

**MINUTES OF THE ANNUAL TOWN MEETING**  
**MARCH 1, 1993**

The meeting was called to order at 7:35 by Moderator Freeman Allen. There were about 70 people in attendance -- lower attendance than usual. Without objection from the floor Mr. Allen dispensed with the reading of the entire warning, and began with Article 1.

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

Moved by Richard Kimler, and seconded. There was no discussion. The question was called by Mr. Kimler, seconded, and passed with a voice vote without dissent.

**Article 2.** Will the Town vote the sum of **\$158,182.86** (approximately **\$92,200** 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 1993 Grand List to be determined by the Selectmen, divided as follows?

- a) Roads, including winter work...**\$91,500.00**
- b) General Fund costs..... **\$66,682.86**

The question was moved by Joyce DiCianna, and seconded.

Mr. Ford, chair of the Selectmen, reviewed some of the changes in the budget for 1993. He noted that there was an increase of about \$2,000.00 in the general fund over last year. Some of this increase is from an increase in the 1% of taxes line, which is paid to the Treasurer, since there is an expectation that taxes will increase this year. The BCA line will decrease because there should be many fewer hearings to attend since the Town is no longer at the BCA hearing stage with the College. He said that there is an increase in the Lister's line since there is an expectation that they will be spending more time working with the computer program, and plan a more thorough review of local properties. He pointed out that there might be a need to borrow against taxes this year, as happened last year, and so this line item has been added to the budget.

Continuing with the budget review, Mr. Ford noted that the line for heat for the Town Office has increased to \$1,200, based on experience last year. He said that there is money in the budget this year for a battery back up system for the computer to deal with power fluctuations and possible power outages. There are funds to work on some of the sills and clapboards of the office -- the painters found that there were several areas that had rotted, especially behind the building, where it is always damp and dark. Last year some trees were cut and a diversion ditch was dug behind the building to draw away some of the water to keep the area dry.

The line for printing the Town Report has decreased significantly because the Town is using a new printer. Document restoration continues at the pace of about one book per year. The cost of insurance has increased as it has for everyone.

Mr. Ford noted that the old office has been rented, and the renter pays for utilities as well. He said that New England Telephone is interested in a long-term lease for the building, which the Board is considering.

Mr. Ford said that the Board has increased the legal fees line to \$10,000 this year, mostly due to the pending issue with Middlebury College. He said that in the past the Town has under spent its legal fees budget significantly, but he said that he is not at all sure that this would be true this year.

Ann Barker asked was Errors and Omissions insurance is. The Clerk, Tim Hanson, replied that this is insurance on all Board members to protect them and the Town from any liability associated with their official actions. Mr. Ford added that this insurance would not include negligence, of course.

Mr. Ford said that on page 14 of the Town report it shows that the Town overspent the winter work budget significantly, mostly because of lack of snow and an overabundance of ice. He said it is a lot easier to push snow around than it is to deal with icy roads. He said that the \$26,900 budget for 1993 should be enough if we continue to have a normal winter.

In order to compensate for the overspending in winter work, the Town spent less in the summer, so that the overall road budget was not overspent. The budget is in fact nearly level funded except for the reintroduction of the so-called "Major project fund", which are monies set aside to cover the cost of a large project that might arise. This fund now has about \$22,000 in it.

Mr. Wimett, Selectman and Road commissioner, noted that the Town did not finish stabilizing the Hogback at the intersection of Route 125 and the Natural Turnpike. The plan is to cover the bare earth with a geotec matting, after the State finishes redoing the intersection.

Mr. Ford noted that there is \$16,000 dollars in the budget for paving. Mr. Wimett said that the paving has been on a seven year cycle, which is ended this year, with all the roads that were already paved having been repaved. The thought is that next year the Town would take all or most of these funds to spread a great deal of gravel on the gravel roads to upgrade them. He said that the Town will consult with Mr. Woods, District Highway supervisor from the State of Vermont, who has a great deal of experience with these issues. There are funds in this year's budget to crush additional gravel from Sparks pit for spot work this year.

