

DRAFT 2019-2020 VLCT MUNICIPAL POLICY

MUNICIPAL GUIDING PRINCIPLES

VLCT supports:

1. a robust ongoing partnership between state and local governments, and among state agencies;
2. local decision-making, including the adoption of fees and taxes; full implementation of municipal charter provisions upon local voters' adoption, and a home rule amendment to the Vermont Constitution;
3. delegation of administrative authority from state agencies to municipalities when capacity to effectively implement priorities is demonstrated;
4. local discretion in pursuing economic development activity;
5. maximum local flexibility in implementing state regulatory and statutory requirements;
6. the inclusion of local officials in discussions of changes in local response to emergency situations;
7. implementation of local planning decisions and collaboration between the state and municipalities to support policies that best meet the needs of cities and towns;
8. municipal authority to incorporate resiliency in plans, ordinances, and governance;
9. substantial deference to municipal planning, zoning, and siting decisions when state entities make permitting decisions;
10. state collection of fees and taxes assessed to implement statewide goals;
11. locally initiated and approved regionalization of services;
12. inter-municipal cooperation to achieve cost savings, and elimination of statutes or rules that prohibit or hinder such cooperation; and
13. local ability to provide law enforcement, fire protection, and emergency medical 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 being taken by the legislature or administration.

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

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VLCT supports funding and incentives for:

- A. payments in lieu of taxes (PILOT) based on fair market value;
- B. all transportation and municipal highway programs;
- C. programs to spur economic development at the local level including deference to locally implemented tax stabilization agreements;
- D. required stormwater management infrastructure;
- E. Department of Corrections (DOC) programs and initiatives to avoid adverse local government impacts resulting from criminal justice system decisions;
- F. sufficient beds, support services, and mobile crisis units to serve those with long- and short-term mental health or addiction needs;
- G. 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;
- H. housing and transportation of persons who present a danger to themselves or the public;
- I. reimbursing the cost to train municipal law enforcement officers who are hired by the state;
- J. education and training of local officials who are responsible for fulfilling state-mandated functions.

1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

1.01 K – 12 Education

Policy.

VLCT supports:

1. a simple and transparent education finance system that reduces and reforms the property tax burden over the long term and that more closely links voters' actions in approving budgets to the taxes they pay to fund their school districts;
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. reforming the education funding system so that the education property tax no longer severely constrains the ability to fund vital municipal services and priorities;
5. allowing proceeds from the state's portion of local options taxes to fund only PILOT for state-owned property specified in 32 V.S.A. § 3701(1); retain

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

6. the local legislative body appointing a replacement member to a consolidated school board in the event of a vacancy, until an election is held.

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;
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;
3. extension of locally implemented tax stabilization agreements to education tax obligations to encourage and promote economic growth;
4. providing every municipality the authority to adopt local option taxes through a vote of the local voters.

VLCT opposes any new state imposed property taxes.

1.03 Open Meeting, Public Records, and Election Laws

Policy.

VLCT supports:

1. applying the Open Meeting Law and Public Records Act to the legislative and executive branches of state government and to entities that receive state or municipal funding except those exempted based on a constitutionally-protected religious purpose;
2. making the following changes to the law:
 - increasing the requirement for posting minutes from five days to ten business days;
 - limiting posting requirements and penalties to statutorily and charter-required public bodies;
3. allowing municipalities to charge for the cost of staff time associated with complying with a request to inspect or copy public records and to require pre-payment for the cost of that staff time to ensure the availability and stewardship of public resources;
4. amending the Public Records Act to allow individuals or entities the right to request the same materials no more than twice during a 12-month period, and allowing a five-day initial response time;

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5. providing the option of posting legal notices on electronic news media to comply with requirements for open meeting, public records, and legal notices laws;
6. allowing a gap day without early voting or new voter registrations on the day before Election Day.

1.04 Protecting and Enhancing Municipal Finances

Policy.

VLCT supports:

1. developing a partnership with municipalities and regional entities to implement a state economic development strategy at all levels of government;
2. state payment of costs associated with defending the grand list and property tax collections – including appeals, attorneys’ fees, and abatements – in proportion to the state share of the overall property tax;
3. 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;
4. requiring municipal ratification of the county budget;
5. eliminating the mandate that local governments take over non-municipal cemeteries;
6. continued state funding of education for listers and assessors.

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.

2.0 TRANSPORTATION

2.01 Priority Issues for Implementation

Policy.

VLCT supports:

1. simplifying funding and program administration to maximize all state and federal dollars and alleviate burdensome processes at both the state and local level;
2. increasing the gas tax and dedicating new revenues to support municipal transportation obligations;
3. funding the Transportation Alternatives Program with state money;
4. applying Accelerated Bridge Construction (ABC) and design-bid-build process efficiencies to other programs and to all bridge projects unless there is a compelling reason not to use them;
5. encouraging adoption of the “Complete Streets” program, and incorporating Complete Streets principles into projects.

