

Capital Facilities Master Plan
for the
Town of Middletown Springs, Vermont



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Executive Summary

The current municipal facilities for the Town of Middletown Springs are markedly insufficient. The town offices are now operating out of a single 400 square foot room that serves the space needs for the town clerk, treasurer, property lister, road commissioner, and Selectboard meeting room. This room also has an attached 8x10 closet that serves as the land records storage room. The entire space is rented from the Middletown Springs Historical Society and is in a wooden historic structure on the town green. Land records are at great risk of loss due to fire, water, and humidity. Records have also been stolen due to the difficulty in monitoring their use.

The town garage is also rented space with no sanitary facilities. Trucks and equipment are currently stored outside. Some repairs must be done outside due to the size of the garage. Salt and sand storage is partially or completely uncovered which causes risk to the environment and loss of investment. The Town's transfer station is a 40 x 40 open air space with storage bins, surrounded by a stockade fence.

The Town received a small municipal planning grant to help assess the Town's facility needs and to identify solutions to their space constraints. Crane Associates LLC, a community development and planning firm in Burlington, Vermont was retained to make the assessment of space needs as the grant budget allowed. The consultant was requested to: assess the space needs for municipal employees; assess town-owned land assets; make recommendations for changes that should occur; develop conceptual drawings for each new facility as needed; develop site schematic drawings as needed; make a general determination of additional resources and expertise needed; calculate preliminary cost estimates; and, present next steps to advance the project.

This report recommends that the transfer station be moved to a vacant parcel on the west end of town and that a new town hall be built on the site of the transfer station.

Municipal Office

Chapter II, Sec. 62 of the Vermont Constitution requires all deeds and conveyances of land to be recorded in the municipal clerk's office in their respective towns. Municipal clerks, by statute and rule, must preserve, protect and maintain in an accessible manner, a wide range of records, including all those associated with the marketability of real estate, the minutes of municipal boards, grand lists and vital records. Vermont Statutes (24VSA Ch 35 1178) require Town Clerks to keep these records in a safe or vault:

"A town not already provided with a fireproof safe or vault of a sufficient size for the effectual preservation of the files and records now in the office of the town clerk, or that may hereafter accumulate there, shall forthwith procure such safe or vault."

Maintenance of land records are not only required by law but essential to the town budget. Land records and grand lists give Middletown Springs the ability to raise revenue to support services. Each and every resident would have legal standing to dispute property tax bills without proof of ownership and value of land.

Municipal land records are essential to the private sector. Transfer and sale of real estate is not possible without title searches and indisputable evidence of ownership. Many people, especially in rural communities such as Middletown Springs, have a majority of their life's wealth invested in privately held real estate. Land is often their savings and retirement account. In Middletown Springs, the only location of these original records is in the Town Clerk's office. In the chain of real estate commerce from seller to buyer, the weak link is clearly the Town Clerks office. A simple water leak, mold outbreak, or regrettably, smoke or fire damage, can slow, or possibly even prevent, a land transaction in Middletown Springs from occurring. Any damage that renders the records illegible may prevent or slow a land transaction and place the town in violation of the law.

There have been over 17 million dollars worth of land transactions in Middletown Springs during the past 5 years alone (2000-2004). These transactions involved 236 properties. The 2000 Census reports that there are 338 households; in other words, the last 5 years worth of land transactions involved between 60% -70% of Middletown Springs households¹(see table 1). The Census also helps confirm this finding. Of the 338 households, 238 reported living in another residence 5 years prior. As a result of this trend, for the past 20 years approximately 2 inches of new shelf space gets occupied every year by new land records. Land transactions occur very frequently in Middletown Springs and every one of them involves going to the Town Clerk's office and handling land records, some of which are in very fragile condition. During the past 20 years, approximately 2 inches of shelf space gets occupied every year by new records.

¹ Vacation properties are assumed to be owned by non-residents and the exact number of those transactions is unknown.

According to a report published by the Vermont Secretary of State's Office, lawyers and surveyors who work with land records estimate they may handle forty or more individual documents per title search and up to two hundred documents for boundary and survey research.²

	2004	2003	2002	2001	2000	Total
Total number of Land Transactions	55	36	54	33	58	236
Residential under 6 acres	\$1,081,200	\$877,250	\$518,400	\$854,400	\$835,959	\$4,167,209
Residential 6 or more acres	\$2,735,750	\$1,983,000	\$1,230,000	\$1,164,000	\$1,277,750	\$8,390,500
Mobile Home no land			\$77,210			\$77,210
Mobile Home with land			\$60,000			\$60,000
Vacation under 6 acres	\$12,000	\$150,000	\$152,000	\$199,000	\$160,000	\$673,000
Vacation 6 or more acres	\$273,000		\$505,000		\$163,000	\$941,000
Commercial	\$125,000	\$700,000	\$150,000			\$975,000
Farms	\$595,000					\$595,000
Woodland	\$0		\$20,000	\$45,000	\$1,200	\$66,200
Open Land	\$419,350	\$469,600	\$196,500	\$146,300	\$211,900	\$1,443,650
Unknown		\$35,000				
Totals	\$5,241,300	\$4,214,850	\$2,909,110	\$2,408,700	\$2,649,809	\$17,423,769

Source: VT Department of Taxes, 2005

A common example in rural communities is when a family farm that has been held by the same family for generations is sold and subdivided. Surveys and deeds which may have not been touched for decades, suddenly receive constant use and copying as the land is sold, sub-divided, and re-sold. This activity places great stress on these paper records. And what cannot be over stated is the fact that the Middletown Springs Town Clerk's office is the only place where these original records are held.

Of the 119 municipal clerks who responded to a 1998 survey from the Secretary of State's Office, 91.6% kept their records in vaults. Middletown Spring is not one of them. In 1996 the General Assembly allowed municipalities who voted to do so to add a \$1.00 surcharge to their recording fees to "be used solely for the restoration, preservation and conservation of municipal records" (Act 109, 1995. Adj. Session). Of the municipalities responding to the survey, just over 79% had adopted the \$1.00 preservation surcharge. Middletown Springs does require a \$1.00 preservation charge when recording a transaction. Those funds are

² Report On The Condition Of Municipal Records. Office of the Vermont Secretary of State. 1/15/99

deposited into the general fund. The Town also charges \$1.00 per page for copying which goes into a separate account for preservation. The town budget allocates approximately \$3,000 for record preservation.

Preserving land records and preventing their deterioration is far more economical than restoring damaged records. According to the Vermont State Archivist, restoring a single land record volume can cost between \$1,000 to \$3,000. Middletown Springs has 58 land record books, 24 vital record books, plus several file drawers of committee and board minutes, grand lists, and town reports. If mold, smoke, or water damaged only the land and vital record books beyond legibility it would cost between \$80,000- \$250,000 to restore them. A high quality, air-controlled vault will cost between \$30,000 -\$50,000.

The ambient environment where records are stored is the key element to their longevity. Paper can deteriorate three times faster simply by storing records at 78 degrees rather than 68 degrees. High humidity supports mold growth; low humidity reduces the flexibility of paper; light, especially ultraviolet light, can result in fading, darkening, or actual structural breakdown of materials; dust and air borne pollutants cause physical and chemical damage to record material. Computer tapes and disks are even more dependent on good storage environments.

