

**Brandon Select Board Meeting**  
**June 10, 2019**  
**7:00 p.m.**

The Brandon Select Board will meet Monday, June 10, 2019 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) Select Board Minutes – May 27, 2019
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Wetlands Discussion
- 6) Hildreth Landon Fund Request
- 7) Fiscal
  - a) Warrant – June 10, 2019 - \$131,077.34
  - b) Route 7 Construction Warrant – June 10, 2019 - \$532,575.62
  - c) Bridge 114 Warrant – June 10, 2019 - \$230,004.37
- 8) Adjournment

**Brandon Select Board Meeting  
May 27, 2019**

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

**Board Members in Attendance:** Doug Bailey, Seth Hopkins, Tracy Wyman, Brian Coolidge, Tim Guiles

**Others in Attendance:** Dave Atherton, Brent Buehler, Charles Powell

The meeting was called to order by Seth Hopkins – Chair at 7:00PM

**1. Call to order**

*a) Agenda Adoption* – **Motion** by Doug Bailey/Tracy Wyman to adopt the agenda. **The motion passed unanimously.**

**2. Approval of Minutes**

*a/b) Approval of Minutes – May 13, 2019 - Select Board Meeting*

**Motion** by Tracy Wyman/Doug Bailey to approve the May 13, 2019 Select Board Meeting minutes. **The motion passed unanimously.**

**3. Town Manager's Report**

Dave Atherton provided a written report for the weeks of May 13<sup>th</sup> and May 20<sup>th</sup>. Seth Hopkins noted that the Town Manager's report is available on-line under Packets for the Select Board meetings.

Doug Bailey questioned whether the digging is done for the Route 7 project. Dave Atherton confirmed it is done in the area that they have been working. They will be doing the box cut on Seminary Street and will then be finishing Segment C and going on to Segment A.

**4. Police Chief Report**

Seth Hopkins noted Chief Brickell provided an overview, a summary of ticketing and arrests and the plans for the SRO position for OVUHS. Mr. Hopkins noted this report is also available on-line under the Select Board meeting Packet. It was noted that ticketing has increased, which was attributed to new officers in the Department and several tickets being issued in the work zone area.

**5. Public Comment and Participation**

Brent Buehler thanked the Select Board for providing him a status sheet on the public land. He had raised the question about public notice for leasing lands when it was on the last agenda for Mr. Wyman's lease, but it had not been noticed when the parking lot behind the Mobil station was leased to Casella. Seth Hopkins advised that he had followed up with the Town Manager and was advised that the Town is not receiving payment for the use of the parking lot behind the Mobil Station. The Town is the customer for the Route 7 project, and this was a way to facilitate the project. The Town did not enter into a lease with Casella and there was no money exchanged, but there is an agreement with the State of Vermont for storing materials. Casella has a similar situation on Nickerson Road with the landowner. Mr. Buehler noted he viewed an agreement with the Town with an exemption from VTrans for the use that was outside the land use ordinance in order to store items. Mr. Atherton noted the agreement was contingent on getting the exemption from VTrans for that use. Mr. Hopkins stated there was money exchanged with the land for Mr. Wyman and in this case, the Town is getting the benefit by not having Casella lease a parcel from someone else that would increase the project cost. Mr. Hopkins advised this was part of the overall Segment 6 bid process. Doug Bailey stated the Town knew this area was going to be used for staging when the Town purchased it, as it would be in the center of the project and would hopefully speed up the project. Charles Powell asked if the use of the pumps was included. Mr. Hopkins advised the front half of the parcel is still a privately-owned parcel and their agreement was unknown. Mr. Powell noted they are pleased with Casella, as they have been one of the more impacted properties and Casella has been helpful, gracious and informative.

