

April 20, 2014

Hello All,

I hope everybody is enjoying this special spring weekend and the fine spring weather this Sunday.

Here are a few community announcements I received last week.

Pownal Selectboard Candidates Forum Thursday Apr 24, 2014, 7:00 PM to 8:30 PM Pownal Elementary School

From Rose-Marie Pelletier

“There are two citizens running in the special election May 6th to fill the remainder of Dale Palmer's term on the Pownal Selectboard. At their recent meeting, the Select Board voted to use their April 24th meeting to host a meet the candidate forum. The "Friends of Pownal" have offered to facilitate this forum. Please mark your calendar and plan to attend this meeting at the Pownal Elementary School at 7:00 PM on April 24th. More details will be announced soon through the Front Porch Forum. Please pass the word on to family and friends in Pownal.”

Pownal Youth Baseball

Scott Morse writes, “Our opening day for baseball this year is Sunday May 4 with festivities starting at 9:00am. We are having a fundraising raffle that will be drawn that day and tickets will be available for purchase from any player or parent either before May 4 or at the opening day ceremonies. We are also looking for a used (cheap) riding lawnmower that we want to keep at the field for maintenance work (mowing the infield and dragging the baselines). My contact information is pownalyouthbaseball@gmail.com or call 802-442-9189.”

Thank you in advance,

Scott Morse
President
Pownal Youth Baseball

Art & Artists of Pownal Gallery Day, Sunday, April 27, 2014

In conjunction with its annual meeting, the Pownal Historical Society is pleased to host the first ever Pownal Gallery Day, featuring the Art and Artists of our town, on Sunday, the 27th of April, 2014, from 1 to 4pm at the Solomon Wright Library, 97 Main St., Pownal, VT

Come meet our Pownal art community, who will be on hand to interpret and discuss their vision of the creative process. This mini-exposition is a rare opportunity to view and enjoy the artwork produced in our community and support our local artists and craftspeople. Come and view a unique mix of art forms in one place.

The Gallery Day exhibit will span the years from the mid-20th century, when Pownal was the regular home to summer art schools, up to the present day. Paintings, ceramics, weavings, photography, sculpture, and folk art will be displayed.

Gallery Day is presented free of charge, and open to the public. Adults are requested to accompany small children. Do not miss this opportunity to get to know our local artists and craftspeople and support their work. For additional information contact: Wendy Hopkins (whopkins1@gmail.com) or W.A. Klinger (802-823-5197).

[Vermont Floodplain Management](#)

Ed Shea in Woodford alerted me to the following announcement important to those with property in floodplains.

[Update on the Homeowners Flood Insurance Affordability Act \(HFIAA\)](#)

Posted: 14 Apr 2014 12:10 PM PDT

Last week we had provided news about the US Congress passing the Homeowners Flood Insurance Affordability Act (HFIAA) at the end of March. Since then, FEMA has published an [overview of the the bill](#) found on their website and in the FEMA Resource Library. This overview document can also be found on our Flood Hazard Management [webpage](#).

We have also started to get some information on how HFIAA will impact people in Vermont specifically, as well as the impacts to flood insurance nationally. Here is a short summary:

1. **It will take some time to start to implement provisions of the new law:**

§ In the short term, there may still be individuals that get hit with full actuarial rates due to a new policy on a preFIRM residence (home built before the first Flood Insurance Rate Maps were created). This new policy could be due to a lapsed flood insurance policy or a new policy being written due to a transfer of the property and/or a requirement by a lender for flood insurance;

§ There will also be a lag for people who will be expecting refunds due to the change in their flood insurance premium as a result of the HFIAA.

2. **If you are a property owner living in Bennington County or in the Town/Village of Richmond here in Vermont:** FEMA will be releasing new preliminary or effective DFIRMs in the coming year. Richmond's new DFIRMs are scheduled to become effective on 8/2/2014. Bennington County's

new DFIRMs are anticipated to become effective about one year from now (March 2015). If the new preliminary DFIRMs show your house to be located in the mapped flood hazard area where you had not been shown to be located in the flood hazard area on previous FIRMs, you may be eligible for a grandfathered flood insurance rating. Anyone who may be eligible for receiving grandfathered flood insurance rates is encouraged to get flood insurance BEFORE the new DFIRMs become effective for your community. For more information regarding FEMA's grandfathering policy, please see an earlier post that was written for the [Washington County map update process](#). Please note that the estimated flood insurance premiums discussed may be different due to the effects of either Biggert Waters Flood Insurance Reform Act of 2012 (BW12) or HFIAA.

