



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;
- 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. Act 46 (H.361), passed this year, does 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 too much 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 analyze the issues within Acts 60/68 (including ways in which they do not meet the *Brigham* decision), and now Act 46, and then create a new education finance system that reduces and reforms the property tax burden. The legislature should assess Act 46's success in curbing the rate at which education property taxes increase and establish the target rate of increase that will define the legislation's success. 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, and balanced and 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 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.

1.03 OPEN MEETING LAW CHANGES

Several changes to the Open Meeting Law must be made to make the law workable for municipal government:

- Require a roll call vote for anyone participating in a meeting telephonically only if the voice vote is not unanimous;
- Increase the five-day requirement for posting minutes to ten business days;
- Limit mandatory application of the 2014 amendment's posting and penalty requirements to statutory- and charter-required public bodies; make other municipal public bodies, including committees and subcommittees of public bodies, comply with the law as it existed before July 1, 2014 and;

- Provide sustainable funding for an educational program to acquaint municipal officials with the Open Meeting Law's requirements.

1.04 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 (ANR) land, capital city, and Department of Corrections 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.

1.05 LOCAL OPTION TAXES

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

1.06 UNFUNDED MANDATES

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

1.07 PROTECTING AND ENHANCING MUNICIPAL FINANCES

- A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set in statute on a three-year cycle. Include significant local input.
- B. Ensure that the legislature increases existing or imposes new state agency fees assessed against municipalities only when the agency can show a comparable increase in the costs, quality, or quantity of the services provided.
- C. Provide ways for the state to help municipalities get the highest interest income on their investments while continuing to ensure low risk of loss.
- D. Clearly communicate the state economic development strategy to municipalities and regional entities and engage them in a partnership to implement that strategy on the local, regional, and state levels.
- E. Require the state to pay its portion of costs associated with defending the grand list and property tax collections, including appeals and abatements. The \$150,000 appropriation to defend appeals from reappraisals of TransCanada Hydro Northeast, Inc. properties along the Connecticut and Deerfield Rivers is a good start in that direction. The state should also pay the taxpayer directly for any education property taxes and interest required to be reimbursed due to a property valuation adjustment resulting from an appeal beyond the board of civil authority.
- F. 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.

- G. Make statutory changes that enable cities and towns to better manage end-stage blighted properties and tax sale transactions.

1.08 MUNICIPAL AUTHORITY

- A. Municipal charters and amendments thereto, properly adopted by cities, towns, and villages, should take effect one year after their approval without a vote by the legislature, unless both houses of the legislature vote by majority to take up the municipal charter or amendment for consideration. Upon enactment of this provision, the legislature could vote to take up the charter or amendment only if the proposal contains provisions never previously approved by the legislature.
- B. Any enabling authority to create new general purpose regionally based governmental entities must ensure that:
 - 1. To be eligible to serve on the new regional governance entity's governance board, a person must be elected to or appointed by the local legislative body.
 - 2. The new regional governance entity is created by vote of municipalities who choose to be members, with the governance structures determined by those member municipalities.
 - 3. Enabling authority is made part of the union municipal district statute (24 V.S.A. Chapter 121).
- C. Vermont law provides for municipalities to adopt conflict of interest policies or ordinances, including enforcement mechanisms, either by action of the local legislative body or by petition of the voters. Authority to address ethical lapses at the local level must be retained at the local level of government.

1.09 PUBLIC RECORDS IMPACT ON MUNICIPALITIES

- A. Make any non-profit organization that receives government financial support, subsidy, or exemption 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.
- B. Clarify that the Public Records Law allows municipalities to charge for and collect the actual cost of staff time associated with complying with a request to inspect or copy public records. Allow a public agency to require pre-payment for the cost of staff time involved in producing documents for inspection.
- C. Make property tax bills with homestead property tax adjustments public documents.
- D. Amend the Public Records law to allow individuals to request the same materials no more than twice during a 12-month period.

1.10 OTHER PRIORITIES

In addition to the priority issues listed above, VLCT also supports legislation that would accomplish the following:

- A. Require municipal ratification of the county budget.
- B. Allow local voters to determine all issues pertaining to the collection of delinquent property taxes, including the decision whether or not to assess the delinquent property tax penalty to each late installment.
- C. Require that all state rules, regulations, criteria and other administrative actions that impact the operations of local government be implemented only after 30 days have passed following a publicly noticed hearing.