## **6. Revise Policy on Sewer Bill Abatements**

Dave Atherton suggested removing the time limit of 30 days in Item A under General Requirements, as this could infringe on due process. Mr. Atherton cited an instance where this term affected the abatement and recommended either rewriting Item A or eliminating it. Doug Bailey questioned whether there should be some type of time noted. Tim Guiles agreed there should be a time indicated. It was recommended to strike the wording "30 days" and change it to one year.

**Motion** by Tracy Wyman/Doug Bailey to strike the wording "30 days" in Item A under General Requirements and replace with "one year" in both places noted in this section. **The motion passed unanimously.**

Dave Atherton will make the changes and bring the policy to the Select Board's next meeting for signature.

## **7. Fiscal**

### ***a) General Fund Warrant – May 27, 2019 - \$1,179,510.46***

**Motion** by Brian Coolidge/Tracy Wyman to approve the warrants of May 27, 2019 in the amount of \$1,179,510.46. **The motion passed unanimously.**

Mr. Atherton reported \$908,000.00 of the warrant was for payment to the school.

***b) Route 7 Construction Warrant – May 27, 2019 - \$567,463.82***

**Motion** by Brian Coolidge/Doug Bailey to approve the Route 7 Construction warrant in the amount of \$567,463.82. **The motion passed with one abstention – Tracy Wyman.**

***c) Bridge 114 Warrant – May 27, 2019 - \$8,959.09***

**Motion** by Tracy Wyman/Brian Coolidge to approve the Bridge 114 warrant in the amount of \$8,959.09. **The motion passed unanimously.**

The Select Board recessed at 7:16PM.

The Select Board reconvened at 7:22PM.

**Motion** by Brian Coolidge/Tracy Wyman to enter executive session at 7:22PM in accordance with 1 VSA 313(a) (3) – the appointment or employment or evaluation of a public officer or employee, with the session to include the Town Manager. **The motion passed unanimously.**

**8. Executive Session**

At 7:40PM, Dave Atherton and Doug Bailey left the executive session. Doug Bailey recused himself from the Town Manager’s performance evaluation process.

The Select Board came out of executive session at 8:03PM. There were no actions required.

**9. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:04PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

## Town Manager Report for weeks of May 27<sup>th</sup> and June 3<sup>rd</sup>, 2019

### Union St Sidewalk:

The project has gone out to bid! The bid deadline is June 12<sup>th</sup> at 2 p.m.

### Park Street:

We have received the NEPA document. We are still planning on bidding the project out for construction this year.

**Segment 6:** Here is the 2 week “look ahead”:

- Sidewalk preparations and installations Segment ‘E’ /’D’, Crescent Park, Lot ‘A’ and Central Park areas both concrete and brick surfaces.
- Permanent base pavement placement within Segment ‘C’.
- Placement of topsoil and hydro-seeding various project locations.
- Continued night construction activities within Segment ‘C’ inclusive of ledge removal, sewer, water, drainage infrastructure improvements as well as roadway preparations for pavement.
- Roadway and underground utility improvements within Segment ‘A’ including drilling and blasting of ledge, (High Street North).
- Continued installation of topsoil, seed and mulch various project locations.
- Franklin Street and Briggs Lane headwalls associated with stormwater.
- Placement of temporary pavement markings.
- Water fountains relocations’ preparation and placements within Central and Crescent Park locations.
- Earthen slope stabilization adjacent to 8 Conant Square.
- Continued landscape plantings.

### Route 73:

Drainage work and cross pipe excavation will be ongoing next week in reclaim areas.

Crews will continue to place gravel along reclaimed surfaces and will then bring the roadway to grade.

