MINUTES OF THE ANNUAL TOWN MEETING MARCH 6 1995

The legal voters of the Town of Ripton were duly warned, and met at the Community House in Ripton, on Monday March 6, 1995 at 7:30 P.M.

Before Moderator Freeman Allen called the meeting to order, without objection from the floor, State Representative Gerry Gossens spoke to the assembled voters of the Town.

Mr. Gossens said that Montpelier is a changed place without Speaker Wright in charge. The atmosphere is more bipartisan, and the overall mood is more open. He said that the new leadership intends to adjourn early this year.

Mr. Gossens said that his committee assignment has been shifted to Fish and Wildlife, which he had not expected, but it is interesting. The jurisdiction includes water resources, so his committee is looking into the issue of water withdrawal from rivers for snow making.

Representative Gossens said that there is a cloud hanging over all the debates in Montpelier because revenues are behind projections by 6 to 8 million dollars. He said that if this trend continues there will have to be additional changes in appropriations. Further changes will be required if the political changes in Washington reduce payments to the States. He said that Vermont receives $600 million in Federal dollars, and this amount is projected to decrease by 10% or so. The State would have to figure out some way to deal with this 60 million dollar shortfall.

Mr. Gossens said that new projections for State Aid show that Ripton will get approximately an additional $40,000 in State Aid for this year, and more if the property tax changes are adopted by the Senate.

House Accomplishments this year so far:

An incremental health bill that provides health care to an additional 10,000 Vermonters. This bill also starts to move Medicaid recipients into managed care.

A decrease in the capital budget from 80 million to 50 million dollars, relieving the borrowing stress. He said school construction is held harmless for now--the legislature intends to make sure that projects in the pipeline will be built.

A new conservative property tax relief/reform bill that will be based on the concept of equalized yield. This means that a penny on the tax rate in one Town will generate the same amount of money as it will in any other Town. Towns that get more than the equalized yield will pay into a fund; those who get less will be paid from the fund. Land will be taxed on its use value. He said that he preferred an income based system, and H451, last year's bill, is his choice, but he said that this idea is premature and has no chance in the Senate. He said the advantage of the current proposal is that if the Legislature cuts what it pays into education, all towns would lose. The way it is now is that if State Aid is cut, only a few Town lose. He said that Senator Ready is basically in favor of this new proposal, but Tom Bahre is not.

Gracile Lord asked if he had given up on H451. He said that he had not, but that there is little support for this this year.

David Disque asked what was happening with the State and Route 125. Mr. Gossens said this issue has been raised at the legislative breakfasts, and the Governor spoke about it this morning. He said that accountability is the issue. The Governor has suggested that the Act 250 ruling be circumvented, which he said would set a bad precedent. As it stands now it would be illegal not to do the work unless there were legislation forbidding the work, but he doubts that there is a majority in the house of that opinion. Mack Billings said that the rails are fine as they are and should not be changed. Zack Osborne said that the funds are there from Federal highway dollars.

After this discussion Mr. Gossens left the meeting at 7:50, and the main meeting was called to order.

Article 1 To act on the reports of the Town officers.

Kim Kimler moved the question and was seconded. There was no discussion. Mr. Kimler called the question and it was voted in the affirmative.

Article 2. Will the Town vote the sum of **$162,217.05** 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 1994 Grand List to be determined by the Selectmen, divided as follows?

a) Roads, including winter work...$99,450.00
b) General Fund costs..... $62,767.05

Carol Ford called the question and was seconded.

Mr. Ford began the discussion with a general discussion of the budget. He said that there are no great changes from last year. He noted that the General fund budget has decreased by about $10,000, mostly because of the reduction in anticipated legal fees, since the issue with Middlebury College is resolved. There has also been a decrease in insurance costs.

Mr. Ford noted that road costs are higher because of higher winter work costs -- the proposed budget is an average of the cost of the past 5 winters, rather than an over-optimistic guess.

