

**Brandon Board of Sewer Commissioners**  
**October 9, 2023**  
**7:00 p.m.**

The Brandon Board of Sewer Commissioners will meet Monday, October 9, 2023 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.

**ZOOM: Meeting ID (253 279 4161)**

- 1) Call to Order
  - a) Agenda Adoption
- 2) Approval of Minutes
  - a) Sewer Commissioners Minutes – July 24, 2023
- 3) Public Comment and Participation
- 4) Property Owner Requesting Clarification on Base Unit Billing Structure
- 5) Adjournment

**Brandon Board of Sewer Commissioners Meeting**  
**July 24, 2023**

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

**Board Members In Attendance:** Tracy Wyman, Brian Coolidge, Tim Guiles, Cecil Reniche-Smith, Heather Nelson

**Others In Attendance:** Seth Hopkins, Bill Moore, Bernie Carr, Ralph Ethier, Janet Coolidge, Barb White, Tom White, Mike Frankiewicz, Molly Kennedy, Sara Rossigg, Brent Buehler, Dorothea Langevin, Steve Cijka, Stephanie Jerome, Sandy Mayo, Claire Astone, Steven Jupiter, Oscar Gardner, Ben Hsiung

**Others in Attendance via Zoom:** Marielle Blais, Sue Gage, Neil Silins, Jack Schneider

**1. Call to Order**

The meeting was called to order at 7:13PM by Tracy Wyman – Board Chair.

***a. Agenda Adoption***

**Motion** by Brian Coolidge/Heather Nelson to approve the agenda as presented. **The motion passed unanimously.**

**2. Approval of Minutes**

***a) Approve Minutes of Board of Sewer Commissioners Meeting - July 10, 2023***

**Motion** by Tim Guiles/Cecil Reniche-Smith to approve the minutes of the July 10, 2023 meeting. **The motion passed unanimously.**

**3. Public Comment and Participation**

There was no discussion held.

**4. Discuss High Flow Events at Wastewater**

Tim Guiles stated Waterbury had previously invested money in their system and recently had a massive flooding event that did not release any effluents and asked what the Town could do to not release any effluent in the river.

Seth Hopkins stated in speaking with Steve Cijka, Tim Kingston and Vermont Rural Water, there are three possible options for the Town to address this issue. Mr. Hopkins noted Mr. Cijka is the highest-grade operator in the State and has institutional experience. The Town's collection system that leads to the facility is prone to infiltration and there is water seeping into the pipes that does not need treating. The Town could replace the 22 miles of collection system lines to prevent the water coming from the sky. Another option is a holding capacity at the plant and if all comes at them, there could be a lagoon installed to release the water slowly to be treated at a more normal pace. This would be a 15-million-gallon structure. The third option brought up is a sequencing batch reactor system that uses technology with the way the water is treated and has the ability to adjust. Currently there are two operators that do the adjusting manually. Any of the three options could make an impact. The ballpark estimate was one million per mile for the collection system lines to prevent the ground water from coming in. Mr. Hopkins did not have estimates for the holding tank or batch reactor.

Heather Nelson asked how big of a problem there is in Mr. Cijka's professional opinion. Mr. Cijka stated before 1960, 365 days a year sewage got to the river. In his estimation, if there are 20 days a year when it is bad the Town would be doing good. The collection system was put in in the 1930s and now the cost is a million dollars a mile. If the Town could fix one at a time, the ones that are leaking bad, it could be squared away eventually. Mr. Cijka noted the sequencing batch reactor failed in Poultney because of the span from normal flow to outrageous flow, and one cannot build something big enough. It would be smart to look at the pipes. Seth Hopkins stated Waterbury floodproofed their facility and the reason it

did not release into the water is that their system is built for 10 times more, and the Town's is 3 times. Cecil Reniche-Smith asked if the EPA has complained about the Town's system. Mr. Cijka advised they told the Town years ago to have an infiltration in-flow study done and is something that Mr. Hopkins will have to look at in the process. Mr. Cijka noted there are many joints and tree roots getting in and when pipes are put together, they are waterproof but not vaper proof. The Town needs to place trees correctly.

