

**VERMONT LEAGUE
OF CITIES & TOWNS**



Serving and Strengthening Vermont Local Governments

**2009
Vermont
Municipal
Policy**

2009 MUNICIPAL POLICY

PREAMBLE

In these uncertain times, federal, state and local government must work together. Local governments can no longer sustain themselves fiscally or administratively without cooperation from state and federal governments. Likewise, to function best, state government, needs to collaborate with local and federal governments to deliver services both effectively and efficiently.

Local government needs sufficient resources and authority to contribute to the maintenance of a reasonable quality of life for all Vermonters. Local governments are able to fulfill these responsibilities when state and federal governments implement laws, policies and programs that solve municipal problems and meet municipal needs. Federal and state legislators must:

- fund mandates;
- reverse the trend of pre-empting local government opportunities for action;
- insure that local government is enabled to enact innovative legislative measures without seeking approval from the state legislature;
- halt the shift of non-discretionary requirements and unfunded mandates to the local level as a result of changing federal and state priorities and budgets;
- guarantee transparency in state and federal revenue raising and revenue expenditure practices; and
- provide all municipalities the opportunity to raise revenues from sources other than property tax.

We who administer, legislate and raise revenues at the local level believe that our service to the citizenry is most in tune with the needs of the community because we are accessible. We ask that the Vermont Legislature and state government, as well as the Vermont Congressional delegation, join with Vermont League of Cities and Towns to strengthen and streamline the administrative, fiscal and policy relationship among the three levels of government.

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.

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1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

1.01 FULL STATE ASSUMPTION OF EDUCATION FUNDING RESPONSIBILITIES

Municipal government should no longer be responsible for administering a state education property tax. The state must bill, collect and administer all education taxes. We should maintain local control of curriculum, administration and staffing.

1.02 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

One of VLCT's highest priorities for the 2009 legislative session is to have the state fully fund all state payments 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.

1.03 LOCAL OPTION TAXES

The legislature should enable all cities, towns and villages to adopt consumption taxes, sharing a portion of the proceeds with other municipalities.

1.04 UNFUNDED MANDATES

The legislature should provide clear accountability for its actions and provide reimbursement for state mandates on local governments. When a change in state statute will produce a significant impact on local governments, the Joint Fiscal Office must prepare and make public a fiscal impact statement showing the administrative and implementation as well as service costs imposed on local governments by the particular piece of legislation before any state legislative or administrative action affecting them can be approved.

1.05 MUNICIPAL AUTHORITY

VLCT strongly endorses Vermont joining 42 other states in enacting a constitutional "home rule" amendment as follows: "A city, town or village shall have the power, through approval by a majority of its voters, to adopt, amend, and repeal a charter of incorporation. A charter may authorize the municipality to exercise any legislative power or perform any function not specifically prohibited by the Vermont Constitution or general law. The powers and functions granted to cities, towns and villages under this section shall be liberally construed."

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1.06 ADVISORY COMMISSION FOR INTERGOVERNMENTAL RELATIONS

The legislature should establish an Advisory Commission on Intergovernmental Relations with authority to draft and recommend legislation designed to resolve issues between Vermont state and local governments.

1.07 OTHER PRIORITIES

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

- A) Require the state to reimburse municipalities for all state-mandated property tax exemptions. Until then, voters should have the authority to impose municipal service fees on those properties exempted by the state.
- B) Amend public records laws as follows:
 - 1) The fees for providing copies of the grand list, listers assessing records and zoning permits should be the same as for uncertified copies of records and documents on file or recorded.
 - 2) The fees for providing copies of public records must include the cost of all municipal staff time (including the first 30 minutes).
 - 3) If a board or commission is the custodian of a requested record, the two-business-day limit to respond to the request for a document should begin running from the time the board or commission meets and receives the request.
 - 4) Clarify to what documents the 2007 change in the town clerk recording and filing fees apply.
- C) With significant input from local officials, update all Vermont statutes concerning public records, reflecting changes in technology as well as in other areas. Such amendments must continue to balance the public's need for and its right to more accessibility to public information with the municipalities' ability and costs to store, process and make them available, and with the individuals' privacy concerns.
- D) Enable cities and towns to adopt ordinances that deny local permits and licenses to applicants who are in violation of specified city and town ordinances.
- E) Require municipal ratification of the county budget.
- F) Allow local voters to apply the delinquent property tax penalty to late installments.
- G) Allow local liquor/tobacco and domestic pet license fees to be set and retained locally.
- H) Allow municipalities to charge "rights of way" fees for the use of public property.