Records stored in volumes, such as the method in Middletown Springs, deteriorate faster than those stored in archival boxes and folders. Special storage devices, such as hanging map files, can help prolong the life of large format records. Even with ideal storage conditions, physical handling, photocopying (often of oversized records), and other factors associated with use, accelerate deterioration. Municipal records are in constant use.

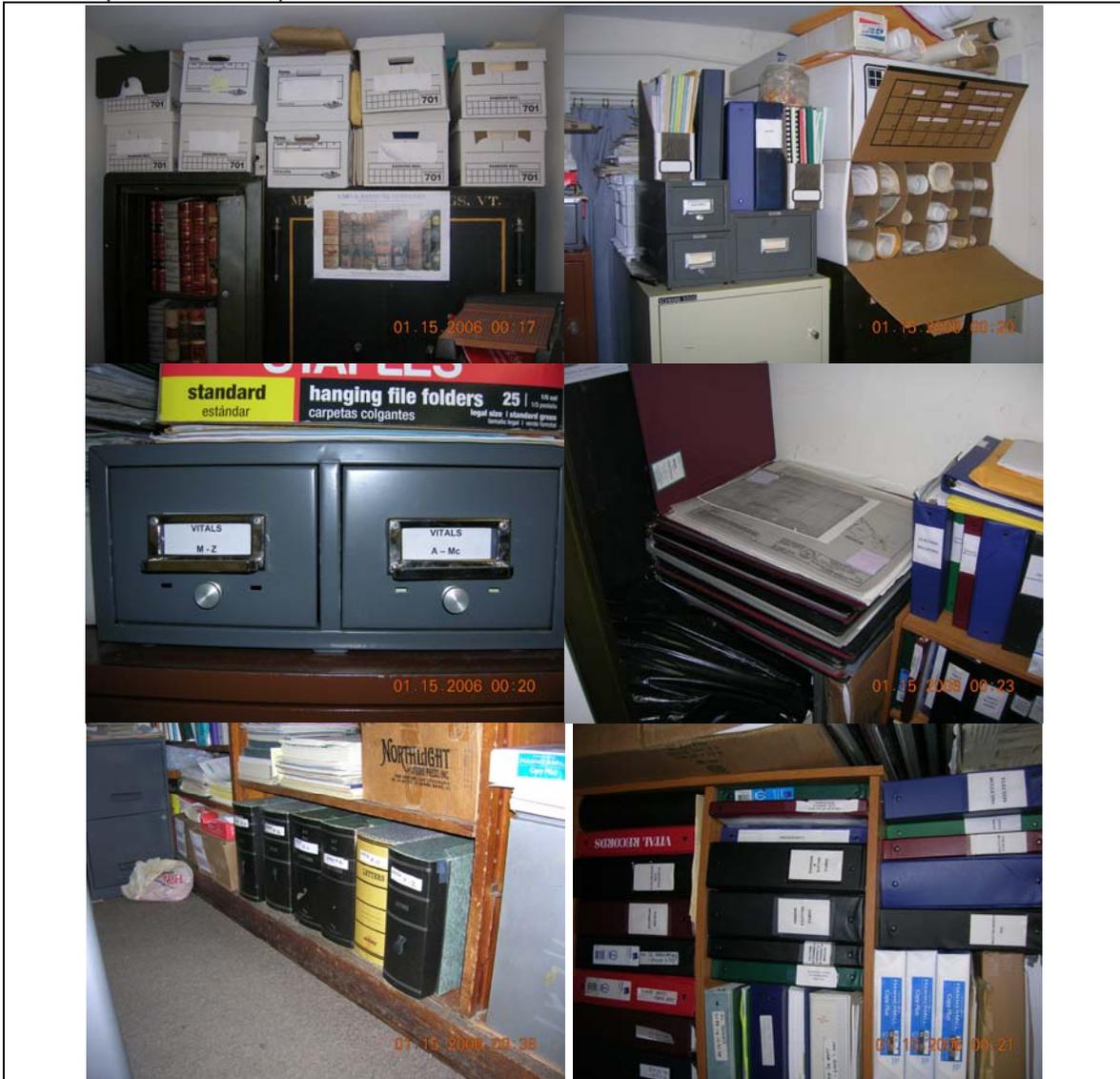
A municipality's permanent records are the forgotten capital asset. It is easier for tax payers to view a broken down dump truck or potholes in the roads as something that needs to be repaired or replaced. However, land records are also capital assets. They are assets that support millions of dollars of economic activity each year and, unlike equipment, sometimes they cannot be replaced.

Summary Assessment

The current condition of the office of Town Clerk, Town Treasurer and the remaining Town Hall is placing the Town of Middletown Springs in great liability. Two factors cause this liability to exist: storage and security.

The storage of the town records are inadequate and are likely in violation of the law. If the Town was in a civil suit with a plaintiff seeking damages due to the loss of one's property records, it would be difficult for the Town to prove they "preserved and protected" the land records that are associated with the marketability of real estate. Today, in the Town Hall, sitting unprotected on

shelves are survey maps, land use maps, current use appraisal applications, municipal land use permits, and indices of vital records.



These records are held in wooden frame structures with exposed pipes and windows. The records are exposed to the threats of fire, humidity, water damage, mold, and theft. Some of these records, especially the survey maps, are required to be held in a vault or fireproof safe.

The security of these records and other transactions that occur in the Town Clerk's office is weak at best. Due to the quality of the windows and doors, the office can be easily broken into and records can be stolen. There is no more room in the vault, the fireproof safes are at about 95% capacity, and every year requires 2 new inches of shelf space. If another safe was bought it is difficult to see where it would be placed.

Another security threat is from the layout of the office and the type of furniture. The layout does not allow the Town Clerk to see into the room where the records are held. There have been reports of stolen records. On busy days, such as what was witnessed by the consultant on Saturday, January 14th, many people can be standing and waiting to be served, having full access to these records. On this day, some people waited approximately 20 minutes. In addition to the



layout, the Town Clerk's desk poses a liability. When the Town Clerk is busy with many people there is not enough time, nor space, to conceal the paperwork sitting on her desk. People's vital records, proposed land transactions, and other confidential information are in eye's view. The Town Clerk works in a space of less than 100 square feet and there is no

room to create a barrier between the public and private records.

Transfer Station

The transfer station for Middletown Springs operates under Facility Certification number RU311 in accordance with the Vermont Solid Waste Management Rules and Vermont Law 10 V.S.A. ss6605. The permit allows the facility to accept just municipal solid waste and recyclable materials from residents only. It states that the facility must be behind a locked fence and operate from 6 a.m. -12 p.m. on Sundays and Mondays.

The permit the Town currently has is a conditional use permit that "grandfathers in" an existing use which would normally not be allowed if the facility was new and the Town applied for a permit today. The distance from the facility to any neighboring property line must be no less than 50 feet under today's rules. The Middletown Springs transfer station is approximately 8 feet to the property line.