Bernie Carr asked if all the pipes in Segment 6 were brought up to code. Mr. Cijka stated there were some roof drains that were not put into the project. The mains lines were done but not the roof drains. The Route 7 problem was a drainage issue and they did Crescent Park that does not flood anymore and they put new drains in front of Ace Hardware and they are now going where they are supposed to go. The Town has to be careful if it decides to reline the pipes, as there is a plastic smell for about 2 months and it should be done in the summer when people can keep their windows open.

Claire Astone asked what type of grant money is available. Mr. Hopkins stated the Town would rely on grants from the USDA and the State Clean Water Revolving Fund which are what is being used for the plant upgrades. Ms. Astone noted she had two pumps running and a dry well, and she does not know what else they can do and these events are likely going to get more intense.

Tim Guiles stated in a flooding event, there is a lot of water that should not be in the system and a lagoon would be a legitimate system to consider. He would like to continue looking into solutions, get hard numbers and obtain funding.

## **5. Consider Purchase Orders**

### ***a) P. O. 12042 to RootX for Root Killer - \$11,314.00***

**Motion** by Brian Coolidge/Heather Nelson to approve P. O. 12042 to RootX in the amount of \$11,314.00. **The motion passed unanimously.**

## **6. Adjournment**

**Motion** by Brian Coolidge/Cecil Reniche-Smith to adjourn the Board of Sewer Commissioners meeting at 7:32PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary



To: Selectboard as Wastewater Commissioners  
Date: 6 October 2023  
Re: Wastewater Base Unit Fee Charges

Since the last selectboard meeting, the town office staff has sent out fifteen letters (total of twenty units) for existing multi-unit properties resulting from the Town's ongoing project (self-directed audit) to ascertain the accurate and correct number of units for all properties connected to the wastewater system. Once research is completed a similar number of letters is anticipated for single-units that are likely multi-units. In several cases, the number of units on a wastewater account requires adjustment to bring this metric for a given property into alignment with one or more of the following Town records: DRB decisions, land use applications / permits, rental/housing inspections, assessors' records, and so forth. Accurate billing, reflective of selectboard decisions, across all users is important to the fair and equitable sharing of the cost burden of operating the system.

A property owner has asked to speak with the selectboard (board of wastewater commissioners / board of sewer commissioners) regarding the Town's fee structure for wastewater accounts.

Briefly, there is a per-unit base fee which is assessed to each unit on the wastewater system. For purposes of this practice, a unit may be a residential house, an apartment, a restaurant, an office space, a house of worship, or any of a number of other designations derived by the actual or permitted use of a property connected to the Town's wastewater system. The per-unit base fee is important to facilitate carrying the fixed costs of constructing and operating the wastewater treatment system. About 80% of the costs of this system are fixed (primarily debt service but also labor, capital, and equipment operating costs) and only about 20% attributable to actual flow or usage.

On 23 January 2006, the selectboard held a hearing to ascertain public views on proposed changes to wastewater billing (see item #4 of attached minutes [note misdated footer but correct date on heading]), and on 30 January 2006 voted to bill a unit rate for wastewater accounts to provide stable funding for debt service.

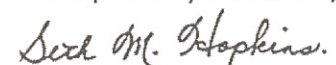
On 12 February 2018, the selectboard wrote to a Brandon property owner whose wastewater account covers one building with six small apartments and confirmed that Brandon uses the ERU (equivalent residential unit) rate structure and would continue to do so.

*The main reason for charging base fees on the ERU model is that the large portion of the costs of our wastewater system are fixed overhead for capital infrastructure debt service, not consumption-based quantities of operational chemicals, etc.*

Please see the accompanying board minutes and further information from the Town Treasurer as to the reasoning behind the Town's implementation of base unit fees.

It is my recommendation to the wastewater commissioners that the present per-unit base fee using the "equivalent residential unit (ERU)" rate structure be retained and be applied to all equivalent residential units connected to the wastewater system.