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- I) Require that all state rules, regulations, criteria and other administrative actions that have an impact on the operations of local government be implemented only after 30 days have passed after a publicly noticed hearing.
- J) Clarify the tax status of cable television personal property and designate cable company lines, poles and associated structures as real property for purposes of property tax assessment.
- K) Require the state to notify listers of all businesses being conducted in town for education grand list maintenance.
- L) Prohibit the state from attaching to locally collected fees (e.g., marriage or fishing licenses, public records requests) surcharges that must be turned over to the state.
- M) Expand the state and local option sales tax to service transactions currently exempt from the tax.
- N) Grant all municipalities the right to adopt exemptions or expansions of general law granted to individual charter municipalities, except those that relate to taxation.
- O) Assure 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.
- P) Develop a uniform definition of residency for all state and local government purposes.
- Q) Restore to towns the authority to determine which generally accepted appraisal method to apply to subsidized rental housing and owner-occupied residences subject to a housing subsidy covenant. The state may assess such properties any way it sees fit for state educational tax purposes.
- R) If the legislature implements instant runoff voting (IRV) for any of the legislative or statewide offices and/or for federal elections, the legislature must provide state funding for any implementation costs (including voter and election official education) at the local level, as well as subsequent administrative or technological costs associated with IRV. The implementation of IRV must also satisfy the requirements of town clerks to have an election system that functions smoothly and effectively on election day.
- S) With guidance from local officials, the legislature should comprehensively rewrite the municipal financial management statutes – such as 24 V.S.A. chapters 51 and 53 – which, in many instances, have not been updated for decades if not centuries.
- T) There should be a uniform indemnification clause for all state grants and loans to municipalities, which clarifies that municipalities will be liable for actions they take in conducting the work funded and that the state is liable for any actions it takes in providing the funds or in conducting the work funded.

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- U) The state should create a local government investment pool.
- V) Towns should not be forced to take over any non-municipal cemeteries.
- W) The House Ways and Means and Senate Finance committees should review all local fees set in statute in conjunction with their periodic review of state fees. The review should include significant local input.
- X) Enable towns to bill and collect from the state the costs associated with mandating inclusion of its notices or other inserts in town tax bills or other mailings.
- Y) The administration and the legislature shall investigate and implement a simple mechanism to exempt resident property tax owners with high unearned income or high assets from receiving a property tax adjustment.

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2.0 TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

Because of the declining state of our existing transportation infrastructure, increasing citizen expectations, the expanding number and size of new and essential transportation projects, a decline in revenue from existing sources, and the increasing cost of construction, the state must immediately increase funding dedicated entirely to transportation needs and match all available federal funding. Insure that the source, allocation and expenditure of all transportation dollars is clear to all.

- A) Stop the transfer of money that is not specific to transportation matters from the Transportation Fund.
- B) Increase state Transportation Fund tax rates and/or fees, including gas and diesel taxes, motor vehicle and truck fees, and other revenue sources. The legislature should index taxes and fees for inflation or convert tax rates to a percentage of fuel prices.
- C) Develop alternative and/or innovative funding sources, including local option taxes with revenue sharing provisions, and revenue from General Fund sources (if the Transportation Fund revenue transfer is not eliminated), in order to meet the needs of Vermont's transportation infrastructure.
- D) Expand the use of bonding as an option for funding long-term capital improvements to transportation infrastructure.
- E) Along with the federal government, commit the funding necessary to maintain, repair, and replace the hundreds of structurally deficient bridges throughout the state.

