

**Town of St. Albans
Selectboard Meeting Minutes
Monday, May 15th, 2023
6:30 p.m.**

On Monday, May 15th, 2023 at 6:30 p.m., the Town of St. Albans Selectboard met at Town Hall.

Officials and Staff: Chair Bryan DesLauriers, Vice Chair Jack Brigham, Jonathan Giroux, Brendan Deso, Jeff Sanders, Town Manager Carrie Johnson, Interim Director of Operations Al Voegelé, Director of Community Development Megan Sherlund, and Zoning Administrator AJ Johnson

Staff Participation via Zoom: Town Clerk Anna Bourdon, Executive Assistant Jenn Gray, and incoming Town Manager Sean Adkins.

Public in Attendance: Jack Bliss, Mitch Montagne, Bob & Ellen Gissel, VT. Digger Report Shaun Robinson, Cathy Montagne, Judy Wechsler, Wayne Laroche, Teddy and Mary Yandow, Brad & Liz Jackson, Dan Crepeau, Paul Clark, Karen Luneau, Kevin Lawler, Gary Cherrier, Brian Susslin, Representative Lynn Dickinson, Dr. Dick Dickinson, Bruce & Sharon Bushey, Casey Toof, Peter Wright, David Bray, Liza Bray, Scott Mallory, John Yandow, Ted Yandow, and St. Albans Messenger Reporter Josh Ellerbrock

Public Participation via Zoom: Jack & Pam McCarthy, Teresa Benjamin, Amanda Giroux, Maddie Yandow.

Chair B. DesLauriers called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited.

Industrial Park Warrant

MOTION: B. Deso made a motion to approve the Industrial warrant dated May 15th, 2023 in the amount of \$636.40. Seconded by J. Brigham. All in favor, none opposed, motion carried.

Stormwater Utility Warrant

MOTION: B. Deso made a motion to approve the Industrial warrant dated May 15th, 2023 in the amount of \$12,139.55. Seconded by J. Giroux. All in favor, none opposed, motion carried.

General Warrant

MOTION: J. Giroux made a motion to approve the general warrant dated May 15th, 2023 in the amount of \$79,516.04. Seconded by J. Brigham. All in favor, none opposed, motion carried.

Payroll

MOTION: J. Sanders made a motion to approve the payroll warrant dated May 5th, 2023 in the amount of \$22,810.30. Seconded by J. Giroux. All in favor, none opposed, motion carried.

MOTION: J. Sanders made a motion to approve the payroll warrant dated May 12th, 2023 in the amount of \$21,522.91. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Minutes

MOTION: J. Sanders made a motion to approve the Selectboard meeting minutes from Monday, May 1st, 2023 as presented. Seconded by J. Brigham. All in favor, none opposed, motion carried.

MOTION: J. Brigham made a motion to approve the Selectboard special meeting minutes for Thursday, May 11th, 2023. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Warrants & Minutes = 5 mins.

Public Comment

Gricebrook resident Liz Jackson asked the Board for an update on the Act 250 violation with the State. C. Johnson explained that the Board will discuss a formal response letter in executive session that should be approved soon.

Town resident David Bray asked the Board if there was on progress on the interest rate research for the Town. B DesLauriers stated that the plan hadn't changed and he and Town Clerk Anna Bourdon are going to meet with the bank at their next quarterly meeting.

Public Comment = 5 mins.

Liquor Control

MOTION: J. Brigham made a motion to recess the Selectboard meeting and convene as the Liquor Control Board. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Tobacco license approvals are done the same way as Liquor Control. VT Grow was seeking approvals for tobacco and tobacco substitute licenses.

MOTION: J. Giroux made a motion to approve the tobacco licenses for VT Grow as presented. Seconded by B. Deso. All in favor, none opposed, motion carried.

MOTION: J. Brigham made a motion to adjourn the Liquor Control Board and reconvene the Selectboard meeting. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Liquor = 1 min.