He pointed out that the accounts receivable on page 15 of the Town Report have all been received as of this meeting. The Board and NYNEX have signed a contract to rent the old office for the next ten years, and they have started paying rent as of July 1 1994. The 10% of sale price is the agreed upon amount the seller was to pay the Town for being allowed to sell the land to the National Forest. The Elks simply forgot to pay their contribution but got around to it in January.

Mr. Ford noted that in the anticipated income section of the Town Report the increase in taxes is significant, but with the new information on State aid from Mr. Gossens the amount to be raised by taxes will be cut in half.

Joyce DiCianna asked why the amount to be spent on chloride has increased as much as it has. Mr. Wimett (Road Commissioner and Selectman) explained that when the new gravel is placed it is important to hold it in place as soon as possible, so we will spread a

load of chloride as the gravel is completed. But by the end of the summer the chloride may be washed out, and may need to be reapplied in order to hold the gravel in place.

Gracile Lord asked to whom the Town pays interest. The Treasurer explained that the Town and the School are on different fiscal cycles, and that when the Town is out of money (at the end of the calendar year) the School is only half way through its year, and so can lend money to the Town. In the fall, however, the School has no money, so the Town makes early payments of taxes to the School as a form of a loan. Neither the Town nor the School charge each other interest. Unfortunately in the late spring neither the Town nor the School have any money, at which point the Town borrows from the National Bank in anticipation of taxes. It is this we pay interest on.

Mr. Ford said that the Town used to have a significant surplus, but since the Selectmen had wanted to keep taxes as low as possible the surplus has been spent. The Board has tried to set a tax rate that collects as much money as the Town needs, without generating a surplus. Over the last few years the projections have not been accurate and the tax revenue has not been as close to reality as we would have liked. The most difficult figures to estimate are the taxes percentage of taxes collected as delinquent taxes between November and January 1st.

Laureen Cox, Selectman, said that the trouble is the tax rate has to be set in July, sometimes before the State Aid figure is set, and before other figures are known.

Kim Kimler called the question, and was seconded. The article was voted in the affirmative on a voice vote.

Article 3. Will the Town authorize the expenditure of a sum not to exceed $40,000.00 to repair the surface and railings of the Bent Bridge, and to replace the Bent Bridge's approach guardrails, with the understanding that 90% of the funds for this work will come from a State grant?

The question was moved by Arthur Lord, and seconded.

Mr. Ford explained that this project is being warned as a separate item because if it is on the regular budget it distorts the record and shows a bubble of expenditures that makes it difficult to compare year-to-year expenses. There are funds in the major project fund to coven the Town's share. The work is to be done this summer.

Richard Collitt asked how much the Town would actually spend of Town's money. Mr. Ford explained that the Town would only be liable for 10% of the overall cost of the project, somewhere in the neighborhood of $4,000 -- less if the bids come in lower.

Mr. Ford explained that the project will replace and extend the guardrails, either regular W beams or box beam, depending on the cost; to jack-hammer the deck of the bridge and recover it so that the reinforcement rod is properly covered.

Mr. Collitt asked if the bridge deteriorated faster than it ought to have. Mr. Wimett said that the bridge had been built in the 30's, and

so was in pretty good shape for its age. Mr. Ford said that the concrete is beginning to spall and there is rebar exposed, but that since the Tons uses little salt the bridge has lasted well.

At this point Kim Kimler called the question, was seconded, and the article passed on a voice vote.

Article 4. Will the Town have current property and personal taxes collected by the Treasurer, taxes due to be paid **November 6th, 1995?**

The article was moved by Warren King, and seconded.

There was no discussion.

The article was called by Kim Kimler, and was seconded, and voted in the affirmative on a voice vote.

Article 5b. Will the Town vote the sum of **$13,000** to the Ripton Volunteer Fire Department to help pay the expenses for the year?

The Moderator noted that there were two article 5s, so they would be considered as article 5a and article 5b.

Article 5a: Fire Department Budget:

Carol Ford moved the question, and was seconded.

Fire Chief Tim Hanson spoke briefly about the plans for 1995.