2.02 FUNDING PRIORITIES

- A) The legislature should direct the Agency of Transportation (VTrans) to institute a five-year funding plan outlining how the state intends to compensate for the continual underperformance of Transportation Fund revenue sources in order to meet Vermont's transportation infrastructure needs and match all available federal dollars. Do not shift the additional burden to municipalities by increasing local match requirements or continuing to underfund infrastructure needs.
- B) Increase funding for the Class 2 Roadway Program to reflect the heavy municipal use of this program and the fact that road construction costs have risen sharply in recent years. Revise Class 2 program rules so that district transportation administrators (DTAs) can assure predictability and flexibility, enabling municipalities to complete projects in a timely and efficient manner. To achieve this, VTrans should allow for local management of projects whenever possible.

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- C) Seek out and utilize transportation solutions that focus on life-cycle cost analysis and that simplify project implementation. Apply this approach to implementing the Vermont Design Standards as well as to project oversight and management, alternative funding, bidding and contracting methods.
- D) Increase state funding and expand eligibility for the Town Highway Bridge Program.
- E) 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.
- F) Prioritize improvements to those roads that constitute the state truck network for over-dimension trucks as well as U.S. Route 4 from the New Hampshire state line to the junction of VT 100 South.
- G) Make available state funding for all Class 1 local paving projects. Increase state funding for Class 1 local highway rehabilitation or construction.
- H) State aid for Class 2 town highways should account for “lane miles.”
- I) VTrans must partner with municipalities and other agencies to enhance the asset management/project priority program to insure the importance of local and regional priorities and the participation of local officials in selecting projects. In determining where federal funds should be allocated, transportation spending decisions should address priorities, such as east-west and north-south corridors, with an eye towards system preservation, as determined through the regional planning process.
- J) Amend state statutes to reflect federal reimbursement levels for placing aerial utilities underground when working on major reconstruction projects in historic districts, downtowns and designated scenic byways.
- K) The state must reimburse municipalities for the cost of moving water and sewer infrastructure for projects it mandates and/or manages.
- L) Municipal membership in Regional Public Transportation Districts (RPTDs) must be pursuant to a municipal vote to join or leave. RPTDs should not be authorized to levy any taxes on municipalities. Regional planning commissions or metropolitan planning commissions may not compel municipalities to require membership in RPTDs as part of local transportation or master plans.
- M) The legislature should increase state funding for public transit providers to improve Vermont’s public transportation network and access to it.
- N) The state should provide more “park and ride” lots, subject to local regulation, and continue to upgrade existing lots while providing for long-term maintenance.
- O) The state should install traffic signs and signals on Class 1 town highways.

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- P) Restrict the Enhancement Program to projects that are tied to the actual transportation of people and goods.
- Q) Comprehensive engineering assessments of reasonably designed and priced alternative solutions to stop signs and traffic lights that address pedestrian and bicycle needs and safety, such as roundabouts, must become standard practice for management of traffic.
- R) Enable local governments to install cameras at traffic lights. Direct revenues from fines that derive from the use of that technology to host local governments.

2.03 STATE AND LOCAL COOPERATION

- A) Reassess and redesign the Local Transportation Facilities Division (LTF) program to maximize efficiency and project implementation. Expand the LTF within VTrans to allow more projects to be managed entirely at the local level, thereby enabling local governments to complete projects in a timely and efficient manner. Compel the legislature to direct VTrans to fully implement the use of the Vermont Design Standards for LTF projects.
- B) Expand the District Transportation Administrators' (DTAs') flexibility and authority to work with local governments to provide technical assistance in implementing transportation projects. The DTA technician positions are a vital and cost-effective resource for municipalities, especially smaller, rural communities. In areas where DTA positions have been reduced or eliminated, the state should reestablish them.
- C) Increase coordination and communication among all planning divisions at VTrans to assure that oversight of a municipal project is not duplicated. Provide for the position of an ombudsperson or permit specialist to marshal projects through the entire design and permitting process.
- D) VTrans should continue to work with the various state permitting agencies, especially the Agency of Natural Resources, to expedite the permitting process and tailor it to the size and impact of a project so as to efficiently implement local transportation projects.
- E) State and federal transportation officials should rewrite regulations and standards pertaining to the design, construction and maintenance of transportation infrastructure, so as to allow more flexibility and greater local control and involvement.
- F) Eliminate Act 250 review of town highway maintenance and reconstruction projects, and nullify existing Act 250 permits for maintenance and reconstruction projects.
- G) The state should coordinate access management matters on state highways with local authorities and incorporate access management provisions that are delineated in municipal plans.

