

MINUTES OF TOWN MEETING

ANNUAL TOWN MEETING 1991

The Meeting was called to order at 7:34 pm by Moderator Freeman Allen. There were approximately eighty Ripton residents present at the Community House. After hearing no objection from the floor, Mr. Allen proceeded directly to Article 1.

Article 1. To act upon the reports of the Town Officers (moved by Phillip Coleman, seconded by Carol Ford).

Town Clerk Timothy Hanson explained that some of the Town Reports were bound without pages 14 and 47. These pages had been mailed separately to the entire mailing list so that everyone would have all the information in a complete book. He pointed out that there were extra copies of the complete report available.

There was no further discussion on this issue. The question was moved by Gracile Lord, seconded, and agreed to by voice vote.

Article 2. Will the Town vote the sum of \$163,700.79 (approximately \$80,600 to be raised by taxes) 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 1991 Grand List to be determined by the Selectmen, and divided as follows?

- a) Roads, including winter work...\$99,950.00
- b) General Fund costs..... \$63,750.79

(Moved by David Disque and seconded by Joyce DiCianna).

William Ford, Chair of the Selectboard, asked the assembly if there were any specific questions on the budget. Since there was no response, he proceeded to review some of the highlights of the budget, concentrating on the areas of significant change.

He noted that the increase in social security payments is due to an increase in the amount of time the Clerk and others will be working. The \$3000 line item in Clerk's office maintenance is for modest renovations to the building so that it can be rented when the renovations to the old school are completed. These renovations include replacing the old furnace, replacing the unraveling rug, and some interior painting. Postage has gone up to reflect the increase in postal rates, and the Clerk's insurance has risen to reflect the increased health insurance costs. The over budget expense for the Community House fuel in 1990 is mostly because of having paid for December 1989's heat in the 1990 fiscal year. The Selectboard have budgeted an additional 10% for the Addison County Sheriff patrol to allow for a possible rate increase. This will continue patrol at about the same level.

Mr. Ford continued with a discussion of the expenditures on the road budget. He said that he had heard from several people that a more complete breakdown of road expenditures published in the Town Report would be helpful in showing how road monies are spent. He explained that the Board does have a spreadsheet that it uses that does keep a

close track of each line item, but has not published it before. He agreed that it might be a good idea to publish this in the report in the future.

In roadwork, under the heading "summer projects", the \$10,000 budgeted is to have gravel crushed at Sparks Pit for use on Town roads. There is also some serious investigation into whether the Town will screen sand at the pit to use for winter sand. This might save money in buying sand and trucking costs.

At this point Gracile Lord asked if the road sides need to be mowed every year. She said that she loves the flowers that grow there, and hates to see them cut down every year. Selectman Ronald Wimett said that mowing the roadsides is very important for three reasons. First, safety: If the roads are not mowed, especially on the curves, visibility is hampered and can make driving very dangerous. Second, if the grass and brush is allowed to grow in, the roots can cut up and damage the edges of the road. Finally, if the brush is not cut back in time the work has to be done with a chain saw and this is very expensive. Ross Elliot asked if the roads might be done every other year in order to save money and in order to allow the flowers to grow. He said that the bad spots could be done every year for safety's sake. Mr. Ford said that this suggestion would be considered by the Board. John Merrill said that he thought that the flowers grew better if the roadsides were kept cut back -- they were not overgrown by the brush. Mr. Wimett said that one of the main road-maintenance issues is to get water off the roads. When roads are graded a crown is put in the road to allow the water to run off. He said that cutting the grass and brush on the sides of the roads allows this water to flow properly.

Mr. Collitt asked how the work on the renovations of the old School to Town offices is going. Mr. Ford said that the bids are due on March 11 (next week) and the work should be started soon after that. Mr. Collitt asked what the plans were for the present office. Mr. Ford said that the office will be renovated modestly, then the Board will try to rent it as an office.

Joyce DiCianna asked about the "Major Project Fund". Mr. Ford explained that this is money set aside each year in order that the Town have funds to do major road projects (like fixing the cribbing on the Ripton-Lincoln Road near the Lucky Seven water trough, or widening the Dugway) without having to raise taxes all of a sudden. He said that in 1989 the Board, though authorized to set aside this money, did not, because so much had been spent to repair flood damage. Instead, two years worth of these funds were set aside last year.