Respectfully submitted,



**Board of Sewer Commissioners Meeting**  
**January 23, 2006**

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

**In Attendance:** Bill Hatch, Richard Baker, Kellie Patten, Bruce Brown, Steve Carr

**Also in Attendance:** Keith Arlund, Bette Moffett, Tom Schmelzenbach, Frank Farnsworth, Mei Mei Brown, Harmon Thurston, Maxine Thurston, Brian Fillioe, Frank Bunting, Nancy Bunting, Ted Supinski, Buzz Racine, Francis Farnsworth, Doris Farnsworth, Phyllis Reed, Charles Scarborough, Ed Loedding, Norm Milot, Spence Gregory, Casey Carmoli, Matthew Gibbs, Mr. Loizault, Bob Kilpeck, Sheila Dickerman, Ken Davis

**1. Call to order**

The meeting was called to order at 7:01PM by Chair – Bill Hatch.

**2. Consent Agenda**

**Motion** by Steve Carr/Richard Baker to approve the consent agenda as written. **The motion passed – 4 to zero.**

**3. Discuss/Consider Brandon Baptist Church Sewer Fee Exemption Request**

Keith Arlund stated there is information in the Board packet relative to the request by the Brandon Baptist Church. He noted that Tom Schmelzenbach, Public Works Director, has reviewed the information and there are members present from the Baptist Church to explain their position.

Spence Gregory stated that the Brandon Baptist Church has made an application to hook up, but did not receive a reply. He noted that the town and the Church had assumed that the Church had been hooked up for the past 28 years; therefore, he did not feel that there should be a problem. Keith Arlund noted that they do have the application request. Mr. Gregory stated that they desire a resolution of the cost to hook up as the town had little or no background on this subject and since at least 1980, the Church has been paying for a hookup that never existed, to the surprise of the town. Tests had been completed to verify that no hookup existed. The Church desires to put in two new bathrooms and Mr. Gregory stated that there should be some type of remuneration. He noted that the Church would do all of the plumbing to the sewer.

**Motion** by Richard Baker/Steve Carr to waive the application and capacity fees for the Brandon Baptist Church in consideration that they have paid at least \$1,247.26 for a phantom sewer connection. There would be no further charges for hooking up the two additional bathrooms, except for the customary charge for the tap into the sewer line and that the entire Church is to be added to the sewer system.

Keith Arlund stated that part of the issue, as he understood it, was that the request from the church was to hook on two new bathrooms. Keith stated that the town desires that the entire system be hooked up, but with no additional fees. Mr. Gregory stated that this was the intent of the Church. Bill Hatch questioned if Tom Schmelzenbach had anything further to add on this subject. Mr. Schmelzenbach stated that it was brought to his attention through a test that the Church was not hooked up, but there was a request to add two bathrooms and he noted that he would also desire the entire building to be hooked up. Mr. Schmelzenbach stated there would be two connections because of the internal plumbing of the building and he provided what has been paid to date. Tom thinks this accommodation can be made, but there is uncertainty where the line is, however, the issues can be worked through.

**The motion passed – 4 to zero.**

Mr. Arlund stated that they will proceed with the application and they will get it done shortly.



#### 4. Discuss/Consider Sewer Fee Rates

**Motion** by Richard Baker/Bruce Brown to establish a new base charge of \$30.00 per account for each 6-month period, with a variable rate of \$7.50/1000 gallons in the 6-month period and a variable minimum charge of \$45.00 for those accounts who use up to 6,000 gallons in the most recent billing cycle.

