

TOWN MEETING MINUTES
ANNUAL TOWN MEETING 1994

The legal voters of the Town of Ripton met at the Community House in Ripton, on Monday, February 28, 1994 at 7:30 pm to transact the following business:

The meeting was called to order at about 8:20, directly after the Annual School Meeting.

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

The Article was moved and seconded. Mr. Ford said that this would be a good time to talk about the agreement with the College that had just been signed. He made it clear at the outset that this agreement had been settled and cannot be changed at this point.

Mr. Ford explained that the agreement is for ten years, from 1994 through 2003, and at the end of each year it will be extended automatically for an additional year unless one of the parties to the agreement wishes to terminate the agreement, in which case the agreement will continue for the next ten years, and then end. The maximum time this agreement runs will be twenty years. New properties or changes are dealt with as they come up. The College will pay a total of \$49,939 for 1991, 1992 and 1993. All the taxes paid in protest by the College for those years will be returned to them. Although this is painful to do, had the Town gone to court and lost, we would have had to repay these funds anyway. On the other hand, had the Town won in court, there would have been a larger gain.

Mr. Ford reviewed the components of the agreement: The College will pay taxes on 13 properties; will make \$16,000 in "in-kind" payments, and will make up the rest as a cash payment. The "in-kind" payments will be for things like books, computers, and equipment, or services that have a specific value. All of these items will be budgeted items anyway, so that the \$16,000 will have the effect of reducing taxes. In the fall of each year the Town will meet with the College to agree on these gifts.

Mr. Ford added that the Grand List for the Town will decrease once the non-taxable College properties are taken off, which should increase the amount of State Aid the School gets. The Board is working with the State's Division of Property Valuation and Review to make sure that the Grand List is properly adjusted to reflect this agreement.

Joyce Henderson said that it seems as though the Town has agreed to accept less than half of what the College would have to pay if their property was fully taxable. Mr. Ford reiterated that the agreement was already signed, and that it was not re-negotiable, but that it seemed to be as good a deal as could be struck with the College. They will be paying about 9% of the total tax burden as it stands now. The Town will not incur the additional legal costs of fighting the case in court, nor will it continue to lose State Aid to education as it is now.

Ann Barker asked whether the College's liability would change if the tax laws changed. Mr. Ford said that the agreement would cover the next ten years, regardless of changes in the law. If it seemed to be to the Town's advantage the Town would cancel the agreement as soon as possible. Ms. Barker asked how the figures agreed upon had been

reached. Mr. Ford said that the Board had a number in mind during the negotiations, taking into account the best case and worse case possible in court, and legal costs, loss of State Aid, etc. Ms. Barker said that the settlement seems to be a little low, and for too long a time. Jane Phinney pointed out that the old agreements with the College had been for ten years. Laureen Cox, Selectman, noted that it is unrealistic to negotiate an agreement on a yearly basis--it would take too much time.

Michael Beardsley asked why the money the College paid for 1991, 1992 and 1993 was to be returned. Mr. Ford explained that these funds had been paid under protest, and that both the College and the Town got some of these funds.

Ross Elliott said "the water is running...let it flow!"

Mr. Lord asked about the \$16,000 gift in kind. He said that these funds should be used to reduce taxes. Mr. Ford said that the Town and the College would meet annually to determine how this money will be spent. The funds will be used for items that are in the budget anyway, and that taxes would have been raised to pay for.

Kim Kimler said that he felt that this was a good deal for the Town.

After this discussion the question was moved and seconded, and voted in the affirmative.

Will the Town vote the sum of \$170,822.23 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...\$96,800.00
- b) General Fund costs..... \$74,022.32

The question was moved by Carol Ford, and seconded.

David Meltzer spoke about how well the roads were kept last winter. He said that he was very pleased that often the roads in Ripton were in good shape when they were still bad in the valley. James Webb said that he was pleased that the Dugway was being kept open.

