

Brandon Select Board Workshop
December 22, 2014
6:00 p.m.

The Brandon Select Board will meet Monday, December 22, 2014 at 6:00 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 in the front window of the Town Office at 49 Center Street, on the community bulletin board located between Dave's Grocery and the Forest Dale Post Office and the bulletin board at Lake Sunapee Bank. 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) FY 15-16 Budget**
- 3) Adjournment**

Brandon Select Board Meeting
December 22, 2014
7:00 p.m.

The Brandon Select Board will meet Monday, December 22, 2014 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 next to the Town Office on Center Street, on the community bulletin board located between Dave's Grocery and the Forest Dale Post Office and the bulletin board at Lake Sunapee Bank. 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) Consent Agenda
 - a) Select Board Meeting Minutes – December 8, 2014
- 3) Public Comments for Items not on the Agenda
- 4) Town Managers Report
- 5) Municipal Plan Update – RRPC Contract
- 6) Town Office Project
- 7) Segment 6 / Bridge 114 Project
- 8) FEMA Projects
- 9) Fiscal
 - a) General Fund Warrant – December 22, 2014 - \$71,788.73
 - b) Wastewater Fund Warrant – December 22, 2014 - \$25,314.56
- 10) Executive Session - 1 VSA § 313(a)(1) Union Contract
- 11) Executive Session - 1 VSA § 313(a)(1) Contracts
- 12) Adjournment

**Brandon Select Board Meeting
December 8, 2014**

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

In Attendance: Ethan Swift, Maria Ammatuna, Dave Atherton, Devon Fuller, Doug Bailey

Also in Attendance: Robin Bennett, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Erin Mansfield, Lee Kahrs, Judy Bunde, Blaine Cliver, Jeff Stewart, Kaitlin O'Shea, Judith Ehrlich, Bernie Carr, Janet Coolidge, Carl Phelps, Delores Furnari, Beth Carr, Sam Kenney, Janet Mondlak, June Bohler, Melissa Thompson, Molly Kennedy, Gary Meffe, Lynn Wilson, Kevin Smith, John Byatt, Mike Servetas, Scott Robertson, Ms. McDow

1. Call to order

The meeting was called to order by Maria Ammatuna at 7:08PM.

a) Agenda Adoption – Motion Dave Atherton/Devon Fuller to adopt the agenda with the following additions. **The motion passed unanimously – 4 to zero.**

Segment 6/Bridge 114 Projects be moved to Item 2
Executive session added for a contract discussion – Item 12
Change adjournment to Item 13

2. Segment 6/Bridge 114 Projects

Representatives from VHB and VTrans were present to address questions regarding the Segment 6 and Bridge 114 projects.

Mike Servetas, VHB Project Manager for Segment 6 reported the final requests for waivers were submitted to VTrans and were approved. CLD will be revising the plans and providing further comments and submitting plans to the real estate appraiser for the selected properties with easements over \$10,000.00. The town will be preparing waiver evaluations. There are currently waivers for the parcels with only discontent and connect for water lines and VTrans has indicated they can be executed. There is a template for the waiver evaluations that will be submitted for review and approval by VTrans. The waivers should be completed in February and the negotiations can begin in April to obtain easements for the project. It was suggested the Bridge 114 project should be fast-tracked to coincide with Segment 6 if it is doable. Mr. Servetas stated they can work with CLD to see what they have regarding the design and it will depend on the ultimate improvement to be done. Minor improvements to upgrade the structure would not impact the road construction. The sidewalk work would be done outside the roadway and the two lanes of traffic could still be maintained. The critical path is to work with CLD and come back with alternatives to provide options of what the improvements could be and what they would cost.

There was a question of the slab under the roadway and what that would mean with reinforcing the roadway. Ethan Swift asked at what point that becomes the major point in the bridge repair and at what point does widening the bridge become a more viable option. John Byatt would like to find out the condition of the slab as it is not in the current scope and there could be a cost estimate done for its removal. The exact limits would be more for final design, but he could give an idea of what it would cost to remove it or to drill through and cement below. It would be good to know what the condition is and if it is solid, it may not be a concern. The scoping study should be done and then a review of the slab after that. Ethan Swift stated there would be a lot of cost efficiencies in combining the projects and he imagines it would make sense to align the projects. Scott Robertson stated VTrans does not want to extend the Segment 6 project and they are very close to being out of money. If the bridge project catches the roadway project, it would be great, but the state is concerned with the roadway part of the project. Devon Fuller stated there was also discussion of a using membrane that would protect the bridge and the mortar. John Byatt advised that the other option, a mortar injection, should be as good an option as the membrane and that would allow to fast-track the project. Devon Fuller does not know how the town has slowed down the waiver project, but the design changes that were done were not supposed to slow it down. Scott Robertson stated changes had to stop in 2008 when the Request for Waiver process began. Blaine Cliver stated most of the design changes would not affect the right of way. Mr. Robertson stated at the time it was not known, but there were other items that could have affected other processes and it was difficult to keep this moving forward. Mr. Robertson stated the right of way plans and the warranty deeds have been submitted to VTrans and he thinks the project is still on track for 2016. It is the state's desire to have it advertised by 2016. Dave Atherton stated the town does not want to push this out any further and the Board is ready to assist in any way to get it done faster. Scott Robertson stated it is all about appraisals and waiver evaluations at this time. Robin Bennett stated the negotiated ones will take more time than the ones that are routine. CLD will be providing the information for the appraisal work to start. The waiver evaluations of less than \$10,000.00 can be started by the town at any point with the template that has been created. Maria Ammatuna asked if the town needs to create a change order to the contract. Robin Bennett stated in order to get them accomplished, she would like to contract with someone to do them. There will be a conference call with CLD, VTrans and VHB. It was noted that VSC could possibly do the work as they did the deed work. As with the easement language, a cost will be discussed during Thursday's meeting. Mr. Robertson stated VSE used the lowest rate possible with the last project and the cost was realistic. Wayne Rausenberger asked about the overflow culvert and how that will be handled. At this time, the town has been approved for Phase 1 of the overflow culvert. This will be part of the conversation for Thursday's meeting of what will need to be done to have this happen. FEMA was asked to break up the project into phases and there will be discussion of who will do the design work. Mr. Rausenberger asked if VTrans sees this as a problem if there is not a contractor to do this. Mr. Robertson stated VTrans' focus will be to complete Segment 6, but if there is a way to coordinate the projects, they will try. There is a possibility of having to redo the road with the overflow project. Robin Bennett stated the sewer portion of the project will be part of the design project as it makes sense to get this portion coordinated with Segment 6. Devon Fuller

asked John Byatt if the bridge could be caught up to Segment 6. Mr. Byatt stated if there are no right of way issues; but if it is widened too much, there could be an issue. If everyone does their part, he thinks it might be possible. Mr. Byatt does not think the design will be complex and if a solution is agreed upon, he does not see the plans will be difficult to be put together. The alternatives the town is looking at are to rebuild, repair, widen the structure and rebuild the stone arches. Scott Robertson stated this could be an expensive option. Blaine Cliver questioned if the town has done anything about acquiring the land. Robin Bennett stated this has to be part of the Phase 1. Richard Baker asked how soon can there be a purpose and needs statement. John Byatt stated it could be a couple of weeks and VTrans will then have to approve the purpose and needs statement. Devon Fuller stated it is important to VTrans that they complete a bridge that vehicles and pedestrians can get across and it is the town's responsibility to pay for a historical bridge. Blaine Cliver stated VTrans should do it in the context of a historical bridge.

