

## Minutes of the Annual Town Meeting March 5, 2012

The legal voters of Ripton met at the Community House on Monday March 5, 2012 to act upon articles 1-8 of the 2012 Town Warning; approximately 57 people attended. Selectboard members present were Laurie Cox, Ron Wimett and Dick Collitt. Moderator Joyce Dicianna called the meeting to order at 8:55 p.m.

**Article 1:** Will the Town vote the sum of \$624,061.81 to pay General Fund and Road expenses for the ensuing year, and pay outstanding orders or obligations of the Town, with interest, the tax rate on the 2012 Grand List to be determined by the Selectboard, divided as follows: Roads (including winter work): \$353,350.00, General Fund Costs: \$270,711.81, Total: \$624,061.81.

The article was moved and seconded by Bryan Alexander and Warren King. Laurie Cox spoke of the difficulty to compare one year's budget to the next given the timing of reimbursement of road grant expenses. The bottom line is that the budget is a little less than last year and anticipated income about the same. The road budget is increased because FEMA reimbursement for repairs related to Tropical Storm Irene are not yet known and there is work that still needs to be done. To date, only about 10% of total storm costs have been reimbursed. The town has also applied for assistance to upgrade vulnerable areas so money is budgeted to cover match costs should those grants be awarded. She explained that \$60,000 was used from the Major Project Fund to help cover 2011 costs, especially for the Bridge #16 project which cost more than originally anticipated, and the board has included \$60,000 in the road budget to restore that fund. She spoke of the importance of maintaining a high balance in the Major Project Fund given the frequency of flood events and how expensive it could be for the town if damage amounts did not meet the threshold to qualify for FEMA assistance.

Ron Wimett spoke about the need to identify and repair vulnerable areas of town road infrastructure and how that will be a focus in 2012 and beyond. In response to a question from Tim Hanson, Mr. Wimett noted that such upgrades done in the past 15-20 years have not failed as long as they were maintained. He commented that flood events can cause problems years later in ways that are not clearly apparent now; hidden water pockets can freeze and thaw and undermine bridge abutments, for example.

The moderator asked if the group was ready to vote and Article 1 was adopted by unanimous voice vote.

**Article 2:** Will the Town vote to apply any surplus from the current fiscal year to reduce taxes in the next fiscal year?

The article was moved and seconded by Warren King and Richard Ruane. Laurie Cox explained that this article was recommended to the board by our auditors, Vermont League of Cities and Towns and the town treasurer, and that it basically formalizes what happens anyway; that a surplus from the previous fiscal year carries over into the current fiscal year and helps us get through a low cash flow period until tax revenues come in. Such a surplus reduces the amount required to raise in taxes for the current year and reduces the need to borrow.

Discussion followed with questions from Tom Smith, Bill Ford, Michael Seligmann, Robert Wagner, Walter O'Donoghue, Mac Cox and Ray Pazckowski. It was asked whether the town had a reserve fund as the school did and couldn't the voters decide to put a surplus into a reserve fund instead, or apply it to our bond debt. The town has several reserve funds to which payments are made annually and a surplus could be deposited into one of these funds as well. There is no benefit to paying the bond debt sooner, as the interest will be the same. There were questions about how to find the surplus amount in the financial reports and if the exact amount were known, it would be easier to make a decision about it. Also, does this article apply to just this year or to all years going forward. Ron Wimett and treasurer, Sally Hoyler, explained that this article addresses routine general fund surplus amounts that by law cannot be carried over into the next fiscal year without voter approval as to how it would be spent as a highway fund surplus can. This article is meant to be a housekeeping task to be voted on every year at town meeting to deal with this legality. Bill McKibben and Tim Hanson moved and seconded to postpone the article after it was discussed that there would be no consequences to not passing it, and the group seemed to feel that a better understanding of the intent of the article was needed. Molly Witters and Barry King suggested that

we vote it down rather than postpone it. By voice vote, the group unanimously voted not to postpone the article. Article 2 was then defeated by unanimous voice vote.

**Article 3:** Will the Town vote the sum of \$31,600.00 to Ripton Fire and First Response to help pay Fire Department and First Response expenses for the year?

