



Office of Mayor Miro Weinberger

MEMORANDUM

To: City Councilors
From: Mayor Miro Weinberger
Date: September 5, 2013
Re: Vermont League of Cities and Towns (VLCT) Report

Please accept as a communication the draft Vermont League of Cities and Towns (VLCT) Municipal Policy Report for the 2014 Legislative Session. As you may recall, I serve on the VLCT Board of Directors, as have all recent Mayors. The report is scheduled to be ratified at the upcoming Town Fair in Killington on October 2 and 3, 2013.

The Mayor's Office welcomes your comments and suggestions on the report.

Thank you.

PREAMBLE

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4 ~~Despite being in better shape than much of the nation, Vermont today faces unprecedented~~
5 ~~challenges that range~~ from a declining fiscal health and a shrinking economy to the need for
6 sustainable infrastructure improvement, economic development and smart growth prospects,
7 environmental resource and emergency management, energy resources, corrections and public safety
8 strategy, and affordable health care. In all of these areas the state, federal, and local governments
9 must work together to proactively take advantage of opportunities and address challenges.

10
11 Neither Vermont nor any other state can rely on the federal government to uphold its obligations to
12 fund programs it has mandated to states and local governments.

13
14 In addition, Vermont has:

- 15 • limited taxing capacity and income;
- 16 • a small population that is not growing;
- 17 • a generally rural and aging population;
- 18 • a government and revenue raising structure that was largely developed to meet the demands
19 envisioned and resources available a half century ago;

20
21 Vermont must find ways to deliver government services to its citizens through the most efficient
22 means available. Shifting costs and obligations from state to local governments is not acceptable.
23 The state should solicit the opinions and utilize the expertise of the citizens who are being served
24 and who pay for government. Given the extended recession and never-ending pressures on both
25 municipal and state finances, municipal officials ~~local government~~ must be included in any discussion
26 that reassesses the functions of government and seeks innovative ways for Vermont to generate
27 revenues, deliver services and reduce the cost of delivering them.

28
29 Where this Municipal Policy is silent on a public policy issue affecting municipal government, it shall
30 be the position of the Vermont League of Cities and Towns to support provision of authority,
31 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 increasingly hard for municipalities to craft municipal budgets and then have the voters approve them. It is especially difficult regarding expensive and needed municipal improvements. Municipal officials who have to administer the \$1.5 billion plus property tax system and whose essential services and infrastructure needs are compelled to be overwhelmingly reliant on the property taxes. Unless changes are made to Act 60 and Act 68, the continuing pressure that led to the large 2013 increase in state property tax rates will only be the first of many significant and unsustainable property tax increases in the coming years. The increases in education property taxes we are experiencing are unsustainable.

Many aspects of education finance are being 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, are having to spend a good deal of time trying to 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 Act 60/68 (including ways in which it does not meet the *Brimham* decision) and then create a new education finance system that reduces and reforms the property tax burden. 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. With each passing year, the current education funding structure has an increasingly negative impact on the ability of municipalities to craft necessary budgets. Unless changes are made to Act 60 and Act 68, there will be a need for significant property tax increases in the next few years.

Given the facts that:

- Education finance is largely being controlled by the state;
- Each year the state has raided the Education Fund by failing to restrict the uses of the Education Fund to those originally specified in Act 60 and failing to fully fund the General Fund support of education originally specified in Act 68, and
- Local officials continue to spend significant time trying to understand, explain and implement the education finance system;

It is imperative that the legislature create a new education finance system that focuses on cost containment and that includes local officials in the decision-making process. Until then, there should be no uses to which Education Fund monies are put other than those currently listed in 16 V.S.A. § 4025(b) and the billing and collection of the state education property tax should remain at the local level.

1.02 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

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

1 1.03 LOCAL OPTION TAXES

2
3 The legislature should enable all cities, towns, and villages to adopt consumption taxes.

4
5 1.04 VERMONT TAX STRUCTURE OVERHAUL

6
7 The legislature should act to ensure that all three main components of Vermont's tax structure – income,
8 sales, and property – are thoroughly analyzed and reformed to be simpler, sustainable, equitable, balanced,
9 and make Vermont more economically competitive. Municipal officials should be fully involved in such an
10 analysis and reform process. Vermont's reformed tax structure should also include sufficient revenues to pay
11 for initiatives that local governments need but cannot afford. Since the state education property tax continues
12 to be controversial, no new state property taxes should be imposed until such reformed tax structure is
13 adopted. Additionally, until such reform is adopted, the state should either reimburse municipalities for all
14 state-mandated property tax exemptions or give voters the authority to impose municipal service fees on
15 those properties exempted by the state.

