

**Brandon Board of Sewer Commissioners Meeting**  
**October 26, 2015**  
**7:00 p.m.**

The Brandon Board of Sewer Commissioners will meet Monday, October 26, 2015 immediately following the Select Board Meeting at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located 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) Consent Agenda
  - a) Sewer Commissioners Minutes – September 28, 2015
  
- 3) Policy for Collection of Delinquent Sewer Taxes
  
- 4) Adjournment

**Brandon Board of Sewer Commissioners  
September 28, 2015**

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

**In Attendance:** Doug Bailey, Seth Hopkins, Ethan Swift, Tracy Wyman, Devon Fuller

**Also in Attendance:** Dave Atherton, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Bernie Carr, Lee Kahrs, Arlen Bloodworth, Chris Brickell, Janet Coolidge, Steve Bisette, Dick Kirby, Daryl Burlett, Jim Crawford, Bill Moore

**1. Call to Order**

The meeting was called to order at 7:37PM by Chair – Doug Bailey.

**a) Agenda Adoption – Motion** by Ethan Swift/Tracy Wyman to adopt the agenda as presented. **The motion passed unanimously – 4 to zero.**

**2. Consent Agenda**

**a. Sewer Commissioners Minutes – August 10, 2015**

**Motion** by Seth Hopkins/Devon Fuller to approve the Sewer Commissioners' minutes of August 10, 2015. **The motion passed unanimously – 4 to zero.**

**3. Consider Recalculation of Sewer Charges for 18 Bridge Park**

Dave Atherton reported he has met with the owners of this park, as well as a couple of the other parks. There has been discussion that there has been an issue with their billing and there have been some miscalculation in how the readings have been provided to the Town. After the meeting, Sue Gage revised the report to reflect what was actually taking place. Mr. Atherton requested the Select Board review the information and consider a motion to approve recalculation of the sewer charges. Mr. Atherton has met with the property owners twice and there was agreement with the solution. Mr. Atherton stated when a mobile home owner abandons a home, the town is unable to collect the fees, however; this park has also had issues with their billings.

**Motion** by Devon Fuller/Ethan Swift to approve the recalculation of sewer charges for 18 Bridge Park in the amount of \$1,168.18.

Dave Atherton stated the mobile homes in the parks are sold to the occupants. If the occupant leaves and does not pay the fees, the town cannot go after the mobile home park owner. The mobile home park owners have to file a notice of abandonment. Devon Fuller stated if the mobile home park owners know that

trailers are empty, they should be aware that the meters are still ticking. Seth Hopkins stated from the last Board of Abatement meeting, this is not a matter that is up to the Town Clerks, Sewer Commissioners or Town Managers and towns across the state have been advised that these have to be abated. Doug Bailey has had a conversation with Mr. Shaw and the legislators are looking at a new law, as there are other towns that are dealing with these types of issues. Mr. Atherton stated there is an issue with this park in that there is a main meter for the park and five other meters that are for the separate mobile homes. The sewer was being calculated from the main meter and in two of the mobile homes, there were no meters and the town could not obtain accurate numbers. There should not be sewer charges to the main meter and there were issues with the way that the meters were hooked up. The main meter had been installed to determine if there was a break to the main and this action is more of a housekeeping item that should have been done a while back. Mr. Atherton stated it would be good to bill from only one meter and there have been discussions with the mobile home park owners on how to collect these fees, however, there are issues with going after the occupants of the mobile homes. Devon Fuller wants the town to move this process forward and hopefully the state will move forward on changes as well. Doug Bailey suggested Mr. Atherton and he have further discussions with Mr. Shaw regarding the issues with the mobile home parks. Mr. Atherton stated the town is currently trying to legally collect what it can. Ethan Swift stated because the land ownership is with the park owners, there could be no lien on the individual mobile home owners. Mr. Atherton stated it is difficult to have only one sewer billing, when the fire district requires separate meters for the mobile homes.

**The motion passed unanimously – 4 to zero.**

#### **4. Adjournment**

**Motion** by Devon Fuller/Seth Hopkins to adjourn the Board of Sewer Commissioners' meeting at 7:50PM. **The motion passed unanimously – 4 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

TOWN OF BRANDON  
POLICY FOR COLLECTION OF DELINQUENT SEWER TAXES

The purpose of this policy is to establish clear guidelines so that all delinquent sewer users will be treated fairly and will know what to expect.

The property owner or group of property owners using the sewerage system shall be liable for the rent fixed as provided by Title 24 V.S.A, §3507, §3615, and §3616. The charges, rates or rents for such sewage system shall be a lien upon the real estate furnished with such service in the same manner and the same effect as taxes are a lien upon real estate under Title 32, §5061 and shall be an assessment enforceable under the procedures listed as follows.

- A. 1% Interest is assessed after the Town Clerk has posted all payments received for any given due date. 1% interest will continue to be assessed the 15<sup>th</sup> of each month thereafter until all delinquent sewer taxes have been paid in full.
- B. When an assessment remains unpaid for a period of 30 days, the treasurer of the municipality may issue a warrant for its collection directed to the collector of taxes, who shall have the same power to enforce the collection and shall proceed in the same manner as provided by law for the collection of taxes under subchapter 9 of chapter 133 of Title 32.
- C. When the ratepayer fails to render payment for a valid bill or charge within 30 days of the postmark on the bill or by the due date, the appointed and elected officials may proceed with collection of the delinquency as provided in Title 24, chapter 129.
- D. Only payment arrangements that will pay the bill in full within one year of the date of the agreement will be accepted. All subsequent or new billings must be paid when due and are not included in the agreement.
- E. If the tax on personal property, such as Mobile Homes, is not paid in full within the 30 days of the first delinquent notice the tax collector will seek the authorization of the Selectboard to place a lien on the property.
- F. Mortgage holders and lien holders will be notified of the delinquent sewer taxes immediately following the first 30 days' notice and again prior to tax sale.
- G. Partial payments will be applied first to the interest portion of the amount due, and the remainder will be applied to the principal sewer taxes due.
- H. If no satisfactory payment arrangements have been made in one month, or if the prior agreement has not been met, the tax collector will begin the following actions to conduct a tax sale of the property or as much of the property as is necessary to pay the tax, plus costs and fees:

- a. The collector will notify the taxpayer and all mortgage and lien holders of the tax sale decision, the date by which full payment must be received, and the costs to expect once the sale process begins.
  - b. If the deadline date has passed and full payment has not been received, the collector will proceed with a tax sale according to the procedures specified in 32 V.S.A. §5232.
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- I. Costs of preparing and conducting the sale, including legal fees up to a maximum of 15% of the amount of the delinquent tax, will be charged to the delinquent taxpayer.
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- J. Each taxpayer has a right to apply for abatement of sewer taxes based on any of the grounds listed in 24 V.S.A. §1535.
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- K. If no one purchases the property at tax sale, or if, in the judgment of the tax collector, proceeding with the tax sale is inadvisable, the tax collector shall collect the delinquent taxes using any or all of the methods permitted by law.

DATED: \_\_\_\_\_

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David J. Atherton  
Collector of Delinquent Taxes  
Town of Brandon