

February 23, 2016

The Town of Bristol has had a landfill since 1928. As recycling has become more and more important, we saw a decline in our tonnage going into the landfill and then the bottom fell out of the recycling market. To adapt to that change, the Bristol Selectboard voted to move the costs associated with recycling to the general fund, in hopes of giving the landfill the ability to set aside more of their revenues for closure costs. Fast forward a couple more years, and it became clear that less residents were using the landfill, as they moved toward the more convenient method of hiring a trash hauler. This trend continued, as more and more families had two parents working and less time to bring their trash and recycling to the Bristol landfill. Around 2005/2006, the Agency of Natural Resources gave Shaftsbury, Vermont the remaining \$350,000 left in the State's Landfill Closure fund, that had been created to assist communities with this issue.

In August 2014, after receiving a Notice of Alleged Violation, Representative David Sharpe and I met with Commissioner David Mears and Director Chuck Schwer to discuss the closure of the Bristol Landfill and our financial shortfall. At that time, the Engineer's opinion of probable engineering and construction costs were over \$1.5 million.

After working closely with James "Buzz" Surwillo of the Waste Management and Prevention Division, John Casella II of Casella Construction and Alan Huizenga of Green Mountain Engineering, we were able to reduce our closure costs from the estimated \$1.5 million to \$753,036.24. This was due to Omya's donation of approximately \$400,000 worth of product that ANR agreed we could use as cover material and in the construction process itself, Casella Construction's ability to back haul the product to us and the realization that closing sooner would lessen the slope we needed to cover, hence adding to the reduction of time and materials needed. The Bristol Landfill's last day of operation was Saturday, August 1, 2015.

As you can see in the provided materials, the Town of Bristol and the Agency of Natural Resources entered into a Memorandum of Agreement in July 2015. The Town of Bristol has fulfilled or is on target to fulfill all of our obligations under this Agreement.

On behalf of the Bristol Selectboard and residents of Bristol, I want to thank you for taking the time to hear from me today and to support the Agency of Natural Resources and Bristol via our MOA. On Town Meeting Day, Bristol residents will be asked to approve a tax increase of 14.4%. This includes the start of a bond payment for South Street Bridge and the new Fire Facility Bristol is currently building. Our 1897 Fire Station was deemed improper for public safety use in 2014 and we had no choice but to move forward with building a new station. As you may be aware, in 2015 Mount Abraham Union High School approached the voters for a 32 million dollar remodel that was rejected. However, the problems have not been solved and it is only a matter of time until another bond vote will be presented. Bristol residents need your assistance, so I urge you to support our request of \$143,863.24 to cover the landfill shortfall.

Thank you,

Therese Kirby
Bristol Town Administrator

Town of Bristol
Statement of Net Position
Closure Fund #020

Assets

Current Assets

Cash	202,381.00
Investments	406,792.00
Receivables	0.00
Prepaid Expenses	0.00
Total Current Assets	\$609,173

Noncurrent Assets

Capital Assets	0.00
Total Noncurrent Assets	0

Total Assets \$609,173

Liabilities

Current Liabilities

Accounts Payable	0.00
Unearned Revenue	0.00
Estimated Closure Costs	753,036.24

Total Liabilities \$753,036

Net Position as of 6/30/15 (\$143,863.24)