16
17 1.05 UNFUNDED MANDATES

18
19 The state should provide reimbursement for state mandates on or cost shifts to local governments. The Joint
20 Fiscal Office must prepare and make public a fiscal impact statement showing the administrative,
21 implementation, and service costs imposed on local governments before any state legislative or administrative
22 action affecting them can be approved.

23
24 1.06 PROTECTING AND ENHANCING MUNICIPAL FINANCES

- 25
26 A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set
27 in statute ~~in conjunction with their periodic review of state fees on a three-year cycle~~. Include significant
28 local input.
- 29
30 B. Ensure that the legislature increases existing or imposes new state agency fees assessed against
31 municipalities only when the agency can show a comparable increase in the costs, quality, or quantity of
32 the services provided.
- 33
34 C. Provide ways that the state can assist municipalities to get the highest interest income on their cash
35 investments while assuring low risk of loss.
- 36
37 D. Adopt a state economic development strategy, clearly communicate that strategy to municipalities and
38 regional entities, and then help them implement that strategy on the local, regional, and state levels.
- 39
40 E. ~~K. Require the state to pay its proportion of costs associated with defending the grand list and property~~
41 ~~tax collections, including appeals and abatements. The state should also pay the taxpayer directly for any~~
42 ~~education property taxes and interest required to be reimbursed due to a property valuation adjustment~~
43 ~~resulting from an appeal beyond the board of civil authority.~~
- 44
45 ~~O.F.~~ The state should reimburse municipalities for any local costs for implementation of any state election
46 law changes or reapportionment (including voter and election official education), as well as
47 subsequent administrative or technological costs. The implementation of any election law changes
48 must also satisfy the requirements of local election officials to have an election system that functions
49 smoothly and effectively on election day.

1 **1.07 MUNICIPAL AUTHORITY**

2
3 Vermont should join ~~42-44~~ other states ~~in~~ by enacting a constitutional “home rule” amendment as follows:
4 “A city, town, or village shall have the power, through approval by a majority of its voters, to adopt, amend,
5 and repeal a charter of incorporation. A charter may authorize the municipality to exercise any legislative
6 power or perform any function not specifically prohibited by the Vermont Constitution or general law. The
7 powers and functions granted to cities, towns and villages under this section shall be liberally construed.”
8

9 **1.08 PUBLIC RECORDS IMPACT ON MUNICIPALITIES**

- 10
11 ~~A. Make any non-profit organization that receives any government financial support, subsidy, or exemption~~
12 ~~from federal, state, or local taxation – except those exempted based on a constitutionally-protected~~
13 ~~religious purpose – subject to the state’s Open Meeting and Public Records laws.~~
14
15 B. Clarify that the Public Records Law allows municipalities to charge and collect the actual costs of staff
16 time associated with complying with a request to inspect or copy public records.
17
18 MC. Make property tax bills with homestead property tax adjustments public documents.
19
20 D. For public records requests estimated to cost \$100 or more, allow public agencies to require that 50
21 percent of the estimate be paid before the agency is required to produce the documents.
22
23 E. Allow individuals to request the same materials no more than twice during a 12-month period.
24

25 **1.0809 OTHER PRIORITIES**

26
27 In addition to the ~~seventy-eight~~ priority issues listed above, VLCT also supports legislation that would
28 accomplish the following:
29

- 30 A. Require municipal ratification of the county budget.
31
32 B. As VLCT and the legislature profess a belief in the principle of local control, allow local voters to
33 determine all issues pertaining to the collection of delinquent property taxes including the decision
34 whether or not to assess the delinquent property tax penalty to each late installment.
35
36 C. Require that all state rules, regulations, criteria and other administrative actions that impact the operations
37 of local government be implemented only after 30 days have passed following a publicly noticed hearing.
38
39 D. Allow towns to retain the authority to determine which generally accepted appraisal method to apply to
40 owner-occupied residences subject to a housing subsidy covenant for municipal taxation purposes.
41
42 E. Eliminate the mandate that local governments take over any non-municipal cemeteries.
43
44 F. Continue to implement mechanisms to exempt resident property tax owners with high unearned income
45 or high assets from receiving a property tax adjustment.
46
47 G. Prevent abuse of the current use program by restoring it to an agricultural and silvicultural preservation
48 program and not the tax avoidance mechanism it has become for many.
49
50 H. Encourage municipal efforts to achieve cost savings and efficiencies through cooperative activities and
51 eliminate any current statute or rule that prohibits or hinders that cooperation.
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~~I. Make any non-profit organizations that receive any government financial support, public, or otherwise from federal, state or local taxation except those exempted based on a constitutionally protected religious purpose subject to the state open meeting and public records laws~~

H. After June 30, the state Tax Department must be responsible for any changes to education tax property parcel classification or homestead property tax adjustment amounts and must deal directly with the taxpayer.