The transfer station is built with untreated

plywood and appears structurally weak. The nails in the rafters are rusty and loose. The fence is leaning, the siding leaks and the plastic tarp serving as the gable end is missing. There is a quantity of debris outside the fence that is visible to the neighbors, passers-by, and most visitors to the Town. Some of the debris is at risk of being blown away during a storm



Household hazardous waste has been stored there, exposed to the elements, and has been stored for extended periods



of time. These actions are in violation of the Town's permit to operate the facility. Household hazardous waste must only be collected during specially advertised collection events. The waste collected at these events must follow strict standards and must be removed after the event. The Solid Waste Management Rules state:

(1) Collection Events

(A) Collection events may take place only at certified solid waste facilities or at other locations specifically approved by the Secretary pursuant to Section 6-301(c). The facility management plan must address the wastes to be managed and the activities to be conducted during the event.

(B) If the event is held at a site which does not have appropriate safety, accident and contingency provisions in its existing facility management plan, the collection event organizer must submit a safety, accident and contingency plan to the Secretary for the specific site or sites where the collection event will take place.

(C) All wastes must be handled by personnel appropriately trained in accordance with all applicable federal and state statutes and regulations.

(D) At the end of an event, all CEG hazardous waste collected during the event must be packaged, labeled, and transported off-site by a permitted hazardous waste transporter in accordance with Vermont Hazardous Waste Management Regulations.

(E) At the end of an event, all HHW collected during the event must be removed from the site. The waste may be managed as a regulated hazardous waste as provided in Subsection (D) above or may be transported to a certified HHW/CEG Hazardous Waste Collection Facility or a Semi-Permanent HHW/CEG Hazardous Waste Collection Unit.



In addition, according to State Rule, lead acid batteries must be stored on an impervious surface, under cover, and the facility must have acid neutralizers and

a supply. This is also in violation of the permit since there is no impervious surface in the facility and batteries have been stored there for an extended period of time.

The location of the facility also poses a potential conflict with the Town's emergency services. The consultant observed the operation on Saturday, January 14th and witnessed several occurrences where long lines of vehicles were backed up to the doors of the fire station. While this is not a grave situation, it could slow the response time of an emergency call.

Salt and Sand

The Town expects to purchase \$17,000 worth of salt and sand for FY 06-07. The salt is stored under a shed with limited structural integrity and no impervious floor. The sand is stored out in the open next to the transfer station. During the cold months salt is added to the sand to prevent freezing.



While storing sand outside is not illegal for small communities in Vermont, it is economically inefficient. As the rain hits the sand the finest particles become suspended in water droplets. With enough rain the water begins to flow. As long as the ground is saturated, as shown in this picture (above right), the water and suspended sand particles flow until they reach equilibrium (where the forces of gravity and water flow are equal). In the case of the Town sand pile, this may not occur until it reaches the West Branch of the Poultney River. It is beyond the scope of this study to measure the quantity and rate of sand being lost to water and wind erosion. However, it is easy to observe, as the consultant did, sand and rain flowing from the sand pile toward the river. After enough rain events, the sand being lost is bound to find its way to the river. Furthermore, the particles that go first are the finest. Sand is made up of various grain sizes. The highest quality abrasives, those that are most effective at helping tires grip the roads, are the smaller sized particles and, unfortunately, the ones getting washed away first.

In addition to sand being lost, salt is also mixed in the pile. One study suggests that approximately 50% of the salt in that sand pile is lost after 10 inches of snow or rain precipitation. Vermont's annual average precipitation is 39.9 inches. So, if the sand pile is exposed for at least 3 months it is likely to lose 50% of its salt content. This negatively impacts the Poultney River and ground water. People with hypertension may be affected if the salt reaches their drinking wells. The picture below shows a town gravel pile with the Poultney River in the background.



Aside from the environmental and health risks the exposed stockpile presents, the Town is also experiencing a financial loss. Without accurate estimates of the quantity being lost it is difficult to know the exact dollar loss. However, if we estimate that 50% of the salt is lost and 10% of the sand is lost it can amount to approximately \$3,000 - \$6,000 worth of lost materials. It may only cost \$10,000 - \$15,000 to build a sand and salt

shed. After 3 years the capital cost is paid for, and from that point on the Town saves on road maintenance costs.

In addition to the financial loss and environmental damage, the exposed sand pile in the center of town presents a personal safety risk. On January 14th, the consultant inadvertently stepped off the gravel parking lot and onto an area where the sand pile had been leveled and sank three feet. The rain had supersaturated the sand pile and turned it essentially into quicksand. There were no physical barriers or visual clues on where the parking lot stopped and the sand pile began. An unobserved small child playing in the vicinity can be easily stuck resulting in personal injury or death. Considering the location of the pile and the way the stock is managed and stored, the Town is currently exposing themselves to a great amount of unnecessary liability.

Land Research: Town-Owned Land Assets

Tax Parcel 06-012: Town of Middletown Springs, 2.3 acres. The parcel is currently used as a transfer station and for storing salt, sand, road equipment and other town-owned public works tools and equipment. The site borders the North Branch of the Poultney River and lands owned by the Congregational Church, the Middletown Springs Historical Society, and private owners. A brief chronology of the property is as follows:

1938 – Congregational Church leases to the Town for \$150 (18-004).

1944 – Congregational Church sells to Town for \$1 (18-196).

1985 – Town leases a 65' x 33' area of the parcel to Fire Department for \$10 plus any applicable taxes or fees for use of the property for firefighting purposes. The lease is valid until 2084.

No other changes, rights, or uses are recorded for this parcel. A neighboring resident accesses their home via this parcel although there is no right of way or agreement recorded for this purpose.

Tax Parcel 1W-577: Town of Middletown Springs, 3.7 acres. This parcel currently has one dilapidated residential building. The property was created through a sub-division in 1990. Deed research shows that the property has historically been used for residential and agricultural. Town records show that the property was bought by a private owner in January 1998 and was foreclosed in March 2003. The foreclosing bank sold the property to the Town for one dollar in March 2004. The property was appraised by Scranton Appraisals of Wallingford and its value was assessed at \$65,000.

Tax Parcel 18-187: Town of Middletown Springs, 14.2 acres. This parcel is in the eastern edge of town on Fitzgerald Road and several miles from the Town center. The Conservation Commission has been working on this property to create an environmental education center. The consultant visited the site and walked the trail. It appears that valuable work and resources have been invested for this use. Conversion of this site to a transfer station or town offices are not recommended due to the investments made and the location of the parcel.

Tax Parcel 04-777: Muriel Seaman, 2.9 acres. As of this report writing the parcel is owned by a private individual but will most likely be conveyed to the Town in the near future due to delinquent tax payments. Property records show that this parcel has a restrictive covenant that limits the land use to one single family residence. This parcel is the former Town dump site and opening up this property to future uses is likely to raise legal and liability issues. For this reason, combined with the parcel's location, size, topography and restrictive covenant, it is not recommended for municipal uses.