Crews are scheduled to work on Saturday, 6/15/19

### Rec Dept:

- We had amazing weather at the Brandon Carnival this weekend. The addition of the Neshobe/Lothrop Concert, Brandon Idol Finale, Family Feud, Baking contest, New England Wildlife Encounter and Kids Talent show pushed attendance back up, despite having fewer rides due to the labor shortage affecting Miller Amusements. A HUGE thanks to our generous sponsor and dozens of volunteers that helped to make our 3<sup>rd</sup> carnival a unmitigated success.
- Baseball season is wrapping up for our younger players. The Brandon Rec would like to recognize our sponsors and coaches:
  - T-ball: Patch Electric Chargers - Richard Giddings & Megan Sheldrick, Smoke Rise Campground Flames – Kyle Trudo & Orin Mitchell, Aubuchon Hardward Bulldogs – Lance Laraway & Chad Disorda
  - Mighty Mites: Lawes Ag Lions – Lucy Rouse, Lindsay Romano & Laura Miner, Mae’s Place Moose – Holly Siegle, McCullough Bros Hawks – Brent Wilbur & Jamie Buzzell
- Middle School Lacrosse is also wrapping up. Thanks to Boys coaches Tyler Peterson & Jared Felkl and girls coaches Chelsea Reed & Alison Callahan.
- Swimming Lessons start on June 24<sup>th</sup> at the Brandon Inn.
- Theatre Writing Camp with Lennon Philo begins on June 24<sup>th</sup> at the Town Hall

Other items will be covered in the agenda.

06/07/19  
01:43 pm

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63192 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 06/10/19 To 06/10/19

Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
200263	ALDRICH & ELLIOTT, PC	05/30/19 WW Coll System	20-5-60-20120	1245.00	46868	06/10/19
		78432	Engineering			
100015	ALLEN ENGINEERING & CHEMI	05/10/19 potassium permanganate	20-5-55-50150	255.00	46869	06/10/19
		11151604101	Other Chemicals			
100619	ALLIED AUTO PARTS	05/22/19 fittings, hose, o-rings	10-5-15-41160	91.52	46870	06/10/19
		705678	HW Maint. Supplies-Vehicl			
310590	AMERICAN WINDOW CLEANING	06/04/19 May windows	10-5-22-43100	50.00	46871	06/10/19
		2034	Town Office			
100598	AUBUCHON HARDWARE	05/25/19 drill bits, rivets	10-5-15-41160	19.35	46872	06/10/19
		1624099563	HW Maint. Supplies-Vehicl			
100598	AUBUCHON HARDWARE	05/25/19 American flag	10-5-22-43160	36.99	46873	06/10/19
		1624099565	Parks Maint.			
100598	AUBUCHON HARDWARE	05/25/19 keys	10-5-18-30070	11.96	46874	06/10/19
		1624099566	Little League Expenses			
310732	BEN FULLER MUSIC	06/07/19 Carnival Music	10-5-18-61050	1000.00	46866	06/07/19
		6/7/19	Brandon Carnival			
100275	BRANDON FREE PUBLIC LIBRA	06/04/19 appropriation	10-5-25-70470	7666.63	46875	06/10/19
		JUNE 2019	Brandon Library			
100280	BRANDON LUMBER & MILLWORK	05/14/19 LED light bulbs	10-5-22-43080	5.99	46876	06/10/19
		763037/3	Highway Bldg Maint			
100280	BRANDON LUMBER & MILLWORK	05/21/19 sakrete	10-5-15-46130	29.57	46876	06/10/19
		763253/3	Culverts			
100280	BRANDON LUMBER & MILLWORK	05/21/19 propane cylinder	10-5-15-46110	45.65	46876	06/10/19
		763264/3	Paving Roads			
100280	BRANDON LUMBER & MILLWORK	05/24/19 posthole digger	10-5-22-43120	36.99	46876	06/10/19
		763380/3	Municipal Mowing			
100280	BRANDON LUMBER & MILLWORK	05/28/19 materials for banner	46-5-50-70100	105.02	46876	06/10/19
		763439/3	Seg 6 Marketing			
100280	BRANDON LUMBER & MILLWORK	05/31/19 cedar bark mulch	10-5-22-43160	91.98	46876	06/10/19
		763552/3	Parks Maint.			
100280	BRANDON LUMBER & MILLWORK	06/04/19 trash bags	10-5-22-43170	33.98	46876	06/10/19
		763673/3	Trash costs-Transfer Stat			
100280	BRANDON LUMBER & MILLWORK	06/05/19 flagging tape	10-5-18-61050	7.16	46876	06/10/19
		763755/3	Brandon Carnival			
100280	BRANDON LUMBER & MILLWORK	05/24/19 cedar posts	10-5-22-43080	110.97	46876	06/10/19
		789350/3	Highway Bldg Maint			
200218	BRANDON REPORTER	06/07/19 May ads	10-5-10-30310	63.70	46877	06/10/19
		5/31/19	Legal Advertising			
200218	BRANDON REPORTER	06/07/19 May ads	10-5-18-10330	423.75	46877	06/10/19
		5/31/19	Advertising/Recruitment			
200218	BRANDON REPORTER	06/06/19 march magic ad	46-5-50-70100	103.63	46877	06/10/19
		98495	Seg 6 Marketing			
200218	BRANDON REPORTER	06/06/19 march magic ad	46-5-50-70100	103.63	46877	06/10/19
		98496	Seg 6 Marketing			
100310	BRANDON SENIOR CITIZENS C	06/04/19 appropriation	10-5-25-70480	1125.00	46878	06/10/19
		JUNE 2019	Senior Citizen Center			
300454	CAMP PRECAST CONCRETE PRO	05/30/19 Churchill Box Culvert	46-5-15-26000	67505.00	46879	06/10/19
		41365	CB Box Culvert			
310894	CARRARA, SARAH-LYNNE	06/04/19 6 classes	10-5-18-50040	150.00	46880	06/10/19
		06/04/19	Fitness - General			

