

Town of Brandon
49 Center St
Brandon, VT
05733

ELECTED
SELECTBOARD

Seth Hopkins
Chair

Doug Bailey
Vice-chair

Devon Fuller
Clerk

Brian Coolidge
Selectman

Tracy Wyman
Selectman



12 February 2018

Dear Ms. Sandor:

The elected selectboard is also the board of sewer commissioners. As you have requested through the town manager, we reply your specific questions:

"1. How was charging an apt as if it was a stand-alone house evaluated as a fair and proportional cost allocation?"

The goal of the rate structure is to equitably spread the cost among all users of the system. The "Equivalent Residential Unit (ERU)" has been used in communities across the country for more than thirty years to accomplish this.

"1a. Was it based on State and Federal regulations: 40CFR ss 35.935-13 and 10 V.S.A. Chapter 79 alone?"

Mr Atherton on November 27, 2017, provided you with the entire approved minutes of the board meeting of January 30, 2006, now twelve years ago, which adopted the present billing structure, together with a historical review of Brandon's tax rates, sewer rates, and water rates (which include a discussion of the "Equivalent Residential Unit" [ERU] concept). This constitutes the entire record of the deliberation and decision. We cannot comment on what, if anything, informed the decision other than what appears in the minutes. It is inappropriate for the Town to offer anything that could be construed as legal advice. As a courtesy, Mr Atherton on December 4, 2017, provided you the Vermont statutes citation 24 VSA §3615, which relates to sewer user fees. We are not in a position to provide information further than that.

"1b. Was it based on another rule or calculation - if so can this be referenced?"

Please see our answer to your #1a above.

"1c. Are the 3 sections I list below - the only Brandon Sewer sections that pertain to apartment charging rule - or am I missing a section?" [Article XI, Sections 3, 4, 5]

The Brandon Sewer Use Ordinance appears in its entirety on the town's website (Documents / Policies, Ordinances, Procedures & Resolutions):
<http://www.townofbrandon.com/wp-content/uploads/2014/03/Sewer-Use-Ordinance.pdf> Mr Atherton provided you with this link on November 27, 2017.

Respectfully yours,

The Brandon Selectboard