~~K. Require the state to pay its proportion of costs associated with defending the grand list and property tax collection, including appeals and abatement.~~

L. Clarify that the Public Records Law allows public agencies to charge and collect the actual costs of staff time associated with complying with a request to inspect or copy public records.

N. On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf of municipalities as employers.

~~O. The state should reimburse municipalities for any local costs for implementation of any state election law changes or reapportionment (including voter and election official education), as well as subsequent administrative or technological costs. The implementation of any election law changes must also satisfy the requirements of local election officials to have an election system that functions smoothly and effectively on election day.~~

TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

- A. ~~Continue to p~~Prevent any cuts and advocate for increases to Town Highway Aid payments, Class 2 Paving and Town Highway Structures grant programs, and the Town Highway Bridge Program.
- B. ~~Continue to prevent~~ ~~Stop~~ the transfer of money that is not specific to transportation matters from the Transportation Fund.
- C. Continue the cooperation and collaboration ~~within 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 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. Index taxes and fees for inflation ~~or convert tax rates to a percentage of fuel prices~~. Increase state ~~Transportation Fund tax rates and/or fees, including gas and diesel taxes, motor vehicle and truck fees,~~ and other revenue sources in order to sustain Transportation Fund revenues in the future.
- E. Develop alternative funding sources, including local option taxes with revenue sharing provisions, user fees, and revenue from General Fund sources.
- F. ~~Expand~~ 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.
- H. Develop a block grant-style program in place of the Local Transportation Facilities (LTF) program that allows federal and state funding of local projects to be utilized most efficiently in terms of project cost, time, and value. Such projects would be managed by local government, which would have the responsibility to see the project through to completion. Provide for an audit of any project funded through the program, but eliminate other levels of review prior to or during project construction. Fund applicable pilot projects.
- I. Make more opportunities available 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) to other programs.

2.02 FUNDING PRIORITIES

- A. Increase funding for the Class 2 Roadway Program, which allows for the greatest local management of projects.
- B. Increase state funding and expand eligibility for the Town Highway Bridge Program.
- C. 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.
- D. Increase state funding for Class 1 local highway rehabilitation or construction.
- E. Any project using federal dollars should be reimbursed at the federally allowed rates if the project includes undergrounding of utilities or moving water, sewer, and similar infrastructure. If VTrans

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

3
4 F. Instruct VTrans to partner with municipalities and other agencies to enhance the asset
5 management/project priority program to insure the importance of local and regional priorities and the
6 participation of local officials in selecting projects. Modify the project prioritization system to include
7 weight for the economic development impacts of a project including job creation, increase in tax
8 revenues, and increase in gross state product.

9
10 G. Increase state funding for public transit providers.

11
12 H. ~~Continue to provide~~ Provide more “park and ride” lots, subject to local regulation, and continue to
13 upgrade existing lots while providing for long-term maintenance.

14
15 I. Install traffic signs and signals on Class 1 town highways.

16
17 J. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts, that are
18 mandated by a state agency but not paid for by FEMA or other federal agencies.

19
20 K. Promote through all means available – including a new funding program – the improvement of town
21 highways and bridges so they are properly engineered to mitigate the impacts of weather-related disasters.

22
23 L. Provide additional funding assistance to town highways that serve state facilities and lands.

24
25 **2.03 STATE AND LOCAL COOPERATION**

26
27 A. Permanently expand the District Transportation Administrators’ (DTAs’) flexibility and authority to work
28 with local governments to ensure technical assistance and efficiency in implementing transportation
29 projects.

30
31 B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing Act
32 250 permits for maintenance and reconstruction projects.

33
34 C. Revise existing road design and traffic standards to better define village areas and respect the complex
35 traffic and infrastructure needs of Vermont’s villages and downtowns.

36
37 D. Share VTrans’ facilities and other resources (such as purchasing contracts) with municipalities.

38
39 E. Expand the state’s line painting operations on Class 2 highways to include the painting of all other lines
40 upon the request of a municipality when center and lane lines are being painted. Those lines should be
41 painted annually. Municipalities that request that service will pay the cost of painting those lines.

42
43 F. Modify the billboard law so that municipalities may hang temporary banners within the state highway
44 right-of-way advertising events and activities.

45
46 G. Establish fines and penalties for illegally possessing municipal road signs, signals, or markings.

47
48 H. The state shall not force municipalities to be co-applicants, sign management or maintenance agreements,
49 or accept responsibility for their state stormwater infrastructure.