3. Consent Agenda

a) Select Board Meeting Minutes – November 24, 2014

Motion by Ethan Swift/Dave Atherton to approve the minutes of the November 24, 2014 Select Board meeting. **The motion passed unanimously - 4 to zero.**

4. Public Comments for Items not on the Agenda

Kevin Smith, resident of 70 Carver Street, was present to discuss the taxes for his property at 72 Carver Street. Mr. Smith stated that in August the total for his outstanding property taxes was \$8,893.00 and he advised Anna Scheck and Robin Bennett that he was going to get a loan. In October, he was advised that his payment would be \$800.00 per month. He has paid the current year's taxes and at the end of November he received a letter from the town's attorney. Mr. Smith stated 72 Carver Street is a rental property and he has a mobile home on it. The rent will be \$650.00 per month and he can pay \$400.00 per month on the taxes. Melissa Thompson stated she understands that her brother is behind in taxes, but what he owes in comparison to others is not a large and \$800.00 per month is a lot of money. She stated he is making an honest effort to pay the delinquent taxes. The property has been in the family for four generations and they do not want to lose it. It was noted there are two separate tax bills because the town is taxing the mobile home separate from the property. Maria Ammatuna stated since the legal process is already in motion, Mr. Smith has to go through the attorney, as once it is turned over to the attorney it is out of the town's hands. The town cannot negotiate once it has been turned over to the attorney, but the attorney has the option to come back to the town manager to discuss options. Ms. Ammatuna encouraged Mr. Smith to contact the attorney with his proposal.

Wayne Rausenberger questioned when the Union Street reconstruction will go out to bid. Robin Bennett stated they will be working to put that together. Mr. Rausenberger stated there are four pot holes on Union Street and the town filled only one. Ms. Bennett stated will follow-

up on that item. Mr. Rausenberger questioned if the stop sign at the bottom of High Street is going to be put back. Ms. Bennett stated the reason it was removed was that it was not in compliance with the standards. Mr. Rausenberger expressed concern that it is a dangerous area to not have a stop sign. Richard Baker stated there is a traffic ordinance that indicates a stop sign should be there.

Judy Bunde requested the slides that were shown during this evening's special meeting be placed on the website.

Richard Baker provided the Board the Regional Transportation Committee's project prioritization list. Mr. Baker stated there is a value assigned for each of the projects listed and the list will go to the state to develop their fiscal 2016 budget. Mr. Baker stated if the notation indicates "New", it is not in the front of the book yet. If it is in the front of the book, the project has been approved. Dave Atherton stated it is a good sign that Brandon has 7 projects on the listing.

Richard Baker questioned the status of the health insurance for the town staff, as their current plan runs from January 1st to December 31st and the insurance ends unless the Select Board approves an extension and for the last 3 years the Select Board has approved the health insurance plan. Robin Bennett stated both parties have expressed interest in the negotiations and the current contract stays in place until a new contract is approved, and the health insurance also stays in effect.

5. Town Manager's Report

Robin Bennett reported \$243,995.52 or 33.8% of the delinquent taxes and \$110,163.12 or 28% of the delinquent sewer taxes have been collected. Since the attorney letters were sent, it has prompted numerous calls and payment arrangements. The Public Works job advertisement has been placed. Glenna Pound has been preparing financial statements and the anticipated completion date will be by the end of December. There will be an Employee Appreciation Luncheon held on December 19th and the town office will be closed December 25th and 26th, with employees using a floating holiday or vacation day for the 26th. The FY 15/16 budget meeting schedule has been submitted to the Select Board and Budget Committee. With regard to the Center Street/West Seminary intersection, the town would like Mr. O'Grady present when the sidewalk is dug up to document the condition and determine the necessary repairs. The HMPG grant paperwork has not been received, but it has been verified the town's match is 25%. The town may apply to the CDBG program for the additional match once the information is received. Ms. Bennett provide the Executive Summary from the Wastewater Revolving Loan fund that outlines the original project, what A & E was engaged to do and the recommendations for the next phase. The December 15th budget workshop meeting will be held at the Brandon Rescue Squad building.

6. Brandon Free Public Library Appropriations

Beth Carr, a member of the Brandon Board of Library Trustees, read the following excerpt from a letter submitted to the Brandon Select Board on behalf of the Library Board of Trustees:

“The Library Board of Trustees respectfully request that you return the Library appropriation back into the proposed budget for FY16 at the level-funded amount of \$84,500.00 We have always been appreciative of the support of the Brandon taxpayers. The Library is an integral part of the community and provides traditional benefits as well as humanitarian services beyond the traditional scope of library work. Providing voters the “chance” to vote on this appropriation independently could have a devastating effect on the organization, if it failed at the ballot box.”

Ms. Carr questioned if the library is a separate item and voted down, will there be an opportunity to have it revoted if it is separate from the main budget of the town. Robin Bennett stated there could be a special election called within 30 days, or go on the ballot for the next special election. Maria Ammatuna requested clarification if a special election could be done for the library appropriation. It was noted the reason the library was removed from the budget and placed under appropriations is because it is a non-profit and not a department of the town. The town does not have jurisdiction over the library nor does it own the building. Maria Ammatuna stated it was not appropriate for it to be in the budget and many people did not realize that the senior center and the library were being funded by the town. The mosquito district was kept in the budget due to the public health issue in the state. Robin Bennett stated it is common that a library is a separate appropriation in many communities. Gary Meffe was concerned there is misinformation in the public and people may see this as a new appropriation without realizing that they have been paying for it in the past. Mr. Meffe thought it should be left in the budget if it is possible to do this legally. Dave Atherton stated there were significant cuts made last year for the town’s infrastructure and changes need to be made to be able to maintain the town and assure it is fully functioning. Ms. Ammatuna stated people who want the library will get out and vote for it. Janet Mondlak stated a broad majority of libraries have major funding from their towns and Brandon has one of the lowest percentages from their town. Ms. Mondlak could obtain more statistics if the Select Board is open to considering a change. Though the town has no governance over the library, its Board of Trustees is voted by the town voters. Robin Bennett stated whether it is by appropriation or the general fund, the library is being supported by the taxpayers in Brandon. Devon Fuller stated when it is put back into the general fund; the town has the option of reducing the amount paid to the library. Ethan Swift stated the Board supports and believes in the library and it is helpful to have the information that has been provided. Doug Bailey thought the library would be better off standing on its own, due to the town going through so many votes. Cindy Bell asked if this request comes from a petition or how the library can request to be added back into the budget. Ms. Ammatuna stated the public has the right to come forward to make requests and petitions are not required. Karl Phelps disagreed the library is better off on its own. He noted the library is a very professional library and serves the town by having computers for people that don’t own computers and many children use the library. Ms. Ammatuna asked if there is money from other towns in the library’s budget and it was noted there are two towns that each provide \$2,000.00 to the library. The charges are per capita and if other people want to use the library there is a fee.