Town Manager's Report

Discussion on the Temporary Short-Term Secure Placement Facility for Juveniles at the Correction Facility

C. Johnson explained that there are a few State agencies in attendance to discuss the temporary facility for juveniles in crisis. Each agency will speak, the Selectboard will ask questions, and then the floor will be opened up for public comments.

Agency of Human Services

Rachel Feldman, Chief of Communications and Legislative Affairs for the Agency of Human Services spoke first and introduced the presenters from the other State agencies. Director of Strategic Operations and Planning Justin Davis from Human Services, Commissioner Chris Winters from the Department for Children and Families (DCF), Commissioner Jennifer Fitch from Buildings and General Services, Director of Policy and Planning for DCF Jeffery Pippenger, and Director of Project Delivery Rob White from the Agency of Transportation.

Ms. Feldman explained that they know there is a piece of land, owned by the State, next to Northwest State Correctional Facility. The State is going to have a need for that land at some point. These agencies will continue to talk to the Town and its community members throughout the entire process. Nothing is going to happen without the Town and the State understands and recognizes the tension and the history with how Northwest State Correctional Facility was constructed and how that communication happened. We would like to do things differently moving forward.

Director of Strategic Operations and Planning Justin Davis explained they are looking at several potential sites for the temporary stabilization facility for DCF. St. Albans is only one of those sites. Some upgrades will need to be done as well to the booking area of the existing correctional facility. The upgrades are to make it safer for the staff and inmates.

Department for Children and Families

Commissioner Chris Winters explained he's been in the role for two months. We have a really urgent need for facilities to take care of some of Vermont's most needy children. We do not have a safe or appropriate place to take care of children both in DCF custody and out of the juvenile justice system who are children in crisis. The State needs a short term, stabilization unit while they look across the state for a temporary solution to bridge the gap to a more permanent facility. The site at the Northwest State Correctional Facility is one of the most viable sites we have found so far for the temporary juvenile facility.

Department of Buildings and General Services

Commissioner of Buildings and General Services Jennifer Fitch explained that her department provides all internal state services to make government run efficiently. The department has more than 4,000 square feet of space across the State of Vermont which includes 3 million square feet or 248 State owned buildings that they maintain daily. We are looking to construct a temporary, modular unit. This will not be a stick built facility. The modular unit will be built off site and brought onto the site. The unit will be built for 5 years with 8 beds and space for programming areas such as education, workout area, kitchen, staff areas, and bathrooms. There will be a fence around the facility, 14 feet tall. Shrubs and other things will be

incorporated into the design. Existing road into the facility will be used, no new driveway. Utilizing the existing infrastructure for water and sewer. Site surveyors have been out at the site.

Agency of Transportation

Director of Project Delivery Rob White came before the Board to provide an update on some road projects in the Town of St. Albans. There are currently two projects out to bid for Route 104. The first is to replace cross pipes. That will follow with the second project; a two-year paving project. There will be a new turn lane installed at the intersection of Route 104 and the St. Albans State Highway Access (SASH). The cross pipes and turn lane will be completed this summer with the paving project to begin next summer.

Mr. White explained that the SASH and Route 104 intersection project is in the scoping phase and is about to wrap up. A preferred alternative has not yet been selected. Once one is, construction would begin in the 2026 time frame. This will be a much more pedestrian friendly and more modern intersection.

Mr. White explained that Town is looking to take over Route 36 as a Class 1 highway along with improvements to go along with it. This makes sense for the Town to take over, just need to work through some issues.

The floor was opened up to the Selectboard and their questions. J. Brigham explained there were numerous expansions. He went through some of the history of these expansions. He asked how does the state plan to overcome the land development rights of 32 acres? Commissioner Fitch explained it was to either expire in 30 years or when the Land Use permit expired, whichever was longer. Back then, Land Use Permits weren't forever. Laws were changed and Land Use Permits were extended indefinitely. When the conveyance was given, the intent wasn't meant to be forever, it was to be an ongoing conversation with the Town when it came time to expire. The plan right now would be to reduce that conveyance; it could be temporary or permanent, whatever the State and Town agree on, then extend the overlay by going through the zoning process. If that can happen, the facility would be installed at the earliest 12 months from today. \$1 million has already been approved to start the planning for a permanent facility which would mean we'd have it up and running within 3-5 years. When that happens, the State will decommission the temporary facility and return the site to what it was before.