50
51 I. Any additions to the VTrans Town Road and Bridge Standards should not result in undue increased
52 maintenance and construction costs to municipalities.

1
2 **2.04 COMMERCIAL VEHICLES**
3

- 4 A. Municipalities must retain their authority to issue permits to and impose fees on all overweight vehicle
5 traffic on local roads. Authorize municipalities to fine owners of locally permitted vehicles who violate
6 any such permit.
7
8 B. ~~Establish a permanent fund for the repair of town roads damaged by~~ Require agricultural custom service
9 ~~vehicles, which are exempt from having to obtain local overweight permits. The state must regulate~~
10 ~~commercial and custom agricultural service vehicles to comply with all motor vehicle laws in order to~~
11 ~~operate on state and local highways.~~

12
13 **2.05 ALTERNATIVE MULTI-MODAL TRANSPORTATION AND RAILROADS**
14

- 15 A. Spend funds allocated for rail or related projects solely on those projects. Maintenance of private rail
16 crossings is not a municipal obligation.
17
18 B. Encourage the state to coordinate with municipalities on state-managed projects regarding appropriate
19 siting of transportation infrastructure, including roundabouts, bike and pedestrian measures, and the
20 relocation of rail yards.
21
22 C. Encourage intermodal facilities that provide all combinations of transit suited to a municipality so as to
23 accommodate economic development.
24
25 D. Rail networks need to accommodate double-stack trains. Intermodal freight transfer centers must be
26 established at entry points to the state.
27
28 E. When selecting and developing transportation projects, the state must address access to commercial
29 airports.
30
31 F. Establish a state funding source, such as a revolving loan fund or grant program similar to the Class 2
32 Paving and Rehabilitation program, for the construction and repair of municipal sidewalks and recreation
33 paths. Provide access to these dollars to fund "Complete Street" portions of paving and rehabilitation
34 projects that may have other partial funding sources.
35
36 G. Liberalize a municipality's ability to use the revenues derived from its parking meters.

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. Vermont is a less safe place than it was as recently as ten years ago. Because drug-related crime in Vermont is a significant threat to the state's quality of life, provide public safety officials the tools and funding to combat, in a coordinated fashion, the growing drug culture.~~

B. Prohibit cost shifts and mandates to municipalities in public safety unless the state provides full reimbursement.

~~C. In particular, monitor legislative changes to Adequately fund Department of Corrections (DOC) programs and initiatives so their impacts criminal justice system decisions will not adversely impact on local government. Local governments should not need to address local problems that arise as the result of those decisions.~~

ED. Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services (EMS).

~~D. The legislature must clarify public records laws that regulate the release of information pertaining to arrests, personnel management, and other law enforcement activities.~~

DE. 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.

3.02 CORRECTIONS COMMUNITY

A. The DOC must provide open channels of communication so municipal officials are aware of any changes in the status of offenders in their municipalities and can notify the DOC of impacts to the community. The DOC must inform local officials of the circumstances of an incarcerated individual's release ~~and if it was the result of Acts 157 or 146 of 2010 (which sought to reduce incarcerated population numbers and notify local officials of persons released into a municipality) or Act 41 of 2011 ("War on Recidivism" legislation that was intended to keep low-level offenders out of prison on the premise that they would be less likely to re-offend than if they remained incarcerated).~~ Base sentencing for non-violent misdemeanors on evaluating the seriousness of the offense, risk, and the probability of recidivism.

~~B. The DOC must allow municipal officials to participate in the decision-making processes concerning the number and type of offenders released to and supervised in a community.~~

EB. Provide funding to ensure that offenders housed in community settings – including juveniles and individuals with drug or alcohol dependencies – receive adequate supervision by DOC personnel and adequate access to support services.

EC. Because many individuals with mental illness do not receive sufficient care, make additional funding available to their support services before they become a threat to themselves or others. Make mobile crisis units available to support the work of law enforcement and emergency services in crisis situations.

ED. Include the local public safety community in proposed host municipalities in decisions about where to place individuals under DOC supervision. The DOC must respect municipal zoning in approval of

1 housing for offenders, especially as it pertains to motels. The DOC should use public data-bases, such as
2 court records, to screen potential recipients of housing vouchers. Locate adequate supervision and wrap-
3 around support services where offenders are lodged in close proximity to one another and the general
4 population.

5
6 FF. Monitor the release of offenders so there is no undue adverse burden on any individual municipality.

7
8 GF. Ensure meaningful and swift sanctions for individuals who violate pre-trial conditions of release as well
9 as conditions of probation, parole, and furlough. Implement and fund a program for DOC to monitor
10 and supervise persons in violation of pre-trial conditions. This state obligation must not be shifted to
11 municipalities.