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- H) Revise existing road design and traffic standards to better define village areas and better respect the complex traffic and infrastructure needs of Vermont's villages and downtowns.
- I) The state should share VTrans facilities with municipal highway departments.
- J) The state should establish mutual aid agreements with municipalities that would provide for sharing of resources.
- K) VTrans should re-examine the selection process for consultants to enhance the participation of qualified professionals, which would help shorten the timeframe for construction projects. Where possible, employ qualified local consultants.
- L) The state should expand its line painting operations on Class 2 highways to include the painting of all other lines upon the request of a municipality when center and lane lines are being painted. Those lines should be painted annually. Municipalities that request that service will reimburse the cost of painting those lines.
- M) Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.
- N) Establish fines and penalties for illegally possessing municipal road signs, signals or markings.

2.04 COMMERCIAL VEHICLES

- A) Municipalities must retain their permit issuance authority over all overweight vehicle traffic on local roads and the authority to set their fees. The state must subject commercial agricultural vehicles and custom agricultural service vehicles to local overweight permitting regulations.
- B) The state should establish a permanent fund for the repair of town roads damaged by agricultural service vehicles, which are exempt from having to obtain local overweight permits. If these vehicles are locally permitted, municipalities should be authorized to fine vehicle owners for violating those permits.
- C) Allow overlength truck travel only through single-trip permits.
- D) The legislature should instruct VTrans to work with the federal government to set weight limits on interstate highways consistent with existing state highway weight limits in order to reduce the impact of overweight vehicles that are forced onto local roads.

2.05 ALTERNATIVE TRANSPORTATION AND RAILROADS

- A) The state should encourage recreation path and bicycle lane development and other non-motorized modes of transportation. The state should advocate revising and relaxing federal standards for bicycle path and sidewalk construction for projects funded primarily with

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federal dollars. To avoid additional cost and time, the state should fund such projects without federal funds.

- B) Spend funds allocated for rail or related projects (such as the western rail corridor) solely on those projects.
- C) The state should revitalize interstate and intrastate freight and passenger rail service and encourage appropriate siting and relocation of rail yards. This effort should be comprehensive and systematic and give preference to preserving and enhancing existing railroad corridors and infrastructure. The “existing corridor” definition should include contiguous or reasonably accessible sites necessary to accommodate technical improvements.
- D) Encourage intermodal rail facilities, which remove heavy commercial vehicle traffic from Vermont’s highways and rural roads.
- E) Rail networks need to accommodate double-stack trains. Intermodal freight transfer centers must be established at entry points to the state.
- F) When selecting and developing transportation projects, the state must address access to commercial airports.
- G) The legislature should 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.

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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 legislature to:

- A) Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel.
- B) Prohibit cost shifts and mandates to municipalities for providing any public safety service without full state reimbursement.
- C) Enact primary enforcement of the seat belt law.
- D) Charge the Law Enforcement Advisory Board with developing innovative and cost-effective models for collaboration between state police, sheriffs and municipalities.
- E) In order to improve the retention of police officers, the state needs to establish a statewide police retirement system that is applied consistently to all police officers and funded partly by the state as is the case with teachers' retirement.

3.02 PUBLIC SAFETY FUNDING

- A) Provide municipal law enforcement agencies the authority to recover any costs associated with complying with any federal, state or court-ordered licensing, registration and testing requirement.
- B) Fully fund and identify the transportation and housing needs of all prisoners, including those juveniles or individuals who are mentally ill or drug or alcohol impaired and who present a danger to themselves or the public.
- C) Reimburse municipalities on a sliding scale (e.g., 100 percent if hired within one year of graduation from the Academy, 75 percent for two years, 50 percent for three years) for the costs of training law enforcement officers who are hired by the state police.
- D) Compel the state to reimburse municipalities for costs of providing emergency medical services for all persons lodged in state-owned facilities, including those who are incapacitated.
- E) Extend 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.