J. Brigham explained that after every expansion, promises were made and never kept. Commissioner Fitch explained she works with communities across the state of Vermont and believes in being a good partner and neighbor in those communities. There are things we can do to make an agreement that lays out what the parties mutually agree to, in writing.

B. DesLauriers explained there were lawsuits over the years between the Town and the State. One lawsuit ended saying the State could do whatever it wanted within the fences, but outside was different. Commissioner Fitch stated that a lot of the time lawyers look at intent at the time the agreement was made. At the time the agreement was made, Land Use Permits were not infinite in a period of time. Commissioner Fitch's understand was that at some point the agreement would come to an end and there would be another conversation with the Town. She explained that 4413 means that if there is a state-run operating site, it limits Town permitting. It doesn't mean we are not subject to local permitting. It just reducing the amount of local permitting the State is subject to.

B. DesLauriers asked why does the facility need to be located near the road and not in the back near the woods and what about the sight and sound separation? Commissioner Fitch explained that it's very wet there and we can't consider it. In terms of sight and sound separation, it doesn't mean you can't hear, it just means you can't tell distinctly what's being said or who is saying it.

B. DesLauriers asked how do we know this is temporary. Commissioner Fitch explained we the build the facility temporary. We use temporary materials. When we build a permanent facility, we build it for 50 years, long lasting.

B. DesLauriers asked if the facility was to be constructed at the proposed site, what percent of the kids would be Franklin County kids? The State said they would have to get back to B. DesLauriers on that.

J. Brigham stated that we have Zoning Bylaws covering the correctional facility. Would we have to expand the zone? Zoning Administrator AJ Johnson stated that was correct.

B. Deso explained this is an issue that has gone back three generations. The State acted without candor in a lot of instances explaining this facility in the last 50 years. If the history was different, there wouldn't be as many people here today. The Town of St. Albans has done more than enough housing the prison. A conservation easement that was made over 30 years ago may be decided in court. All we've received in compensation is an AOT (Agency of Transportation) plow truck to plow a section of highway that is one of the worse in the community. The commitment from the State would have to be pretty large and meaningful.

J. Sanders added that one thing he'd be looking in a proposal is something that would maintain or improve the quality of life in the area and the quality of life for all citizens of St. Albans.

The floor was opened up to the public.

Teddy Yandow stated that he's the closest resident to the facility. As a farmer, he felt that a million dollars to build a temporary facility is a waste and should go towards something else. Trees were supposed to be planted to block out light and buffer sounds. That didn't happen. There is a siren that goes off every day. He expressed his disappointment in what the State said they would do and what they didn't do. B. Deso explained that the million dollars is just to start the permanent facility and not the temporary one. Commissioner Fitch stated she can look into the siren sounds and the view shed from the plant.

Bruce Bushey address the Board sharing his many concerns with locating the temporary juvenile facility at the prison. Mr. Bushey continued, forgot what more he wanted to say. C. Johnson explained that if he wanted to send an email with his other concerns, he could do so.

Karen Luneau came before the Board explaining that she votes in the City, but pays taxes in the Town. She thanked the State for coming to the meeting tonight. Ms. Luneau explained a lot of people attending tonight's meeting have put in a lot of public service in this community. She stated that the St. Albans community should not be the penial colony for the State of Vermont. There are other places in the state that have an equal responsibility. Those places need to be encouraged to step up and be the good citizens St. Albans has been. That State still owes us.

John Yandow came before the Board. He was concerned that the existing robust security wasn't always enough. He continued by stated that he was concerned with a temporary facility in the area of a permanent facility where inmates have broken out. He also wanted to know what will happen to the property after the temporary building is removed, what will happen to the land. Commissioner Fitch stated that the land will be restored back to what it was before the temporary facility.

