

**Brandon Board of Sewer Commissioners Meeting
February 10, 2020
7:00 p.m.**

The Brandon Board of Sewer Commissioners will meet Monday, February 10, 2020 in conjunction with the Select Board Meeting to begin 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 at 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 – January 13, 2020
- 3) Approve Request for Payment Plan
- 4) Adjournment

**Brandon Board of Sewer Commissioners Meeting
January 13, 2020**

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

In Attendance: Seth Hopkins, Brian Coolidge, Tracy Wyman, Tim Guiles, Doug Bailey

Others In Attendance: Dave Atherton

1. Call to Order

The meeting was called to order at 7:51PM by Seth Hopkins – Chair.

a. Agenda Adoption

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

2. Consent Agenda

a) Minutes of Board of Sewer Commissioners of July 8, 2019

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the July 8, 2019 Board of Sewer Commissioners meeting. **The motion passed with one abstention – Doug Bailey.**

3. Pump Station Discussion

Dave Atherton advised there are three pump stations the Town had acquired; the Neshobe House station was deeded to the Town, the station near the Country Club Condos, and the Brookdale Mobile Home Park station. There have been issues with individual pump stations that are getting clogged up with items that are creating havoc. There has been a request from the Wastewater Department to determine if the stations can be given back to the entities. The Select Board had previously voted to take the Country Club and Brookdale stations when Bruce Rounds was the Director. Mr. Atherton noted the Sewer Ordinance does not have a signed effective date and has had many amendments that go back to 1987. The pump stations noted were acquired after 1987 and there had been an issue with the Neshobe House that is owned by the Vermont State Housing Authority. Mr. Atherton has advised them that something needs to be done to resolve the problems they are having with this station and has scheduled a meeting for next week. The Country Club Condo pump station has electrical problems and has cost the Town a lot of money and noted there have been similar problems with Brookdale Mobile Home Park. Tim Guiles asked if there is a procedure for fining a person for putting something in the sewer that should not be there. Mr. Atherton advised these are on private property and he has talked to the Town's attorney with regard to liability. The way the ordinance is written the Town is responsible for the main line and the property owners are responsible for the laterals. Mr. Atherton stated the Town

can ask the entities to take the ones back that have not been deeded to the Town. Mr. Atherton noted when there are issues with these pump stations, it is costing all users money as the pumps are expensive. There are pump stations on Newton Road, Champlain Street, Carver Street and another one that are on public property. Mr. Atherton advised the pump stations are running now but wanted to bring this issue to the Board's attention. Mr. Atherton will do more research on this subject and advise the Board. The Town is incurring costs and the Condo Association should pay for the expenses, as it is not right for all of the sewer users to pay for properties with forced mains. Mr. Guiles suggested part of the solution should be an education campaign to assure that people know what to do with the sewer system. Mr. Atherton suggested scheduling a meeting with the landowners to discuss this item. Seth Hopkins thanked the Town Manager for identifying the problems and bringing possible solutions to the Sewer Board.

4. Adjournment

Motion by Doug Bailey/Brian Coolidge to adjourn the Board of Sewer Commissioners' meeting at 8:01PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Section 3 . Sewer systems in newly established subdivisions may be connected to the Town sewage works provided the following conditions are met:

- a . The collecting system within the subdivision and the connecting pipe(s) to the public sewer are designed by a registered professional engineer of the State of Vermont and approved by all applicable agencies.
- b . An application for approval of the proposed works shall be submitted to the Authority prior to start of construction.
- c . The volume of the collected wastes from the proposed system shall not cause any part of the sewage works to become overloaded.
- d . All costs applicable to the proposed works shall be the responsibility of the applicant.
- e . Approval of the completed works must be obtained from the Authority before the Town shall assume responsibility of ownership.
- f . All proposed extensions shall be public extensions and shall be approved based on that extension's conformance to the Town's standards and specifications as promulgated in this Ordinance. Prior to acceptance all as-built plans, property rights-of-way and easements, and certifications of the owner's engineer shall be filed with the Town for formal acceptance.[4]