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3.03 PUBLIC SAFETY TRAINING

- A) Provide the Fire Academy adequate and stable funding for certified training programs for all full-time, part-time and volunteer firefighters. The state must also provide adequate resources (manpower, equipment, etc.) to support the certified training activities.
- B) Adequately fund the Criminal Justice Training Academy (the Academy), so that local law enforcement can be assured that police officers are trained and “on the street” in a timely manner. Provide funding to stimulate participation in in-service training programs sponsored by the Criminal Justice Training Council, including supervisory training.
- C) Increase the state generated portion of civil fines that are deposited in the Criminal Justice Training Council Special Fund.
- D) Provide appropriate, affordable training for all public safety personnel and provide implementation funds for any training requirements mandated for local first responders.
- E) Provide tuition credits to municipalities that contribute employees to instruct and/or act as training assistants at the Academy.
- F) Include all users of the Academy in any efforts to review and/or reorganize the structure and funding for local first responder provider training.
- G) Municipalities use the Police Academy more than other entities. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training Council that reflects this usage by local governments.
- H) Enable the Criminal Justice Training Council to decertify law enforcement officers who are dismissed for cause.
- I) Provide adequate resources to enable the Fire Training Council to assure necessary training opportunities for municipal fire fighters.

3.04 PUBLIC SAFETY EMERGENCY RESPONSE

- A) Volunteers who give their time and energy for the good of their communities are an essential part of Vermont’s public emergency response system. New regulations should balance the benefits to the community with the limited time available to volunteers.
- B) Involve relevant local personnel in discussions about any changes in laws or regulations governing how local public safety personnel respond to emergency incidents, particularly those involving hazardous materials.
- C) Support and adequately fund development (with municipal participation) of an early warning system for hazards, pandemics and public safety emergencies.

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- D) Develop an emergency response fund to cover non-transportation-related disaster recovery costs incurred by local governments that do not meet the Federal Emergency Management Agency (FEMA) thresholds.
- E) Establish an electronic information system to provide public safety and emergency management personnel the correct information at the right time for the right purpose.
- F) Develop a contingency fund to provide the state match required to requisition FEMA disaster funds.
- G) Support the continued development and sustainability of an interoperable communications system that allows all emergency service agencies and personnel to communicate with one another in emergency situations. Develop the system in an efficient and cost-effective manner, and not as the result of an unfunded mandate.
- H) Provide seed funding to create a model program for regional dispatch services.

3.05 YOUTH

- A) Develop and adequately fund a coordinated and comprehensive approach to address the needs of youth under the age of 21 to give all young Vermonters a chance to succeed.
- B) Increase state resources for intervention, prevention and recovery programs for youth.
- C) Traffic crashes are the leading cause of teen fatalities, accounting for 44 percent of teen deaths in the U.S. One out of every five 16-year-olds will be in a car crash. The legislature should strengthen graduated driving license requirements and assist with meaningful parent/guardian involvement in driver education. The legislature should also provide that the sanctions levied upon a driver under 18 who has been charged with a motor vehicle violation should continue past the driver's 18th birthday until the case is adjudicated. Support graduated driving license enhancements, including but not limited to primary enforcement of seat belts and measures to reduce highway deaths.

3.06 CORRECTIONS COMMUNITY

- A) Ensure open channels of communication so municipal officials have information necessary to address the needs of offenders and their communities, as well as to provide feedback to the Department of Corrections (DOC) regarding impacts to the community.
- B) The DOC must provide municipal officials with the opportunity to participate in decisions concerning the number and type of offenders supervised in a community.
- C) Provide funding to ensure that offenders housed in community settings receive adequate supervision by DOC personnel and adequate support services. This must include juveniles and individuals with mental illness or drug or alcohol dependencies. Substituting electronic monitoring for field supervision officers does not constitute adequate supervision.

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- D) Include the local public safety community in decisions about placing individuals under DOC supervision in proposed host municipalities. The DOC must respect municipal zoning in approval of housing for offenders, especially as it pertains to use of motels.
- E) Define the residency of prisoners as their last legal address prior to incarceration and release them to that community.