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- D. Eliminate the mandate that local governments take over any non-municipal cemeteries.
- E. Continue to implement mechanisms to exempt resident property owners with high unearned income or assets from receiving a property tax adjustment.
- F. Prevent abuse of the current use program by restoring it to an agricultural and silvicultural preservation program and not the tax avoidance mechanism it has become for many.
- G. Encourage municipal efforts to achieve cost savings and efficiencies through cooperative activities and eliminate any current statute or rule that prohibits or hinders that cooperation.
- H. After June 30, the Department of Taxes 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.
- I. On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf of municipalities as employers.
- J. Give town voters the authority to choose to appoint town clerks and treasurers instead of electing them.
- K. Eliminate the requirement for municipal officials to complete the State Auditor's Internal Control Checklist for Vermont towns.
- L. 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.

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 VTtrans and other state agencies pay their fair share of local stormwater fees.
- C. Continue to prevent the transfer of money to non-transportation purposes from the Transportation Fund.
- D. Ensure communication among all Agency of Transportation (VTtrans) 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.
- E. Increase the gas tax to take advantage of the low price of gas and dedicate revenues to meeting municipal stormwater obligations. Implement additional recommendations of the 2013 Vermont Transportation Funding Options Section 40 Report, completed in compliance with Act 153 of 2012, in order to sustain Transportation Fund revenues in the future.

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- F. Streamline the process for the Local Transportation Facilities (LTF) program to utilize funding 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.
- G. 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.
- B. Expand funding to the Municipal Assistance Bureau and Better Backroads program for training and assistance to municipalities.
- C. Reimburse any project using federal dollars at the federally allowed rate if it includes undergrounding of utilities or moving water, sewer, and similar infrastructure. If VTrans mandates moving water and sewer infrastructure for transportation projects, the agency must reimburse municipalities for those costs.
- D. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts and bridges, which are mandated by a state agency but are not eligible for funding from FEMA or other federal sources. Insist that town highways and bridges be adequately engineered to mitigate the impacts of any weather-related disaster.

2.03 STATE AND LOCAL COOPERATION

- A. Expand the District Transportation Administrators' (DTAs') flexibility and authority to work with local governments to ensure technical assistance and efficiency in implementing transportation projects.
- B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing Act 250 permits for maintenance and reconstruction projects.
- C. Revise existing road design and traffic standards to better define village areas and respect the traffic and infrastructure needs of Vermont's villages and downtowns.
- D. Urge VTrans to partner with municipalities and other agencies to enhance the asset management/project priority program to ensure the importance of local and regional priorities and the participation of local officials in selecting projects. Modify the project prioritization system to account for the economic development impacts of a project such as job creation and increased tax revenues.
- E. Expand the state's line painting operations on Class 2 highways to include the annual painting of all lines.
- F. Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.
- G. Exempt municipalities from having to sign management or maintenance agreements as co-applicants or accept responsibility for the state's stormwater infrastructure on state projects.

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- H. Any additions to the VTrans Town Road and Bridge Standards should not result in unfunded maintenance and construction costs to municipalities.
- I. Collaborate with municipalities to develop and implement a policy that ensures consultation with host municipalities on the removal or placement of trees or public safety improvements such as traffic calming devices or blinking crosswalk signs in the state right-of-way.

2.04 COMMERCIAL VEHICLES

- A. Urge the state to institute a statewide process for permitting overweight or oversized vehicles on Vermont's local roads. Authorize municipalities to fine owners of permitted vehicles who violate or do not obtain any such permit.
- B. Require commercial and agricultural custom service vehicles to comply with all motor vehicle laws in order to operate on state and local highways, thereby eliminating highway erosion and public safety risks caused by their operation.

2.05 MULTI-MODAL TRANSPORTATION

- A. Establish a state funding source—such as a revolving loan fund or grant program similar to the Class 2 Paving and Rehabilitation program—for the construction and repair of municipal sidewalks and recreation paths. Provide access to these dollars to fund “Complete Street” portions of paving and rehabilitation projects that may have other partial funding sources.
- B. Spend funds allocated for rail or related projects solely on those projects. Do not allow the maintenance of private rail crossings to be a municipal obligation.
- C. Encourage the state to coordinate with municipalities on state-managed projects regarding appropriate siting of transportation infrastructure, including roundabouts, bike and pedestrian measures, and the relocation of rail yards. Ensure funding is available to pay for required stormwater management infrastructure at the time projects are constructed or re-constructed.

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, 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. Fully and appropriately fund Department of Corrections (DOC) programs and initiatives so criminal justice system decisions will not adversely impact local government.
- C. In any discussion of legalization of marijuana, the legislature should identify the effects on cities, towns and villages, to include impacts on local school populations, municipal police, first responders, municipal ordinances and municipal budgets. Do not expand exemptions to Act 76, Vermont's 2013 law addressing the possession of small quantities of marijuana. Oppose the legalization of marijuana.