All Invoices For Check Acct 01(10 General Fund) 06/10/19 To 06/10/19

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
301503	05/24/19	gasoline 177549	10-5-14-41130 Fuel - Vehicles	566.52	46881	06/10/19
301503	05/31/19	diesel fuel 178065	10-5-15-41130 Fuel - Vehicles HW	750.38	46881	06/10/19
310097	06/04/19	town office for June 5-27-19	10-5-10-42100 Telephone Exp. Admin.	471.69	46882	06/10/19
310097	05/27/19	service: 06/04 - 07/03 PD05/27/19	10-5-14-42100 PD Telephone Service	301.31	46883	06/10/19
310097	05/21/19	service: 05/28 - 06/27 WW 05/21/19	20-5-55-42100 Wastewater Telephone	184.34	46884	06/10/19
310821	05/09/19	lacrosse officiating 05/09/19	10-5-18-40130 LaCrosse Expense	60.00	46885	06/10/19
310177	06/04/19	June host fee 128187	10-5-13-30123 Records Preservation	233.00	46886	06/10/19
100470	05/24/19	bolt, blade 0062505	10-5-22-43120 Municipal Mowing	50.88	46887	06/10/19
310923	06/05/19	race registration ADAMS	10-5-18-61050 Brandon Carnival	35.00	46888	06/10/19
310923	06/05/19	race registration LEE	10-5-18-61050 Brandon Carnival	35.00	46888	06/10/19
330426	06/04/19	ww pages 3 months 175-16883	20-5-55-42100 Wastewater Telephone	35.85	46889	06/10/19
310733	06/01/19	May rubbish removal MAY2019	20-5-55-50160 Sludge Disposal	380.00	46890	06/10/19
310903	06/06/19	chipper repairs 1690	10-5-15-41110 New Equipment-Misc. Tools	2000.00	46891	06/10/19
100494	05/24/19	testing 298073	20-5-55-22120 Testing	22.00	46892	06/10/19
100494	05/31/19	testing 298582	20-5-55-22120 Testing	22.00	46892	06/10/19
100615	05/28/19	desiccant 6248972	20-5-55-30120 Professional Supplies	59.45	46893	06/10/19
100925	05/21/19	uniforms 1243842	10-5-15-10320 Clothing Allowance	49.16	46894	06/10/19
100925	05/28/19	uniforms 1245207	20-5-55-10320 Clothing Allowance	21.73	46894	06/10/19
100925	05/28/19	uniforms 1245208	10-5-15-10320 Clothing Allowance	49.16	46894	06/10/19
100925	06/04/19	uniforms 1246579	20-5-55-10320 Clothing Allowance	21.73	46894	06/10/19
310824	05/21/19	lacrosse officiating 05/21/19	10-5-18-40130 LaCrosse Expense	73.00	46895	06/10/19
100332	05/23/19	chips 68451	10-5-18-60100 Seminary Hill	120.00	46896	06/10/19
100725	04/29/19	hitch pin 135744	10-5-22-43120 Municipal Mowing	5.98	46897	06/10/19
100725	05/01/19	oil 135871	10-5-22-43120 Municipal Mowing	12.34	46897	06/10/19
100725	05/17/19	degreaser 136622	20-5-55-43160 Maint. Supplies - General	4.59	46897	06/10/19