Dave Atherton asked why the library could not also be an appropriation with not only Brandon, but also Sudbury and Leicester. It was noted that Sudbury and Leicester includes the library in their town budgets. Ethan Swift stated the big ticket items that were voted separately did pass last year. If the voters believe in the items they will vote them in and he thinks that this is the case with the library. Janet Coolidge suggested the letter be placed on the town's website for people to access information about the library. Maria Ammatuna stated there was discussion of putting this type of information on the town's website rather than in the town report. Ms. McDow thought the library was a government function and stated the library is the heart of the community. Beth Carr stated the library had to have been owned by the town at some point. Blaine Cliver stated there were several libraries in town in the past and the buildings had been owned by personal property owners. The library was formed in 1902 and did not own the building until later. Doug Bailey stated the Board is trying to streamline what the people are looking at in regards to the town budget by what is owned and overseen and personnel. The town does not have control over the library and the Select Board thinks the library on its own would do better. He does not see this item being voted down. Mr. Phelps stated the library has asked for level funding and questioned if the town believes that they will not pass another budget. Janet Mondlak stated if this is removed from the budget this year, it likely would not be making its way back in the future and there will be stress in worrying about a budget every year. Ms. Ammatuna stated the town could determine the amount they could fund the library is considerably less than what they are asking for, if it is added back into the budget.

Motion by Devon Fuller/Doug Bailey to return the library appropriations back into the FY2016 budget.

Devon Fuller sees the library as a function of the town that a cross section of everyone from young children to the elderly uses and he thought this should be included in the town budget. It is an economic driver for a town that has a vibrant police department, library, etc. that helps to increase the tax base. He also thought it is poor timing, as there is mistrust in the Select Board and he is concerned the public may not make the decision to vote the library in. Doug Bailey stated it is imperative the library provides the town a budget to substantiate the funds and the Select Board needs to get the information to the people. Dave Atherton stated the library is not run as a town entity and perhaps it could become part of the municipality. He noted concerned with having to cut the budget if the vote does not pass. Ethan Swift believed the Select Board supports the library, but he does not see it as an intergovernmental function. He stated there could be other non-governmental agencies that could come to the board requesting to be added into the budget.

A vote was called for the motion. **The motion failed.**

The Board called a recess at 9:00PM and the meeting resumed at 9:12PM.

7. CSO Policy

Ms. Bennett provided a draft of the Community Service Organization Funding Request Policy for the Board's approval.

Motion by Ethan Swift/Dave Atherton to approve the Community Service Organization policy. **The motion passed unanimously – 4 to zero.**

The Town Manager will be sending a letter to all current appropriations explaining the policy.

8. Local Options Tax

Maria Ammatuna stated the Board has a copy of an email from the Secretary of State regarding a Local Option tax. She has also had conversations with the local state legislators regarding the St. Albans Charter that was previously discussed. She was advised the Charter had started out much larger, but they were advised the legislature was only approving the local options tax. She noted gas would be protected but the tax could cover sales, rooms and meals and liquor. Ms. Ammatuna stated there has been a recommendation that the next step would be to hire a tax attorney that specializes in municipal taxes, as they will know charter language. Once the document is prepared, Representatives Carr and Shaw can submit the request during this legislative session. Representative Carr recommended having a referendum for the March vote, as the legislators can bring it forward, but it does require voter approval. The tax attorney would also be able to assist with the warning. Ms. Ammatuna stated Representative Carr has advised the town can earmark the funds for whatever is decided upon. Devon Fuller suggested contacting the St. Albans Town Manager to find out who they used for an attorney.

Motion by Ethan Swift/Dave Atherton to authorize the Town Manager to create a referendum for the March town meeting ballot. **The motion passed unanimously – 4 to zero.**

9. Town Office Project

Robin Bennett stated there was clarification requested by the Community Development Program, which has been provided. This will be on the Review Board's agenda this month and Ms. Bennett will have more information at the next meeting regarding the application.

10. FEMA Projects

Robin Bennett has had a discussion with A & E regarding the Kennedy Park sewer and it was decided to hire a vendor who has more specialized equipment to video tape the sewer line to pinpoint the issue and perhaps use slip lining in the area or determine if more extensive repair is necessary. This will be done within 3 weeks and once the problem is known recommendations will be made. All FEMA projects that are open are moving forward at the best rate.

11. Fiscal

a) General Fund Warrant – December 8, 2014 - \$457,066.85

Motion by Ethan Swift/Devon Fuller to approve the General Fund warrant of December 8, 2014 in the amount of \$457,066.85. **The motion passed unanimously – 4 to zero.**

Dave Atherton questioned what the Brandon Rescue Squad invoice was for and Ms. Bennett advised it is for medical supplies for the Recreation Department. There was a question concerning the mowing of the landfill and Ms. Bennett stated this is required to be done twice per year.

b) Wastewater Fund Warrant – December 8, 2014 - \$3,364.59

Motion by Devon Fuller/Dave Atherton to approve the Wastewater Fund warrant of December 8, 2014 in the amount of \$3,364.59. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Ethan Swift to enter into executive session at 9:25PM for the negotiating or securing a real estate purchase or lease option to include the Town Manager. **The motion passed unanimously – 4 to zero.**

12. Executive Session – 1V.S.A. 313(a)(2) – Real Estate

Motion by Dave Atherton/Ethan Swift to come out of executive session at 9:55PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

13. Adjournment

Motion by Dave Atherton/Ethan Swift to adjourn the Select Board meeting at 9:56PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary



RUTLAND REGIONAL PLANNING COMMISSION

AGREEMENT
Between the
RUTLAND REGIONAL PLANNING COMMISSION
and the
TOWN OF BRANDON
for
PLANNING SERVICES

I. GRANT AGREEMENT

It is agreed by and between the Rutland Regional Planning Commission (hereinafter called the Regional Planning Commission) and the Town of Brandon (hereinafter called the Town) that the Regional Planning Commission shall assist the Town in the revisions of the Brandon Municipal Plan in accordance with the attached Estimation of Services, dated October 17, 2014.