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VLCT opposes:

- 1 using any money from the Transportation Fund for non-transportation purposes;
2. using Transportation Fund money to pay for Agency of Natural Resources projects.

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 for clean water initiatives so ongoing transportation programs don't subsidize those mandates;
3. streamlining Municipal Assistance Bureau programs and establishing performance standards for all programs within VTrans;
4. ensuring that town highways and bridges are adequately engineered to achieve resiliency and stormwater standards.

2.03 State and Local Cooperation

Policy.

VLCT supports:

1. restoring District Transportation Administrators' flexibility and authority to work with local governments;
2. finalizing road design and traffic standards to better define approaches to downtown areas and enhance traffic and infrastructure needs for Vermont's villages and downtowns;
3. expanding VTrans painting operations to include painting all lines on paved Class 2 highways each year;
4. providing incentives to municipalities to take over state highways that function as their main streets;
5. cooperation between agencies and departments to implement community centered objectives of the Long Range Transportation Plan.

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;
2. requiring commercial and agricultural custom service vehicles to comply with all motor vehicle laws when operating on state and local highways.

2.05 Rail

Policy.

VLCT supports:

1. requiring all railroad-related projects to comply with environmental regulations, especially water quality requirements;
2. requiring rail companies to notify municipalities of hazardous materials they are transporting through or storing within a municipality'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 2021;
6. authorizing 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;
7. policies that empower municipalities to reduce local emissions, plan for and increase resiliency to the effects of climate change, and participate in the transition to a cleaner energy economy.

3.0 PUBLIC SAFETY

3.01 Priority Issues for Implementation

Policy.

VLCT supports:

1. initiatives that address the statewide shortage of public safety personnel, and creating new ways to recruit and retain those individuals;
2. law enforcement implementing principles of procedural justice and continued efforts to 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;
 - providing sufficient funding to make these goals successful.
3. providing public safety officials with the technology, authority, information, funding, and revenue to combat drugged driving and other drug-related crimes;

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4. providing statewide access to complete and affordable cellular and fiber optics service that benefits public safety and first responders, and builds the economy.

3.02 Corrections, Mental Health, and Addiction

Policy.

VLCT supports:

1. developing collaborative solutions among all affected stakeholders to handle incapacitated persons;
2. the DOC providing to local officials 30 days' notice of changes in offenders' status, particularly those at risk to re-offend, and collaboration with local officials in placement of a released person;
3. ensuring that offenders housed in community settings receive reasonable DOC supervision and access to support services that ensures the safety of the community;
4. adherence to municipal zoning in approving housing for offenders and locating adequate supervision and support services where offenders are lodged near the general population;
5. clarifying in Title 24 Chapter 117 that a "group home" does not constitute temporary housing for offenders;
6. authorizing corrections officers to serve citations and domestic abuse orders to offenders in a correctional facility in lieu of municipal police serving them.

3.03 Public Safety Funding

Policy.

VLCT supports:

1. funding to increase the availability of on-demand drug abuse and mental health treatment services;
2. authorizing local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, or testing requirement;
3. a moratorium on unfunded training requirements for volunteer first responders;
4. providing funding to municipalities to undertake drug investigations at the local level;
5. the state increasing the Medicaid reimbursement rates to better cover the actual cost of care;
6. providing funding to municipalities that choose to explore consolidate, integrate, or regionalize public safety services;
7. creating a systemic approach that financially supports both call handling and dispatch emergency services.

3.04 Public Safety Training

Policy.

VLCT supports:

1. providing adequate funding and resources to the Vermont Fire Academy, Vermont Police Academy, and the Department of Health for certified training programs and activities for all emergency services personnel;
2. determining if current statutorily mandated training mandates and the associated impacts on public safety personnel and agencies are current and necessary;
3. exploring flexible alternatives to the residential Vermont Police Academy recruiter training program;
4. providing tuition credits to municipalities that send students to the Vermont Police Academy, if those municipalities also contribute instructors or training assistants.

3.05 Safe Driving Initiatives

Policy.

VLCT supports:

1. directing resources to developing and implementing reliable roadside testing for law enforcement officials 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 18th birthday until the case is adjudicated.

3.06 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. in any discussion of marijuana regulation, addressing the impacts on cities, towns, and villages, including those on school populations, municipal first responders, municipal regulations, and municipal budgets;
3. maintaining the independent status and function of the E-911 Board.

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

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municipal plan for growth and development near jobs, services, and amenities.

4.02 Act 250 and Regulatory Programs

Policy.