06/07/19  
01:43 pm

TOWN OF BRANDON Accounts Payable  
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All Invoices For Check Acct 01(10 General Fund) 06/10/19 To 06/10/19

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Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
100725	05/24/19	GREEN MOUNTAIN GARAGE shackle, fuel filter 136921	10-5-22-43120 Municipal Mowing	7.52	46897	06/10/19
100725	05/24/19	GREEN MOUNTAIN GARAGE diesel exhaust fluid 136930	20-5-55-41180 Maintenance-Vehicles	13.00	46897	06/10/19
100725	06/05/19	GREEN MOUNTAIN GARAGE cable ties, lubricant 137364	10-5-15-41160 HW Maint. Supplies-Vehicl	24.65	46897	06/10/19
200322	05/13/19	HOWARD P FAIRFIELD LLC broom for street sweeper 6586048	10-5-15-41160 HW Maint. Supplies-Vehicl	157.59	46898	06/10/19
100588	05/28/19	MARKOWSKI EXCAVATING, INC gravel V-20805	10-5-15-46140 Gravel	115.14	46899	06/10/19
310117	03/24/19	MIDDLEBURY COLLEGE SNOW B ski program 2019	10-5-18-40100 Snow Bowl Program	990.00	46900	06/10/19
100030	05/27/19	MINER CONSTRUCTION, INC. Park Village storm drain 19024	10-5-15-20240 Contractors	1893.30	46901	06/10/19
310906	05/31/19	MODERN CLEANERS & TAILORS uniform maint MAY2019	10-5-14-10320 Clothing Allowance	105.50	46902	06/10/19
301033	05/17/19	MOMAR, INCORPORATED degreaser PSI288981	20-5-55-51310 Collection Systems	365.89	46903	06/10/19
100900	06/06/19	MORRIS, RICHARD W & KAREN BOA REFUND DETERMINATION 0663	20-2-00-02120 Sewer Fee Credits	3809.74	46904	06/10/19
200268	06/06/19	NESHOBE GOLF CLUB support of youth golf 06/06/19	10-5-18-40140 Golf Camp	10000.00	46905	06/10/19
100788	06/04/19	NEW ENGLAND MUNICIPAL RES June Assessment 43886	47-5-10-10100 Professional Services	7550.00	46906	06/10/19
310925	05/21/19	PALMER, DAVID lacrosse officiating 05/21/19	10-5-18-40130 LaCrosse Expense	70.00	46907	06/10/19
310736	06/03/19	POCKETTE PEST CONTROL pest control/Police Dept 12449	10-5-22-43090 PD Bldg Maint.	65.00	46908	06/10/19
310736	06/03/19	POCKETTE PEST CONTROL pest control/Town Hall 12450	10-5-22-43150 Town Hall Repair/Maint.	80.00	46908	06/10/19
310736	06/03/19	POCKETTE PEST CONTROL pest control/Town Office 12451	10-5-22-43100 Town Office	70.00	46908	06/10/19
310736	06/03/19	POCKETTE PEST CONTROL pest control/storage area 12452	10-5-18-20500 Storage Unit Supply/Maint	50.00	46908	06/10/19
101050	05/23/19	PRATICO'S LANDSCAPING & F replaced damaged fence 5193	10-5-22-43160 Parks Maint.	357.00	46909	06/10/19
100082	06/03/19	ROMANO, TANNER refund of damage deposit A-324	10-2-00-02710 Deposits Payable	300.00	46910	06/10/19
300502	05/13/19	ROUSE TIRE SALES INC repair flat on backhoe 10273976	10-5-15-41170 HW Tires - Vehicles	47.00	46911	06/10/19
300375	05/30/19	RUTLAND CITY April sludge processing 24293SLUDG	20-5-55-50160 Sludge Disposal	4200.00	46912	06/10/19
100005	06/06/19	RUTLAND COUNTY SOLID WAST may surcharge 26012	10-5-22-75120 Solid Waste Disposal	758.86	46913	06/10/19
100005	06/06/19	RUTLAND COUNTY SOLID WAST may recycling M2134	10-5-22-75120 Solid Waste Disposal	455.40	46913	06/10/19
300135	04/12/19	RUTLAND NORTHEAST SUPERVI bus for ski program MARCH2019	10-5-18-40100 Snow Bowl Program	279.64	46914	06/10/19
310924	05/09/19	SIHLER, GUNTHER lacrosse officiating 05/09/19	10-5-18-40130 LaCrosse Expense	66.00	46915	06/10/19