12
13 G. Update 18 V.S.A. § 7612, the statute for applying a law enforcement official or town service officer to
14 secure an immediate evaluation of a person who might pose a threat to him or herself or others.

15
16 **3.03 PUBLIC SAFETY FUNDING**

17
18 A. Authorize municipal emergency service agencies to recover all costs associated with complying with any
19 federal, state, or court-ordered licensing, registration, and testing requirements.

20
21 B. Fund and identify the housing and transportation needs of all persons who present a danger to
22 themselves or the public, such as mentally ill individuals or public inebriates.

23
24 ~~C. Compel the state to~~ Reimburse municipalities for costs of providing emergency medical services for all
25 persons lodged in state-owned facilities, including those who are incapacitated.

26
27 D. Extend the availability of state funding for the operation of public safety answering points (PSAPs) to
28 municipal PSAPs in an amount proportional to the volume of E-911 calls processed by each PSAP.

29
30 ~~E. Restore adequate~~ Increase funding for the Community Drug Interdiction Program (CDIP) and the state
31 drug task force that helps pay law enforcement expenses incurred in drug enforcement.

32
33 F. Grant municipalities authority to enact ordinances that compel motor vehicle insurers to pay claims filed
34 by fire and rescue personnel responding to incidents involving vehicles.

35
36 **3.04 PUBLIC SAFETY TRAINING**

37
38 A. Provide the Vermont Fire Academy adequate funding for certified training programs for all full-time,
39 part-time, and volunteer firefighters, as well as sufficient resources (manpower, equipment, etc.) to
40 support the certified training activities. Address the particular needs and constraints of volunteer
41 firefighters.

42
43 B. Provide sufficient funding to the Criminal Justice Training Academy to stimulate participation in in-
44 service training programs sponsored by the Criminal Justice Training Council, including supervisory
45 training.

46
47 C. Reimburse municipalities for the costs of training law enforcement officers who are hired by the state
48 police.

49
50 D. Provide appropriate, affordable, and flexible training for all public safety personnel. Pay for any training
51 requirements mandated for local first responders.

- 1 E. Provide tuition credits to municipalities that contribute employees to instruct and/or act as training
2 assistants at the Criminal Justice Training Academy.
- 3
- 4 F. Include all users of the Criminal Justice Training Academy in any efforts to review and reorganize the
5 structure and funding for local first responder provider training.
- 6
- 7 G. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training
8 Council.
- 9

10 3.05 PUBLIC SAFETY EMERGENCY RESPONSE

11
12 As ~~has been~~ amply demonstrated in ~~recent~~~~the 2011~~ weather-related disasters, municipalities are on the front
13 lines of response to calamities, particularly in their immediate aftermath ~~of such an event~~. The state must
14 partner with municipal officials in planning and executing responses to disasters, both those that merit a
15 national response and those that are localized in scale.

- 16
- 17 A. ~~As the new state emergency plan is developed,~~ Include local personnel in discussions about changes in
18 laws or regulations governing how local public safety and emergency management personnel respond to
19 emergency incidents, particularly those involving hazardous materials.
- 20
- 21 B. Consult with municipal officials to support and fund development of an early warning system for
22 hazards, pandemics, and public safety emergencies as well as deployment of communications systems,
23 protocols, and capacity.
- 24
- 25 C. Develop an emergency response fund to cover non-transportation-related disaster recovery costs
26 incurred by local governments that do not meet Federal Emergency Management Agency (FEMA)
27 thresholds.
- 28
- 29 D. Establish an electronic data system to provide public safety and emergency management personnel
30 accurate and timely information.
- 31
- 32 E. Support the continued development and sustainability of an interoperable communications system that
33 allows all emergency service agencies and personnel to communicate with one another in emergency
34 situations. Develop the system in an efficient and cost-effective manner, not as the result of an unfunded
35 mandate.
- 36
- 37 F. Provide seed funding or other incentives to create a program for municipally run regional public safety
38 services.
- 39
- 40 G. The state should help with the administrative costs and burdens of securing funds to help with municipal
41 emergency response and long-term recovery efforts ~~from weather-related in the aftermath of Tropical~~
42 ~~Storm Irene and other disasters.~~
- 43
- 44 H. Authorize municipal fire departments to mount a blue signal lamp on the rear of a municipal fire
45 department vehicle so as to be visible from behind the vehicle.
- 46
- 47 I. The state should provide local emergency responders with clear authority, resources, and training to
48 initiate search and rescue operations when called upon, and to be partners in any coordinated operations
49 undertaken with state, county, and other municipal agencies.
- 50

201413 DRAFT VLCT MUNICIPAL POLICY

1 J. Recognizing (a) the value to the state of voluntary fire departments, (b) the potential endangerment to the
2 travelling public, and (c) the likelihood that other laws might be broken in seeking to comply, no law
3 mandating the response time for fire departments or EMTs should be enacted.