The article was moved and seconded by Carol Ford and Richard Ruane. Fire chief, Erik Eriksen, spoke of the virtues of the new (used) pumper truck purchased in 2011 to replace the mini-pumper. He noted that 2 firefighters and 2 emergency medical technicians (EMTs) joined Ripton Fire & First Response last year. Ceredwyn Alexander, EMT, spoke about DNR/COLST forms which stand for Clinician Orders for DNR/CPR and Other Life Sustaining Treatment. If one has specific needs and desires regarding care during a medical crisis, one needs to complete a DNR/COLST form and have it readily available in the home for first responders to find. This form is in addition to an "advanced directive" which is a legal document; the DNR/COLST form is a medical document completed with one's doctor and provides clear instructions for emergency personnel to follow. Ms. Alexander, Edmund Sullivan and John Fontanilles, all of Ripton Fire & Rescue, suggested that this form along with a list of prescription medications be posted on one's refrigerator and one's person for easy access. The DNR/COLST form may be downloaded from the Vermont Department of Health website and a link to it will be posted on the town website.

Other discussion: Andrea Chesman inquired should someone become lost in the woods before the Vermont legislature enacts new guidelines, what is the thing to do for fastest results. Erik Eriksen responded that sheriff dispatch at 388-4306 should be called first, then Ripton personnel will be called out and that Ripton is trained in search and rescue. Robert Wagner asked who has keys to the forest service gates and Mr. Eriksen replied that he did. Wendy Leeds noted that until she read the article "Hurricane Irene: Lessons Learned" in town report, she had not realized how much the fire department was doing during the first hours and days of that event and said "thank you". Jane Levesque said she used Ripton first responders many times last year and also gave her thanks.

The moderator asked if the group was ready to vote and Article 3 was adopted by unanimous voice vote.

**Article 4:** Will the Town have current property taxes collected by the Treasurer with a tax due date of Thursday, November 8, 2012?

The article was moved and seconded by Warren King and Erik Eriksen. There was no discussion, the moderator asked if the group was ready to vote and Article 4 was adopted by unanimous voice vote.

**Article 5:** Will the Town vote to reduce the property tax for the Silver Towers Camp owned and operated by Vermont Elks Association, Inc., to 33% of the total taxes that would be due?

The article was moved and seconded by Richard Ruane and Laura McIntosh. Laurie Cox read a letter addressed to the residents of Ripton from Joe Montcalm of the Vermont Elks Charities, Inc. (VEC) which explained that Silver Towers Camp, owned and operated by VEC, is a not-for-profit organization that has received partial tax exempt status from Ripton for many years. Mr. Montcalm wrote of the positive relationship between the town and the camp and expressed gratitude for town assistance and tax relief. When Ed Sullivan asked about the history of this tax exemption, Alison Joseph explained that Ripton voted for this local exemption in 2002 and must re-vote it every ten years. Robert Wagner asked how this compares to what Middlebury College pays in taxes for the Bread Loaf Campus, and Bill Ford commented that it is an apples and oranges comparison because the town's agreement with the college is based on three sets of criteria; Laurie Cox pointed out that a description of the college agreement is in town report.

Richard Ruane and Erik Eriksen called and seconded the question. The group voted to vote on the article and Article 4 was adopted by unanimous voice vote.

**Article 6:** Shall the voters designate the Town of Ripton as a Property Assessed Clean Energy (PACE) District to enable participating property owners to access funding for eligible energy efficiency and renewable energy projects and then pay back the cost as a regular municipal assessment on that property owner's property tax or other municipal bill, as provided for by 24 V.S.A. Chapter 87 (Section 3261 et seq.), to authorize the Selectboard to enter into an agreement with Efficiency Vermont a) to administer the PACE program on behalf of the Town, and b) to provide financing for PACE participants provided that the financing requires no indebtedness to be incurred by the Town?