FINAL		CLOSURE		COSTS	
Legal	Invoice #	Amount	Vendor	Description	
	1/6/2015	2918	Brennan Punderson	Reviewed State's MOU & Documents for joining ACSWMD	
	10/12/2015	3016	Brennan Punderson	Opinion letter for joining ACSWMD	
	2/16/2015	163132	Langrock Sperry & Wool	Town of Bristol reimbursed ACSWMD's legal fees for us to join	
	<i>Subtotal</i>	2,966.00			
Engineering					
	6/22/2015	3414	162.67	Grover Engineering	Buzz Survillo's request for additional info & control points for Casella
	11/5/2015	5823	975.00	Green Mtn. Engineering	Landfill Closure - Special Services
	11/5/2015	5822R	2,931.55	Green Mtn. Engineering	Landfill Closure - Resident Engineer's Services
	12/4/2015	5855	569.68	Green Mtn. Engineering	Landfill Closure - Resident Engineer's Services
	10/8/2015	5791	7,192.53	Green Mtn. Engineering	Landfill Closure - Resident Engineer's Services
	10/8/2015	5790	575.00	Green Mtn. Engineering	Landfill Closure - Contract Administration
	10/8/2015	5789	300.00	Green Mtn. Engineering	Landfill Closure - Gas Monitor Well Coordination
	9/3/2015	5758	2,594.48	Green Mtn. Engineering	Landfill Closure - Resident Engineer's Services
	8/5/2015	5734	2,445.00	Green Mtn. Engineering	Landfill Closure - Contract Administration
	8/5/2015	5735	414.68	Green Mtn. Engineering	Landfill Closure - Resident Engineer's Services
	8/5/2015	5736	230.00	Green Mtn. Engineering	Landfill Closure - Award Concurrence & Review Letter for State of VT
	9/3/2015	5757	1,300.00	Green Mtn. Engineering	Landfill Closure - Contract Administration
	<i>Subtotal</i>	8,591.08	Green Mtn. Engineering	Landfill Closure - Contract Admin. & Resident Engineer	
Construction					
	8/11/2015	1	193,515.76	Casella Construction	
	10/6/2015	2	152,665.57	Casella Construction	
	10/20/2015	3	147,160.03	Casella Construction	
	construction	4	212,258.64	Casella Construction	
	Retainage		14,400.00	Casella Construction	
	<i>Subtotal</i>		720,000.00		
Administration					
	5/15-11/15		1788.57	Therese Kirby	50 hours of administrative work (hourly rate + fringe)
Total			\$753,036.24		
Cash Flow					
			202,381.00	Cash on hand	
			406,792.00	Cashed in 5 c.d's	
Total			609,173.00		
Deficit			-\$143,863.24		

JUL 10 2015



Vermont Department of Environmental Conservation

Agency of Natural Resources

**MEMORANDUM OF AGREEMENT BETWEEN
THE VERMONT AGENCY OF NATURAL RESOURCES AND THE TOWN OF BRISTOL
IN REGARDS TO THE CLOSURE OF BRISTOL LANDFILL**

Section 1. PURPOSE AND SCOPE

This Memorandum of Agreement (MOA) sets forth the agreement between the parties, Vermont Agency of Natural Resources (Agency) and the Town of Bristol (Town) (together referred to as the "Parties"), regarding closure and closure funding of the Town of Bristol Landfill (the "landfill").

Section 2. BACKGROUND

- a. The Town owns and operates an unlined municipal solid waste landfill, which was last certified by the Agency on January 10, 2012. Exhibit A (2012 Town of Bristol Solid Waste Management Activity Certification).
- b. The 2012 certification requires the Town to accrue funds on an annual basis during the anticipated lifespan of the landfill that would result in fully funding the landfill closure account at the time that landfill capacity was reached, which was estimated to be 2029. See Exhibit A, condition # 4; Exhibit B (May 3, 2011 Town of Bristol Landfill Solid Waste Management Rules Variance).
- c. The Town has failed to accrue and maintain the requisite amount of financial capability for closure in accordance with its certification, and was issued a Notice of Alleged Violation (NOAV) by the Agency on August 20, 2014 for this and related alleged violations.
- d. The Town has agreed to cease landfill operations prior to December 31, 2016, and to fully close and cap the landfill prior to the spring of 2017.

Section 3. AGREEMENT. The Parties agree to the following:

- a. Town Closure of Solid Waste Landfill.
 - i. The Town commits to close the landfill without increasing the current statutory cap of 1,000 tons of municipal waste annually as set forth in 10 V.S.A. § 6605a.
 - ii. Closure shall be completed no later than July 1, 2017, and shall be conducted in accordance with a closure plan approved by the Agency.

- iii. The closure plan shall include sufficient measures for stabilizing the southern slope of the landfill, which abuts the Mount Abraham High School athletic fields.
 - iv. A Certification of Closure shall be prepared by a professional engineer licensed in the State of Vermont and submitted to the Agency no later than 60 days after completion of closure.
 - v. In contracting for the landfill closure, the Town shall enter into all contracts for delivery of goods and services in accordance with the *Town of Bristol Selectboard Policy Regarding Purchasing* (Policy), dated October 17, 2011. In the case of sole source contracts and other exceptions to the Policy, the Town shall provide the Agency with written justification of the Town's decision under the Policy.
 - vi. The Town agrees to follow the conditions of this Section 3(a) without respect to whether the Vermont General Assembly appropriates the amount requested by the Agency for closure identified in Section 3(b) herein.
- b. Agency Request for Funding in FY2017 Capital Bill Adjustment.

The Agency will include up to \$180,000 in State Capital Funds in its FY2017 proposal to the Legislature for the Capital Bill Adjustment.