4
5 K. The state should not mandate that municipalities must prepare emergency medical services plans or
6 provide emergency management services without adequate state funding and technical support.
7

8 **3.06 SAFE DRIVING INITIATIVES**
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10 A. Extend the ban on ~~the use of~~ voice communication with hand-held electronic devices (e.g. cell phones)
11 while operating a motor vehicle to all drivers; make violations of the prohibition a primary offense.
12

13 B. Enact primary enforcement of the seat belt law.
14

15 C. Strengthen graduated driving license requirements by providing that sanctions levied upon a driver under
16 18 who has been charged with a motor vehicle violation should continue past the driver's 18th birthday
17 until the case is adjudicated.
18

19 **3.07 LAW ENFORCEMENT ISSUES**
20

21 A. ~~Because Vermont's "Fugitive from Justice" (persons with outstanding warrants for arrest in other states)~~
22 ~~procedures are considered complicated, time-consuming, and redundant;~~ Allow a law enforcement
23 ~~officer to make an~~ streamline the procedures for establishing reasons to arrest based on a warrant from
24 another state.
25

26 B. Develop innovative and cost-effective models for collaboration among state police officers, sheriffs, and
27 municipalities.
28

29 C. ~~Consider establishment of~~ Establish determinate sentencing for persons whose dealing drugs or
30 importing them to Vermont; and those who using a weapon in the commission of a crime. Expand the
31 model rapid intervention and arraignment programs currently being used in Chittenden County;
32 statewide.
33

34 D. Enact a ~~state~~ law prohibiting a felon from possessing a firearm so that such an offense may be
35 prosecuted under state law in addition to federal law.
36

37 E. ~~Support law enforcement's access to the prescription drug database.~~
38

39 ~~E.~~ Indemnify any law enforcement agency providing field training to a constable.
40

41 ~~GF.~~ Law enforcement agencies must be involved in development of policies, standards, and training &
42 should determine for the deployment and usage of Tasers and other electronic control devices. The
43 use of Tasers or other electronic control devices shall not be considered use of deadly force.

QUALITY OF LIFE AND ENVIRONMENT

4.01 HEALTH CARE

In 2011, the legislature passed H.202 (Act 48), "An Act Relating to a Universal and Unified Health System." The intent is to create a single-payer health system called "Green Mountain Care" that will provide comprehensive, affordable, high-quality, publicly-financed health care coverage for all Vermont residents in a seamless manner regardless of income, assets, health status, or availability of other health coverage." The legislation intends to achieve this reform through "the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health care professionals, businesses, and members of the public."

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

- Avoid and reduce cost shift from Medicaid and Medicare.
- Provide a comprehensive, equitable health care system that ensures the same benefits for all and avoid provisions that allow for additional levels of benefit for some.
- To be successful, the system must assign financing, responsibility, and accountability to one place.
- All legislatively established health care mandates must be treated as public health issues with public funding and accessibility for all.

4.012 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 to other areas designated in the adopted municipal plan for growth and development that are near jobs, services, and amenities; ~~thus minimizing~~ Incentives and programs should ~~also~~ encourage housing that is designed and built to minimize impacts the impact of development on natural resources and ~~that~~ encouraging takes advantage of public investment in infrastructure and technology that supports sustainable growth and economic development.

B. ~~Going forward,~~ The legislature should allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200 statute, which is 40 percent of new revenue generated from the increase in the property transfer tax established in Act 200.

C.—The legislature and Department of Health should 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 and for training in Vermont.

D. The state must continue to support Property Assessed Clean Energy (PACE) programs, all fuel* utilities, and establish mechanisms at the state level to ensure compliance with the state's enforce energy efficient building codes. The state should establish methods that provide for statewide implementation without imposing further mandates on municipalities.

4.023 ACT 250 AND STATE PERMITS

Vermont municipalities support efforts to make the permit process more efficient. The following principles should guide those reform efforts:

- A. Consolidate, coordinate, and expedite all state permit processes required for all projects.