Richard Baker stated that Mr. Arlund supplied copies of Vermont statutes, Titles 36, 14, 15 and 16 and the overall thrust of the information is that the Board of Sewer Commissioners is required to recoup two income streams to defray debt service and capital improvements, and the other is to defray the cost of operating and maintenance expenses. The debt service is more of a fixed cost and the variable is related to how much stuff goes through the system. When the state was providing \$90,000.00 to the town for the training school, all of which our forefathers applied to the sewer, we had very little debt service. The town is in a new cycle of improvements and the debt is about \$28,000.00 per year, plus another \$22,000.00 or \$23,000.00 per year with the bond issue. This would amount to \$51,000.00 per year through 2012 or 2014 in debt service that the town would have to discharge and the intent of the motion is to take advantage of the enabling legislation and establish a new base rate to defray the debt service on capital improvements and have the variable rate apply to the operating budget. Bruce Brown questioned what we are currently charging. Richard Baker stated that currently the charge is \$7.00 per 1000 gallons with a minimum charge of \$49.00. There are approximately 20 accounts who are required to pay the minimum charge and all customers would see a \$30.00 increase in their rate. Steve Carr questioned if the demographics are known for the low volume users and this information was not readily available. Richard Baker stated the increase will augment the income by approximately \$36,000.00 by June and will preclude running in the red again. Keith Arlund stated that after speaking with bond council, the town is attempting to close the bond portion of the USDA grant by February 13th and at that time; the town would be looking at the first interest payment in 6 months. Richard Baker stated that if one looks at the town's track record, the sewer department has been running at a deficit because we have been using the fees towards debt service and taking away from the monies for operating the sewer plant. Kellie Patten questioned how Conant Square and Neshobe House are being billed and Richard Baker noted that it is billed to the complex.

Steve Carr stated that he is unsure whom this will burden and he does not have a sense of whom he is helping or who he is hurting. Steve stated that he would like data, if available, in regards to this subject. Richard Baker stated that a typical household uses between 15,000 and 25,000 gallons per six months. If someone uses 20,000 gallons their bill will go up \$40.00. Keith Arlund and Richard Baker have also discussed a further level of complication of whether or not commercial users should be charged a larger base charge. This item will be discussed at a later date. Steve Carr noted that he would like to table this item for further discussion at the next Select Board meeting.

**Motion** by Steve Carr/Richard Baker to table this item for discussion at the next Select Board meeting on 1/30/06. **The motion passed unanimously – 4 to zero.**

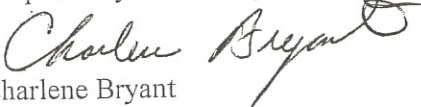
#### 5. Old/Other Business

There was no old business to report.

#### 6. Adjournment

**Motion** by Richard Baker/Steve Carr to adjourn the Board of Sewer Commissioners meeting at 7:29PM to convene as the Board of Selectmen. **The motion passed unanimously – 4 to zero.**

Respectfully submitted,

  
Charlene Bryant  
Recording Secretary



**Board of Sewer Commissioners Meeting**  
**January 30, 2006**

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

**In Attendance:** Bill Hatch, Richard Baker, Kellie Patten, Steve Carr

**Also in Attendance:** Keith Arlund, Tom Schmelzenbach

**1. Call to order**

The meeting was called to order at 7:25PM by Chair – Bill Hatch.

**2. Consent Agenda**

**Motion** by Steve Carr/Kellie Patten to approve the consent agenda as written. **The motion passed – 3 to zero.**

**3. Consider WWTF Operating Budget (*Enterprise Fund*)**

Keith Arlund stated that there have been a couple of errors carried forward and corrections have been made to this year's budget. The wastewater and transfer station are stand-alone budgets and are contingent on user fees. The transfer station budget includes \$35,000.00 from the general fund. Keith Arlund stated that Steve Cika keeps a very good eye on expenses; however, there have been increases in chemicals and increases in sludge. Richard Baker stated that various items have been moved from incorrect categories. There is a line in revenues for \$28,989.00, which is a number used to balance the enterprise fund as presented. The sewer fee revenue of \$402,876.00 is based on the revenues for the proposed rates discussed at the last meeting and is a subject on the agenda tonight. Richard Baker stated that the draft budget is based on the assumption that this change will be made. Kellie Patten asked where the miscellaneous revenue comes from and Keith Arlund stated that we are incrementally building the capital fund to support the USDA loan payments and will have to be creative about accomplishing this without charging the users all in one year. The proposed revenue is calculated with a \$30.00 base charge and a rate change to \$7.50.