Kevin Lawler came before the Board. He explained that he lives at Post 11 on the Dunsmore Road. In there is an escapee, Post 11 is where they would be heading to. Mr. Lawler lives 100 yards from Post 11. He continued by stating that he was concerned about the money and wanted to know what the facility in Windsor couldn't be used. To rush into a temporary situation is not a good situation. Commissioner Fitch explained that the challenge with Windsor is that they can't get staffing and that is the reason why the Department of Corrections is no longer there. B. Deso stated this is an internationally issue in a lot of different markets.

J. Sanders explained that Superintendent Greg Hale stated at a previous Selectboard meeting that they are short 25 staff members at the correctional facility. The State is talking about having 24 staff for 8 kids in the temporary facility. J. Sanders wanted clarification as to why so many staff are needed for 8 kids, relative to a maximum security facility 75 years away. Commissioner Winters stated that it is a high proportioned of staff to child ratio, which probably has to do with staffing over weekends and overnight, which appears to be a 3-1. There are clinical people and other people providing services. It is a pretty high ratio. Commissioner Winters went on to explain that the State is trying to be very open knowing what transpired in the past. The State is looking at all options and are trying to solve a short term need and a long term problem.

Paul Clark a former local educator and former Headmaster at BFA (Bellows Free Academy) came before the Board. He suggested putting a pause on this, looking into what the State Really needs and spend the money correctly and not foolishly.

Mitch Montagne came before the Board. He explained he was a former Selectman stated that it always feels like the Town is the bad guy. He explained how the correctional facility/State came back every 5 years to do some type of expansion or water/sewer allocation and the Town was told it would be the last thing the correctional facility would need to do. This happened over and over again. The agreement was to never build again. That's what the Board at the time agreed to.

David Bray, long time resident of both the City of St. Albans and the Town of St. Albans came before the Board. He stated that the State is looking to partnership with the community and wondered if they had considered forming a partnership with the Feds (Federal Government). He asked if the State had considered the INS building on Lower Welden Street. That building has been abandoned by the Feds. The building would be an easy conversation to look at and could be a permanent facility. Commissioner Fitch stated that we are looking at various situations and working with several communities in Vermont. We are looking at existing buildings as well. Everything being considered will require zoning and specific requirements.

B. DesLauriers asked what the \$5 million was for. J. Sanders asked if the proposed temporary facility would be serving the whole State of Vermont or is it more a local thing, like Franklin County only. Director Justin Davis explained that the facility would be for temporary stabilization. Kids in crisis need five (5) days or 10 (days) and then they can move out to a different facility. There are several kids in those situations at any one time. Some are in out of state facilities, but we prefer to have them in Vermont. 8 Beds is what we think is needed when looking at a permanent facility.

Karen Luneau came before the Board again stating that she questions the model. She stated she wouldn't want her child at a modular, temporary facility at a correctional facility.

Paul Clark came before the Board. He explained that the Howard Center and Northwest Counseling and Support Services (NCSS), and others were offering opportunities for communities to have kids temporarily housed and those providers would get paid for that. This is an option to look at rather than looking at the easy fix of building a multi-million dollar facility that won't last.

Representative Lynn Dickinson explained the correctional facility is in her district and asked DCF what the ages were of the children we're talking about. DCF said the ages are 12-17. Representative Dickinson then asked if those children were in the custody of the DOC Commissioner. DCF stated yes. The next question she asked was couldn't the temporary facility be located in the same temporary facility that is located in Middlesex that was used for the Forensics unit after Hurricane Irene, 12 years ago. Commissioner Fitch stated there are 5 beds in that facility. However, that facility was built temporary and are not sustainable, not meant to last. Those modular units need to be decommissioned at this point. It would cost a lot of money to refit those units. We made an obligation with the Middlesex community that it was a temporary facility and that when we moved out of there to the Essex facility, we would decommission those units and that's what we're doing.

Rep. Dickinson stated that she believes there will be interaction between the inmates and the juveniles and that can pose a real danger. We have worked for many years to improve the situation here in St. Albans.

Karen Luneau returned again, and stated that the State can't be trusted. She doesn't want this temporary facility in Franklin County. The community has not been compensated and that has hurt our community.