Recommendations

We recommend that the Town of Middletown Springs correct the issues that are currently placing them in legal jeopardy and a potentially liable position. The current record storage practice in the Town Hall does not meet legal requirements in some situations, poses a threat of lost or damaged records, and is of lower quality than most municipal buildings according to a statewide survey conducted by the Secretary State's Office. The working environment for the Town Clerk, Town Treasurer, and Town Lister, is substandard and presents a security threat of confidential information. It is recommended that the current Town Hall be abandoned and relocated to a larger space to provide adequate, safe, and sound record storage and a professional office environment for the working professionals running the town. The relocation can occur in a new structure, such as the one proposed below, or the Town can purchase one of the several classic Victorian homes that enter the real estate market from time to time and rehabilitate it for town needs.

Scenario 1: Relocation of Town Hall and Transfer Station

A scenario of the Town building a new structure was analyzed and is presented here. This can then be compared to purchasing and rehabilitating an existing property. This scenario requires a town-owned parcel of land. As described above, the only useable parcels are the existing transfer station parcel and the 3.7 acre parcel on the west end of town. This scenario involves relocating the transfer station, salt shed and town garage to the west end parcel and relocating the Town Hall to the site where the transfer station is now.

This scenario has multiple benefits. It relocates an eyesore away from the center of town. It improves the neighboring property values and quality of life for the residents who are impacted by the effects of a transfer station operating at 6:00 a.m., 20 feet from their door. The scenario covers the salt and sand stockpiles, thereby, improving the river environment, fish habitat, and local groundwater supplies. The scenario improves relations with several state agencies who would like to see the transfer station moved and would like to see the records storage system improved. It protects and preserves municipal records and improves the working atmosphere for employees and customers. Keeping the Town Hall in the center of town is an important element of this proposal as well. The new Town Hall will also provide a venue for public meetings.

The downside to this scenario is that it does cost money. The exact estimates are unknown at this time and cannot be determined without further details, but general estimates reveal the town garage and salt/sand sheds at \$300,000 and the new Town Hall at approximately \$200,000 - \$300,000 with a new vault. The exact impact on the taxpayers and property tax bills depends on the amount of grant funds raised. There are several funding sources from state and federal governments for which this project would apply. Also, the long term cost savings

to the taxpayers by preventing the loss of salt and sand should be incorporated in a net costs analysis.

Initial details of the scenario are included below.

Town Hall

A Town Hall should be constructed on the existing transfer station site (parcel 06-012). The Town Hall is a 1,728 square foot single-story building in modest New England architectural form. Key features of the building include:

- Vault is visible from Town Clerk's desk
- 140 square foot vault
- Work table outside of vault
- Ample work space for Clerk and Treasurer
- A counter to work with the public
- Separate Lister's Office
- Separate Selectboard room
- Lockable offices to separate public from private spaces
- 325 - 400 square foot public meeting room
- Meeting rooms and bathrooms accessible at nighttime
- Handicap Accessibility in the front
- A front porch for informal gatherings

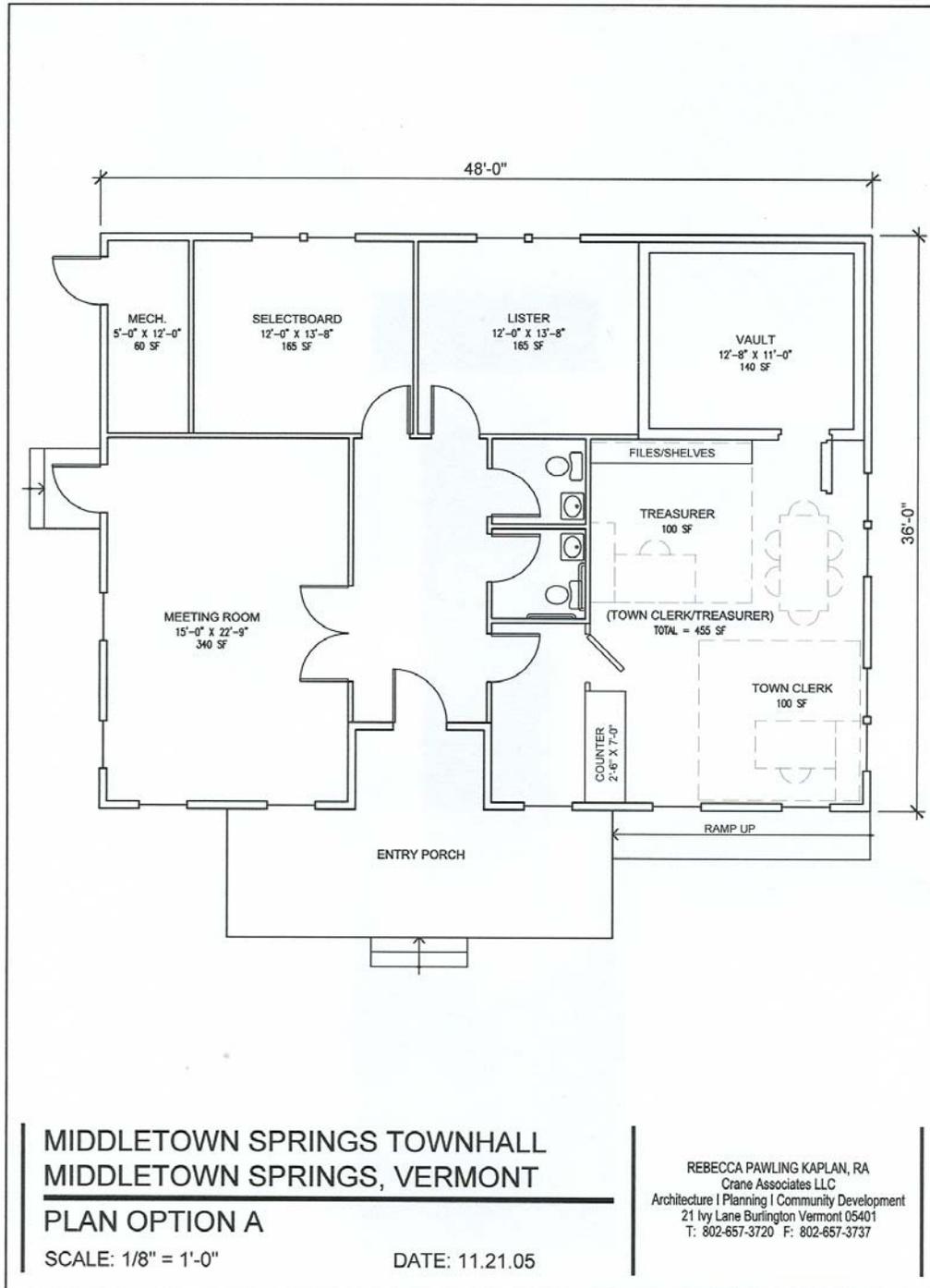
Drawings are on the following pages.

