

Select Board Members

Peter Hood, Chair
 Mary Just Skinner,
Vice Chair
 William Callnan
 Steve Martin
 Liz Scharf

MINUTES
MIDDLESEX SELECT BOARD
Tuesday, March 22, 2016
5:00 PM
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT: Vice-Chair Mary Just Skinner, Members Bill Callnan and Liz Scharf; Chair Peter Hood by speakerphone. VT Commissioner of Human Services Frank Reed, Dave Burley of VT Buildings and General Services, resident Sky Barsch, Kate Willard of VT Agency of Natural Resources, Kate Wanner, project manager The Trust for Public Land, Middlesex Conservation Commission Chair Dave Shepard, residents Jan and Rupert Thouron, and Sarah Merriman, Select Board Assistant.

Call to Order

Mary called the meeting to order at 5:06. Since Paul Cerminara had a last-minute emergency, he could not be present so the agenda was reorganized to give time for Kate Wanner to arrive. Therefore, the Board addressed other items first.

Cindy Carlson Appointed as Zoning Administrator for Three Years

MOTION: Bill moved and Liz seconded approving the Planning Commission's nomination of Cindy Carlson to serve as Zoning Administrator until 2019, per 24 VSA §4448(a). The motion passed.

Appointment of Barry Bolio to Fill Planning Commission Vacancy

Barry Bolio was the only resident to respond to postings on Front Porch Forum and the Times-Argus seeking volunteers to fill a vacancy on the Planning Commission. Barry submitted a letter noting his long-time commitment to Middlesex where he has lived for most of his life. Mary noted he was already on the Budget Committee and active in town.

MOTION: Liz moved and Bill seconded approving Barry Bolio to fill one-year of a three-year Planning Commission term. The motion passed.

OTHER BUSINESS

MOTION: Bill moved and Liz seconded approval of the 3.08.2016 Select Board minutes. The motion passed.

All orders were signed.

Sarah read into the record a letter from resident Enrique Bueno complaining about the material used on the roads, specifically slate. Bill noted that this material was purchased by the former Road Commissioner who got a good deal through a federal flood grant. For the past four years, the Town has used a much better material, crushed granite, even though it is slightly more expensive.

Considering the State's Request to Extend the Middlesex Therapeutic Community Residence to January 2020

In response to a letter received on February 22, 2016, from Hal Cohen, secretary of the VT Agency of Human Services, the Board notified two abutting families that the state was seeking a second extension on the deadline, from 2018 to January 2020, for removing the temporary secure facility, aka the Middlesex Therapeutic Community Residence (TCR). Commissioner Frank Reed said the state needed more time because it had yet to locate a site for a permanent facility. (The previous facility had been located in Waterbury and was destroyed by Tropical Storm Irene in 2011.)

Because of insufficient water and sewer systems, Middlesex was not on the list for permanent sites, which would most likely be at the Northwest Correctional Facility or at the Southeast Correctional Facility in Springfield, according to Frank. (At this point Peter called into the meeting and was updated on the testimony so far.) Peter asked that if the Board agreed to the extension, how long it would be until after the temporary building was actually scratched. Dave said there was talk of moving the state police into the facility while its current location – an old schoolhouse – was rebuilt.

Peter noted that during the approval process in 2012, the state had assured the Board that the facility was going to be short term and here it was being extended by potentially seven years. Mary observed it could be even longer if the state police moved in.

Liz said she thought the psychiatric hospital on the campus of the Central Vermont Medical Center in Berlin was supposed to absorb these patients. Frank said the difference is that the patients at the TCR are there because of the “legal complexity or nature of their mental illness,” that usually they were housed for no longer than 12 to 24 months, and that they are not permitted to leave without supervision.

Mary asked if there had been any escapes. Frank said there had been one “elopement” when a younger and more agile patient had managed to scale the fence. But he was quickly found by the side of Route 2, waiting to be picked up. Peter said it was his understanding that the patients in the TCR were not a danger to the community. Frank said they are “stabilized” and no longer need to be in a hospital, though they do need to be in a secure facility. Peter said he had heard anecdotal evidence that this was not the case and asked Sarah to explain.

Sarah noted that in 2014, a state’s attorney publicly objected to transferring Elizabeth Teague – who in 1991 shot and killed her supervisor and wounded two others at an Eveready Battery plant that she then tried to torch with Molotov cocktails – from the more expensive Brattleboro Retreat to the less expensive facility in Middlesex. The prosecutor wanted the case made public specifically so people in Middlesex would know that Teague was a dangerous individual who had not responded to treatment, yet, to save money, she was being moved to a less-secure facility despite the state’s prior promises that this would not be a use for the TCR.

Frank said that, unlike prosecutors, he was not at liberty for confidentiality reasons to confirm or deny which individuals were housed at the TCR. However, Sarah said that within the past year she received a call from Elizabeth Teague herself asking for a JP to

notarize some documents and register her to vote. The conversation lasted for twenty minutes with no staff interruption.

Peter said that, in his opinion, Teague would not meet the criteria previously established by the state because, according to the prosecutor, she was still dangerous. Bill and Mary both recollected that the state promised that those housed at the TCR would definitely not pose safety concerns. Peter said that if the Town agreed to extend the deadline, then it would need a letter in writing from the state clearly identifying what types of patients would be housed there.

Sky said she might not have purchased her house last year if it hadn't been for written assurances from Jeb Spaulding, then Secretary of the Agency of Administration, that the TCR would be removed in January 2018. Now, with a looming change in administration next year, she was even more worried that the ball would be dropped. She wondered if the Town could be compensated for extending the deadline. Dave said that in his decades of working for the state, he had never heard of that.

Mary asked what would be the ramifications if the Board denied the state's request. Dave said possibly litigation.

Peter suggested the Board hold off on making a decision until it received written specifics from the state about what kind of patients would be in the facility. Mary wondered if the Board shouldn't pick up the issue until after the Legislature convenes. Then there will be a better idea of a timeline since the state might come back and request yet another deadline extension, especially since it hasn't yet sited the permanent facility. Bill concluded this portion of the hearing by reiterating that the Board was concerned about safety and needed more clarification on this issue. (At this point, Peter left the meeting.)

Support for the TPL-Facilitated Conservation of Timbervest Property

Kate Wanner explained that the Trust for Public Land (TPL), which was started by Middlesex resident Sen. Patrick Leahy, has conserved over 57,000 acres of land with public access. While TPL doesn't hold easements, it does help seek federal funding to protect undeveloped properties, in this case the 1,789 acres held by Timbervest, a logging company, which is now on the market for @ \$2.7 million. Of those acres, 763 are in Middlesex and 1,003 are in Worcester. Before the State of Vermont can acquire the land through TPL, the local Select Boards must approve.

Abutting land owners Jan and Rupert said they approved. Dave said the land was vital because it was adjacent to the C.C. Putnam State Forest and, if developed, would reduce the public's enjoyment of the Hunger Mountain and White Rocks trails. Bill asked about the PILOT (payment in lieu of taxes) the Town might anticipate if the land is purchased by the state. Both Kates said that was an unknown since the PILOT program is currently being restructured. As is, Timbervest pays Middlesex \$1,798 in taxes because most of the land is in current use.

MOTION: Liz moved and Bill seconded approving the state's purchase of the 763 acres by VT ANR and TPL for conservation and designating Peter to sign a letter to that effect. The motion passed.

Mary adjourned the meeting at 6:25 p.m.

DRAFT