivers. Implementation of TMDLs for waters of the state, including Lake Champlain, must ensure that there are sufficient state and federal dollars to achieve TMDL goals and that those dollars are spent in the most fair, effective, and efficient manner to mitigate phosphorus and other TMDL regulated discharges. All potential mitigation efforts should undergo a cost-effective analysis, and implementation should be prioritized based on that analysis.
- C. The legislature must direct the Agency of Natural Resources (ANR) to work closely with the U.S. Environmental Protection Agency (EPA) to develop a reasonable TMDL standard for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape, and a healthy economy. Requiring municipalities to construct treatment plants to meet the highest available technical standards for discharges to impaired waters, regardless of cost, will not measurably improve the health of those waters or help comply with the TMDL. Rather, it will saddle municipalities with a disproportionate share of the cost of the project. Instead, state and local governments, developers, farmers, and other stakeholders must reduce runoff from non-point sources of pollution.
- D. Initiatives to monitor and reduce nitrogen discharges from wastewater treatment systems discharging to the Connecticut River must not cause facility permits to re-open before their five-year terms are up. Such an action may prohibit growth in locally or state designated growth areas. 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.

5.02 Potable Water and Wastewater System Permitting

ANR must enforce the provisions of the Wastewater System and Potable Water Supply Program, including requirements to repair or replace failed on-site septic systems.

5.03 Prioritizing to Implement Environmental Projects

- A. ANR must work with municipalities and the EPA to implement the “Integrated Planning Approach Framework” that provides for municipalities to prioritize Clean Water Act responsibilities and necessary investments in compliance, according to greatest need.
- B. ANR should employ a system similar to the Integrated Planning Approach Framework, that allows municipalities to prioritize investments, based on their financial ability, to comply with state water quality requirements.

1 **5.04 Stormwater and Municipal Roads**
2

3 A. Do not permit any additions to the Agency of Transportation’s (VTrans’) Town Road and Bridge
4 Standards that result in undue increased maintenance and construction costs to municipalities.
5

6 B. The agencies of Transportation and Natural Resources should provide on-site collaboration and
7 technical assistance to municipalities that conduct road inventories so any prioritized projects comply
8 with the Municipal Roads permit in an economically feasible manner.
9

10 C. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts and
11 bridges, which are mandated by a state agency but are not eligible for funding from the Federal
12 Emergency Management Agency (FEMA) or other federal sources.
13

14 D. Promote through all means available—including a new funding program—the improvement of town
15 highways and bridges so they are properly engineered to mitigate the impacts of weather-related
16 disasters.