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- 1
2 B. If a local or state permit decision is made subsequent to appropriate hearing and review, issues addressed
3 in that decision should not be revisited in another forum such as Act 250.
4
5 C. ~~First Define~~ Define “local impact” and “regional impact” for development projects in Act 250, by ~~Then~~
6 comprehensively examining Act 250 jurisdiction over projects with local and regional impacts. This
7 evaluation should include recommendations for jurisdictional thresholds and levels of review that are
8 commensurate with the potential impact of a project.
9
10 1. Eliminate Act 250 review of projects ~~with local~~ without regional impact in municipalities that have in
11 place duly adopted municipal plans approved by the regional commission and zoning and subdivision
12 regulations, if the local legislative body votes to eliminate such review.
13
14 2. ~~Assign Review of~~ Assign review of projects that have regional impact and that are expected to affect regional interests
15 ~~to district commissions if a duly adopted regional plan is in place.~~
16
17 ~~3. Provide state-level review of projects that have statewide impact.~~
18
19 D. ~~Consult district commissioners should be consulted when in the hiring and evaluating of~~ district
20 ~~environmental coordinators.~~
21

22 4.034 GROWTH AND LOCAL LAND USE

23
24 The state must provide local governments the authority to manage growth and land use in their
25 municipalities.
26

- 27 A. ~~Going forward, An~~ Allocate one-half of all property transfer tax revenue in excess of that generated by a
28 ~~tax rate of one-half percent~~ to cities and towns for municipal planning purposes; at the rate established
29 in as stipulated in Act 200.
30
31 B. ~~Provide incentives to spur development in locally planned growth centers as well as designated~~
32 ~~downtowns, new town centers, or village centers. Provide for expanded geographical designations of~~
33 ~~village centers, designated downtowns, or new town centers that facilitates the most productive use of~~
34 ~~economic development tools. Facilitate development that revitalizes traditional downtowns, promotes~~
35 ~~smart growth, and mitigates damage that may be caused by natural or manmade disasters.~~
36
37 C. Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities (24
38 V.S.A. § 4413 (d)), including the construction and use of farm structures, through zoning bylaws.
39
40 D. Any facility that is owned or leased by a federal or state governmental entity must comply with the
41 municipality's approved plan and zoning bylaws. The governmental entity must advise the municipality of
42 any change it wants to make to a facility before it does so. The state should provide a master management
43 plan for all structures it owns or leases.
44
45 E. Enable municipalities to establish incentives and requirements to develop affordable housing and
46 encourages economic development that allows people to stay in Vermont.
47
48 F. ~~Expand the number of tax increment financing districts (TIFs). Simplify the TIF Program in order to~~
49 ~~enable smaller municipalities to use this economic development tool, reduce the possibility of disputes~~
50 ~~between the state and municipalities over use of tax revenues, reduce the cost of administration of the~~
51 ~~program and recognize the critical role that TIFs could play in securing Vermont's economic future.~~
52 ~~Make additional tools available to municipalities to encourage economic development.~~

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4.045 SOLID WASTE AND WASTEWATER

- 1
2
3
4 A. Hold municipalities harmless from liability for hazardous materials incidents at their facilities they permit
5 ~~and that conform which are in conformance with~~ to all state and federal permits and regulations.
6
7 B. Ensure that the State of Vermont's rules, regulations, and guidelines are flexible enough to enable local
8 governments to determine the most appropriate collection, storage, and treatment methods for sewage,
9 solid waste, wastewater, and recyclables.
10
11 C. Immediately issue all outstanding solid waste, water supply, wastewater, and stormwater facility permits
12 and certifications and thereafter issue such permits in a timely manner. Regulate the entire treatment
13 process in a single permit. Issue permits for facilities based on the useful life or capacity of the facility,
14 not in five-year increments.
15
16 D. The Agency of Natural Resources (ANR) must establish consistent standards for allocating water and
17 wastewater capacity to projects, relinquish all involvement in allocating municipal water or wastewater
18 resources, including charging and collecting of permit fees.
19
20 ~~E. When a municipality acquires a site at a tax sale or when it acts as a lien holder of a site that is known to~~
21 ~~be contaminated, it should not be held civilly or criminally liable for hazardous contamination at the site~~
22 ~~at the time of acquisition.~~
23
24 E. The Departments of Health and Environmental Conservation must coordinate regulations regarding safe
25 management and disposal of lead paint that is removed from buildings.
26
27 F. Do not amend the statutes regulating disconnection of water and sewer service, which protect the interests
28 of municipalities, tenants and landlords.
29