II. GENERAL TERMS AND CONDITIONS

- A. All services under this agreement shall be performed for a lump sum of \$3,620.00, unless amended.
- B. The period of performance under this Agreement shall commence January 1, 2015 and run through July 1, 2015 or the completion of the products detailed in the Scope of Work, whichever is sooner.
- C. Ownership of all data and materials collected under this Agreement shall remain with the Town and the Regional Planning Commission. The parties may use the information for their own purposes.
- D. Changes, modifications, or amendments in the terms, conditions and fees of this Agreement shall be written and signed by the duly authorized representatives of the Regional Planning Commission and the Town.
- E. This Agreement may be canceled by either party by giving written notice at least thirty (30) days in advance. If the termination is at the Town's request, payment to the Regional Planning Commission will be made for the amount of any fees earned to the date of the notice of termination less any payments previously made.
- F. The parties agree that the Regional Planning Commission, and any agents and employees of the Regional Planning Commission, shall act in an independent capacity and not as officers or employees of the Town.

- G. The Town, by any authorized representative, shall have the right at all reasonable times, to inspect or otherwise evaluate the work performed or being performed under this Agreement.

III. OBLIGATIONS OF THE REGIONAL PLANNING COMMISSION

- A. Regional Planning Commission staff will work with the Brandon Planning and the Brandon Selectboard in providing the services outlined in the Estimation of Services, dated October 17, 2014.
- B. The Regional Planning Commission shall maintain all books, documents, payrolls, papers, accounting records and other evidence pertaining to costs incurred under this Agreement, and make them available during the period of this Agreement.

IV. OBLIGATIONS OF THE TOWN

- A. In consideration of the services to be provided by the Regional Planning Commission, the Town agrees to pay the Regional Planning Commission Fifty Percent (50%) of the total fee with the execution of the Contract and Fifty Percent (50%) shall be paid on acceptance of the draft Plan by the Town.
- B. The Brandon Planning Commission agrees to schedule meetings as necessary to review various documents and recommendations as called for in the Estimation of Services.
- C. The Town agrees to make available to the Regional Planning Commission any information, data, reports, plans, maps, or drawings relevant to this project.
- D. The Town agrees to cooperate with and administratively assist the Regional Planning Commission, without charge, in carrying out the planning work.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.



Edward Bove, Executive Director
RUTLAND REGIONAL PLANNING COMMISSION

Maria Ammatuna, Selectboard Chair
TOWN OF BRANDON

DATE



ESTIMATION OF SERVICES

DATE: October 17, 2014
TO: Town of Brandon Selectboard
FROM: Edward Bove, Executive Director
RE: Estimation of Services for Town of Brandon Municipal Plan Update

WORKSCOPE:

Task Description	Quantity	Rate	Amount
1. Meetings with the Town of Brandon Planning Commission and/or Selectboard.	8 hours	\$65.00	\$520.00
2. Update Maps, with emphasis on new Transect Map.	10 hours	\$65.00	\$650.00
3. Update US Census and other pertinent plan data, as directed by Planning Commission.	10 hours	\$65.00	\$650.00
4. Review work on completed chapters and provide comments.	5 hours	\$65.00	\$325.00
5. Compile and format final document.	15 hours	\$65.00	\$975.00
6. Supplies (Printing).			\$500.00
		Total:	\$3,620.00