The article was moved and seconded by Michael Seligmann and Bill Ford. Warren King distributed handouts to the group about the PACE program and reviewed the main points. PACE offers an alternative form of financing for energy efficiency and renewable energy whereby the homeowner enters into an assessment contract with the town. The town advances the cost of the improvements to the contractor and places an assessment lien on the homeowner's property, and bills and collects repayments from the homeowner in the same manner as property taxes. Towns may contract with Efficiency Vermont to perform most of the administrative functions associated with PACE and this cost is incorporated into the assessments charged to individual participants. To be able to offer this program, a town must first vote to be a "PACE district" and hence this article.

Participating in related discussion with Mr. King and the selectboard were Jeremy Grip, Charles Billings, Lisa Whitman, and Alice Clark. It was clarified that the program does indeed include alternative and renewable energy upgrades. Borrowing money through PACE differs from a home equity loan in that with PACE the calculated energy savings is counted as income when determining eligibility. If a property owner becomes delinquent with PACE repayments, the town pursues collection under the same policy guidelines as for collecting delinquent taxes, and there is a fund established from fees from PACE participants to cover the cost of a foreclosure if necessary. However, the PACE assessment follows the property as does property taxes, so a new owner would resume making payments.

The moderator asked if the group was ready to vote and Article 6 was adopted by unanimous voice vote.

**Article 7:** In light of the United States Supreme Court's Citizens United decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, shall the town urge the Vermont Congressional Delegation and the U.S. Congress to propose a Constitutional amendment for the States' consideration which provides that money is not speech, and that corporations are not persons under the U.S. Constitution, that the General Assembly of the State of Vermont pass a similar resolution, and that the town send its resolution to Vermont State and Federal representatives within thirty days of the passage of this measure?

The article was moved and seconded by Bill McKibben and Rick Klein. Rick Klein spoke to the article with questions and comments from Charles Billings, Robert Wagner, Michael Seligmann and Jeremy Grip. This article is being voted on in 50 town meetings around the state and up for discussion under "other business" in another 20. Positive results could ultimately support the process of an amendment to the United States constitution that would reverse the "Citizen's United" decision via a bill currently in committee in the Vermont senate.

The moderator asked if the group was ready to vote and Article 7 was adopted by unanimous voice vote.

**Article 8:** Any other business proper to come before this meeting.

Warren King stated that he there were no appeals to the Board of Civil Authority in 2011 regarding the town-wide reappraisal and thanked the listers for doing a fine job and saving the town \$25,000 by doing it in-house. Mr. King then announced that the recycling committee was looking for a replacement for Dave Konopke whose role has been to clean up the recycling shed every other week.

Robert Wagner said that he drafted and submitted to the Ripton selectboard a model ordinance to prevent the use of smart meters in Ripton by our local electrical utility. He provided copies of the draft and other literature and welcomed anyone to contact him with further questions.

David Disque asked if the selectboard was negotiating a new property tax agreement with Middlebury College and if Ripton residents will be getting any reports. Laurie Cox replied that they are working on it with the town's attorney and cannot openly discuss negotiations in process but will inform residents when possible.

Mac Cox spoke in favor of two human rights efforts underway at this time: health care as a human rights campaign and an effort by state childcare workers to organize as a bargaining unit. Handouts were made available and both efforts will be addressed at a rally to be held on May 1 in Montpelier.

Laurie Cox announced that the selectboard had recently adopted a School Speed Zone Ordinance that reduces the speed on Lincoln Road to 25 mph from about the top of the hill (going north) to the Wagner house after the school, and invited anyone to try it out. She also pointed out that dog licenses are due and emphasized their importance, that it is not a great expense. Molly Witters, Ripton resident and veterinarian, offered to vaccinate dogs if asked. Ms. Cox concluded with a request on the behalf of the folks who have been taking care of the flowers on the Bridge of Flowers, for assistance with that task.

Bill McKibben and Rick Klein moved and seconded to adjourn; the town meeting adjourned at 10:28 p.m. The meeting will recess until 7:00 a.m. Tuesday, March 6, 2012 to vote for town officers and requests for town funding by Australian ballot. Polls in the Ripton town office are open from 7:00 a.m. to 7:00 p.m.

Joyce Dicianna  
Moderator

Sally Hoyler  
Town Clerk

Laureen Cox  
Selectboard Chair