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- D. 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 host municipality public safety and human resources 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. 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 decision about where to place a released person.
- B. Provide funding to ensure that offenders housed in community settings—including juveniles and individuals with drug or alcohol dependencies—receive appropriate DOC supervision and appropriate access to support services.
- C. Because many individuals with mental illness do not receive sufficient care, make additional funding available for 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.
- D. DOC must respect municipal zoning in approving housing for offenders. Locate adequate supervision and wrap-around support services where offenders are lodged in close proximity to one another and the general population.
- E. Coordinate with municipal law enforcement and monitor the release of offenders, especially those no longer under the supervision of DOC, so there is no undue adverse burden on any individual municipality.
- F. Update 18 V.S.A. § 7505, the statute for a law enforcement official or town service officer to secure an immediate evaluation of a person who might pose a threat to him or herself or others.
- G. Provide authority to corrections officers to serve citations and domestic abuse orders to offenders in the custody of DOC in lieu of municipal police serving that paperwork at a correctional facility.

3.03 PUBLIC SAFETY FUNDING

- A. Authorize local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, or testing requirement.
- B. Identify and fund the housing and transportation needs of all persons who present a danger to themselves or the public, such as mentally ill individuals or public inebriates.

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- C. Reimburse municipalities for uninsured costs of providing emergency medical services for all persons lodged in state-owned or funded facilities, including those who are incapacitated.
- D. Extend the availability of state funding for the operation of public safety answering points (PSAPs) to municipal PSAPs in an amount proportional to the volume of E-911 calls processed by each PSAP.
- E. Restore adequate funding for the Community Drug Interdiction Program (CDIP) and the state drug task force that helps pay law enforcement expenses incurred in drug enforcement.

3.04 PUBLIC SAFETY TRAINING

- A. Provide the Vermont Fire Academy adequate funding for certified training programs for all full-time, part-time, and volunteer firefighters, as well as sufficient resources (manpower, equipment, etc.) to support certified training activities. Address the particular needs and constraints of volunteer firefighters with respect to time, expense, and training obligations.
- B. Reimburse municipalities for their costs of training law enforcement officers who are then hired by the state police.
- C. Pay for training requirements mandated for local first responders. Regionalize and diversify the delivery system for the continuing education of public safety personnel. Consider certification and training costs before enacting mandates.
- D. Provide tuition credits to municipalities that send students to the Criminal Justice Training Academy for training if those municipalities also contribute employees who provide instruction or act as training assistants there.
- E. Include all users of the Criminal Justice Training Academy in any discussions to reorganize the structure and funding for local first responder provider training.
- F. The state should assume workers' compensation liability when an officer is injured at the Police Academy in the course of training.

3.05 PUBLIC SAFETY EMERGENCY RESPONSE

- A. Include local personnel in discussions about changes in laws or regulations governing how local public safety and emergency management personnel respond to emergency incidents, particularly those involving hazardous materials.
- B. Create an emergency response fund to cover non-transportation-related disaster recovery costs incurred by local governments that do not meet Federal Emergency Management Agency (FEMA) thresholds.
- C. Provide seed funding or other incentives to create a program for municipally run regional public safety services.
- D. Do not enact a law mandating a response time for fire departments or EMTs, as such a law may endanger the traveling public and diminish the value of Vermont's volunteer fire departments.

3.06 SAFE DRIVING INITIATIVES

- A. Enact primary enforcement of the seat belt law.

- B. Strengthen graduated driver license requirements to provide that sanctions levied upon a driver under 18 who has been charged with a motor vehicle violation, continue past the driver's 18th birthday until the case is adjudicated.
- C. Support the state's initiatives to address highway safety, particularly with respect to bicyclists, pedestrians and workers in the highway right of way.

3.07 LAW ENFORCEMENT ISSUES

- A. Vermont's procedures to apprehend a "fugitive from justice" (i.e., a person with outstanding warrants for arrest in other states) are complicated, time-consuming, and redundant. Allow a Vermont law enforcement officer to make an arrest based on a warrant from another state.
- B. Indemnify any law enforcement agency providing field training to a constable.
- C. State law regarding forfeiture of property should mirror federal law, particularly when property is used in commission of a crime.
- D. Possession of bath salts and designer drugs above a specified quantity should be prosecuted as a listed crime under Vermont law.

4.0 QUALITY OF LIFE AND ENVIRONMENT

4.0 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 takes advantage of public investment in infrastructure and technology to support sustainable growth and economic development.
- B. Allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200.