4.056 WATER RESOURCES

- 30
31
32 A. Clarify that the highest priority use of Vermont water resources is to provide clean and sufficient supplies
33 of public drinking water.
34
35 ~~BA.~~ The state should provide financial and technical support to municipalities in order to implement the
36 Clean Water Act through locally appropriate watershed plans and stormwater management provisions
37 that promote the health of the economy and the environment.
38
39 ~~EB.~~ The legislature must direct ~~the Agency of Natural Resources ANR~~ to work closely with the
40 Environmental Protection Agency (EPA) to develop a reasonable Total Maximum Daily Load (TMDL)
41 standard for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape,
42 and a healthy economy. State policy must reflect that requiring municipalities to bear a disproportionate
43 percentage of clean-up costs for discharges to impaired waters by requiring them to construct treatment
44 plants that meet the highest available technical standards, regardless of cost, will not effectively improve
45 the health of those waters or significantly advance TMDL compliance. State policy must not require
46 municipalities to construct treatment plants that meet the highest available technical standards, regardless
47 of cost, for discharges to impaired waters, because doing so won't measurably improve the health of
48 those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a
49 disproportionate share of costs. Instead therefore, state and local governments, developers, farmers, and
50 other stakeholders must ~~concentrate their efforts on reducing~~ stormwater runoff from non-point
51 sources.
52

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1 ~~C.~~ The Agency of Natural Resources must enforce the provisions of the Wastewater System and Potable
2 Water Supply Program, including requirements to repair or replace failed systems.

3
4 D. Shoreland zoning ordinances enacted at the municipal level with threshold standards of protection should
5 regulate the uses in those protected areas. The state should be sensitive to municipal functions within
6 shoreland areas such as downtowns that border lakeshores.

7
8 E. ANR must work with municipalities and the EPA to implement the "Integrated Planning Approach
9 Framework" that provides for municipalities to prioritize Clean Water Act responsibilities and necessary
10 investments in compliance according to greatest need.

11 12 **4.067 AIR QUALITY AND ENERGY CONSERVATION**

13
14 A. Governments at all levels must ~~work to~~ implement policies, programs, and projects ~~that~~ conserve
15 energy ~~while ensuring its supply remains reliable~~ and minimize ~~our~~ carbon footprint by reducing ~~our~~
16 consumption of fossil fuels and promoting the use of local renewable energy resources.

17
18 B. Encourage solar panels and other renewable or energy efficiency measures on all buildings where
19 appropriate, and install them so as to not detract from a building's integrity. Such renewable or efficiency
20 measures should be subject to existing local building, plumbing and electrical codes and standards.

21
22 C. Expand the PACE Program to commercial properties. The Clean Energy Development Fund should
23 provide funding for renewable and energy efficiency improvements to municipal buildings and projects.

24
25 D. In the Certificate of Public Good process, the PSB should give "substantial consideration" to municipal
26 concerns and determinations by holding hearings in any municipality potentially affected by a proposed
27 project. The PSB should include all local decisions concerning the project within the PSB docket,
28 formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision
29 to address local concerns raised in local determinations and adopted municipal plans.

30 31 32 **4.078 PUBLIC HEALTH**

33
34 A. Reinstate the Health Department's program to support town health officers in their broad range of
35 statutory responsibilities. If the Health Department does not reinstate that support, amend Title 18
36 Chapter 11 to require the local legislative body to directly appoint a town health officer.

37
38 B. Ensure that resources are available to the commissioner of the Department for Children and Families to
39 provide services for persons in need of general or emergency assistance upon the referral of the town
40 service officer and that town service officers are informed of those services. Establish Department for
41 Children and Families support for town service officers.

42
43 C. Authorize the municipal inspection of solar panel installations in communities that have electrical
44 inspection requirements.

45 46 **4.08 HEALTH CARE**

47
48 In 2011, the legislature passed H.202 (Act 48), "An Act Relating to a Universal and Unified Health System."
49 The Act created a single-payer health system called "Green Mountain Care" that will provide "comprehensive,
50 affordable, high-quality, publicly financed health care coverage for all Vermont residents in a seamless manner regardless of
51 income, assets, health status, or availability of other health coverage." The legislation intended to achieve this reform

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1 through “the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health
2 care professionals, businesses, and members of the public.”

3
4 Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing
5 universal coverage, it must contain medical costs and reduce administrative costs and burdens.
6 Implementation of Green Mountain Care and any system developed at the federal level must be measured
7 against the following criteria:

- 8
9 • Avoid and reduce cost shift from Medicaid and Medicare.
10 • Provide a comprehensive, equitable health care system that ensures the same benefits for all.- Avoid
11 provisions that allow for additional levels of benefit for only some.
12 • The system must assign financing, responsibility, and accountability to one place.
13 • All legislatively established health care mandates must be treated as public health issues with public
14 funding and accessibility for all.
15 • Ensure that there are checks and balances in the new health care system. Establish a grievance process
16 that is outside the Green Mountain Care Board.