3. **Flood Insurance premiums are going up for everyone.** While the HFIAA is allowing a phase-in of higher rates for primary homeowners, the law is still enabling a push for all policies to eventually reach full actuarial rates. Property owners should seriously consider mitigating their home or structure(s) to reduce their flood risk and reduce the cost of flood insurance. Additional information about mitigating your home or structure can be found on the VT Flood Resilience Sharepoint site found under either "[Step 5: Insure](#)" or "[Step 3: Reduce](#)".

As the legislature moves into its last weeks before adjournment many bills are moving to resolution. Here's my weekly update on activity in the House.

H. 586 An act relating to improving the quality of State waters

This bill takes a comprehensive step forward on clean water in Vermont. It addresses agriculture, stormwater management, shoreland erosion and more. Here are the findings and purpose related to agriculture.

Sec. 1. FINDINGS AND PURPOSE; AGRICULTURAL WATER QUALITY

(a) Findings. For the purpose of Secs. 1–9b of this act, the General Assembly finds that:

(1) Significant State, federal, and private financial resources have been expended over the past 20 years to address water quality issues in the State of Vermont, such as the cleanup of Lake Champlain.

(2) Despite significant funding and efforts to address the State's water quality issues, insufficient progress has been made.

(3) The U.S. Environmental Protection Agency (EPA) revoked approval of the initial total maximum daily load (TMDL) plan for Lake Champlain despite the State's reaching one-third of the TMDL's goal in less than 10 years.

(4) EPA is in the process of developing a new TMDL for Lake Champlain, but Vermont may be

responsible for the large majority of implementation costs.

(5) Much of the responsibility and cost for meeting the new EPA TMDL may fall on Vermont's farmers, who likely will be subject to additional requirements under the accepted agricultural practices (AAPs) and other agricultural water quality rules.

(6) Although the AAP rules were adopted in 1995, there is a general lack of awareness in the "small farm" community about the AAPs, and the Agency of Agriculture, Food and Markets should educate small farm operators in the State concerning the requirements of the AAPs.

(7) The Vermont agricultural community recognizes that it has a role to play in the future efforts to reduce nutrient loading and improve water quality in the State, but additional State and federal assistance is necessary to fulfill this role successfully, including technical and financial assistance to encourage small farms to adopt and implement nutrient management plans.

(b) Purpose. It is the purpose of Secs. 1–9b of this act to:

(1) improve the quality of the waters of Vermont;

(2) authorize proactive measures designed to implement and ultimately meet the impending TMDL for Lake Champlain and improve water quality across the State;

(3) identify cost-effective strategies for the agricultural community to address water quality issues, including best management practices and conservation practices of cover cropping, grassed waterways, manure drag lines and injection, no-till production, and contour plowing; and

(4) engage more agricultural operations in meaningful ways as part of the State's efforts to improve the quality of the waters of Vermont.

This bill would require the Secretary of Agriculture to adopt rules on water quality for small farms. Currently medium and large farms are covered. This will bring all farms into compliance with Accepted Agricultural Practices (AAPs). In the coming year the Secretary would create by rule a certification process for small farms. The bill includes measures to keep livestock from streams when continued access might be a high risk of violating the AAPs and it modifies the rules on manure spreading giving the Agency of Agriculture guidance on when to allow winter spreading. The bill also offers training in the AAPs for farms.

The bill also includes policy on stormwater management and shoreland erosion control measures. The bill also offers a tax credit for the cost of implementing best management practices.

The bill passed on a roll call vote 137 to 4 and I voted yes.

S.91 An act relating to privatization of public schools

This bill responded to last year's privatization of the North Bennington Graded School by putting a moratorium on privatization of public schools while the Agency of Education studied the many issues involved. When a number of questions came up during debate the bill was "ordered to lie" until such time as the questions can be addressed.