Manually Selected For Check Acct 99(10 General Fund) 06/10/2019 To 06/10/2019

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100051	CARR, BERNIE	PIO MAY 19	S6 PIO May 2019	4770.00	0.00	4770.00	46857 06/04/19
300286	CASELLA CONSTRUCTION INC	PR40	S6 PR # 40	467279.92	0.00	467279.92	46858 06/04/19
100456	DUBOIS & KING INC	519290	S6 CI progress rpt #51	52908.59	0.00	52908.59	46859 06/04/19
310760	FUSS & O'NEILL INC	212206	S6 Roadway Design servic	7617.11	0.00	7617.11	46861 06/04/19
Report Total			532,575.62	0.00	532,575.62		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*532,575.62

Let this be your order for the payments of these amounts.

Segment 6

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06/07/19  
01:16 pm

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63190 Current Prior Next FY Invoices  
Manually Selected For Check Acct 99(10 General Fund) 06/10/19 To 06/10/19

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Jacolyn

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
310818	ALPINE CONSTRUCTION, LLC	APP 19	B114 App # 19	214736.46	0.00	214736.46	46865 06/07/19
100456	DUBOIS & KING INC	519301	B114 CI progress rpt #24	10159.96	0.00	10159.96	46860 06/04/19
310760	FUSS & O'NEILL INC	212250	B114 Engineering	5107.95	0.00	5107.95	46862 06/04/19
Report Total			230,004.37	0.00	230,004.37		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*230,004.37  
Let this be your order for the payments of these amounts.

Bridge 114

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## SUMMARY OF UPCOMING STATUTORY CHANGES

### Vital Records Law, effective July 1, 2019

- Established by Act 46
- Statewide system will create, store issue and track birth and death certificates from January 1, 1909 to present.
- Certified and noncertified copies will be issued from the statewide system.
- Requests for copies will be tracked through the use of an application completed at clerk's office.
- Certified copies can only be issued to family members, legal guardians and certain court-appointed parties and legal representatives.
- Security paper must be kept under lock and key.
- Individuals can get copies of vital records from any town clerk.
- Clerks must limit access to birth and death records kept in town vault.