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4.0 QUALITY OF LIFE AND ENVIRONMENT

4.01 HEALTH CARE

All state health care laws, rules and policies must help achieve the following goals:

A) Transparency and Fairness: Our health care system cannot operate effectively if the costs are not distributed in an open and transparent manner.

- 1) Health care is 15% of our economy and growing. Based on an analysis conducted by the legislative Joint Fiscal Office, “hidden” governmental cost shift and premium taxes are the equivalent of a 22% sales tax on health insurance premiums for cities and towns.
- 2) Before creating any new state health care programs or expanding existing ones, fix Medicaid to address this unfair and hidden burden on health insurance purchasers. In Vermont private insurance is paying more than \$90 million in “surcharges” this year to make up the difference for hospitals from Medicaid underpayment. Hidden taxes and subsidies such as the Medicaid cost shift must be fixed before we can rationally plan and manage the health care systems.
- 3) Oppose any effort to merge association (including the VLCT Health Trust), small group, and non-group insurance markets such as Catamount Health that results in transferring costs of the health system to a small niche of purchasers.

B) Prevention: Our greatest opportunity to improve the quality of life and manage health care system costs is through prevention and wellness.

- 1) Educate consumers about the benefits of both healthy lifestyles and preventive health care. Provide incentives to live healthy lives. Assure that health care consumers can take advantage of disease management and case management services. Health system change goals must include preventing chronic diseases from developing or worsening in individuals. Prevention efforts must work to keep healthy people healthy and help at-risk individuals reduce or eliminate their risk factors. Individuals with chronic disease must receive treatment and assistance designed to control their disease.
- 2) Oppose any effort to merge risk pools that will eliminate incentives for wellness and health promotion initiatives.

C) Accountability: All stakeholders in the health care system need to be accountable for their results. This includes health care providers, health system users, health system payers and government.

- 1) All stakeholders in the system need to be involved in developing a quality affordable health system. Employers need to be central to the discussion as they are central to the funding.

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- 2) Compensation to providers must be weighted in favor of measurable health and quality of life standards rather than the number of procedures performed.
- 3) Consumers should play a majority role in the governance of organizations they fund to oversee and improve the health care system.

D) Cost and Quality: To be effective our health care system must provide the best health care for the least cost.

- 1) Assure that health care consumers receive the level and quality of care needed. Changes in the medical provider system that focus on treatment and management of chronic disease must have measurable results. This approach must be based on best practices and demonstrate that providers' interventions result in better quality health care. Investments in healthcare technology should be monitored to ensure effective use and measurable results.
- 2) Give physicians significant incentives for following best practices and protocols where they exist and for developing them where they don't.
- 3) Contain the escalating costs of the entire health care system over the long term by improving efficiency in the delivery of health care services. Before creating any new state health care programs or expanding existing ones, existing reforms and programs including Catamount Health, need to be implemented, fully funded and determined to be effective.
- 4) Align medical malpractice law with the goals of health system reform. Reduce incentives to practice "defensive medicine" (the prescribing of tests and procedures to cover the provider's potential liability).
- 5) Provide a universal patient data system available to all health care providers; data on quality of providers of health care; data on the true cost of services, prescription drugs, and durable medical equipment; and information on medical best practices, all of which provide transparency and efficiency in the system.
- 6) Recognize that Vermont is one of many states in the process of enacting and implementing health system reforms. Take advantage of insurance companies' offerings and innovation driven by competition.
- 7) Provide effective oversight of hospital capital budgets. Insist on collaborative efforts among hospitals to squeeze excess capacity out of the system as a whole.
- 8) Assure that an appropriate number of health care providers and services are available to meet the needs of all Vermonters. Encourage adequate numbers of individuals to seek training and employment in health care fields. Encourage the development of new technologies and treatments for improving health.

