

MINUTES OF THE ANNUAL TOWN MEETING 1992

The Meeting was called to order by Moderator Freeman Allen at 9:05pm, immediately after the School District Meeting.

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

Moved by Ida Steinzor and seconded. There was no discussion. Question called by Ida Steinzor and seconded, and voted in the affirmative.

**Article 2.** Will the Town vote the sum of **\$148,515.23** (approximately **\$87,000** to be raised by taxes) to pay General Fund and Road expenses for the ensuing year, & pay outstanding orders or obligations of the Town, with interest, the tax rate on the 1992 Grand List to be determined by the Selectmen, divided as follows?

- a) Roads, including winter work...\$83,400.00
- b) General Fund costs..... \$65,115.23

Article moved by Hal Reed and seconded.

Mr. Collitt asked how the Town is doing in its ongoing tax dispute with Middlebury College. Mr. Ford said that the Town hasn't won yet, nor has it lost. He said that two of the Selectmen and the Clerk had gone to Montpelier to testify to a sub-committee of the Senate Finance Committee, and the Clerk has testified to a sub-committee of the Senate Finance Committee, on H228, the proposed law that would alter the terms of property held in trust, on which most of the Town's case against the College is based. It seems as though the language adverse to the Town will not be included in the Senate bill, and as a consequence both the Town and the College will be playing by the original rules. Mr. Ford added that the College had paid their entire tax bill under protest on November 1st, and that the Town had invested it in a CD, since there was no certainty that all of this money would come to the Town. The Town is now at the BCA hearing stage, with some of the inspections made, and a few more to do. Once these inspections are done, the whole thing will probably end up in court. Mr. Ford indicated that the Board would consider a reasonable settlement offer from the College, but so far they have made none.

Mr. Burrige asked if any other Towns were involved in this issue. Mr. Ford said that there are no other Towns that have trust property, so that the specific trust issue is unique to Ripton. However, Mr. Ford said that the Clerk had been contacted by a Middlebury resident who wanted the history of the dispute between Ripton and the College so that he could bring the issue up at the Middlebury town meeting.

Ben Steinzor asked if the Town would be making a mistake to settle with the College. If the Town's case is strong, why would the Town take anything less than 100%? Mr. Ford said that the Board would consider any offer from the College that was high enough, in order to minimize the chances of losing in court.

Mr. Ford said that the Board intends to continue to pursue this issue, and is interested in the opinion of the Town as to whether or not they should. There appeared to be a general approval of continuing with the course that the Board has taken, though no specific straw vote was taken.

John Merrill asked if the taxes paid by the College was figured in the budget for this year. Ms. Cox answered that it was not; that the funds were invested in a CD, and would not be touched unless the Town won in court. That way, even if the Town were to loose everything in court, there would not be a large sum of money to pay back to the College -- it would already be available.

Carol Ford, School Board Chair, noted that the tax status of the College does effect State of Vermont Aid to Education. If the College property is found to be taxable, then the Town would loose a significant amount of state aid; if it is not taxable, then we would get more state aid. The Town and the School are trying to get clear what happens if the Town loses in court, and the state aid for 1992 is reduced because the College is on the Grand List. The answer is not clear right now. The Board made it clear that if the College gives a gift in lieu of taxes (as opposed to taxes) to the Town the State aid would continue at the higher level.

Paul Berkner asked what the Town had spent in legal fees to date. The Clerk responded that to date he cost was between \$6,000 and \$8,000. Mr. Ford said that once the case gets into court this amount would increase rapidly.

Arthur Lord said that the principle of fairness in taxation is at issue. He said that Champlain College pays taxes to the City of Burlington, so Middlebury should pay Ripton. The College is a business and like any other should pay taxes.

Joyce DiCianna mentioned that she had read the recent article and the editorial in the Addison Independent, and felt that the Town should respond to it to clear up matters of fact and emphasis, and to set out the Town's point of view. The Board said that they planned to write a response.

Once the discussion of the College was over, Mr. Ford brierly reviewed the budget proposal for 1992. There were few questions. Mr. Collitt asked what the plans were for the old office. Mr. Ford said that the Board planned to clean out, renovate (modestly) and then rent the structure. He said that the pace of getting this building rented was slow, but it would happen in the next few months. Mr. Collitt asked if it could be sold. Mr. Ford said that there was a Town vote a few years ago in which the Town decided not to sell the building, and that there were no plans for bringing up this issue again.

Mr. Cox asked why the Town "sweeps" the winter sand off the roads. Mr. Wimett said that sweeping does three things: cuts down on the dust; makes the roads safer, since cars don't slide on the sand when braking; and allows rain-water to flow off the road. Mr. Wimett noted that last year the Town screened its own sand at Sparks pit, which saved money in the purchase of the sand, and reduces the amount of money that the Town has to spend for trucking.

Mr. Collitt expressed his appreciation to the Selectboard for keeping expenses down this year.

Ida Steinzor moved the question, and was seconded; motion was approved, and the motion was carried in the affirmative with no audible "no's".

**Article 3.** Will the Town have current property and personal taxes collected by the Treasurer, taxes due to be paid November 2nd, 1992?

Moved by Gary Whitman and seconded. There was no discussion. Voted in the affirmative with no dissent.

**Article 4.** Will the Town vote the sum of **\$14,495.00** to the Ripton Volunteer Fire Department to help pay the expenses for the year?

Moved by Lewis Burridge and seconded.

Mr. Steinzor asked if anything had been done with the idea of having the Fire Department become part of the Town, with bills, etc., being paid out of the general fund. Mr. Greg Todd, Fire Chief, said that there had been some discussion of this issue, but that it looked as though the department might lose independence on the deal.

There was no further discussion. The article carried by voice vote with no "no" votes.

**Article 5.** Will the Town allow the National Forest to buy or trade for additional acreage in Ripton, on a case by case basis, with the understanding that each acquisition will need the majority vote of the Planning Commission, and the unanimous approval of the Selectmen.

Moved by Mr. Steinzor, and seconded.

Mr. Lord, Chair of the Planning Commission, asked the Board to explain this article. Mr. Ford said that over the past few years there have been several requests from various landowners and the National Forest to allow the National Forest to acquire additional land in Ripton. Most recently, the National Forest has been offered a lot off the Ripton-Lincoln road, to the west of the lot the Town owns, on the Lincoln line. They have some interest in acquiring one of the two Town lots as well. Under the conditions of a Town vote in 1978, the National Forest may not acquire additional land in the Town. Since conditions have changed since that vote, and the times have changed, the Board decided that this was the year to revisit this issue. Mr. Ford made it clear that any acquisition of land by the National Forest would have to have the approval of both the Selectboard and the Planning Commission.

Bonnie Harris asked if land acquired by the National Forest would be taxable. Mr. Ford said that it would not be taxable by the Town, but that the National Forest would pay a yearly amount to the Town -- though this would be significantly less than the current taxes on the land. However, the sale of the lot to the National Forest would take it off the Grand List, and would therefore increase our State Aid to Education.

Gary Ryan asked what would happen to the money the Town got if it sold the land to the National Forest. Mr. Ford said that the Town vote to sell the land two years ago stipulated that the proceeds would be used to decrease the principal on the school bond.

John Merrill said that he had walked these lots in question, and the westerly Town lot that the National Forest is interested in is a beautiful piece of wetland, and would be a good piece of land for the National Forest to manage.

Ross Elliot asked if the Town had considered subdividing the Town lots into affordable sized lots, rather than trying to sell them in a large block. Mr. Ford said that the Board wanted to sell either both lots as a