### H.526 – Municipal Fees, effective 7/1/2019

- Increase in recording fees - \$15/page (see attached schedule)
- Increase in Record Preservation Funds - \$4/page
- Reporting annually on the Record Preservation Fund
- Land Surveyors must submit digital copies of plats to Vermont Center for Geographic information at the time it is filed with town clerk.
- Plats required when parcel is subdivided or when boundaries are changed. (Jan 1, 2020)
- Town must bear costs of returning documents.
- Day Books required to record receipt of documents for recording.

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## CHANGES TO THE VITAL RECORDS LAW

### NEW RULES FOR VITAL RECORDS (EFFECTIVE JULY 1, 2019)

The new rules for Vital Records established by [Act 46](#) (<https://legislature.vermont.gov/Documents/2018/Docs/ACTS/ACT046/ACT046%20As%20Enacted>) intend to bring Vermont in line with best practices to enhance the safety and security of vital records and provide greater protection against identity theft. They will also streamline processes for greater efficiency by clarifying who is responsible for records and how records are to be created, stored, copied and shared. The new rules were developed from recommendations by the [Vital Records Study Committee](#) (<http://legislature.vermont.gov/assets/Legislative-Reports/2016-VitalRecordsStudyCommitteeReport.pdf>) and testimony from a wide variety of stakeholders, including town clerks and members of the public. **The new changes go into effect on July 1, 2019.**

### OVERVIEW FOR TOWN CLERKS

This section provides preliminary information to help town clerks understand and ensure compliance with the new rules and systems required by Act 46. More details about processes and definitions will be available before July 1, 2019 and trainings will be offered to support town clerks.

#### Electronic Statewide Vital Records System

- The statewide system will be used to create, store, issue and track birth and death certificates from January 1, 1909 to present.
- Certified and noncertified copies from January 1, 1909 forward will be issued from the statewide system.

- Certified and noncertified copies of records from before January 1, 1909 will not be issued from the statewide system.
  - Requests will be tracked with the statewide system.
  - Town clerks will have access to a searchable database maintained by the Vital Records Office.
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## Restricted Access to Certified Copies of Birth and Death Certificates

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- Certified copies of certificates can only be issued to family members, legal guardians and certain court-related parties and legal representatives.
  - Applicants must complete an application and show acceptable identification. A list of forms of accepted identification are being finalized and will be shared before July.
  - Applicants do not need to prove their relationship to the person on the certificate.
  - Applicants who are not eligible to receive a certified certificate (e.g. people who are not family or who provide unacceptable identification) will be referred to the Vital Records Office.
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## Security Paper Usage and Inventory

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- Security paper will be used for certified copies of certificates before and after January 1, 1909.
  - The statewide system's inventory function will be used to track security paper and report damaged or destroyed sheets.
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## Health Department Responsibilities

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The Health Department is responsible for:

- establishing rules and requirements
- updating certificates
- storing certificates and restricting access to paper versions in vaults

- educating the public about the changes
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## **Vital Records Office Responsibilities**

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The Vital Records Office is responsible for:

- setting up and training town officials to use the statewide system
  - providing new electronic forms and certificates
  - maintaining a fraud alert system
  - reviewing appeals and complaints of denial for certified copies
  - processing all corrections and amendments to birth and death certificates
  - maintaining a searchable index for the public
  - managing the security paper inventory system
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## **Town Clerk Responsibilities**

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Town Clerks are responsible for:

- receiving applications from applicants
  - entering the application information into the statewide system
  - checking applicant identification
  - referring ineligible applicants to the Vital Records Office
  - protecting security paper and town seal according to the rules
  - reporting damaged or destroyed security paper in the statewide system
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## **Town Participation & Opting Out**

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Towns may opt out of the statewide system by notifying the Vital Records Office in writing. Towns that opt out:

- will not be able to issue certificates from January 1, 1909 to present
- will be able to issue marriage licenses and certified copies of marriage certificates

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## Benefits of Participation for Towns

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By participating in the statewide system, towns will be able to:

- continue to keep the certified copy fee
- reduced administrative burden by no longer receiving paper certificates from hospitals or addressing errors, mailing paper copies to towns or Vital Records Office, or correcting and amending certificates
- access certified copies from any town without being limited to the applicant's town of residence
- access a searchable database to find any birth or death certificate from anywhere in Vermont from January 1, 1909 to present
- receive notification when certificates are updated electronically
- print a list of records for your town

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Looking for more information?