Keith Arlund stated that one remaining issue is the fact this is really a deficit budget and we will have to figure out a way to do this. Richard Baker stated that one of the problems is the revenue forecast is based on May through December 2005 and the budget is based on July 2006 through July 2007, so there is a lag, and also the fact that dependent upon water meter readings there is no control. It was noted that they have a good department manager; however, Steve Cika's job should be to run the wastewater treatment plant, with the Board's responsibility to get the money. Keith Arlund stated that there is aging infrastructure that needs attention and there is an increase in the budget due to this fact. Keith also stated that there is infiltration on lines and all of the village will save on operational processing. We have to start looking at some of the other outlying collection systems to reduce the infiltration system. Richard Baker stated that we have deferred issues in the past and the actual expenses have been when something finally has plugged up and the proposal is to start some data collection before it gets plugged up. Kellie Patten questioned if the \$30.00 per account per billing is to bring down the debt. Richard Baker stated that there will be a revenue stream to take care of debt service and one for operations. There are about 1,000 accounts and they would be paying \$60.00 per year. Keith Arlund stated that the town is about to send out a billing and consideration may want to be given to reviewing the rate again in six months. Steve Carr stated that it is important to review it for both the revenue and the expense side to see if we need to make a correction. Richard Baker stated that some chemicals vary depending on throughput and we will not know that until well into the



summer.

**Motion** by Steve Carr/Kellie Patten to approve the budget as presented. Richard Baker stated that the budget figure is \$436,185.00. **The motion passed unanimously – 3 to zero**

#### **4. Discuss/Consider Sewer Fee Rates**

**Motion** by Richard Baker/Steve Carr to establish for billing purposes, a variable rate of \$7.50 per 1,000 gallons and a minimum charge of \$30.00 for usage of 6,000 gallons or less.

Richard Baker stated that Steve Carr asked a question concerning the equity for elderly people living by themselves, as opposed to several living together. Mr. Baker stated that if there are several apartments, they should be paying the same amount times the number of units in the building. The consequence is that there would be a larger increase for single-family low consumption house and a negligible increase for larger units. Richard Baker questioned if the Board wants to recognize that some buildings have several units and whether the Board wants to raise the rate accordingly. Kellie Patten stated that she would like to find an absolute number to charge accordingly. The single-family low user currently gets hit harder and the larger users get a smaller increase. Steve Carr stated that he tried different calculations; however, it was frustrating because the results did not look good any way it was done and he did not come up with a better solution than what is on the table. Mr. Carr stated that it is inevitable that there needs to be a change to shift the burden. Richard Baker suggested charging an equivalent rate, as income-sensitive people occupy most multi-unit buildings and their portion is 30% of their household and the federal government writes the difference. Mr. Baker advised that most of the property owners do a proforma statement on an annual basis to calculate what they will actually be paid. He stated that this would shift some of the incremental cost over a broader base. Richard Baker stated that the town has an \$80,000.00 loan for the wastewater plant that needs to be paid off. Kellie Patten stated that whether it is a single house or an apartment, everyone should pay the same. Richard Baker stated that large consumers should also be considered. Park Village on one account that currently would be charged \$30.00, plus their usage. Richard Baker stated that this will be a fixed number and since there is an inventory of units based on the rental codes, it is known what the figure will be.

**Motion** by Richard Baker/Steve Carr to amend the motion to read that it is subject to executing this plan, to take advantage of statutory permission to bill the unit rate based on equivalent units, not on water meters.

Steve Carr stated that equity is to move towards doing something on the commercial side as well. Richard Baker stated that the commercial side, much like the affordable housing, has a greater ability to pass the cost on to their customers.

**The motion passed unanimously for the amendment – 3 to zero.**

Richard Baker stated that the wastewater treatment plant needs to remain solvent and the Board will review the commercial usage within the next 6 months. Charges will be used to pay the debt service.

**The original motion passed unanimously as amended – 3 to zero.**

#### **5. Old/Other Business**

There was no further business to discuss.


Richard Baker stated that, on behalf of the Board, he would like to thank the Department Manager for all of the work that he has done on managing the budget.



## 6. Adjournment

Motion by Richard Baker/Kellie Patten to adjourn the Board of Sewer Commissioners at 8:04PM. The motion passed unanimously – 3 to zero.

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



Fixed Income/Expenses and Variable Income/Expenses Wastewater