RUTLAND REGIONAL PLANNING COMMISSION

The Opera House, P.O. Box 965, Rutland, VT 05702
802-775-0871

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
310297	ATLANTIC BROOM SERVICE, INC 231568	bucket blades, bolt set	607.10	0.00	607.10	39856	12/22/14
330435	BRICKELL, CHRISTOPHER 12-11-14	chief's assoc lunch	25.00	0.00	25.00	39858	12/22/14
310449	BSM SPORTS 96542792	basketball equipment	288.78	0.00	288.78	39859	12/22/14
100198	CARGILL, INCORPORATED 2902019613	salt	1667.88	0.00	1667.88	39860	12/22/14
100198	CARGILL, INCORPORATED 2902027834	salt	1652.67	0.00	1652.67	39860	12/22/14
100346	CLARK'S TRUCK CENTER 349551	floor mats	95.24	0.00	95.24	39861	12/22/14
310097	COMCAST 11-27-14	pd phone & internet	231.60	0.00	231.60	39862	12/22/14
100860	ENGLISH, CARROLL & BOE, P.C. 27050	stairwell agreement	87.50	0.00	87.50	39864	12/22/14
310037	FAIRPOINT COMMUNICATIONS DEC2014		43.82	0.00	43.82	39866	12/22/14
100925	FOLEY SERVICES INC 496378	uniforms	39.25	0.00	39.25	39868	12/22/14
100925	FOLEY SERVICES INC 497724	uniforms	39.25	0.00	39.25	39868	12/22/14
100650	GALLS, AN ARAMARK COMPANY 002784538		27.00	0.00	27.00	39870	12/22/14
310128	GLENNA L. POUND CPA 12-15-14	12/1 - 12/14/14	2128.75	0.00	2128.75	39871	12/22/14
300974	GRAPH-X INCORPORATED 3222	youth basketball	490.00	0.00	490.00	39872	12/22/14
100725	GREEN MOUNTAIN GARAGE 062413	shock	25.75	0.00	25.75	39873	12/22/14
310233	GREEN MOUNTAIN POWER DEC 2014	electric december	4187.90	0.00	4187.90	39874	12/22/14
100971	MALLORY'S AUTOMOTIVE INC 9024	repairs to SRO car	133.96	0.00	133.96	39875	12/22/14
100971	MALLORY'S AUTOMOTIVE INC 9062	lube, oil, filter, insp	76.43	0.00	76.43	39875	12/22/14
100588	MARKOWSKI EXCAVATING, INC. V-15251	gravel	149.10	0.00	149.10	39876	12/22/14
330461	MARKOWSKI, GREG JAN 2015	january rent	2100.00	0.00	2100.00	39877	12/22/14
310304	MIKE'S FUELS, LLC 280161	diesel fuel @ HWY	977.50	0.00	977.50	39879	12/22/14
310304	MIKE'S FUELS, LLC 292228	diesel fuel @ HWY	1237.50	0.00	1237.50	39879	12/22/14
310304	MIKE'S FUELS, LLC 292493	heating fuel @ Town Hall	336.84	0.00	336.84	39879	12/22/14
100949	MITCHELL'S, INC 47035	youth basketball	293.00	0.00	293.00	39880	12/22/14
100149	MODERN CLEANERS & TAILORS, INC NOV2014	uniform maintenance	120.50	0.00	120.50	39881	12/22/14
100900	NEIGHBORWORKS OF WESTERN VT SAMPSON	0003-0737 over paid	50.00	0.00	50.00	39882	12/22/14
100261	PETTY CASH - POLICE DEPT 12-15-14	postage, cleaning, frame	41.80	0.00	41.80	39884	12/22/14
300502	ROUSE TIRE SALES INC 10175019	tires	684.00	0.00	684.00	39885	12/22/14
300502	ROUSE TIRE SALES INC 10176003	tires	542.11	0.00	542.11	39885	12/22/14
100478	ROYAL GROUP, INC. 613603	monitoring of alarm	265.00	0.00	265.00	39886	12/22/14
100005	RUTLAND COUNTY SOLID WASTE DIS 21249	november recycling charg	143.60	0.00	143.60	39888	12/22/14
100005	RUTLAND COUNTY SOLID WASTE DIS 21254	november surcharge	606.34	0.00	606.34	39888	12/22/14
100491	RUTLAND HERALD 584995	public works ad	86.28	0.00	86.28	39889	12/22/14
100491	RUTLAND HERALD NOV2014	renewal of newspaper	223.00	0.00	223.00	39889	12/22/14
301003	SALEM FARM SUPPLY, INC 301003	cable	156.15	0.00	156.15	39890	12/22/14
100984	SCHWAAB INC 11-21-14	stamp ink	18.74	0.00	18.74	39891	12/22/14
200292	STAPLES CREDIT PLAN 1195434621	DVDs	44.78	0.00	44.78	39892	12/22/14
200292	STAPLES CREDIT PLAN 1195639461		16.99	0.00	16.99	39892	12/22/14
200292	STAPLES CREDIT PLAN 55889	large map copy	7.40	0.00	7.40	39892	12/22/14
100242	TENCO NEW ENGLAND 4751533-RI	bottom push arm	558.63	0.00	558.63	39893	12/22/14
100242	TENCO NEW ENGLAND 4751537-RI	tencoloc retrofit ear	144.40	0.00	144.40	39893	12/22/14
300004	VERMONT DEPT OF PUBLIC SAFETY 66158	VIBRS charges	2814.00	0.00	2814.00	39894	12/22/14
300024	VERMONT DIGITAL 10716	last maint fee old copie	1756.22	0.00	1756.22	39895	12/22/14
300024	VERMONT DIGITAL 10717	toner for old copier	79.00	0.00	79.00	39895	12/22/14
300024	VERMONT DIGITAL CON1253	contract	410.15	0.00	410.15	39895	12/22/14
300877	VERMONT PEST CONTROL B4372	december service	85.00	0.00	85.00	39896	12/22/14
100146	VLCT PACIF 14-15 GF	PACIF PYMT, JAN. 14	37904.06	0.00	37904.06	39903	12/22/14
300382	VLCT UNEMPLOYMENT INS. TRUST, I JAN UNEMPLO	unemployment	2555.06	0.00	2555.06	39904	12/22/14
310046	W.B. MASON CO INC I22237076		133.89	0.00	133.89	39900	12/22/14
310046	W.B. MASON CO INC I22261794	toner	97.59	0.00	97.59	39900	12/22/14

12/18/14
02:58 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices
Manually Selected For Check Acct 01 (10 General Fund) 12/22/2014 To 12/22/2014

Page 2
Luanne

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
310046	W.B. MASON CO INC	I22268107 toner	193.98	0.00	193.98	39900	12/22/14
310424	WANAMAKER RESTORATIONLLC	REQ. #2 Window Rest. Town Hall	5014.24	0.00	5014.24	39901	12/22/14
300905	WELLS COMMUNICATION SERVICE IN 161811	desk mic	94.00	0.00	94.00	39902	12/22/14
Report Total			71,788.73	0.00	71,788.73		

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 \$ ****71,788.73
Let this be your order for the payments of these amounts.

Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
100961	11/14/14	AI SEWER & DRAIN SERVICE, pumped 6 pump stations	20-5-55-51230	900.00	39854	12/22/14
		123711	Outside Equip. - Pump St.			
100961	11/18/14	AI SEWER & DRAIN SERVICE, pumped out manhole @ BTS	20-5-55-51310	225.00	39854	12/22/14
		123712	Collection Systems			
100015	12/05/14	ALLEN ENGINEERING & CHEM chlorine	20-5-55-50120	523.05	39855	12/22/14
		11150412401	Chlorine			
100280	12/09/14	BRANDON LUMBER & MILLWORK plywood	20-5-55-42140	39.41	39857	12/22/14
		486507/3	Maint. Supplies - Bldgs			
100280	12/10/14	BRANDON LUMBER & MILLWORK painting supplies	20-5-55-43160	27.92	39857	12/22/14
		486563/3	Maint. Supplies - General			
100280	12/16/14	BRANDON LUMBER & MILLWORK jig saw	20-5-55-41110	180.99	39857	12/22/14
		486743/3	New Equipment-Misc Tools			
300466	12/15/14	DUNDON PLUMBING & HEATING pumped 4 pump stations	20-5-55-51230	540.00	39863	12/22/14
		21625	Outside Equip. - Pump St.			
100756	12/09/14	F W WEBB COMPANY parts for dechlor tank	20-5-55-43160	273.82	39865	12/22/14
		44991753	Maint. Supplies - General			
100756	12/04/14	F W WEBB COMPANY parts for dechlor tanks	20-5-55-43160	152.26	39865	12/22/14
		44991971	Maint. Supplies - General			
100756	12/05/14	F W WEBB COMPANY parts for dechlor tanks	20-5-55-43160	19.40	39865	12/22/14
		44992180	Maint. Supplies - General			
330422	12/11/14	FERGUSON WATERWORKS #590 wrench	20-5-55-41110	46.45	39867	12/22/14
		0373088	New Equipment-Misc Tools			
100925	12/09/14	FOLEY SERVICES INC uniforms	20-5-55-10320	18.57	39868	12/22/14
		496377	Clothing Allowance			
100925	12/16/14	FOLEY SERVICES INC uniforms	20-5-55-10320	18.57	39868	12/22/14
		497723	Clothing Allowance			
310426	12/15/14	FYLES BROS., INC. propane/WW generator	20-5-55-42110	295.30	39869	12/22/14
		11958	LP Gas - Bldgs			
310426	12/15/14	FYLES BROS., INC. propane/WW Bryant Heater	20-5-55-42110	508.55	39869	12/22/14
		11959	LP Gas - Bldgs			
100725	12/17/14	GREEN MOUNTAIN GARAGE oil, set screws	20-5-55-51220	47.83	39873	12/22/14
		062741	Maint. Supplies - Pump St			
310233	12/18/14	GREEN MOUNTAIN POWER ww december electric	20-5-55-42130	4539.58	39874	12/22/14
		WW DEC 2014	Electric			
310322	12/06/14	MIKE HANCE TRUCKING INC trucking of sludge	20-5-55-50160	1930.50	39878	12/22/14
		0160	Sludge Disposal			
310304	12/08/14	MIKE'S FUELS, LLC diesel fuel @ WW	20-5-55-41130	92.50	39879	12/22/14
		292229	Fuel - Vehicles			
310482	11/24/14	NORTHEAST FLUID CONTROL I 325 gallon tanks	20-5-55-51310	4125.00	39883	12/22/14
		8864	Collection Systems			
300375	12/11/14	RUTLAND CITY Nov sludge processing	20-5-55-50160	4095.00	39887	12/22/14
		13256SLUDG	Sludge Disposal			
200292	12/18/14	STAPLES CREDIT PLAN ww calendars	20-5-55-30110	23.98	39892	12/22/14
		WW45606	Office Supplies			
100776	12/02/14	VERMONT RURAL WATER ASSOC membership dues	20-5-55-10330	240.00	39897	12/22/14
		DEC2014	Dues & Subscriptions			
100146	12/18/14	VLCT PACIF WW PACIF QTRLY	20-5-55-61110	4379.93	39903	12/22/14
		14-15 WW	Insurance Expenses			
100146	12/18/14	VLCT PACIF WW PACIF QTRLY	20-5-55-61160	1903.01	39903	12/22/14
		14-15 WW	WW Workers Comp.			

