

Brandon Board of Sewer Commissioners Meeting
February 26, 2018
7:00 p.m.

The Brandon Board of Sewer Commissioners will meet Monday, February 26, 2018 immediately following the Select Board Meeting at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located at the Town Office at 49 Center Street and on the community bulletin board located between Dave's Grocery and the Forest Dale Post Office. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

- 1) Call to Order
 - a) Agenda Adoption

- 2) Approval of Minutes
 - a) Sewer Commissioners Minutes – February 12, 2018

- 3) Resign Bond Documents

- 4) Adjournment

**Brandon Board of Sewer Commissioners Meeting
February 12, 2018**

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

In Attendance: Seth Hopkins, Doug Bailey, Brian Coolidge, Devon Fuller, Tracy Wyman

Others In Attendance: Dave Atherton, Arlen Bloodworth, Richard Baker, Bernie Carr

1. Call to Order

The meeting was called to order at 7:36PM by Seth Hopkins - Chair.

a. Agenda Adoption

Motion by Tracy Wyman/Devon Fuller to adopt the agenda as presented. **The motion passed unanimously.**

2. Consent Agenda

a) Minutes of Board of Sewer Commissioners of December 22, 2017

Motion by Doug Bailey/Tracy Wyman to approve the minutes of the December 11, 2017 Board of Sewer Commissioners meeting. **The motion passed unanimously.**

3. Sandor Concern

Dave Atherton received an email from Andrea Sandor requesting clarification of the Sewer Commission's response of November 27th regarding her concerns about the sewer fees on her rental properties. Seth Hopkins, as Board Chair for the Sewer Commission wrote a letter of explanation in response to Ms. Sandor's questions for the Sewer Commissioners' consideration (See Attachment).

Motion by Devon Fuller/Brian Coolidge to approve the letter prepared by the Sewer Commissioners' Board Chair in response to Andrea Sandor's inquiry of January 23, 2018. **The motion passed unanimously.**

4. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Board of Sewer Commissioners' meeting at 7:39PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

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

\$499,000 TOWN OF BRANDON
REGISTERED PUBLIC SEWER SYSTEM IMPROVEMENT
BOND NO.1, DATED FEBRUARY 1, 2018; DUE \$11,482
AUGUST 1/FEBRUARY 1, 2018/2048

REGISTRATION RECORD

This is the municipal treasurer's official registration record. It should be kept carefully with all other permanent municipal records.

1. The treasurer should sign the registration certificate.
2. The registration certificate in this record corresponds with the bond of this issue bearing the same number.
3. Interest and principal is payable only to the registered bond holder as its name appears on the back of the bond itself and upon the corresponding page in this Registration Record.
4. Each transfer of ownership must be evidenced by an assignment in writing duly signed by the registered owner whose name appears of record.
5. Each transfer of ownership must be recorded by the municipal treasurer on the back of the bond being assigned and also on the correspondingly numbered page in this transfer record.
6. PAY INTEREST AND PRINCIPAL ONLY TO THE REGISTERED HOLDER AS ITS NAME APPEARS OF RECORD HEREIN.
7. Paid bond should be surrendered to the municipal treasurer and cancelled by writing "PAID" upon the face thereof. A corresponding entry of bond payments should be made on the appropriate line of this record.

If assistance is needed, communicate with

Keith A. Roberts
J. Paul Giuliani
Primmer Piper Eggleston & Cramer PC
P.O. Box 1309
Montpelier, VT 05601-1309
(802) 223-2102

No. 1

\$499,000

UNITED STATES OF AMERICA
STATE OF VERMONT
COUNTY OF RUTLAND
TOWN OF BRANDON
PUBLIC SEWER SYSTEM IMPROVEMENT BOND

The Town of Brandon (the "Town") in the County of Rutland and State of Vermont, promises to pay to the registered holder hereof the principal sum of

FOUR HUNDRED NINETY-NINE THOUSAND DOLLARS

with interest on the unpaid principal balance from the date hereof at the rate of two and twenty-five one hundredths percent (2.25%) per annum, principal payable in sixty (60) equal and consecutive semi-annual installments of \$11,482 each on August 1 and February 1 of each year, commencing August 1, 2018 and continuing semi-annually through February 1, 2048.

Interest and principal are payable in lawful money of the United States at such place as the registered holder hereof may designate in writing.

This bond is issued to defray part of the cost of certain public sewer system improvements authorized under and by virtue of Chapters 53, 97 and 101 of Title 24 of Vermont Statutes Annotated, the vote of the Town at the special meeting thereof March 1, 2016, and resolutions of its Selectboard duly adopted.

This bond is transferable by the registered holder in person or by attorney duly authorized at the office of the Treasurer of the Town.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this bond have been done, have happened, and have been performed in regular and due form as required by law and for the payment of this bond and the interest thereon the full faith and credit of the Town are hereby irrevocably pledged.

IN WITNESS WHEREOF, the said Town of Brandon has caused this bond to be executed by its Selectboard and its Treasurer as of the 1st day of February, 2018.

Treasurer

Clerk

Selectboard
Town of Brandon

\$499,000

TOWN OF BRANDON
2.25% REGISTERED PUBLIC SEWER SYSTEM IMPROVEMENT
BOND NO. 1, DATED FEBRUARY 1, 2018; DUE \$11,482
AUGUST 1/FEBRUARY 1, 2018/2048

CERTIFICATE OF REGISTRATION

It is hereby certified that the within bond is hereby declared to be a registered bond with the principal and interest thereon payable semi-specially, and that such interest, as well as the principal, is payable to the registered holder thereof, its legal representatives, successors or assigns at the time and place expressed on the face of this bond.

The within bond is transferable only upon the books of the Treasurer of the Town of Brandon upon presentation to the Treasurer with a written assignment duly acknowledged or proved.

Date of Registration: February 1, 2018

Name and Address of

Registered Holder: UNITED STATES OF AMERICA
acting through its Department
of Agriculture
87 State Street #324
Montpelier, VT 05601-0249

Treasurer