

## Municipal Corner – February

**Merger:** At Annual Meeting by Australian ballot, voters will be asked to consider a merger of Stowe Fire District #3 and the Town of Stowe. If approved by both the Stowe Fire District and the Town of Stowe it would go to the Vermont General Assembly for ratification. Although not all voters are connected to the municipal water system, you are required to vote on the merger with SFD3 because the Town of Stowe municipal corporation owns the Stowe Water Department.

Although SFD3 currently receives its treated water supply and system operations by agreement from the Stowe Water Department, they have their own reservoir, pump station and distribution system within their district boundaries which are located in the Lower Village. If SFD3 merges into the Stowe Water Department they will be customers of the Stowe Water Department and will no longer be a distinct municipal corporation with their own governing body. The Stowe Water Department's service area would include the area currently encompassing SFD3. Harry Shepard, Stowe Public Works Director, indicates SFD3's water system is up to standard. The Town's water system would inherit their assets and liabilities. With this said, a surcharge would be created to continuing assessing customers within their former boundaries to finish paying off their bonded indebtedness.

Regardless of if the SFD3 merges with the Town of Stowe Water Department, they are required to pay the same rates as other water customers, plus any bonded indebtedness SFD3 has incurred. The advantage to SFD3 customers if they merge is that they would no longer have to have a distinct corporation that they have to govern. The advantage for the Town of Stowe would be that we would have uniform governance through the Stowe Selectboard who serve as the Town's Water Commissioners.

The plan of merger can be viewed on Stowe's Municipal Web Site at [www.townofstowevt.org](http://www.townofstowevt.org) and at the Town Clerk's Office. Public hearings will be held as part of the Selectboard's regular meetings on 2/11/19 and 2/25/19. They start at 5:30pm and are held in the Akeley Building (Town Hall) Theater.

**Self-Governance:** On the first Tuesday in March, Vermonters will gather for their Annual Town Meeting, which voters get to participate in direct democracy. However, the scope of what they get to decide is limited by the laws of the State of Vermont, unless the Vermont General Assembly approves something different in a town's municipal charter.

Vermont is a Dillon's Rule state. "John Forest Dillon was appointed to the U.S. Circuit Court (the Eighth Circuit) in 1869. In 1868, he authored Dillon's Rule, which states *municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature*. That language boils down to the concept that towns are creatures of the state, enabled to do only those things they are specifically given permission to do."

Is it time to grant municipalities more decision-making authority without the need to seek approval from the legislature, as it differs from state statutes? According to the Vermont League of Cities & Towns, "Other states have established some form of constitutional or legislative home rule in remarkably creative ways. Even the most restrictive states allow voters to amend their governance charters under the framework of general laws, without legislative oversight."

The Vermont League of Cities & Towns, which is made up of all Vermont towns and cities, has made it a legislative priority for the legislature to institute a self-governance pilot program to allow some

municipalities to test the concept of self- governance. Upon a vote of their voters, municipalities would be able to apply to a board for self-governance authority. If approved by the board, they could adopt ordinances, bylaw changes or charter changes, and enact initiatives to grow the economy at the local level as long as their actions affected only that community. They would not be able to undertake any activity prohibited by the US or VT Constitutions or VT laws including regulation of firearms, open meeting and public records. Self-governing cities and towns would not be able to adopt any ordinance or bylaw that would directly require or prohibit action by another municipality or persons or property outside the boundaries of the municipality.

The intent is to give municipalities more flexibility to solve issues in a manner that reflects their local desires. Like small business, municipalities are sometimes the most innovative and they understand their local needs best. Vail, Colorado is a home rule municipality and assesses a 4% city sales tax. Should Stowe be able to increase its local rooms, meals, and alcohol tax from one to two percent to take pressure off from local property taxes even if another community chooses not to? If Montpelier desires to ban plastic bags, should they be able to do so even if another community chooses not to?

Many people choose to live in Vermont because of its scale and the ability to connect with their neighbors. Is it time to unfetter Vermont's local government?

Karen Horn, VLCT Legislative Policy Advocate, will be here to discuss the concept and answer questions at the Selectboard's 2/11/19 meeting. The meeting is open to the public and you are encouraged to attend.

**Mountain Road Shuttle:** Thank you to everyone who rides the Mountain Road Shuttle. The ridership in December was up 15.7% from the previous December and up 28.4% from two years ago. Some days it has over 700 riders, but there is still plenty of room for more riders. If you haven't ridden it yet, you should give it a try. The buses are heated and drop you off at convenient places around Stowe, including Stowe Mountain Resort at the Mansfield Base Lodge. It saves you from having to find a parking space and *the price itself recommends it* (Its free to riders). You can find the schedule at [www.townofstovevt.org](http://www.townofstovevt.org) homepage.