Mr. Ford discussed changes in the budget. He noted that the line for the Board of Civil Authority is reduced since there have been fewer property tax appeals. He said that the audit line has increased, since the Town plans to have a CPA firm look at the way the Town keeps its books so as to be ready for an audit in a year. He said that the Board would like to audit the books professionally every three years or so.

Mr. Ford noted that the office water system freezes when the temperature falls below zero, so there are funds in the budget to try to remedy this problem. The office computer screen died, and had to be replaced--this item is in the budget.

Since the old office building is rented there is no need to budget for heat or utilities for this building. The Board has been working with NYNEX to get them to sign a long-term lease for the building. The Board is also leasing the upstairs of the Town office, since that space

was not being used by the Town. Joyce DiCianna asked if the ADA would come into play since the upstairs is not accessible. Mr. Ford said that the Board would look into this.

Mr. Ford continued with the budget review to say that legal fees will be decreased by \$6,000 to \$8,000 since we will not be litigating the College property taxes. Town insurance has been decreased because of the good experience of the insurance pool the Town is in. Zoning costs, after being fairly high for the first few years after zoning has passed, has been lower as people have become familiar with the process.

The Community House furnace needs to be replaced, so this will be done this summer. There is other general maintenance work that needs to be done in the building that has not been done for a long time.

After this discussion Greg Todd moved the question, was seconded, and the budget was passed on a voice vote with no "no's" heard.

Article 3. Will the Town have current property and personal taxes collected by the Treasurer, taxes due to be paid November 7th, 1994? (Note date change)

Moved by David Meltzer, and seconded.

A question from the floor asked why the date change. The Treasurer answered that it was because this date allowed those who received social security or other government checks at the beginning of the month to use that money to help pay taxes.

The question was moved and seconded, and voted in the affirmative.

Article 4. Will the Town vote the sum of \$12,075.00 to the Ripton Volunteer Fire Department to help pay the expenses for the year?

The question was moved and seconded.

Chief Tim Hanson made a few comments:

The budget is \$884 lower than last year, but still allows the department to purchase new equipment to try to keep up with its needs.

The truck has a foam system installed on it, which should allow us to put out fires with less water.

At a recent fire we had trouble getting the truck up a narrow, icy driveway. At some point the department will be coming the Town for funds to buy a small four wheel drive truck to allow access to these locations.

The department has lost some good volunteer recently, and can always use more.

After this discussion the question was called and seconded, and voted in the affirmative.

Article 5. Will the Town vote to compensate the Town Clerk with an annual salary of \$6,800.00, with all fees, charges, and other payments previously made to the Clerk retained by the Town?

The Article was moved and seconded.

Mr. Ford noted that the Clerk was paid about \$6,800 last year between the salary and the fees that are due the Clerk. He said that the Clerk has over the years done more and more administrative work than is officially called for in the Clerk's legal job description. He noted that there are three positions being considered this Town Meeting -- Town Clerk, Treasurer, and Administrative Assistant to the Selectmen. These positions could be held by three different people (two elected positions -- Town Clerk and Treasurer-- and an appointed one, Administrative Assistant). The Board expects to appoint Mr. Hanson to the position of Administrative Assistant, and he is running unopposed as Clerk and Treasurer.

David Meltzer said that it is useful to have the position held by one person since the Town would not have to pay benefits to three separate people.

Mr. Ford said that all fees that the Clerk and Treasurer had received would be turned over to the Town. The salary proposed would allow more predictability for whomever held the job.

The question was called by Carol Ford, and seconded, and voted in the affirmative with no no's heard.

Article 6. Will the Town vote to compensate the Town Treasurer with an annual salary of \$6,400.00, with the one percent of tax collections previously paid to the Treasurer retained by the Town?

Called by Carol Ford and seconded.

No discussion. Voted in the affirmative with no no's heard.

Article 7. Will the Town vote to compensate an administrative assistant for the Selectmen with an annual salary of \$3,560.00, such assistant to be appointed by the Selectmen and to serve at their pleasure?

The question was moved by Joyce DiCianna and seconded.

