

Select Board Members  
 Peter Hood, Chair  
 Mary Just Skinner,  
Vice Chair  
 Phil Hyjek  
 Steve Martin  
 Liz Scharf

MINUTES  
**MIDDLESEX SELECT BOARD**  
**Tuesday, February 4, 2020**  
**5:00 PM**  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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**MINUTES**

**PRESENT:** Chair Peter O. Hood, Vice Chair Mary Just Skinner, Members Phil Hyjek and Liz Scharf. Treasurer Dorinda Crowell. VT Secretary of the Agency of Human Services Mike Smith, Commissioner of Mental Health Sarah Squirrel. Lister Amy Whitehorne, Sue Bettmann filming for ORCA and Select Board Assistant Sarah Merriman.

**Call to Order/Amendments**

Peter called the meeting to order at 5:00 PM and greeted the guests. There were no amendments.

**Update on the Middlesex Therapeutic Community Residence**

In response to a November 5, 2019, letter the Board sent the new Agency of Human Services Secretary, Mike Smith, regarding the Middlesex Therapeutic Community Residence on US Route 2 which was supposed to be abandoned by the State January 1, 2018, Mike and Sarah requested this meeting with the Board to update it on relocating the residence for patients with mental health disorders. The Board's concern has been that the shelter, constructed out of FEMA trailers in 2013 to house patients displaced from the Vermont State Hospital in Waterbury by Tropical Storm Irene in August 2012, was meant to be temporary. However, seven years later, it still is being used.

Sarah acknowledged that, at times, some patients have ended up at the Community Residence via criminal courts, though privacy rules prevented her from confirming names or the status of current residents. However, she said finding a permanent facility to house these patients with the appropriate capacity and clinical capability is a top priority for this administration and the Agency.

To that end, the Legislature has approved funding a 16-bed facility, she told the Board. Working with the VT Buildings & General Services Department, they have landed on an "ideal site" in Essex, the Woodside Juvenile Rehabilitation Center which the State wishes to close. There are many advantages to this site, Sarah said – the land is already State owned, there would be no need to seek Act 250 permitting and many of the support structures are already in place. Architects have been hired to design a new facility since Woodside will be razed. Sarah said at this point, the State is looking at a three-year construction process to be completed in FY 2023.

Liz asked if a facility composed of attached FEMA trailers could survive another three years. Sarah said she's been assured by BGS that the trailers have a 20-25-year life span.

Mary asked Mike if he knew of the State's plans for the current facility after the new one is built; Mike said he didn't, but that he would look into it. Peter clarified that the Legislature has not committed to vacating Woodside; Mike confirmed this was true, but that the Administration had. If the Legislature decides to keep Woodside open as a juvenile detention center, then his Agency has a backup location in the Chittenden County area.

Sarah and Mike said they would update the Board of any major changes in the above plan or, at least, every three-to-six months during this process. The Board thanked them for their visit and update. Sarah and Mike left the meeting.

**Approving a 5% Education Tax Penalty on Late Homestead Filers in 2020**

Under 32 VSA §5491, Select Boards in Vermont towns which have higher homestead education tax rates, than non-resident tax rates, may approve levying a penalty of up to 8% of the education portion of a Town tax bill on taxpayers who file their Homestead Declarations – HS122 forms – after the due date of April 15<sup>th</sup>. So far, the Select Board has waived this penalty. However, Dorinda noted that more and more Middlesex taxpayers are either filing late or not filing their Homestead Declarations at all, despite this being State law. The upshot is taxpayer confusion and extra work for the Listers, the bookkeeper, the Treasurer and Town Clerk, she said. She asked the Board to consider imposing some sort of penalty to recoup the costs of this extra work and to send a message to late filers that they need to follow the law.

Many Board members expressed concern that by imposing such a penalty on late filers, non-filers – who benefit from a lower non-residential tax rate despite being homesteaders – were avoiding any repercussions. Amy said this is true for now, though the VT Tax Department has been trying to beef up compliance. Sarah Merriman noted that changes to the pertinent statute effective January 1, 2020, grant the Commissioner of Taxes authority to ding filers who "fraudulently" fail to file their Homestead Declarations with a 100% education tax penalty. The problem has been that the Tax Department is too overworked and understaffed to pursue scofflaws.

Amy said the late filers and non-filers cost the Town thousands in unpaid education taxes that the Town still owes to the State. Mary asked how many non-filers there were last year; Amy said about 40. Of those, half eventually filed their HS122s; half did not. She said the Listers considered sending out letters when the revised tax bills were sent in November. The intent was to put a letter, signed jointly by the Listers and Treasurer, with each revised tax bill; however, the bookkeeper unwittingly put the revised bills in the mail before such a letter could be prepared. She said the Listers still think it would be a good idea to send a reminder letter (re: HS-122 filing required for VT residents) from the Listers and Treasurer to every property owner by March 1st – well ahead of the April 15<sup>th</sup> deadline.

Peter said as far as he can tell, there are two elements to this problem: the Town is not receiving sufficient education tax dollars and, meanwhile, is spending extra money and resources helping late filers resolve their issues in telephone calls and revised tax bills. Amy said a penalty would recoup about \$6,000-\$8,000 of those costs.

The Board discussed how best to educate townspeople that the penalty would no longer be waived. Sarah noted that revised tax bills have indicated penalties have been waived. Mary said she feels this is a Legislative loophole that needs to be closed and suggested sending a letter to the Legislature. The Board discussed this.

Amy said imposing the penalty will alert those who receive State payments that they need to file their HS122s because they cannot get payments from the State to offset their education taxes without filing both parts of this form.

**MOTION:** Liz moved and Phil seconded imposing a 5% penalty on the education portion of 2020 tax bills for Town residents who file their HS122 (Homestead Declaration) forms after the deadline of April 15, 2020. The motion passed. Amy left the meeting.

**Treasurer Report**

The Board reviewed the December financials. Peter said now might be the time to repair the grader, when it is out of use, instead of waiting until after the new fiscal year begins on July 1. Dorinda noted the equipment maintenance budget was

already overspent by \$64,000. Peter said he understood that, but that renting a grader in the summer while the current one is under repair would be even more expensive.

**OTHER BUSINESS**

**MOTION:** Mary moved and Phil seconded approving the January 22, 2020, Select Board Minutes. The motion passed. Those present signed the minutes.

**MOTION:** Phil moved and Mary seconded approving the second-class liquor license renewal for Red Hen Bakery. The motion passed and Board members present signed the application.

All orders were signed.

Mary said she would contact Middlesex State Rep. Kim Jessup about the HS122 loophole.

Sarah informed the Board that she'd hired Dave Smith to replace outgoing Assistant Town Clerk Maryke Gillis after she retires on April 1<sup>st</sup>. Dave is already being trained.

Peter said a Town employee had filed a worker's comp claim re: back injury. The complaint is being investigated by PACIF, the Town's insurance carrier.

The meeting was adjourned at 6:10 PM.

Respectfully submitted by Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON FEBRUARY 18, 2020.

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PETER O. HOOD, CHAIR

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MARY JUST SKINNER, VICE CHAIR

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PHILIP HYJEK

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N/A  
STEVEN MARTIN

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ELIZABETH SCHARF