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4.02 HOUSING

- A) Individuals at all income levels must have adequate housing available to them. Programs and additional incentives should be enacted to encourage the development of mixed income housing in areas accessible to jobs and at densities designated by a municipality as appropriate, including but not limited to designated downtowns, village centers, new town centers or growth centers.
- B) The state and federal government should increase funding for all forms of affordable housing.
- C) State regulations affecting land use should balance the need for housing with needs to protect the environment in which such housing may be built.
- D) Allow municipalities to establish incentives and requirements to develop affordable housing for all buyers and renters that allow individuals and families to stay in Vermont and that encourage economic development.

4.03 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 municipal projects.
- B) 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.
- C) Municipalities should not be penalized when local officials discover problems, disclose them to proper agencies, and comply voluntarily.
- D) Eliminate Act 250 review of projects in municipalities that have duly adopted municipal plans approved by the regional commission and zoning and subdivision regulations in place, if the local legislative body votes to eliminate such review.
- E) Any survey or study completed by a municipality that complies with Act 250 standards should satisfy any subsequent Act 250 requirements or proceedings and new surveys or studies should not be required.

4.04 GROWTH AND LOCAL LAND USE

The state must provide local governments authority as well as financial and technical resources to manage growth and land use in their municipalities. All state programs must provide strong incentives and regulatory relief to encourage growth in tax increment financing districts (TIFs),

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designated downtowns, new town centers, village centers, growth centers, in Vermont Neighborhoods and as appropriate, on remediated brownfield sites.

- A) Allocate one-half of all property transfer tax revenue in excess of that generated by a tax rate of one-half percent to cities and towns for municipal planning purposes, as stipulated in Act 200.
- B) Clarify the definition of “scattered development” to ensure that development in locally planned growth centers and designated downtowns, new town centers or village centers is permitted pursuant to the same standards as development in an existing settlement.
- C) Municipalities must be allowed to determine the size and location of commercial developments within their communities.
- D) Provide strong incentives, including streamlined permitting, for locating development in locally designated downtowns, existing downtowns and village centers, new town centers, growth centers, and Vermont Neighborhoods. Consolidate these programs into meaningful and manageable incentive programs to encourage growth in smart growth locations.
- E) Do not condition eligibility for municipal planning grants on approval of the municipal plan by the regional commission.
- F) Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities, (24 V.S.A. § 4413 (d)) including construction and use of farm structures, through zoning bylaws.
- G) Strengthen municipal authority to regulate junkyards and junk motor vehicles through permitting and ordinances. Move state jurisdiction over junk motor vehicles and junkyards from the Agency of Transportation to the Agency of Natural Resources and provide for strengthened enforcement at the state level.
- H) Applications for land use permits when local land use regulations are being amended or proposed shall be reviewed pursuant to the bylaws in effect at the time a complete application is submitted. Amend Title 24 § 4449(d) to establish this practice.
- I) Municipalities must retain local permitting authority over cell towers and broadband/wireless facilities.
- J) The state should be subject to the same requirement applied to municipalities that a decision on a land use application be rendered in 45 days, otherwise the permit is deemed approved.
- K) Federal and state governments must work with local governments to assure the appropriate location of facilities they own or lease in downtowns. The state should provide a master management plan for all structures it owns or leases. The plan should conform to duly adopted municipal plans and should be reviewed and updated periodically with consultation of affected municipalities. Municipalities that provide for the location of state or community

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owned and operated institutions and facilities must be authorized to regulate their development in those specified locations.

4.05 SOLID WASTE AND WASTEWATER

Legislation regarding solid waste and wastewater disposal, handling or processing should recognize the important role played by municipalities in assuring environmentally sound and cost-effective processes.

- A) Hold municipalities harmless from liability for hazardous materials incidents at facilities permitted by municipalities that conform to all state and federal regulations.
- B) The State of Vermont Solid Waste Management Plan should be flexible, and enable local governments to determine the most appropriate collection, storage and treatment methods for sewage, solid waste, wastewater and recyclables. The approved list for recyclables must include recycled construction debris, sludge and similar reusable items.
- C) Promote alternative or innovative processing technologies for composting and organics, septage, biosolids and special waste based on documented scientific research.
- D) Issue facility permits and certifications in a timely manner and regulate the entire treatment process in a single permit. Issue permits for facilities based on the useful life or capacity of the facility.
- E) The legislature should amend the beverage container law to include additional types of beverage containers. Increase the deposit and designate a portion of revenues for compliance and enforcement of the statute.
- F) Eliminate any additional permitting of sludge storage facilities attached to wastewater treatment facilities.
- G) Revise criteria for inclusion on the Agency of Natural Resources' priority list for funding of wastewater treatment and stormwater projects to include credit for work done by a municipality without state assistance.
- H) Continue to fully fund the state wastewater revolving loan fund so that all available federal funds are utilized.
- I) The Agency of Natural Resources should relinquish all involvement in allocating municipal water or wastewater resources, including charging of permit fees.