There are three initiatives this year:

1. The Addison County Sheriff will give the fire department a used four wheel drive pick-up truck, and the department will buy a utility body, and pump and tank to create a mini-pumper. This will provide access to areas we cannot get to, and will provide a back-up pumping vehicle. The budget includes funds to pay for the utility body and other equipment, and the fire department will borrow up to an additional $10,000 to buy the pump and tank. This loan will be paid off as part of the annual budget over the next three or four years.

2. The department is starting a first response medical team that will go to medical emergencies in Town to help stabilize patients while MVAA is responding. We already have four volunteers and hope for more. The volunteers will use the fire department's radio and paging system to alert first responders. Costs this year will be about $500 to set up responder kits.

3. The department wants to install a network of dry hydrants in Town to allow easy access to water. This to be discussed under 5b.

After this report there was no discussion. The question was called by Kim Kimler, and was seconded, and the article was voted in the affirmative on a voice vote.

Article 5b. Will the Town vote the sum o **$2,500.00** to pay for the installation of a so called "dry- hydrant" near the school?

The question was moved by Joe Matkowski, and was seconded.

Chief Hanson said that the long-term plan is to establish a network of dry hydrants throughout Town to allow access to ponds and streams for water supply to fires. The Department is working with the George D. Aiken Conservation and Development Council, who will provide design and engineering services, and who will try to find grant funding.

Richard Collitt asked what good the dry hydrant would do the school if it is located up the road at Pete Bronson's pond? Chief Hanson said that if there were a large fire at the school, tankers would fill at this site, and carry water to the fire, or the Middlebury hose truck would actually lay hose from the dry hydrant to the school. Without the hydrant in place, the department would have to chop through ice and snow in the winter to get the water.

Alsion Jospeh, a member of the fire department, said that easy access to water is important during drills as well.

Chief Hanson asked that anyone installing a pond should try to contact the Fire Department, since it is much easier and cheaper to put in a hydrant during construction rather than retrofitting a pond.

Frank Biamonte asked if the placement of hydrants would help improve the Town's fire rating. Chief Hanson said that in and of themselves, no, but that easy access to water could help when the department tried to get a better rating.

At this point the question was called by Phil Coleman, and was seconded. the article was voted in the affirmative on a voice vote.

Article 6. Will the Town vote to return the annual interest rate charged on delinquent taxes to 12%.

The Article was moved by Warren King, and seconded.

Davis Smith said that he felt that the decision to lower the interest rate several years ago was the biggest mistake the Town ever made. He said that with the interest rate at 6% it takes twice as long for the interest to build up to where it would when the interest rate is 12%. People get further behind in their taxes and it takes them longer to get it paid.

Mr. Ford responded by saying that the interest rate was lowered by a vote of the Town several years ago for a good reason. The Town was in litigation with the College, and it was possible that the Town would have had to pay the College interest on the taxes they had paid in protest at a rate equal to our current delinquent tax interest rate. Since the College had given us nearly $450,000, the interest on that amount at 12% would have been a great deal of money. Mr. Ford agreed that the lower interest rate might have added to the delinquency rate, but that it was a decision that made sense at the time. Now that the College issue is settled it made sense to return the rate to where it was before.

Kim Kimler asked if there would be any back-billing of the rate. Mr. Ford said that there would not be--the new rate would apply for the next month.

Peter Crone said that he did not agree with the supposition that people don't pay their taxes because of the interest rate. He said that most people want to ay their taxes but sometimes they cannot. He

reminded people that there is also an 8% penalty that delinquent taxpayers have to pay as well. He said that 12% interest is too high.

Laureen Cox said that even though the dollar amount of delinquent taxes has increased, the ratio of uncollected taxes to collected taxes has not changed significantly, even though the State has gone through hard times.

Ross Elliott called the question and was seconded. The Article went to a voice vote, which the Moderator felt was too close to call. The Moderator asked for a show of hands, which showed 34 in favor and 21 against, so the article was passed.

Article 7. Will the Town vote to authorize the Selectmen to sell the Town land on the Ripton-Lincoln Road as follows: subdivide two ten acre lots from the southern portion of the lot and sell them at market prices and sell the remainder to the National Forest Service?

Carol Ford moved the question and was seconded.