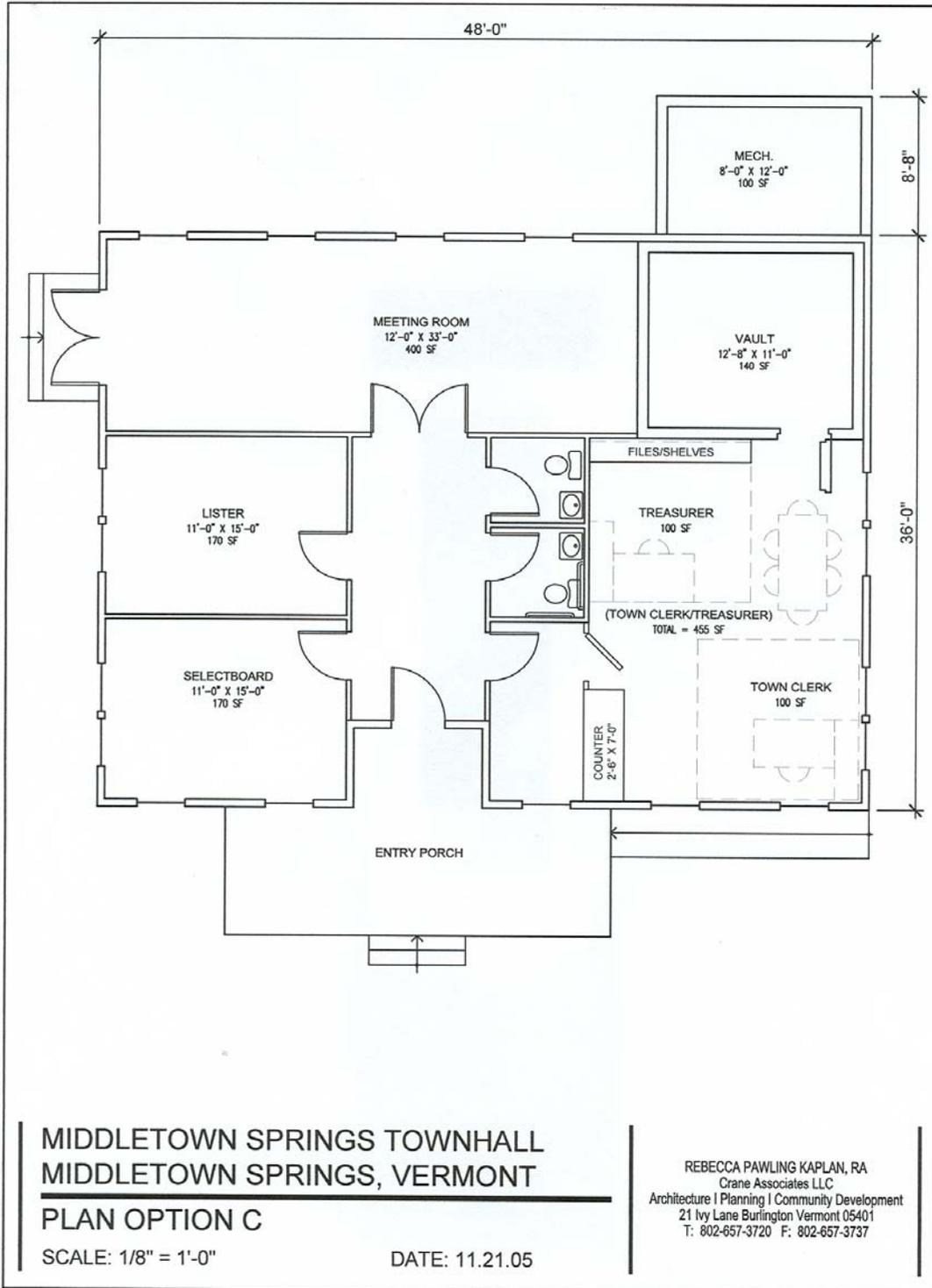


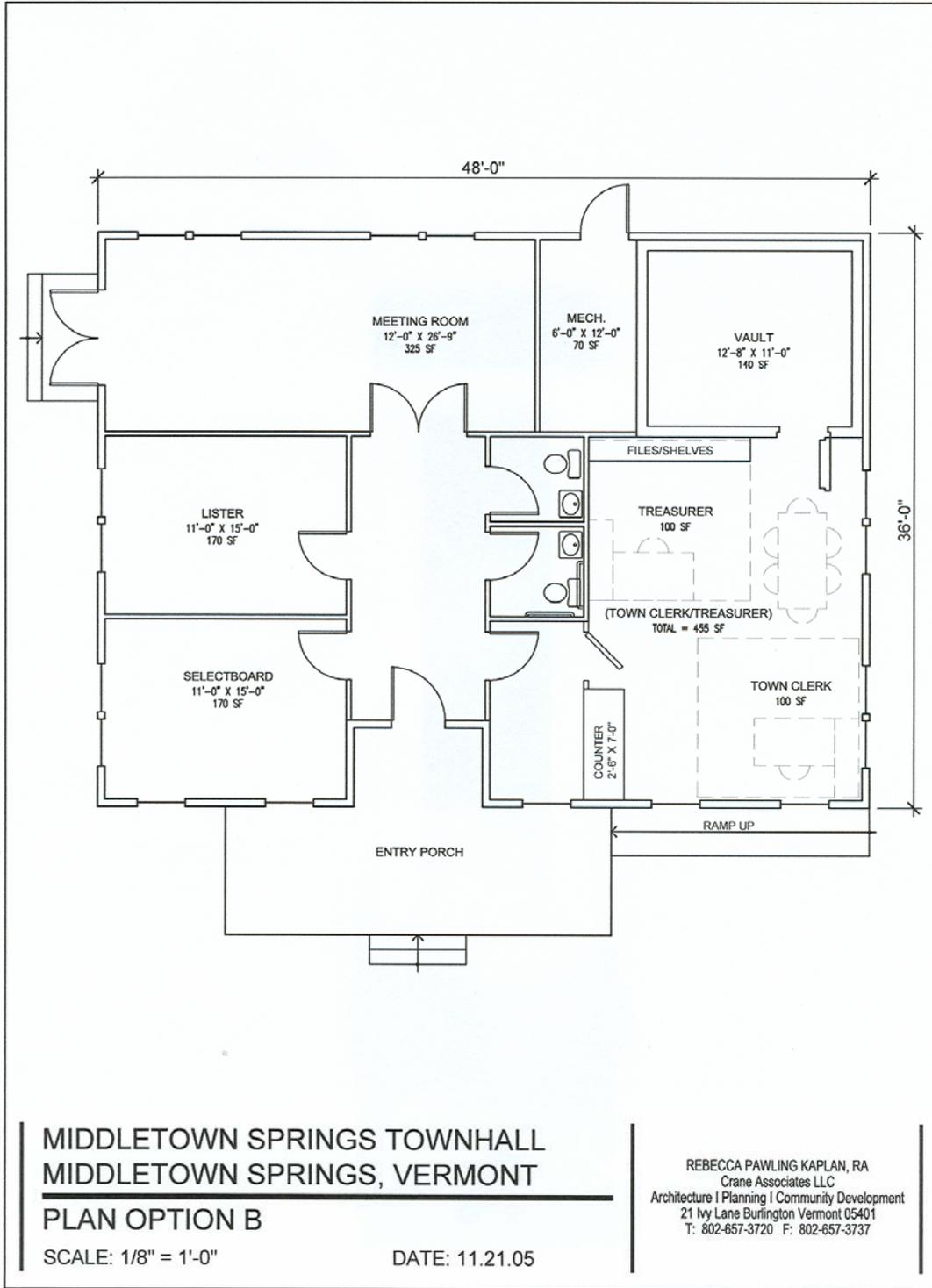
**MIDDLETOWN SPRINGS TOWNHALL
MIDDLETOWN SPRINGS, VERMONT**

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Transfer Station and Town Garage