S. 299 An act relating to sampler flights

Sampler flights are a way to taste and test the many varieties of beer being offered today. This bill makes that possible for first and second class liquor license holders. It will help owners and management introduce new products and with starting new businesses. The bill also includes a provision that will allow a second class license holder to pick up wine from Vermont winemakers when a wholesale dealer isn't available. The Vermont beer and wine industries are growing as are other local food sectors and this bill helps that growth. An example close to home is the soon to open expansion of the Hillside House in Pownal into this line of products.

Here are a few more committee reports from colleagues on bills still under development that will likely come to the floor in the coming weeks. Please let me know if you have any comments.

Human Services by Rep. Patsy French

Our committee has passed S.247 updating our statutes on marijuana dispensaries. Current law requires a patient to have had a six month treating or consulting relationship with the health care professional who verifies that the patient has a qualifying condition to become a registered patient. This six month requirement shall no longer apply if a patient has been diagnosed with: (A) a terminal illness, (B) cancer with distant metastases, or (C) acquired immune deficiency syndrome. Currently a physician, a physician assistant, and an advanced practice registered nurse are included in the definition of "health care professional". That definition is expanded to include a naturopathic physician, when the naturopath is acting within his/her scope of practice and if the naturopath has a special license endorsement authorizing him/her to prescribe medication. The bill will allow a dispensary to deliver marijuana and/or marijuana infused products to a registered patient or a registered caregiver. It will also allow a registered patient who is under the age of 18 to have two registered caregivers. Having only one registered caregiver had caused difficulty for children whose parents are divorced and who spend time with each parent.

The Department of Public Safety (DPS) will adopt rules related to several parts of the bill. One will be for issuance of a caregiver registry ID card that include standards for approval or denial of an application based on an individual's criminal history record. The rules shall address whether an applicant who has been convicted of an offense has been rehabilitated and should be otherwise eligible to be a caregiver. They will also adopt rules establishing protocols for the safe delivery of marijuana to patients and caregivers and rules for granting a waiver of the dispensary possession limits for the purpose of

developing and providing a product for symptom relief to a registered patient who is under 18 years of age who suffers from seizures.

We considered adding Post Traumatic Stress Disorder (PTSD) to the list of qualifying conditions, but ended up asking the Department of Health to report to us next year on the existing research on the use of marijuana for relief from the symptoms of PTSD.

Institutions & Corrections by Rep. Mary Hooper

House Institutions & Corrections committee continues to work with Senate Institutions on the Capital bill. We believe it will be settled next week. In addition, we have taken testimony on S. 295, the pre-trial services bill and S.218 relating to temporary employees.

We voted out a strike all of S.291, the establishment of transition units at State correctional facilities. The State of Vermont has 180 to 200 offenders who are eligible for release and are being held principally for lack of appropriate housing. The proposal to create transitional units is an excellent one, however it is not possible to accommodate them inside a prison facility as considered in the Senate bill. The current facilities do not have the room or the capacity to manage a transitional unit which would allow offenders to work and attend appointments as they transition into the community. HICC's strike all asks the Department of Corrections to evaluate the possibility of creating secure residential facilities so that offenders would be able to return to their home communities. The bill asks the Department to consider the cost, the number of offenders eligible to participate, services available to support them, and eligibility guidelines. It also states the need to work with communities to gain support for the programs and services necessary to return offenders successfully to their homes.

Government Operations by Rep. Debbie Evans

H.673 We have been working with the State Treasurer at length with regard to paying for retired teacher health care expenses. Currently, the \$28 million expense to cover health costs for 7,700 retired teachers is financed by tapping the teacher pension fund. That practice threatens the financial stability of the pension fund and could lead to a downgrading of the state's bond rating. It is important we act this year.

Aspects we're considering so far:

--Earmarking \$10.5 million in next year's budget for retired teacher health care.

--Requiring new teachers and those not vested in the retirement system to pay an additional 1% of their salary into the pension system.

--Requiring school districts to pay an annual teacher health care charge, adjusted annually at \$1,072 next year, for each teacher new to the retirement system who is hired after 1 July.