12/18/14
02:52 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # Current Prior Next FY Invoices For Fund (20 Sewer Fund)
For Check Acct 01(10 General Fund) All check #s 12/22/14 To 12/22/14 & Fund 20

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Luanne

Vendor		Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
300382	VLCT UNEMPLOYMENT INS. TR	12/18/14	ww unemployment WW UNEMPLOY	20-5-55-61150 WW Unemployment	167.94	39904	12/22/14
Report Total					25314.56		

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 \$ ****25,314.56
Let this be your order for the payments of these amounts.

RUTLAND COUNTY SOLID WASTE DISTRICT

OFFICES OF:
BOARD OF SUPERVISORS
DISTRICT MANAGER
WEBSITE: RCSWD.COM

RUTLAND COUNTY MRF
2 GREENS HILL LANE
RUTLAND, VT 05701
TEL. (802)775-7209
FAX (802)773-5796

RECEIVED
NOV 24 2014
TOWN OF BRANDON

November 20, 2014

Ms. Maria Ammatuna, Chairperson
Town of Brandon Selectboard
49 Center Street
Brandon, VT 05733

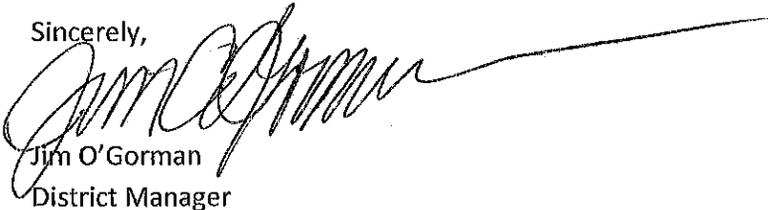
Dear Ms. Ammatuna:

The Vermont Agency of Natural Resources (ANR) has instituted numerous reforms in light of passage of ACT 148 in order to meet the recycling goals and programs statewide over the next few years. ACT 148 requires statewide mandatory recycling starting July 1, 2015, and ANR is now requiring that Towns, or Districts or Alliances (whichever best applies) to pass an Ordinance associated with Variable Rate Pricing by Volume or Weight for Municipal Solid Waste Collection. The purpose of this Ordinance is to provide an enforcement process to ensure that Haulers are indeed meeting the requirements of ACT 148 as well as municipalities with Pay As You Throw (PAYT) standards.

Enclosed is a copy of the proposed Ordinance from ANR on this issue. It was presented to the RCSWD Board of Supervisors at their last meeting November 5th. The RCSWD Board would like the member towns to review this Ordinance and provide some feedback on this issue. The Board plans on passing this Ordinance in early 2015.

If you have any questions, please feel free to give me a call at 775-7209 or you can e-mail me at jimo@rcswd.com

Sincerely,



Jim O'Gorman
District Manager
Rutland County Solid Waste District

JHO/jho
Encls.

Variable Rate Pricing (aka unit-based pricing) Guide and Sample Ordinance for Municipalities

A Guidance Document and Sample Variable Rate Pricing Ordinance
from the Agency of Natural Resources for Compliance with
Vermont's Universal Recycling Law (Act 148)

Overview

Vermont's Universal Recycling law (Act 148) requires all Vermont municipalities (including solid waste districts, alliances, groups of towns, and individual towns—collectively Solid Waste Management Entities) to “implement a variable rate pricing system [also known as unit-based pricing] that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume or weight of the waste collected.” This requirement must be met by July 1, 2015 and a sample ordinance is provided at the end of this Guide to assist municipalities with this transition.

Many aspects of Act 148 focus on creating consistent and convenient statewide solid waste services that will lead to increased waste reduction and diversion. Unit-based pricing (UBP) systems have been shown to significantly incentivize waste reduction and diversion of recyclables and compostable materials. In fact, studies have found that UBP systems reduce residential waste disposal by as much as 17% (Skumatz and Freeman, 2006). Many Vermont towns, solid waste haulers, and drop-off centers already have and use UBP systems, easing the transition for Vermont to statewide UBP adoption.

The original Vermont Solid Waste Management Plan, written in 1989, had a directive for all Solid Waste Implementation Plans (SWIPs) to include action plans for UBP implementation by both public and private haulers of volume- or weight-based charges for residences and businesses. Many solid waste management entities elected to utilize UBP systems as a result, however statewide adoption was not achieved since the directive allowed for SWMEs to provide reasons for exemptions and to propose alternatives. With the adoption of Act 148, there is now a statutory requirement for all municipalities to establish UBP systems for residential municipal solid waste (MSW). This requirement extends to solid waste hauling companies and drop-off facilities/transfer stations that collect residential MSW. This means that regardless of whether a resident is dropping off MSW at a drop-off facility, or having it collected at the curbside, the resident is paying for the amount of materials disposed on a per unit basis—either through volume, such as a fee per bag or container, or through weight, such as a fee per pound.