John Merrill asked why the Board budgeted less for Planning and Zoning Administration this year than was spent last year. Mr. Ford replied that the hope was that there would be fewer expenses this year since we were in the third full year of zoning, and some of the expenses last were what the Board hoped were one-time expenses. He noted that the Planning Commission and the Zoning Administrator used outside help (mostly legal consultation) a great deal as zoning was introduced to the Town. He pointed out that there were no guarantees that this line would not go over budget, however, since one case going to a lawyer can cost a great deal.

Jean Ryan asked what happened to the footbridge that had been planned for the bridge near the Post Office. Selectman Laurie Cox explained that in 1989 the Board looked into the cost of the bridge, and discovered that the engineering work alone would cost more than the entire line item to build the bridge. At the same time the Town was told that the State was planning to replace the bridge, and that the problem might not be there any longer. She pointed out that it does not look as though we are going to get a new bridge for a while, since the State budget is in such a mess. But since there are fewer children crossing the bridge, now that the school has been moved to the Ripton-Lincoln road, there is less risk to the children. In summary it became a bigger project than was originally anticipated. She said that, of course, if the Town was still interested in the project, the Board would consider it again. Ms. Ryan asked where the money budgeted for this project went. Mr. Ford said it was not spent, and was returned to the Town by way of a lower tax rate.

David Disque moved the question, and was seconded, and the question was then voted in the affirmative.

Article 3. Will the Town vote to authorize the Selectmen to prorate any funds that may be received in lieu of taxes from Middlebury College in 1991, among the General Fund, Road Account, & Town School Accounts? (Moved by John Merrill and seconded)

Mary Clark asked about the status of the negotiations between the Town and the College. Mr. Ford said that little had happened between the Town and the College since the Town Report was written. There had been a meeting with the College's business manager, James Ross, who offered an annual payment of \$15,000, as a gift in lieu of taxes, without an escalation clause. When the Board asked about an escalation clause, Mr. Ross said that the College could start at a lower level, and then go up to \$15,000 from there. Mr. Ford reported that the overall tone of the meeting was not very good.

Mr. Ford continued by saying that along with the overall Town reappraisal, the Board had the College done as well, as well as the Elks Silver Towers Camp (the old Job Corps Center). Once this appraisal was done, the Town had the properties reviewed by attorneys, who determined that, according to current State law, about 80% of the property is taxable. The Board estimates that if all this worked out in favor of the Town, the tax liability of the College would be about \$135,000 a year. The Town sent the College a letter to this effect, and has not heard from them since.

About two weeks ago the Town has learned through the weekly newsletter sent out by Vermont League of Cities and Towns that there was a bill in the Vermont Legislature that would make Middlebury's property nontaxable. The Board said that they are working with local legislators to stop this bill from passing.

Perry Hanson called the question, and was seconded. Debate was voted closed, and the article was voted in the affirmative with no nay votes.

Article 4. Will the Town grant the Selectmen of the Town of Ripton general authority to enter into a contract with the President and Fellows of Middlebury College to determine their tax liability in accordance with Title 24 of Vermont Statutes Annotated, Section 2741?

Since Article three and four are closely related, the debate on the taxability of College property continued.

Ann Barker asked if the Town should get legal counsel. Mr. Ford replied that Ellen Fallon, of Langrock Sperry and Wool, was representing the Town. Mr. Steinzor asked if this article would give the Board the authority to litigate with the college. Mr. Ford said that this was not the main concern -- that the need for this power is in case there is a middle ground, some type of deal that could be struck that would avoid litigation. This would give the Board the power to strike a deal.

David Meltzer asked what the difference was between general versus specific authority as outlined in the statute (The Board had handed out a copy of the law to all people present at the meeting). He asked if "general authority" would give the Board power do what they needed, whereas with "specific authority" there would have to be another Town meeting. Ms. Cox said that as things stand now, the Board would have to come back to the Town to get approval for any agreement. This would mean that the Board would not really be in a position to negotiate with the College, since they would know that the Town would have to approve all deals.

James "Pete" Bronson asked if the Town should enter into a ten year deal. He pointed out that the Town had done that before, and had been locked into a poor deal for all those years. He wondered if a shorter deal would make sense. Ms. Cox said that the law authorized a ten year deal, and that in fact the Town had made a ten year deal with the Elks. She said that the Town would not enter into a long term deal, however, unless there was a built in escalator clause, so that the amount that the Town got varied with the tax rate. She pointed out that the Town made a deal with the Elks that they pay 25% of the current tax liability, so that if taxes go up, they would have to pay more. It is this type of deal that the Town would look to.