The transfer station and town garage can and should be co-located on the same site at parcel 1W-577. This site has special considerations. First, the site is one of the first Middletown Springs parcels that a traveler sees when entering from the west. In addition, the road is heavily used. An ugly and cluttered transfer station is not a good gateway into the Town. Therefore, the aesthetics must be carefully considered and the site should be designed to minimize this negative impact. Second, there are residential neighbors close by and the site has very little vegetation. Again, aesthetics are an important consideration. The current transfer station, however, is certainly an eyesore and is located 20 feet from the front porch of the neighboring home. The sights, smells, and sounds of the transfer station activity and road maintenance equipment are currently closer to a town resident now than what is being proposed here. Moving it to this location would be an improvement. Because there are very few other options and there is no other town-owned land available, this site should be used for this purpose and designed correctly.

We recommend the original house façade be refurbished and retained. The rear of the building is converted to a transfer station. The back wall of the house is removed and new post and beams installed to retain the original roof line and side facades. Transfer station activity will be conducted under the existing roof. This new layout will give the workers more room to organize material which they currently do not have. The access and layout of the site enables an efficient flow of vehicles. Customers would enter from the east side of the house and exit on the west side. There is ample room to back up to the recycling bins or to park if needed.

The house has the architectural details of a classic New England farmhouse. Therefore, the town garage should be built to resemble a typical New England barn. The garage would be oriented on a north/south access along the east property line to block the view of the transfer station activity from the road and the neighboring house. Additional vegetative screening should be planted on the east to further reduce the view.

An example of a barn-style town garage is presented in Image 1. The picture shows the Bolton, Vermont town garage. It is a 4-bay garage with salt shed and offices.

Site plan and drawings are attached.



Image 1

Implementation

Permitting Issues

In order to determine what permits, if any, are needed, the consultant contacted the district environmental commission for Act 250, the Agency of Natural Resources Division of Solid Waste and reviewed local regulations. Construction of the Town Hall on the proposed location would need no state or federal permits. The project is on an existing parcel that needs no subdivision, is in a traditional town center, is smaller than 10 acres, and is not in a floodplain nor does it disturb threatened, endangered or other natural resources. The Town does not have local zoning ordinances or other development permits, therefore local regulations do not apply.

A similar situation exists for the transfer station and town garage. Municipal projects disturbing less than 10 acres of property do not fall under the jurisdiction of Act 250. The transfer station does require a permit from the Division of Solid Waste. The permit specialist was interviewed on the permit requirements and he was very familiar with the Middletown Springs transfer station since he was the same person approving the existing operational permit. The Division would encourage the Town to relocate the transfer station because it currently violates Solid Waste Rules on set back distance from neighboring property. The Town currently has a legal permit, which is continually renewed, because the station was built prior to that rule being established, and therefore, is exempt from that stipulation. Getting a permit from the Division would be a fairly easy process considering their desire to move the station. The project as proposed would satisfy all other criteria for obtaining a solid waste permit. No other permits are needed since local regulations do not apply.

Moving Ahead

To advance the proposed scenario, the Town should perform the following three major tasks:

1) Take the conceptual drawings and create pre-construction architectural and engineering specifications. This would include details on the septic and water facilities, structural details on the buildings, especially the conversion of the residential building into the transfer station, and necessary excavation, landscaping, and other site work. To complete this work for the Town Hall, town garage and the transfer station, the Town can expect to pay approximately \$10,000 - \$20,000. If the Town chose the Bolton Town Garage design, the detailed drawings already exist and they can expect to pay in the lower end of this price range.

2) Develop accurate cost estimates based on the work done in Step 1 above. This work may be performed by the same people completing Step 1 or other

professional construction estimators. Engineers usually know the cost of constructing the work they design. Architects may or may not know depending on the design. The Town can expect to pay \$2,000 - \$4,000 for these detailed estimates.

3) Based on the accurate cost estimates, develop a financing plan. This plan would describe the level of town commitment and other funding sources. The plan should be based on more than one set of assumptions. The first scenario should start with an estimate on the impact to the Town's taxpayers if no other funding sources were used. The use of 30-year General Obligation bonds should be explored and used as a basis of a worst case scenario on the cost to the taxpayers. From there, other grant funds, and other financing mechanisms, should be explored to lower the cost to the Town. This service can cost \$3,000 - \$5,000 dollars.

With these detailed plans, cost estimates, and financing mechanisms, the Selectboard will be able to present a clear and detailed plan to the voters for consideration.

Appendix A: Vermont Statutes Directing Town Clerks**Title 24: Municipal and County Government****Chapter 35: TOWN CLERKS****§ 1151. Certificate of election; oath**

A town clerk shall file with the county clerk a certificate of his or her election or appointment and a copy of his or her official oath on or before six days after election or appointment. The moderator shall sign the certificate if the clerk is elected at an open town meeting. The chair of the board of civil authority shall sign the certificate if the clerk is elected by Australian ballot. The selectmen shall sign the certificate if the clerk is appointed. (Amended 1989, No. 200 (Adj. Sess.), § 6.)

§ 1152. Record of proceedings of meetings

The clerk shall record all proceedings of all town meetings and his record shall be deemed to be the true and official record of all action taken at that meeting provided it has been approved and attested by any two of the following town officers present at the meeting: moderator, selectmen, and justices of the peace. The clerk shall request approval within seven days after each meeting and his request shall be given prompt consideration. Nothing in this section shall be construed to prohibit use of tape recorders or other recording devices or stenographic service. (Amended 1969, No. 168 (Adj. Sess.).)

§ 1153. Card indices

All general indices required by law to be kept by a town or city clerk may be kept by the card index system, with the consent and approval of the selectmen or board of aldermen. When so kept, such card index shall provide as full and complete information as is now required by law for the keeping of general indices by a town clerk.