Current Residential Solid Waste Disposal

The recent report, “Systems Analysis of the Impact of Act 148 on Solid Waste Management in Vermont (October 21, 2013),” prepared by DSM Environmental Services, Inc. and the Tellus Institute, estimated the number of households in Vermont using particular disposal methods for their MSW. Of the three main methods shown in the charts below “organized curbside collection” refers to municipalities that have contracted with a hauler to provide curbside collection services to their residents; “subscription collection” refers to residents hiring private haulers to collect curbside; and “drop-off collection services” refers to resident-hauled trash and recycling that is brought to drop-off facilities/transfer stations, recycling centers, fast trash, and other drop-off centers.



What is Unit-Based Pricing?

Many communities in Vermont, the United States, and abroad pay for their trash in the same way that they pay for their electricity—based on the amount they use—or in this case, the amount of trash they produce. This payment system is commonly referred to as unit-based pricing (UBP), where a person pays a certain fee for each bag (e.g. volume unit) or for each pound (e.g. weight unit) of trash they throw away.

These systems are also known as variable rate pricing (VRP), pay as you throw (PAYT), user pay, or SMART—“Save Money and Reduce Trash.” While these terms share the same meaning, not all UBP systems are structured the same. However all UBP systems that charge households a per unit fee, such as \$2.00 per bag, are sending a “price signal” to waste generators that the more trash they produce, the more they will have to pay.

Bringing your trash to a drop-off facility and paying a fee for each bag of trash you drop off is one example of UBP. Similarly, if you hire a trash collection service (trash pickup), and you pay a fee for each unit of trash you set out on the curb on collection day (e.g. for each bag, can, bin or container of trash) this is also a type of UBP.

What is Not UBP?

If you pay a flat fee for trash collection services either through your town property taxes or through a private contractor that permits you to put out numerous bags, cans, bins, or containers of trash on collection day with no additional fee, that is not UBP. Similarly purchasing a “dump” sticker that allows you to drop-off as much trash as your car/truck will hold at the dump or drop-off facility is not UBP and neither is a punch card that allows the user an unlimited amount of trash disposal for one punch of the card.

What are the Benefits of UBP?

- **Unit-Based Pricing Gives Residents Control of Costs** – If your community or local haulers do not offer a UBP payment system, trash fees are not being fairly applied to residential customers. People who produce little trash and those that are aggressive recyclers (low volume users) are required to pay the same amount as everyone else. With UBP, customers who produce more trash pay more. Flat fees do not allow a customer to control how much they spend on solid waste disposal. UBP allows all customers to have control of their solid waste costs and gives them the power to save money by recycling and composting. Once UBP is implemented, low-volume users, such as the elderly, will no longer subsidize those who generate higher volumes of trash. UBP systems can be convenient. Residents who were initially against the Pay-Per-Throw in Newark Vermont, found that recycling was not that much trouble and their disposal costs were not overwhelming.
- **Reduces Costs** – Some communities have found significant solid waste cost savings after initiating UBP systems. Flat fee structures do not send a “price signal” to residents, thereby making disposal easy and encouraging overuse of solid-waste services.² The newly implemented UBP system in Canaan Vermont helped the town gain control over their waste management costs, effectively cutting waste management costs in half. In addition the pricing system allowed the town to include two new expenses: a paid attendant to monitor the stump dump (in another location) one day a week, and a \$2,000/year contribution to a reserve fund to purchase new equipment when necessary. In Newark the cost of operating the transfer station, including recycling and disposal was removed from the town budget and significantly offset the need to raise taxes to cover other town expenses.
- **Waste Reduction and Improved Environmental Quality** – According to the U.S. EPA, UBP “has proven to be the single most measurably effective way to reduce residential solid waste, increase recycling, and decreasing waste-related greenhouse gas emissions.” Newark Vermont’s Pay-Per-Throw system has cut the amount of trash disposed in half: 33.39 tons for the 4th quarter of 2012 to 14.4 tons for the 4th quarter of 2013 Canaan Vermont selectman Gregory Noyes said of the town’s recent UBP switch, “This is the only system that rewards individuals for their efforts to reduce their costs by recycling and composting.” UBP systems extend the life of landfills, decrease air pollution from *trash* incinerators, and reduce the need for new disposal facilities. As communities turn to reuse, recycling, and composting, shared natural resources, such as land, air, and water, are protected and preserved.³

² Page 14 - Skumatz, L. A. & Freeman, D. J. – PAYT In the US: 2006 Update and Analyses, December 2006.

³ Quoted from MA DEP. Retrieved September 2013 from <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/pay-as-you-throw-basics-for-municipalities.html>.

of trash a resident brings for disposal. Only residents possessing a punch card are permitted to deposit trash at the drop-off facility. This system does not require the drop-off facility operator to handle cash transactions and also avoids the need for billing.

- **Containers or Cans** – Residents are offered containers of varying sizes (in some places as small as 13-20 gallons to provide incentives for those who aggressively recycle) with an increasing charge for the collection of larger containers or, haulers offer collection of multiple containers with an increased charge for each additional container. Haulers can include a flat fee to help defray the embedded cost in making the trip, but must have a unit-based charge, per container used by the resident. For example a hauler might charge a stop fee of X for all customers, with an additional unit-based fee of Y for every 32-gallon container a resident puts out for collection. Or Y for a 32-gallon container, Z for every 48-gallon container and so on.
- **Hybrid** – Instead of receiving unlimited disposal (via collection or drop-off services) for payment of a monthly fee, annual dump sticker, or through property tax bills, residents receive a smaller, limited volume of service for that fee—for example one 32-gallon container or trash bag collected or allowed to be brought to a drop-off facility for disposal each week. If the customer needs to dispose of additional waste, there is another charge for each additional container or bag of trash that they produce. Some municipalities with organized collection may choose to maintain a small flat fee charge for household solid waste collection services through town property taxes or through something like a dump sticker. As long as a town also adopts and requires households to pay an additional per unit (volume or weight) fee for their trash (such as a charge per bag or per container of trash collected), the small flat fee would not be viewed by ANR as a tax subsidy and is therefore acceptable. This is known as a hybrid UBP system (more detail on this type of system follows below).
- **Weight-Based Systems / “Garbage by the Pound”** – Trash containers, bags, or even vehicles are weighed and customers are charged based on the weight of the trash they are disposing of. These systems require certified scales, however, to ensure accuracy of charges.

Examples and Scenarios

In response to several questions ANR has received we have developed a few examples and scenarios of acceptable UBP systems.