[Act 46: Overview and Next Steps presentation](#)

Procedure Flowcharts for Town Clerks *(An updated version of this document will be posted shortly.)*

Watch the training on Act 46 Implementation for Town Clerks from May 2019.

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**Town Clerk Training - Act 46 Implementation**

## SUMMARY OF H.526 WHICH WILL GO INTO EFFECT 7/1/2019

H.526 made changes not only to fees but to procedure. Here are the highlights of those changes.

- (1) Requires a town fee report to include a summary of the monies allocated from each town's Restoration and Preservation Reserve Fund for the digitization of records. *The VMCTA will provide a spreadsheet to help facilitate the collection of data. The spreadsheet with detailed instructions will be forthcoming.*
- (2) Increases the fees for recording services. *See summary below.*
- (3) Requires each town to establish a Restoration and Preservation Reserve Fund for the restoration, preservation, digitization, and conservation of municipal records.

*The Restoration and Preservation Reserve Fund shall be used solely for restoration, preservation, digitization, storage, and conservation of municipal records. A municipality may allocate less than the \$4.00 per page from recording fees if the clerk of the municipality annually certifies the municipality has sufficient dedicated reserve funds to provide for the uses described in statute. Even though a municipality may have committed funds to restoration and preservation through your budget this does not mean you have to reduce the \$4.00 per page set aside. Remember, the unspent funds carry over to subsequent fiscal years and need to be available as needed.*

- (4) Requires land surveyors to submit a digital copy of a survey plat to the Vermont Center for Geographic Information at the time that the official plat is filed with a town clerk.

*The survey plat filed with the town clerk shall be the official plat of record.*

- (5) Requires a survey plat to be recorded when a parcel is subdivided or when the boundaries of a parcel are changed after January 1, 2020.

*The plat must depict the new boundaries and the book/page where the new boundaries have been previously recorded,*



(6) Specify the time at which a State tax lien is deemed "filed" with town clerk.

*The lien shall be deemed filed when the clerk of the town or city endorses a certificate on the lien pursuant to 24 V.S.A. § 1159. When you download/print the document for recording that is the date of record.*

(7) The Town must bear the costs associated with returning the original instrument to the person who filed the instrument for record.

*Clerks can no longer mandate "postage paid" envelopes to return documents.*

(8) Require town clerks to indorse an instrument and enter the instrument into a Day Book within three days of the date the instrument was filed or left for record.

*Documents are required to be entered into the Day Book, or other searchable listing within three (3) days from the date of receipt, even though a book and page number is not being assigned at the time of entry.*

# Summary of Vermont Recording Fee Changes

Per H.526 (approved by VT Legislature 2019 session)

32 V.S.A. §1671 Effective: July 1, 2019

	FORMER FEE	NEW FEE
Document recording fees *	\$10/page	\$15/page
PTTR ( <i>Property transfer tax return</i> ) recording fees	\$10/document	\$15/document
Survey plat recording fees	\$15/sheet	\$25/sheet
Certified copy of records ( <i>no change</i> )	\$10/page	\$10/page
Examination of records ( <i>time in vault</i> )	\$2/hour	\$4/hour

\* Documents include all items recorded in the land records (deeds, mortgages, assignments, liens, releases, permits)

\* Multiple assignments or releases included on one document are charged \$15/assignment or release.

\* \$4 of every \$15 will go to Record Preservation Fund, and this will be annually certified.