Norma LeDuc asked what duties the administrative assistant would have.

Mr. Ford listed some of these duties: preparing minutes and correspondence, checking out insurance policies, doing legislative and legal research, attending certain meetings and legislative hearings, etc. Mr. Ford said that the Clerk is presently doing these things and more. This position would make formal what already exists informally.

Carol Ford called the question and was seconded. The question was passed with a voice vote.

Article 8. To see if the Town will vote to petition our State representatives and Governor to recognize and respect the sovereign Republic of the Abenaki Nation of Missisquoi.

The Article was moved and seconded.

Jo Austelle lead the discussion of this issue. She said that the petition means that the Abenaki ought to be recognized as an aboriginal people. She said the State of Vermont and the Abenaki need to work together to make the Federal government aware of the Abenaki's need for

education and medical care, so that funds due the Abenaki can be given to them.

Ross Elliott said that he was concerned that Vermonters might lose land if the Abenaki claimed sections of Vermont for themselves. Ms. Austelle said that it is true that the Abenaki believe that large portions of Vermont (perhaps most of the north-east of the State) is theirs, but this petition is not their way of asking for their land back. They simply want to be recognized as an aboriginal nation. The area that they want for themselves is at from the mouth of the Missisquoi to Highgate Dam, about 1.5 miles. Land acquisition, if any, would be through separate actions in the courts.

Ms. Austelle said that the Abenaki have had a history of having their rights violated in the State. Burial areas have been violated, and ancestral bones lie in a museum in Montpelier.

Ross Elliott asked if the Abenaki have an "Indian Territory". Ms. Austelle said that they do not as a nation, or by treaty, although of course individual Abenakis own property.

David Meltzer asked about the wording of the petition -- "Sovereign Republic". He asked if this did not imply an international border. Ms. Austelle said if this issue were to be resolved the way the Abenaki wish, and they had a tract of land, they would then have the rights of habitation, subsistence on the land, travel, and the sacred right of burial. Mr. Meltzer asked if this would allow them to close their border. Ms. Austelle said that she had not heard that that was part of this process.

Joyce Henderson said she was in favor of the Abenaki getting Federal money, but the term "sovereign nation" scared her. Ann Barker said that a sovereign nation is not subject to State or Federal law.

Gracile Lord asked if other Towns were considering the same petition. Ms. Austelle said that there is a network of people in the State that are trying to get this issue considered, and that she believed that several Towns are considering this issue.

Ross Elliott said that it is too much to ask the people to vote the Abenaki this power. He said that we cannot be sure what the legal implications of this vote will be. He said that if the question was reworded to show respect to the Abenaki it would be better. Ms. Austelle said that respect is what they want.

Ray Hathaway asked if there was any written document that stated what the goals of the Abenaki are. Ms. Austelle said that what they want is to be acknowledged. In 1992 the State legislature voted not to acknowledge them -- this petition drive is a way to bring the issue to the people directly.

Ann Barker said that she would like to support the impulse behind this petition, but that there was too little information to make a good judgement, especially as it related to how such a petition would be judged by the courts.

Jane Beck said that the problem with the question as written is the work "sovereign". She proposed "tribal nation" as a substitute for "sovereign nation". This amendment was agreed to with a show of hands

Frances Hutner asked if gambling on native lands was behind this proposition. Ms. Austelle said she was not sure.

Greg Todd moved the question, and was seconded. The article was adopted by voice vote.

Article 9. Any other business proper to be done at this meeting.

Ross Elliott said that he was very disturbed about the way the power company was cutting trees in the Town's right-of-way. He said that any utility working in the Town's right-of-way should be required to get a permit from the Town. Mr. Ford said that he is not clear what the law is as far as utilities cutting trees in the Town's right-of-way. He said that in many cases CVPS already has a right-of-way for line maintenance. Mr. Lord of the Planning Commission said that some of these projects do have Planning Commission permits.

Mary Clerk spoke on behalf of Adult Basic Education.

The meeting was adjourned at 10:00 pm.