§ 1154. Records; copies

(a) A town clerk shall record in the land records, at length or by accurate, legible copy, in books to be furnished by the town:

- (1) deeds;
- (2) instruments or evidences respecting real estate;
- (3) writs of execution, other writs or the substance thereof, and the returns thereon;
- (4) hazardous waste site information and hazardous waste storage, treatment and disposal certifications established under 10 V.S.A. chapter 159;
- (5) underground storage tank information under 10 V.S.A. chapter 59;
- (6) municipal land use permits (as defined in section 4303 of this title) or notices of municipal land use permits as provided for in subsection (c) of this section, notices of violation of ordinances or bylaws relating to municipal land use, and notices of violation of municipal land use permits;

- (7) denials of municipal land use permits;
- (8) permits, design certifications, installation certifications, and other documents required to be filed by the provisions of 10 V.S.A. chapter 64 and the rules adopted under that chapter;
- (9) other instruments delivered to the town clerk for recording.
- (b) A temporary permit (if defined by the bylaws of the municipality) is not required to be recorded.
- (c) A notice of a municipal land use permit or a notice of violation specified in subdivision (a)(6) of this section may be recorded, and if such notice is recorded, it shall list:
- (1) as grantor, the owner of record title to the property at the time the municipal land use permit or notice of violation is issued;
 - (2) as grantee, the municipality issuing the permit, certificate or notice;
 - (3) the municipal or village office where the original, or a true, legible copy of the municipal land use permit may be examined;
 - (4) whether an appeal of such permit, certificate, or notice has been taken;
 - (5) tax map lot number or other description identifying the lot.
- (d) The town clerk shall keep in each book of record an index of reference to the instruments or records in that book. (Amended 1983, No. 148 (Adj. Sess.), § 13; 1985, No. 66, § 2; 1997, No. 125 (Adj. Sess.), § 1; 1999, No. 46, § 2, eff. May 26, 1999; 2001, No. 133 (Adj. Sess.), § 8; 2003, No. 138 (Adj. Sess.), § 1.)

§ 1155. Record of trust mortgage

Trust mortgages may be recorded by furnishing the clerk with a printed copy thereof on not smaller than 8 1/4 by 10 3/4 nor larger than 10 1/2 by 16 ledger paper of good quality with good cloth binding which volume after being duly compared with the original mortgage shall be filed, attested by him and kept in his office as a trust mortgage record. The clerk shall also certify on a blank page of the then current mortgage record book the recording of such mortgage under the provisions of this section and index the same as provided in section 1154 of this title.

§ 1156. Chattel mortgages; conditional sales; discharge of lien

Within 15 days after a chattel mortgage, a sufficient memorandum of a conditional vendor's lien or a memorandum of a discharge of such mortgage or lien has been delivered to a town clerk for recording, accompanied by the requisite recording fee and a sum to cover return postage, such clerk shall record such mortgage, lien or discharge and return the original to the person entitled thereto.

§ 1157. Duties of town clerk as to chattel mortgages

A town clerk shall procure and keep a book of records for mortgages of personal property and shall keep an alphabetical index of mortgagors and mortgagees. The record and index shall be open to public inspection. The clerk shall record in the book any mortgage, transfer, discharge or officer's return of sale upon any mortgage. Reference to the volume and page of the record of the mortgage shall be made by the clerk upon the margin of the record of the return, as well as reference on the margin of the record of the mortgage to the volume and page of the record of the return. When requested, the clerk shall give a certified copy

thereof on payment of his fees as provided in section 1671 of Title 32 and shall certify the time when the same is received and recorded. Mortgages or deeds of trust conveying both real and personal property shall be recorded only as real estate mortgages, but town clerks shall include in their indices of mortgages of personal property a reference to the record thereof. A copy of the personal mortgage, certified as a true and correct copy by the recording clerk, may be pasted or otherwise permanently attached in the record books, provided that space on the back of the sheet to be pasted is allowed for pasting, and when so done the same shall be deemed to be legally recorded, or if a person leaving the mortgage for record so desires, it shall be copied into the records at length by the town clerk. (Amended 1969, No. 40, § 2, eff. April 4, 1969.)

§ 1158. Assignment or discharge of mortgage or judgment lien

An assignment or discharge of a mortgage or judgment lien shall be duly recorded in the records of the town. A mortgage or judgment lien may be discharged by the mortgagee, judgment creditor or assignee of such mortgage or judgment lien in writing on the margin of the mortgage record or judgment lien notice. A satisfaction or assignment of the mortgage or judgment lien recorded elsewhere shall bear a marginal notation of the book and page of the mortgage or judgment lien record and a corresponding cross-reference shall be made on the margin of the mortgage or judgment lien notice record. (Amended 1979, No. 67, § 4.)

§ 1159. Indorsement of time of receiving instruments

When a deed or other written instrument is filed or left for record with the town clerk, he shall endorse thereon a certificate of the date of its reception. If the paper is left for record, the certificate shall so state and also shall contain the time of day and be included in the record thereof.

§ 1160. Acknowledgements; oath

A town clerk may take acknowledgements of deeds and other instruments throughout his county. In his county, he may administer oaths in all cases where an oath is required.

§ 1161. General index

(a) A town clerk shall keep a general index of transactions affecting the title to real estate wherein he or she shall enter in one column, in alphabetical order, the name of the grantor to the grantee and, in a parallel column, the name of the grantee from the grantor, of every deed, conveyance, mortgage, lease or other instrument affecting the title to real estate, and each writ of attachment, notice of lien or other instrument evidencing or giving notice of an encumbrance on real estate which is filed or recorded in the town clerk's office, with the name of the book, volume or other manner of recording and the page of record in the following form:

Book Grantor Page Book Grantee Page

to from

Grantee Grantor

1 A. to B. 1 1 B. from A. 1

If the instrument is executed on behalf of, or to convey the interest of another party, the same shall be indexed in the name of the other party as grantor. In case the instrument is executed by more than one

grantor and to more than one grantee, the name of each grantor and each grantee shall be indexed. When the party is a natural person the name shall be indexed under the first letter of such person's surname, and when the party is a corporation the name shall be indexed under the first letter of the first word of its name disregarding articles and initials. For purposes of this section, a defendant against whose property a writ of attachment is filed or a person against whose property a lien is asserted, shall be considered a grantor, and a plaintiff filing a writ, or a person asserting a lien shall be considered a grantee. Land plats filed in the office shall be indexed in such manner as the public records director shall by rule prescribe. The general index may be kept electronically.

(b) For the purposes of this section, "transactions affecting title to real estate" shall include the instruments described in subsections 1154(a) and (b) of this title. Each owner of record title to the property at the time such an instrument is issued shall be listed as the grantor. The state of Vermont shall be listed as the grantee for instruments described in subdivisions 1154(a)(4), (5), and (8) of this title. The municipality issuing the instrument shall be listed as the grantee for instruments described in subdivision 1154(a)(6) of this title. (Amended 1969, No. 235 (Adj. Sess.), § 1; 1997, No. 125 (Adj. Sess.), § 2; 1999, No. 46, § 3, eff. May 26, 1999; 2001, No. 133 (Adj. Sess.), § 9.)

§ 1162. Indices; liability of clerk and town

A town clerk who neglects to keep in his office the indices required by law to be kept by him shall be fined \$20.00 for each six months' neglect. A town which, upon such neglect of its town clerk, delays for six months to cause such an index to be completed and kept, shall be fined \$50.00 for each six months it so neglects.

§ 1163. Index of attachments

A town clerk shall keep a book in which shall be alphabetically indexed all attachments of personal property lodged in his office. Such index shall show the names of the parties to the action in which the attachment is made, the court and date of the court to which the attachment is returnable, and the amount of debt or damages claimed in the writ.