Ross Elliott said that the Town should not let the land go at a low price to the National Forest--better to sell it at the price the National Forest would pay so that it would become taxpaying land. He said that there is already too much land in the National Forest, and that private ownership is best.

Joyce Henderson asked what the policy regarding the sale of Town land to the National Forest is. Bill Ford said that about 10 years ago the Town voted not to let any more land be sold to the National Forest. Last year the National Forest determined because of some court case that they no longer needed to ask for the Town's permission to buy land. He said this will probably be challenged again in court.

Mr. Ford continued by saying that if the Town wants to sell the land something different needs to be done, since it has been on the market for more than three years without any interest. The Board felt it was important to try different ideas to sell the land, since the whole purpose of selling the land is to reduce the school bond payment. There has not been any serious interest in the parcels. Three realtors have tried to sell it; logging companies have looked at it and do not want it. The County Forester surveyed the lot and found there is about $6,000 worth of timber on it, but that it is not really worth logging commercially. The land is very wet.

There are two buildable areas on the land, however, in the pines at the south end of the lots on either side of the road. The Town had a septic designer take a look at these sites and the preliminary finding is that these sites would perk. The rest of the land would sell to the National Forest for about $600-$900 per acre. The National Forest would appraise the land and makes a non-negotiable offer based on this amount.

Arthur Lord said that it would be a dangerous precedent to sell land to the National Forest while we are trying to prevent them from having the right to buy land without Town permission. He said that the case is still in court, so that we should not give in to them yet.

Ross Elliott suggested that the land be sold at public auction.

Mike Beardsley suggested that the entire acreage be divided into ten acre lots and sold in a lottery.

Selectman Laureen Cox said that the Board felt they has to try something different to get this land sold, since the original plan to sell the whole lots had brought so little interest.

Lawrence Lazarus asked why the National Forest wants the land. Ms. Cox said that they wanted the land because it borders other land they own, it gives them road frontage, and because it is excellent wildlife habitat.

Ross Elliott said that if we sell it to the National Forest we will not get tax money for it, and they will not be able to grow trees on it any faster than private landowners. We should try to sell if for the $600-$900 per acre.

Laurie Whitman said the idea made sense to her, and is a reasonable compromise.

Mack Billings said that to sell the land to the National Forest is a bad precedent, and the land should be used as a firewood source for Townspeople.

Zach Osborne asked if this land could be used to trade for land that would be more valuable as building lots. Mr. Ford said that this is possible, though the National Forest has told the Town that trades are very slow in coming.

Gracile Lord asked if the Nature Conservancy or some similar group would be interested. Joyce DiCianna said that the School Board had looked into this several years ago and there was no interest.

Richard Collitt said that even if the land is not perkable it could be sold as a woodlot.

Ross Conrad asked how this issue came up, since there is a strong feeling in Town not to sell land to the National Forest. Ms. Cox said that the Board has a responsibility to try to sell the land, and the only interest so far has been by the National Forest.

Arthur Lord asked what each ten acre lot would be worth on the market. Mr. Ford said that there is no way to know for sure, but somewhere in the neighborhood of $20,000.

Perry Hanson proposed an amendment (and was seconded) as follows: delete the last portion of the article "...and sell the remainder to the National Forest." The purpose of this amendment is to allow the Board to subdivide the land. There was some discussion as to whether or not the Selectmen had the authority already to subdivide the land. The Board seemed to conclude that they had the authority to subdivide the land without this vote.

The amendment was voted on with a show of hands, and was defeated 20 yes to 30 no.

After this vote the question was called by Phil Coleman, and was seconded, and voted in the negative by a voice vote.

Article 8. Any other business proper to be done at this meeting.

Olga Pschorr spoke in favor of approving funds for the Counseling Center of Addison County.

Joyce DiCianna asked about the proposed zoning changes to be voted on by Australian Ballot tomorrow. The Clerk explained that Article one of this proposal was "housekeeping", allowing smaller lots to be developed without needing variances. Article 2 is the vote on whether or not to create an Historic District.

At this point a motion was made to adjourn, and was seconded, and so voted at 9:10.

Jane Cox Robert Merritt