4.06 WATER RESOURCES

State and federal government should protect our significant water resources when promulgating and implementing water and wetlands laws.

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- A) The state should provide financial and technical support to municipalities in order to implement the Clean Water Act through locally appropriate watershed plans and stormwater management provisions that promote the health of both the economy and environment.
- B) Clarify that the highest priority use of Vermont water resources is to provide clean and sufficient supplies of public drinking water.
- C) Make Homeland Security funds available to protect water supplies and public infrastructure.
- D) Allow municipalities to regulate the application of herbicides and pesticides through ordinances that are at least as stringent as those of the state.
- E) Develop more specific and consistent Vermont wastewater and water supply allocation standards that reflect current technology.
- F) The state must assure that adopted total maximum daily loads (TMDL) and the associated regulations to implement them are not changed to the detriment of municipalities that are undertaking the work in good faith and at enormous expense. Concentrate Agency of Natural Resources and state efforts on reducing stormwater runoff from non-point sources. According to the *2006 Clean and Clear Action Plan*, nonpoint sources account for more than 90 percent of stormwater discharges.

4.07 AIR QUALITY AND ENERGY CONSERVATION

The state and federal governments need to work with local governments to assure them the financial capacity, flexibility and broad statutory authority to implement energy conservation policies and alternative energy strategies, particularly innovative projects that will save money at the local level and reduce greenhouse gas emissions.

- A) The Vermont Legislature should:
 - 1) encourage recreation path, sidewalk and bicycle lane development and specifically direct VTrans to streamline programs to make it easier and cheaper to build pedestrian and bicycle paths;
 - 2) provide ongoing support to municipal efforts to reduce reliance on fossil fuel in both transportation and heating arenas, including alternative fuel vehicle fleets and public transit;
 - 3) provide ongoing and significant support for smart growth development;
 - 4) enable municipalities to purchase streetlights;
 - 5) simplify the permitting process for very small hydroelectric projects;

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- 6) encourage integration of transportation demand management into local land use plans. (Transportation demand management refers to various strategies to change travel behavior in order to increase transport system efficiency.)
- B) The federal government should work with local governments to develop and implement a reliable, equitable, renewable and environmentally responsible energy policy.
- C) The state and federal governments should not force municipalities to remedy air quality problems produced outside their borders.

4.08 PUBLIC HEALTH

Reinstate the Health Department's program to support Town Health Officers in their statutory responsibilities. Under current law, Town Health Officers must be recommended for appointment to the commissioner of the Department of Health who approves those appointments. If the Department's final decision is to abandon the Town Health Officer program, amend Title 18 chapter 11 to enable local legislative bodies to directly appoint a Town Health Officer if they find that office is necessary, and to establish the responsibilities of that office.

4.09 ENCOURAGING AND SUPPORTING MUNICIPAL ACTION

VLCT supports legislation that would accomplish the following:

- A) Provide cities and towns the authority to exercise legislative powers affecting their jurisdictions unless such legislative powers are prohibited by law.
- B) Strengthen municipal authority to regulate sexually oriented businesses consistent with the United States Constitution and current case law interpretation.
- C) Require the U.S. government to abide by Vermont state statute that requires consent of the local legislative body prior to acquiring land for the Green Mountain National Forest or under provisions of the Northern Forest Lands legislation.
- D) When municipalities acquire sites at tax sale or when they act as a lien holder of a site that is known to be contaminated, they shall not be held civilly or criminally liable for hazardous contamination at the site at time of acquisition.