--renegotiating federal contracts that pay for teachers so these federal grants cover pension expenses, effective in 2016.

There is more testimony to be heard....

S.293 is an act relating to reporting on population-level outcomes and indicators on program level performance measures. It's a long name for a bill that has taken many years of work. It offers a big reward to state government in helping to make better decisions using relevant data. The bill has us change how we evaluate our government performance by asking 3 questions: What did we do? How well did we do it? Is anyone better off?

The Agency of Administration would designate a Chief Performance Officer and departments would designate a liaison to the legislature. The bill also sets in place an agreement between the executive branch, the legislature and our communities. It is a long term investment and sets a framework for continued improvement for the well-being of Vermonters. We will hear further testimony.

Judiciary by Rep. Suzi Wizowaty

The Judiciary Committee is reviewing S.295, referred to as the "pre-trial services bill." In general, the bill attempts to address the growing heroin problem in the state by developing a more effective criminal justice response that includes treatment.

More specifically, it *increases some penalties*: for importing heroin (and perhaps other drugs) into the state for distribution and sale, and for burglary. In the latter case, it creates a tier of penalties that express our belief that breaking into a home is bad enough, but doing so with a weapon is worse and threatening or harming someone in the process is worst of all. It also *recognizes that addiction is a public health issue*, and therefore establishes a means to distinguish between high- and low-risk/needs individuals, in order to ensure that those who need treatment get it. Those arrested for drug-related crimes would be offered the opportunity for a risk-and-needs assessment and a subsequent opportunity to participate in pre-trial services where appropriate. Participation would be voluntary and does not guarantee any particular outcome, but successful completion of such a program will be considered by the state's attorney, defense, and judge at sentencing.

S.287: involuntary treatment and medication. This has been a difficult bill. The committee listened to testimony with House Human Services about the problem the bill attempts to solve. Our committee felt that both sides of the issue are very compelling and for most of us there is a need to do something different than what we are currently doing. We are crafting a bill that does the following, recognize the need for flexibility in individual cases, and expedite the process when the need is demonstrated but will allow for patient involvement and autonomy, and will not burden our judicial system. Current law was written when Vermont had one centrally located psychiatric hospital—the State Hospital. We are now faced with a post Irene situation where capacity, multiple facilities and geographies challenge current practice.

Health Care by Rep. George Till

S.252 concerns Adverse Childhood Experiences based on a previous study. The study identifies 10 categories of adverse experiences, 3 types of abuse, 2 types of neglect and 5 types of family dysfunction. Each category has a roughly equivalent negative effect on lifelong health and wellbeing. The more categories experienced, the more likely one is to have chronic diseases, poor educational outcomes, poor work performance, poverty, incarceration, and premature death. ACEs are common in Vermont with the majority of Vermonters having at least one ACE and 14% having four or more ACEs. Adverse Childhood Experiences cut across all socio economic groups. In the lowest earning quartile of Vermonters, 18% of people have four or more ACEs. In the highest earning quartile of Vermonters, 11% have four or more ACEs. The problem is multigenerational and there are evidence based interventions which work best at young ages and in the context of the family.

S.252 contains several initiatives regarding ACE. First, it provides for an integrated pilot project based on the program from UVM's Center for Children, Youth and Families. The pilot project will be overseen in AHS program for Integrated Family Services. It will be funded by redirected money within AHS and hopefully grant funding. The plan includes training 30 Family Wellness Coaches and 20 of the therapy oriented Family Focused Coaches with continued support by the UVM Center.

In addition S.252 directs the Blueprint for Health to determine how screening and treatment for ACE can best be incorporated into Blueprint practices and Community Health Teams throughout Vermont and how to fund, measure and evaluate the program. It asks Vermont Department of Health to report to the Green Mountain Care Board and the Legislature how best to implement the findings of the ACE Study into Vermont medical practices and VDH programs.

S.252 asks the Vermont Medical Society Educational Foundation to develop educational materials about the ACE Study and the lifelong health effects of ACE. The material will be distributed by the Board of Medical Practice and Board of Nursing.

I hope everyone has a very good week.

Stay in touch,

Bill

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