VLCT supports:

1. delegating the responsibility for Act 250 to municipalities with duly adopted local zoning and subdivision regulations;
2. defining “local impact” and “regional impact” for development projects in Act 250;
3. assigning to district commissions review of only projects with regional impact and projects in municipalities which have adopted neither zoning nor subdivision bylaws;
4. retaining Act 250’s Criterion 10, conformance with a duly adopted local or regional plan or capital program adopted pursuant to 24 V.S.A. chapter 117;
5. eliminating so-called “legacy only” Act 250 jurisdiction over properties that would not otherwise trigger current Act 250 jurisdiction;
6. using an objective standard-based visual impact assessment in place of the Quechee analysis to determine aesthetic value in municipal plans, Act 250, and Section 248.

4.03 Growth and Local Land Use

Policy.

VLCT supports:

1. using adopted regional plans only as guidance documents to help municipalities implement duly adopted plans at the local level;
2. balancing environmental standards for relocation of lightly contaminated urban soil with state policy to encourage economic development and housing projects.

4.04 Telecommunications

Policy.

VLCT supports:

1. active participation by local governments in a transparent governance structure regulating development of cellular and fiber optics service and alternative connectivity solutions;
2. service that is complete, statewide, and affordable to municipalities and public safety first responders that builds Vermont’s economy and makes Vermont hospitable to a remote workforce.

4.05 Materials Management

Policy.

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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. 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;
3. infrastructure investments in downtowns, new town centers, villages, and any area in which state and local policies encourage economic development.

4.06 Energy and Environment

Policy.

VLCT supports:

1. policies that empower municipalities to reduce local emissions, plan for and increase resiliency to the effects of climate change, and participate in the transition to a cleaner energy economy;
2. reducing consumption of fossil fuels;
3. ensuring the reliability of Vermont's energy supply, 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 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. moving all renewable energy generation projects to Act 250 jurisdiction;
7. requiring the Public Utility Commission to give priority to renewable energy projects whose renewable energy credits remain in Vermont for use by Vermonters.

4.07 Health Care

Policy.

VLCT supports:

1. the universal availability of opioid addiction treatment on demand and without delay and the identification of funding sources to provide such services;
2. empowering municipalities to respond to opioid addiction-induced crises appropriately;

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3. requiring medical providers to 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 the population;
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;
9. continuing and expanding wellness activities that promote healthy lifestyles and the appropriate use of medical care;
10. requiring community hospitals to offer existing medical services.

5.0 WATER RESOURCES

5.01 Vermont Clean Water Act Funding and Implementation

Policy.

VLCT supports:

1. ensuring that funding sources are sufficient to pay for federal and Vermont Clean Water Acts’ priorities;
2. no-risk funding for early project development including research, planning, design, and scoping to ensure implementation of successful projects that will implement mandates such as Municipal Separate Storm Sewer System General Permit (MS4), Vermont’s Stormwater Total Maximum Daily Loads (TMDL), Combined Sewer Systems, and Municipal Road General Permits (MRGPs);
3. a statewide authority for the centralized collection of impervious surface or per parcel fees, development, and implementation of clean water projects.

5.02 Total Maximum Daily Loads (TMDLs)

Policy.

VLCT supports:

1. fair, effective, and efficient spending of local, state and federal dollars to achieve TMDL goals;
2. subjecting potential mitigation efforts to a cost-effectiveness analysis, with implementation based on that analysis;
3. reducing runoff from non-point sources of pollution on all properties;
4. requiring the Agency of Natural Resources (ANR) to automatically re-issue municipal permits for five-year terms if they have been expired without renewal for more than 180 days;

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5. timely responses from ANR at all levels and in all programs regarding conditions required in permits, and clear guidance for implementing conditions.

VLCT opposes

1. re-opening facility permits so as to amend them before their five-year terms expire;
2. adjusting wastewater treatment facility permit discharge limits to reflect their historical performance.

5.03 Potable Water and Wastewater System Permitting

Policy.

VLCT supports:

1. requiring ANR to enforce 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 guarantee public health by ensuring high quality potable water supplies;
3. in-state solutions to handling wastewater residuals and biosolids by providing for continued land application while preserving valuable and limited in-state landfill space;
4. redefining the term “waters of the state” to exclude constructed waterworks, sources of public water supplies, reservoirs, settling ponds and any infrastructure related to water supplies;
5. managing drinking water treatment residuals separately from wastewater residuals rules;
6. addressing the regulation of emerging contaminants in a science-based manner.

5.04 Prioritization to Implement Environmental Projects

Policy.

VLCT supports:

1. implementing integrated planning so municipalities can prioritize 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 provides for municipalities to prioritize permitting requirements and schedule municipal investments in achieving compliance based on financial ability;
3. limiting the rights of third parties to appeal approved integrated planning and implementation schedules.