Maddie Yandow lives at the family farm across the street from the correctional facility. She wanted to know what sort of permitting regulation will be looked into in regards to wetlands, Act 250, and stormwater? These are all important things to be considered for the environment. It doesn't seem like too much is being put into consideration on those points. 5 - 8 years of land degradation is still quite an impact. Ms. Yandow stated that she would not want her own child to have to have these services in such close proximity to a prison. Commissioner Fitch stated they are subject to all permitting which includes stormwater, Act 250, zoning, and local permitting with the exception of 4413. The site would be completely restored just as what's being done in Middlesex.

Mary Yandow asked if there would be a mixed population, male and female. DCF said the population would be mixed.

Juvenile =1 hr., 34 mins.

The Board took recessed at 8:21 p.m. and returned at 8:25 p.m.

VELCO

Project Manager Scott Mallory came before the Board. Mr. Mallory attending the meeting to answer any questions the Board may have regarding the project line upgrade. Since the last time VELCO was here (June, 2022), VELCO got further public outreach in November in the four towns the line will pass through. Mostly good feedback was received from neighbors. Now in the process of putting together plans for a filing under Section 248 before the Public Utility

Commission. That should be happening in the next couple of months. B. DesLauriers asked if residents would even notice any interruptions. Mr. Mallory stated he didn't believe so, other than the general nature of a large construction project that spans 16 - 17 miles. There will be some heavy truck traffic for a short amount of time. J. Sanders asked if they were expanding capacity. Mr. Mallory said yes.

VELCO = 15 mins.

Town Hall Meeting Room Rental Policy Draft

C. Johnson requested approval or feedback from the Board at this time. B. DesLauriers stated should there be a narrow list of groups to use it for free. C. Johnson stated that a lot of groups wanting to use the space are non-profits. Groups wanting to use rooms during the daytime, won't cost anything. However, evening meetings require giving people a FOB that they may or may not remember to return and cleanup of the room. That would take staff time and probably should be charged to the group. B. DesLauriers suggested a \$50 deposit for cleaning and if the room is left in good condition without much clean up, we could return the deposit. The Board discussed fees revisions. C. Johnson stated that edits will be made and brought to the next Selectboard meeting in June.

Policy = 9 mins.

Act 250 Land Use Permit Administrative Amendment – Beta Technologies

Informational only, no action required.

Act 250 = 1 min.

Schedule

The next regular Selectboard meetings are Monday, June 5th and Wednesday, June 21st at 6:30. The Juneteenth holiday is Monday, June 19th and the Town offices will be closed.

Schedule = 1 min.

Chair's Report

B. DesLauriers said that he was honored to speak at the volunteer dinner and thanked all volunteers again. He also thanked Jenn Gray for arranging for the dinner at the Legion.

Chair = 2 mins.

Other Business

B. Deso explained that the comments made by the Gricebrook community he believed to have been directed at him. He went on to explain that he occasionally consults or plays match maker with potential businesses wanting to move to the Town of St. Albans. One store was looking for land in a specific area that is owned by the Smith's. B. Deso stated that he provided contact information 3 years ago to the store and has not been involved since.

Other = 2 mins.

Executive Session

MOTION: B. Deso made a motion to go into executive session at 8:55 p.m. to discuss a contractual and a personal matter where premature general public knowledge of the subject matter would place the Town (or person involved) at a substantial disadvantage. It was further moved to enter into executive session to discuss a contractual and a personnel matter under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and to invite in Town Manager Carrie Johnson and Interim Director of Operations Al Voegelé. Seconded by J. Brigham. All in favor, none opposed, motion carried.

MOTION: J. Brigham made a motion to come out of executive session at 9:36 p.m. Seconded by J. Giroux. All in favor, none opposed, motion carried.

No motions came out of executive session.

Adjournment

MOTION: B. Deso made a motion to adjourn the Selectboard meeting at 9:37 p.m. Seconded by J. Sanders. All in favor, none opposed, motion carried.

Respectfully submitted,
Jenn Gray Executive Assistant