ARTICLE XI . Rates and Responsibility of Costs

Section 1 . All property directly connected to the sewer system and served by sewage works shall be subject to fees in support of the construction, extension, and improvement of the public sanitary sewers, to be levied and collected in accordance with Section 6 of this Article XI[5]. The cost of principal and interest, either bonded or otherwise, shall be borne to those users connected to the system. All new users shall be required to pay a connection fee or a "buy-in assessment" at a rate determined to be proportionate to existing user costs of capitalization of the facilities.[6]

Section 2 . The annual operating and maintenance cost of the sewer system shall be paid by the users of the system in proportion to their use. Charges for use of the system shall be based upon volume of wastewater discharged to the sewage works.

Section 3 . The Sewer Authority shall establish the user charge system in accordance with appropriate Federal and State rules and regulations pertaining to the costs associated to the use of the sewer by domestic and commercial users.

Section 4 . The Sewer Authority shall, in establishing the rates referred to in Sections 1 and 2 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR ss 35.935-13 and 10 V.S.A. Chapter 79.

Section 5 . Rates shall be established by the Board of Sewer Commissioners and may be changed from time to time as required.[7]

Section 6 . Users intending to connect to the public sewer shall pay an initial hookup charge which shall be computed and paid in the manner hereinafter provided. These hookup charges may be used for either pre-existing, current or future capital improvements.[8]

a . The hookup charge shall be computed at a rate per gallon on the total gallonage to be allocated as the Sewer Authority shall from time to time establish.

b . If the gallonage requested is 1,500 gallons or less, the applicant shall pay in full, upon application. If the request is more than 1,500 gallons, the hookup charge shall be paid as follows:

(1) Ten percent (10%) upon application for gallonage requested to be reserved, on forms provided by the Sewer Authority.

(2) If capacity exists at the time of application, then on or before sixty (60) days from the date of said application, the user shall enter into a contract with the Sewer Authority, acting on behalf of the Town.

(3) When State and/or local permit or permits are required for any project for which payment in Article XI, Section 6b(1) has been made, including State Land Use (Act 250) permit, Zoning Permit, or any Certificate of Compliance from a State department or agency, forty percent (40%) of the hookup fee shall be payable within thirty (30) days of the receipt of the permit or permits. If such permit or permits are denied, or, if the user abandons a project before the start of construction because of permit denial, or for any other reason, the contract, if entered into, and/or application for gallonage, will be deemed null and void; any payment made shall be returned without interest, and reservation of gallonage for the project shall be withdrawn and returned to the plant's uncommitted capacity. For the purposes of this Article, the user shall be deemed to have abandoned a project if the user fails to accomplish any one of the following three items:

(a) The user fails to enter into a contract within sixty (60) days of the user's written acceptance of available gallonage as required in Article XI, Section 6b(2), or

(b) The user fails to make payment as required in Article XI, Section 6b(4), or

(c) The user fails to receive the required permit or permits as stated above and commence construction within eighteen (18) months from the date of the contract. If, however, said permit should place restrictions on construction dates, then the eighteen (18) month commencement of construction date shall be extended for such period of time as deemed reasonable by the Sewer Authority.

(4) The remaining fifty percent (50%) prior to the commencement of construction.

(5) Projects may be phased by agreement between the Sewer Authority and the user, or, by the unilateral request of the user, or when required by the Sewer Authority because of low or insufficient plant capacity. If a contract is made for one phase, allocation of gallonage herein provided shall be only for such phase, and the Town shall not, thereby, be deemed to have bound or committed itself, impliedly or otherwise, to enter into contracts for additional phases, or to provide gallonage therefore, nor shall the user be deemed bound or committed to construct future phases. Such contract shall be binding only for the project herein described, as if no other phases were intended, and the hookup charge shall be computed only for such phase.

(a) If a contract describes more than one phase of a total project, then the hookup charge shall be computed on the whole described project, and payment shall be payable as provided hereinabove, except that the fifty percent (50%) payment in Article XI, Section 6b(4) shall be paid in proportion to such phases, and prior to construction of each phase, but no later than the termination date stated in the contract.