- **What should a unit-based price cover?** – The per unit fee should cover the cost of disposal for that unit of solid waste (including any district surcharge and state franchise fee) and may also cover the cost of collection of recyclables if it has been added to solid waste costs as allowable by law.
 - For instance, a town operating a transfer station should charge a per bag fee that covers the cost of hauling that bag to a landfill and the cost to dispose of it at that landfill (e.g. the tipping fee). That same town could fund other costs such as the transfer station attendant through their town’s property taxes or through a flat fee charged for each dump sticker.
 - A town that contracts with a hauler (or hauls themselves) to provide curbside collection services to residents should ensure that the per unit fee charged covers the cost for the hauling and disposal of each unit of trash collected. Additionally a town may also include in that per unit fee the costs for the collection of recyclables as allowable by law. Other costs such as the cost of a town-owned bailer, or upkeep to town owned solid waste equipment (loader, dumpsters), buildings, may be covered by a flat fee to every resident or through property taxes.
- **Hybrid systems with a “base level” of service through property taxes** – Another acceptable UBP option would be the use of property taxes to cover a certain ‘base level’ of service, such as 32 gallons of trash collection service per household per week (either by the bag or the container). Any additional bags or containers a resident sets out on the curb on collection day would need to carry an additional unit-based charge, such as a higher bill for having two containers, or through the use of a pre-paid sticker or pre-paid bag for these extra bags. A sticker or bag purchased at the town office, local grocery store, or gas station would be most common way to implement this type of system. Any hauler hired by the town would be required to not collect any bags above and beyond each household’s first bag, if those additional bags were missing the sticker or were not the special bags sold by the town. Using property taxes to cover more than 32 gallons of trash collection service per household per week (either by the bag or the container) would not be acceptable. However, a 64 gallon container could be permitted as long as it was collected every other week (in effect maintaining the 32 gallons of trash collection service per week).

reduction and recycling. If residents believe the pricing structure is arbitrary and are unaware of ways to reduce their costs, the program is likely to fail.”⁴

For detailed guidance and information on implementing a UBP systems, ANR strongly recommends municipalities consult the report entitled *Pay-As-You-Throw: An Implementation Guide for Solid Waste Unit-Based Pricing Programs* and produced by the Massachusetts, Department of Environmental Protection, January 2004. The report provides detailed information on the pros and cons of various UBP systems, which MA communities have adopted various systems, and specific information on adding in collection of recycling, bulky items, and compostable materials such as food, leaf, and yard waste. It also discusses the challenges to UBP systems posed by apartment building residents and seasonal residents and suggests solutions such as instructing and requiring property owners to educate their renters or seasonal residents on local UBP systems and recycling and composting requirements in state law. This report can be accessed here: <http://www.mass.gov/eea/docs/dep/recycle/reduce/m-thru-x/pguide04.pdf>.

Designing and Setting Sustainable UBP Rates

As with any service paid on a per-unit or per-use basis, such as per kilowatt with electricity, a service administrator (be it a town, private hauler or drop-off facility operator), should ensure that the fees cover the costs of maintaining and operating the system and the service. In towns with contracted haulers, UBP systems (e.g. “organized collection”) generally involve a two-tiered pricing system that combines a flat fee with a unit-based fee. The flat fee provides stability to the solid waste UBP system and ensures that the basic costs of collection are covered. The unit-based fee provides the incentive for residents to recycle and compost.⁵

The U.S. EPA’s *Rate Structure Design: Setting Rates for a Pay-As-You-Throw Program* guide can be a valuable resource in determining how to set rates for your UBP system. Rates that are too high will upset residents, while rates that are too low may not cover the cost of solid waste collection and disposal. You can download the USEPA guide here: <http://www.epa.gov/epawaste/consERVE/tools/payt/tools/rsd.htm>.

The EPA also offers a Pay-As-You-Throw Tool Kit and 7 worksheets that are useful for designing a UBP system and even evaluating how it is working. These worksheets cover the following topics:

- Worksheet 1: Program Goals
- Worksheet 2: Potential Barriers
- Worksheet 3: Public Outreach
- Worksheet 4: Container & Pricing Choices
- Worksheet 5: Rate Structure Design
- Worksheet 6: Implementation Checklist
- Worksheet 7: Monitoring & Evaluation

Access these resources by following this link: <http://www.epa.gov/epawaste/consERVE/tools/payt/tools/toolkit.htm>.

Other tools available from the U.S. EPA include the “SMART BET Calculator” (Saving Money and Reducing Trash Benefit Evaluation Tool). This tool allows users to see the greenhouse gas reductions and cost savings that are possible by implementing a UBP system. Download the U.S. EPA’s SMART BET Calculator here: <http://www.epa.gov/epawaste/consERVE/tools/payt/tools/smart-bet/index.htm>

A significant number of Vermont towns and solid waste districts utilize UBP systems. For information on towns that may have recently adopted UBP systems talk to your local solid waste district, group, or alliance.

Additionally Massachusetts and Connecticut both have extensive lists of communities that have adopted UBP systems including specifics on when the program was initiated, what UBP system is being employed (bags, stickers, punch cards,

⁴ Mass DEP Pay-As-You-Throw Basics for Municipalities: <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/pay-as-you-throw-basics-for-municipalities.html>

⁵ Mass DEP Pay-As-You-Throw Basics for Municipalities: <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/pay-as-you-throw-basics-for-municipalities.html>

Resource List

- DSM Environmental Services, Inc. and Tellus Institute. (July 2013). *Systems Analysis of the Impact of Act 148 on Solid Waste Management in Vermont*. Retrieved from <http://www.anr.state.vt.us/dec/wastediv/solid/documents/Act1487292013/DraftReport-Act148Analysis-7-29-2013-DSMandTellus.pdf>
- Massachusetts, Department of Environmental Protection. (January 2004). *Pay-As-You-Throw: An Implementation Guide for Solid Waste Unit-Based Pricing Programs*. Retrieved from <http://www.mass.gov/eea/docs/dep/recycle/reduce/m-thru-x/pguide04.pdf>
- Skumatz, L. A. & Freeman, D. J. (December 2006). *Pay As You Throw (PAYT) In the US: 2006 Update and Analyses*. Retrieved from <http://www.epa.gov/osw/conserved/tools/payt/pdf/sera06.pdf>

Article III: VARIABLE RATE PRICING

Haulers and Facilities (hereinafter "Service Providers") that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable rate pricing.

Each Service Provider shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers; for example, a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Service Provider from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Service Provider may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article IV: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Service Providers may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Service Provider elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Service Provider from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Service Provider may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Service Provider may incorporate the cost of the Collection cost of mandated recyclables into the cost of the Collection of solid waste and may adjust the charge for the Collection of solid waste.

Article V: FILING OF PRICING SYSTEM

The Service Provider shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the [Town(s) of OR SOLID WASTE DISTRICT] or shall file such evidence along with their license application.

Article VI: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
2nd offense:	\$100.00	\$50.00
3rd offense:	\$250.00	\$125.00
4th and subsequent offenses:	\$500.00	\$300.00

The waiver fee is paid by a violator who admits or does not contest the violation.