4.02 ACT 250 AND STATE PERMITS

Vermont municipalities support the following reforms to make the permitting process more efficient:

- A. Further consolidate, coordinate, and expedite all state permit processes required for all projects.
- B. Delegate responsibility for Act 250 to municipalities which demonstrate the professional capacity and willingness to assume responsibility for its administration.
- C. 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.
- D. Define "local impact" and "regional impact" for development projects in Act 250. Then comprehensively evaluate 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 in place:

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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.
 2. Assign review of projects with regional impact that are expected to affect regional interests to district commissions.
- E. Urge the Natural Resources Board to consult with district commissioners when hiring or evaluating district environmental coordinators.

4.03 GROWTH AND LOCAL LAND USE

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

- A. Allocate property transfer tax revenue to cities and towns for municipal planning purposes at the rate established in Act 200.
- B. Provide incentives to spur development in locally planned growth centers as well as designated downtowns, new town centers, or village centers. Facilitate development that revitalizes traditional downtowns, promotes smart growth, and mitigates damage caused by natural or manmade disasters.
- C. Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities (24 V.S.A. § 4413 (d))—including the construction and use of farm structures—through zoning bylaws.
- D. Any facility that is owned or leased by a federal or state governmental entity must comply with the municipal approved plan and zoning bylaws. The governmental entity must advise the municipality of any proposed change to a facility before it does so. Provide the municipality a master management plan for all structures it owns or leases.
- E. Enable municipalities to establish incentives and requirements to develop housing and encourage economic development that allows people to stay in Vermont.
- F. Continue to support and maintain the Tax Increment Financing (TIF) program. Until additional state programs are established that are easy to implement, provide incentives to municipalities and fund municipal infrastructure necessary to support real estate-based economic development.
- G. Authorize municipalities to enact ordinances that hold property owners responsible for the maintenance and appearance of their properties and structures.

4.04 WASTE MANAGEMENT AND WASTEWATER

- A. Hold municipalities harmless from liability for any hazardous materials incident at their facilities when those facilities conform with all state and federal permits and regulations.
- B. Ensure that the State of Vermont's rules, regulations, and guidelines are flexible enough to enable local governments to determine the most appropriate collection, storage, disposal, and treatment methods for sewage, solid waste, wastewater, their process byproducts, and recyclables.

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- C. Regulate complete treatment processes for materials such as wastewater, solid waste, and recyclables through single permits that address the entire treatment cycle at a facility. Issue permits for facilities based on the useful life or capacity of the facility, not in five-year increments.
- D. Urge the Departments of Health and Environmental Conservation to coordinate regulations regarding safe management and disposal of lead paint that is removed from buildings so that there is one unified treatment standard.
- E. Accord municipalities maximum flexibility to implement Act 148, the universal recycling law passed in 2012. Enforcement of state mandated variable rate pricing and separation of recyclable materials from the waste stream should be a condition of a Department of Environmental Conservation permit for haulers.
- F. Vermont's regulation of environmentally-impacted urban soils is a potentially serious and wasteful impediment to downtown investments and a barrier to achieving state land use goals. The legislature should provide for relocation of mildly contaminated urban soil that protects the public and the environment and also facilitates needed investment in downtowns. The legislature should establish urban soil management practices for soils disturbed in the process of preparing a site for development that distinguish between naturally occurring background contaminants and contaminants that are at higher concentrations than surrounding undisturbed soil due to pollution. State policy should not require certification holders to reduce any analyte or Total Maximum Daily Load (TMDL) below background levels found in the environment.

4.05 AIR QUALITY, ENERGY AND TELECOMMUNICATIONS

- 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.
- B. The legislature shall 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.
- C. 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 and electrical codes and standards.
- D. 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.
- E. 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. In so doing, the 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 address local concerns raised in local determinations and adopted municipal plans in any CPG decision.

4.06 HEALTH CARE

In 2011, the legislature passed Act 48, "An Act Relating to a Universal and Unified Health System." The Act created a single-payer health system called "Green Mountain Care" to 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 intended 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:

- A. Avoid cost shifts from Medicaid and Medicare.
- B. Provide a comprehensive and equitable health care system that ensures the same benefits for all. Avoid provisions that allow for additional levels of benefit for only some.
- C. Ensure that the system assigns financing, responsibility, and accountability to one place.
- D. Treat legislatively established health care mandates as public health issues with public funding and accessibility for all.
- E. Ensure that there are checks and balances in the new health care system. Establish a grievance process that is outside the Green Mountain Care Board.

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-effectiveness 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 costs. 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 Prioritize 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. At the state level, 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.

5.04 Stormwater and Municipal Roads

- A. The agencies of Transportation and Natural Resources should provide on-site collaboration and technical assistance to municipalities that conduct road inventories so any prioritized projects comply with the Municipal Roads permit in an economically feasible manner.
- B. Promote through all means available—including a new funding program—the improvement of town highways and bridges so they are properly engineered to mitigate the impacts of weather-related disasters.