Ross Elliot asked if the voters should add instructions to the Board, for example "no amount less than ..." so that the Board did not accept too little from the College. He expressed concern that the Town would not get the most it could from the College. Ms. Cox said that due to the uncertainties of the legal status this might not be necessary. Mr. Elliot said that giving this power to the Board was like giving someone else his credit card, and he did not approve of it. Mr. Collitt said that having a minimum amount might hurt negotiations, since the College would be aware of them, and try to settle for that amount. Mr. Merrill said he feels that the Board should be given the job to do, since they have been doing a good job so far.

Frances McIntosh pointed out that using the Town might work as a strategy. She said that if the College offered a deal, the Board could say that they had to come back to the Town for approval. This might be used as a sort of bargaining chip. David Meltzer suggested that having to go back to the Town might give the bargainers more clout.

Ms. Cox said that the Board is prepared to go to court, to negotiate, whatever is necessary to get this issue settled. There is money in the budget for a first level court fight.

Mr. Ford said that there is significant risk in this process. He said that the Board has taken what they believe to be the direction of the Town, that is, to get as much from the College as legally possible, but that there is a chance that the Town could end up with very little, perhaps even less than the \$15,000 that was offered.

Mr. Coleman said that it is time for the College to put its money where its mouth is. He said that they wish to have a beautiful Ripton, with open areas and a rustic setting, but that they are not willing to pay for it. They showed that they are unwilling to help when they did not participate in selling land to the Town when we were looking for a new school. The only time they have put money into the Town was when they felt it was their vested interest to do so (i.e. the new fire truck). Mr. Ford said that he has mixed feelings about the College. He said that several individuals have helped the Town (Cross country skiing at the Breadloaf campus, and access to computers) but that as a whole the institution has been disappointing. The lack of help with securing a piece of land for the school was the clearest evidence that the College is not always interested in the welfare of Ripton. He said that the Board is not trying to gouge the College, but is trying to get a fair deal.

A. Lewis Burrige asked why the Board would consider anything less than taxing the College for the full amount. Ms. Cox said that although the Town's case is strong, it is not 100% sure, and there are associated legal and other costs that might make it worth taking a settled amount. There is also the issues of delays in payment. If they refused to pay the taxes there might be a two or three year delay in the first payment.

Gary Ryan asked what the timetable is on this process. Mr. Ford said that the agreement ended last year, and that if nothing is agreed to in the next few months their tax bills will go out in July along with all the others. If they do not pay, then the Town will take the next legal steps in order to get compliance.

Mr. Ryan asked what happens if the bill discussed earlier passes both house and the Senate. Mr. Ford said that the amount of taxable property that the College has would be much less, and the possible revenues would decrease significantly. Mr. Ford said that he and other Town officers will be testifying at the Senate hearing when the Senate Finance Committee takes this issue up.

Frances McIntosh expressed her opinion that the Town should push the College as much as possible so that they pay their fair share.

Tammy Snyder wondered if, even if the bill passes this year, the Town could collect taxes for this year at least. The Clerk answered that the status would depend on what the College's status was on April 1st, which is when taxes are set in the Town. If the Bill passes before that, the Town might be able to collect for this year, but if it passed afterwards, probably not.

Joyce Henderson said that she felt that the Board was doing a good job, and should be given the authority they need to get the rest of the job done. She pointed out that bringing every deal back to the voters would be cumbersome and it is difficult to negotiate with a large committee.

After this discussion Ben Steinzor moved the question, was seconded, and debate was closed with voice vote. The question was passed in the affirmative by voice vote, with a smattering of no's.

Article 5. Will the Town vote to have the current property and personal taxes collected by the Town Treasurer, taxes due to be paid November 1st, 1991? (Moved by Arthur Lord and seconded by Joyce Henderson)

No discussion; voted in the affirmative by voice vote.

Article 6. Will the Town vote the sum of \$10,400 to the Ripton Volunteer Fire Department to help defray expenses for the year? (Moved by A. Lewis Burrige, and seconded).

Mr. Collitt asked the Fire Department to talk a little about its year. Greg Todd, Fire Chief, said that the financial report is on page 29 of the Town Report. He said that there was only one fire in Town this year, and that the Department spent many hours training.

Gracile Lord asked if there would be another fund-raising letter this year. She said that she felt that the Fire Department serves the entire community, and that everyone should pay equally for the service, and not have its funding come from the donations of a few. She said that she wrote a letter to the department to this effect last year. She said that she supports the fire department and is willing to support their budget request, but that this burden should be spread out equally. Overall, she said that she feels that the fire department should be 100% supported by the Town. Tim Hanson, a member of the fire department, answered that there are no plans to send a fund-raising letter this year. He also said that it is a little scary to come to the Town every year, asking for money, not knowing if the Town will support the department. Mrs. Lord said that she feels a little ashamed that the department has to come hat in hand to the Town every year.