- c. Reimbursement of Town Costs under this MOA.
- i. The Agency's obligation to reimburse under this section is contingent upon funds (up to \$180,000.00) being appropriated by the General Assembly for the purpose of closing the Bristol Municipal Landfill.
 - ii. On the date operations cease at the landfill, the Town shall notify the Agency in writing of the final total amount in the landfill closure fund.
 - iii. The Town shall pay for landfill closure costs from the landfill closure fund until that fund is fully exhausted. Upon exhaustion of the fund, the Town may request reimbursement under and in accordance with this MOA.
 - iv. In no case shall total reimbursements under this MOA exceed \$180,000.00.
 - v. Invoices shall be submitted for reimbursement within 1 year of the Certification of Closure submitted as required under Section 2(a)(iv) of this MOA.
 - vi. A copy of all invoices, including all subcontractor's invoices and receipts for purchased materials and services, as well as a copy of all proof of payment must be included with each claim for reimbursement. Claims will be returned to the Town if the reimbursement submittal is incomplete.

- vii. All claims for reimbursement shall be reviewed for eligibility by the Agency under the requirements of this MOA and the approved closure plan. The Agency, in its best professional judgment, will also review all claims for reasonableness. Any costs found not to be eligible for reimbursement under this section shall be returned to the Town and individually addressed with an explanation as to why a particular claim is not eligible for reimbursement. If the work described in a claim or invoice has not been completed to the satisfaction of the Agency, the Agency reserves the right to withhold payment until the invoiced work has been satisfactorily completed.
- viii. The Agency shall retain 25% of any amount appropriated to be paid upon the Agency's approval of the Certification of Closure.

Section 4. PROJECT CONTACTS

Agency of Administration Contact

Justin Johnson
 Title: Secretary of Administration
 Phone Number: 802-828-3322
justin.johnson@state.vt.us

Agency of Natural Resources Contact

Chuck Schwer
 Title: Division Director
 Phone Number: 802-249-5324
chuck.schwer@state.vt.us

Town of Bristol Contact

Therese Kirby
 Town Administrator
 802-443-2410
bristoltown@gmavt.net

Section 5. EFFECTIVE DATE

This Memorandum of Agreement shall be effective from the date of execution of the Parties and shall terminate on October 31, 2017 or upon submission of a Certification of Closure by the Town, whichever is sooner. This Memorandum of Agreement may be amended or modified at any time by mutual written agreement of the Parties.

Section 6. DELIVERABLES

A Certification of Closure shall be submitted to the Agency no later than October 31, 2017.

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS AGREEMENT.

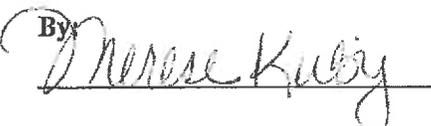
STATE OF VERMONT

Agency of Natural Resources

By: 

Date: 7/15/15

TOWN OF BRISTOL

By: 

Date: July 6, 2015

Commissioner's Office

One National Life Drive, Main 2 [phone] 802-828-1556

Montpelier, VT 05620-3520 [fax] 802-828-1541

November 24, 2014

Therese Kirby, Administrator
Town of Bristol
P.O. Box 249
Bristol, VT 05443

Dear Ms. Kirby,

Thank you for meeting with Chuck Schwer and me on November 21, 2014. We certainly appreciate the challenges faced by Bristol with the Fire Station, renovations to the High School and the Bristol Landfill. I wanted to respond in writing to your November 13, 2014, letter on behalf of the Bristol Selectboard, as well as separate letters to the Governor and the Secretary of the Agency of Natural Resources. I applaud the Town's efforts in boosting recycling rates and decreasing the volume of trash brought to the landfill; however, as you point out, this results in less revenue, and an increasing shortfall in the required closure fund for the landfill. It appears that the Town has attempted a number of avenues to close this funding gap, but to no avail, and is now preparing to close the landfill at the end of 2016. We support this effort and are willing to assist you as much as we can in this process.

As we discussed at our meeting, while I appreciate the financial difficulties that the Town finds itself in, the Department also shares in the same financial challenges. There are currently no funds in the Agency's budget that could be appropriated for the Bristol landfill closure. I encourage you to continue to work with Representative Sharp to see if the legislature can find funds to support Bristol's landfill closure needs.

Please be assured that you have my commitment to continue to work with the Town to assist with finding acceptable, cost-effective material for closure of the landfill. This includes Solid Waste Program staff working with the town to find the lowest cost alternative for landfill cover material.

Sincerely,



David K. Mears, Commissioner
Vermont Department of Environmental Conservation

cc: Representative David Sharpe
Chuck Schwer, Director, Waste Management & Prevention Division

October 2015 - landfill with jute matting down.