§ 1164. Certified copies; form

A town clerk shall furnish certified copies of any instrument on record in his office, or any instrument or paper filed in his office pursuant to law, on the tender of his fees therefore, and his attestation shall be a sufficient authentication of the copies, except that the town clerk shall not copy the word "illegitimate" from any birth certificate he furnishes. Copies of vital records for events occurring outside the state, filed with a town clerk pursuant to section 5015 of Title 18, shall not be copied and certified. (Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1975, No. 8, § 1; 1979, No. 142 (Adj. Sess.), § 18.)

§ 1165. Files and records available; when

The files and records in the office of the clerk shall be available for inspection upon proper request at all reasonable hours.

§ 1166. Return of name of town treasurer to state treasurer

Annually, on or before July 1, a town clerk shall transmit to the state treasurer the name of the town treasurer.

§ 1167. Certification of votes

When at an annual or special meeting a town votes to raise a tax, to borrow money, or to make any appropriation of money, the clerk of such town, within five days thereafter, shall certify such vote to the treasurer of the town and to the chairman of the board of selectmen.

§ 1168. Return of names of listers to director of the division of property valuation and review

After each annual meeting, a town clerk shall report forthwith in writing to the director of the division of property valuation and review the name of each lister therein, his post office address and the length of his term of office. In like manner, such clerk shall notify the director of the division of property valuation and review of any lister appointed to fill a vacancy. (Amended 1977, No. 105, § 14(b).)

§ 1169. Name and address of first constable to county clerk

After each annual meeting, a town clerk shall certify forthwith to the county clerk the name and post office address of the person elected first constable at such meeting.

§ 1170. Assistant clerk

After his election, a town clerk shall forthwith appoint one or more assistant clerks, for whose official acts he shall be responsible, who shall hold office during his term of office, or until such appointment is revoked by him. Such appointments and revocation shall be recorded in the office of the town clerk.

§ 1171. -Duties

Such assistant clerk shall be sworn and is authorized to perform the recording and filing duties of the town clerk, to issue licenses and certified copies of records and, in the absence, death or disability of the town clerk, is further authorized to perform all other duties of such clerk. If the town clerk dies, the authority of the assistant town clerk to perform the duties of the town clerk shall continue until a successor is appointed by the selectmen under section 963 of this title. (Amended 1967, No. 107, eff. April 14, 1967.)

§ 1172. -Record to county clerk

Such assistant clerk shall deposit with the county clerk a copy of the record of his appointment, duly certified by the town clerk making such appointment, and shall also deposit a copy of his official oath signed by himself, with a certificate of the magistrate administering the same that he has taken such oath.

§ 1173. Town or village reports

The clerk of a municipality shall supply annually each library in such municipality with two copies of the municipal report, upon its publication. He shall also mail to the state library two copies thereof, and one copy each to the secretary of state, commissioner of taxes, transportation board, state board of health, commissioner of prevention, assistance, transition, and health access, auditor of accounts and board of education. Officers making such reports shall supply the clerk of such municipality with the printed copies necessary for him to comply with the provisions of this section and section 1174 of this title. (Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1999, No. 147 (Adj. Sess.), § 4.)

§ 1174. -Town file

Such clerk shall keep on file in his office two or more sets of the annual report of the auditors, which at suitable intervals he shall bind in book form.

§ 1175. Permanent service records

Town clerks shall record the honorable discharges or certificates of service of all members of the armed forces of the United States, by photographic copy or on forms approved by the adjutant general of a size and with a margin to permit binding. Upon making such record, the town clerk shall forthwith forward a certified copy thereof to the office of the adjutant general. Such records shall be arranged or indexed alphabetically, bound and made a permanent record. Town clerks shall receive a fee of fifty cents for so recording each honorable discharge or certificate of service, as hereinbefore provided, to be paid by the town.

§ 1176. Manuscripts

All books and manuscripts belonging to a town or a town school district, except town histories, published under the authority of a town, shall be kept in the office of the town clerk, unless otherwise provided and shall not be sold or disposed of. (Amended 1969, No. 289 (Adj. Sess.), § 9.)

§ 1178. Safes; vaults

A town not already provided with a fireproof safe or vault of a sufficient size for the effectual preservation of the files and records now in the office of the town clerk, or that may hereafter accumulate there, shall forthwith procure such safe or vault.

§ 1179. Reporting of fees received

Within 30 days after the completion of a town's fiscal year, each town clerk shall disclose to the public the total amount of fees received as part of his or her compensation during the fiscal year immediately preceding. (Added 1979, No. 161 (Adj. Sess.), § 15.)

Appendix B

Excerpts from the Vermont Solid Waste Management Rules

6-1206 Standards For Specific Materials

(a) Solid Waste

(1) Except as specifically provided below or in Subsections (b) through (g), all solid waste shall be stored in containers. The facility shall be managed to minimize the possibility of an emission or discharge of contaminants from the containers.

(2) All solid waste shall be transported to a treatment or disposal facility on a schedule adjusted as necessary to minimize odors from the waste.

(3) Solid waste deposited on a tipping floor shall be removed from the tipping floor as soon as is practical, but in no event later than the end of the operating day as defined in the facility management plan. The facility management plan shall identify any unique circumstances when solid waste might remain on the tipping floor beyond the end of the operating day and the practices that will be implemented at the facility so that the facility complies with the provisions of 6-1203 during this unique circumstance.

(b) Recyclable Materials

(1) Materials to be recycled, contaminated recyclable materials, and process residuals which may be dispersed by wind shall be stored inside buildings or other roofed structures, in box trailers, or in other closed containers which are covered except when the facility is operating.

(c) Lead-acid batteries

(1) All lead-acid batteries shall be stored under cover on an impervious surface.

(2) The facility must maintain a supply of absorbent materials and acid neutralizers sufficient to clean up a spill of up to one (1) gallon of battery acid solution.

(3) All batteries shall be transported off-site in accordance with all applicable federal and state hazardous materials transport regulations.

(d) Household Hazardous Waste (HHW) and Conditionally Exempt Generator (CEG) Hazardous Waste

(1) Collection Events

(A) Collection events may take place only at certified solid waste facilities or at other locations specifically approved by the Secretary pursuant to Section 6-301(c). The facility management plan must address the wastes to be managed and the activities to be conducted during the event.

(B) If the event is held at a site which does not have appropriate safety, accident and contingency provisions in its existing facility management plan, the collection event organizer must submit a safety, accident and contingency plan to the Secretary for the specific site or sites where the collection event will take place.

(C) All wastes must be handled by personnel appropriately trained in accordance with all applicable federal and state statutes and regulations.

(D) At the end of an event, all CEG hazardous waste collected during the event must be packaged, labeled, and transported off-site by a permitted

hazardous waste transporter in accordance with Vermont Hazardous Waste Management Regulations.

(E) At the end of an event, all HHW collected during the event must be removed from the site. The waste may be managed as a regulated hazardous waste as provided in Subsection (D) above or may be transported to a certified HHW/CEG Hazardous Waste Collection Facility or a Semi-Permanent HHW/CEG Hazardous Waste Collection Unit.