Jean Ryan asked if the department had plans to ask the Town to set aside money every year so that the Town would not be hit one year for a large budget request for a new piece of equipment. Mr. Hanson explained that the department was itself putting some money away each year in order to be able to deal with large maintenance items, but that there would be a need to come to the Town for large equipment purchases. Ann Barker said that she would support an ongoing contribution to the fire department so that it can have the equipment it needs.

Ross Elliot said that he believes that the department has worked very hard over the last few years, and deserves the support of the Town.

Ben Steinzor asked if the fire department and Town should consider having their budget as a part of the overall Town budget. He pointed out that that way the department would not have to come "begging" to the Town every year, and there would be a greater sense of financial security. He was not sure if this was legally possible, but thought that it should be looked into. Chief Todd said that this idea bears looking into, but that he would not want to be locked too tightly into a budget. He wanted to be able to have autonomy and flexibility. Mr. Collitt said that he felt that the department might be hurt by having the department be a part of the Town.

Gary Ryan asked if the department needed a smaller four wheel drive truck that could be used as a quick attack vehicle, and to get to houses in the winter that may be inaccessible to the large fire truck. Mr. Hanson answered that a truck like that would be very useful, both because it could get to fires faster, and also because it could get to some places that would otherwise be inaccessible.

Ann Barker said that it was her impression that the fire department is supported by the Town, and should approach the Town for the help that it needs in order to get the equipment that is needed to provide the protection the Town needs.

After this discussion Gary Ryan moved the question, was seconded, and the article was voted in the affirmative with no dissenting voice.

Article 7. Will the Town vote the sum of \$2,000 to the Ripton Cemetery Association, to be used for work on fences, gates, cutting trees and brush, and to purchase specialized epoxy to repair headstones. (Moved by Phil Coleman, and seconded).

David Meltzer asked if school children could be used for some of this work. Mr. Risch, principal, said that he could think of no reason why not.

Richard Collitt asked if this was the first time the cemetery association had asked for money. Mr. Ford answered that this article was on the warning by petition from the Cemetery Association, but that several years ago the Town paid for all the maintenance that was done.

Gracile Lord asked if this was a one time expense. She noted that there is a large amount of money accumulating in the Cemetery Association fund, and wondered why it is accumulating. Mr. Hanson, Treasurer of the Cemetery Association, said that there are in fact significant funds, but that there are limits on spending the capital for perpetual care funds. He noted that there is enough in new income to take care of routine maintenance (mowing, etc.) but that he understood that these funds were to do additional work. Cathy Caswell said that when she was in charge of cemetery maintenance she learned that the Association by law cannot spend perpetual care capital.

After this discussion the question was moved by Ben Steinzor, and seconded. The question was carried by voice vote.

Article 8. Will the Town agree to the following Vermont Bicentennial Resolution?

RESOLVED: That as citizens of RIPTON, we rededicate ourselves and our efforts to the ideas of freedom and unity which have guided our thoughts and actions through two hundred years of Statehood.

The question was moved by Carol Ford, and seconded. There was no debate. The question was called by Robert McClaran, and seconded, and was passed in the affirmative.

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

Three issues were discussed:

1. Mr. Collitt asked about the future of the Road Commissioner's position, with the death of Mr. Edward Wimett. Mr. Ford said that the Board is serving as Road Commissioner as a Committee of the whole, but that later in the summer they would make a selection. He said that they would be very interested to hear from anyone who wanted the job. He went on to say that the Board intends to continue to use Maiden Lane Construction to do Town work, and that Mr. R. Wimett, Selectman, is interested in being Road Commissioner. He said that there is no law restricting a Selectman from being a Road Commissioner at the same time.

2. Mr. Stienzor proposed a resolution that the Selectboard look into having the Fire Department become a part of the Town for budget purposes. He was seconded by Warren King. The resolution was passed by voice vote.

3. William Pierce asked that a letter of thanks be sent to the volunteers who repaired Paul Whittemore's porch. The Board said that they would do this.

Joyce Henderson moved adjournment at 8:56 pm, and was seconded, which was so voted.

Minutes prepared by Timothy Hanson, Town Clerk


William Ford


Ronald Wimett


Laureen Cox

Ripton Selectboard

Freeman Allen, Moderator