Joyce DiCianna asked what "upgrading" the gravel roads entailed. Mr. Wimett said that this means adding additional gravel, cutting trees by the side of the road, and doing additional ditching. He said that we will continue with the roadside ditching program.

Joyce Henderson asked if there was a true need for the battery back-up for the computer. She said that if there is routine back-up on disks, there should be no need for this item. She said that she was aware that this was a small item, and was not really concerned about the money but felt that there was probably a better way to spend it. Mr. Hathaway, Town Auditor, and primary computer consultant for the Town, said that a batter back-up could save time if it prevented data from being lost, and can extend the life of the computer, since it would also act as a line conditioned, keeping the incoming electric current at a constant voltage.

Richard Collitt asked the Board to review the tax dispute with the College. Mr. Ford said that the College has paid the Town for two years now, but under protest, so that the money is not really available to the Town. Mr. Ford said that there is a court date set for later this year, in the fall. He indicated that there are ongoing negotiations between the Town's lawyers and the College's lawyers, but so far there has been little movement. In fact, there had been a five month delay at one point as the Town waited for them to make a counter offer.

The Town's first "offer" was complete taxation. The College countered (after a long delay) with an offer of \$32,000.00. The Town countered with an offer of approximately \$108,000.00. Several months before Town Meeting the Board asked the College to make their "best offer" in time for Town Meeting so that the Board would have a number to bring to the Town. This they did -- just today -- , but the offer was the same \$32,000.00 per year, though they agreed to increase this annual payment by 3% per year. This offer is far short of what the Board feel is an appropriate offer.

Fran McIntosh asked what an appropriate offer would be. Mr. Ford said that this amount needs to be kept secret from the College, since we need not show our hand completely.

William Pierce said that the College needs to compromise. The Town should not compromise further, since compromise may not be in the best interest of the Town. He said that the Town should move swiftly to push this case to court so that we can get a definitive answer from the court as to what is taxable. Tim Hanson, Town Clerk, said that the problem is that there will probably law changes in the future which will make it unclear again what the law is.

Leo Hotte, who is in charge of maintenance at the Breadloaf Campus in Ripton for the College, asked how far the Town was willing to take this case, since he had been told that the College would take this case "all the way" if they lost in the local court. Mr. Ford said that the Board was working under the assumption that the Town wanted them to take this case to the bitter end, since that was the sense of the meeting last year. He said that the lawyers estimated that the cost for this would be at least \$25,000.

Joyce DiCianna said that she had some concerns about letting the case drag out for years. She said that the School is losing state aid to education every year that the College is listed on the Grand List. The state division of valuation and review have stated that they will hold the Grand List open until the case is resolved, but there is no absolute guarantee that the funds the Town has not gotten will be paid out. She said that College alumni and others should meet with the new administration at the College to see if there is any way to resolve this issue without going to trial.

Ann Barker asked if court costs will be greater than what the Town gets in payment. She asked if the Board had considered a cap on legal expenses to limit the possible exposure to overwhelming costs. Mr. Pierce said that he felt that the key element in all this was to get an answer in law, and that these legal costs will be amortized over many years. Arthur Lord said that the idea of compromise in this case has a sour sound. Mr. Burridge said that he felt that it is important to find out what the legal liability for property taxes the College has to the Town.

David Disque said that he favored some sort of reasonable compromise, in part because he wanted to salvage as much good will between the College and the Town as possible. Fran McIntosh said that if we push the court case all the way, and lose, we will have lost our legal fees, any settlement they were willing to offer, and all the good will of the College. Some compromise is indicated, she said.

Peter Crone said that the use of the lands the College holds in Ripton has changed over the years. They now have a cross country ski area that is open, for a fee, to the public, and they have as well a large number of for fee seminars and conferences. The operation there is much more of a for profit enterprise than it was before.

Jane Phinney said that perhaps going to the press is not a good idea right now, but that we should be talking to trustees, the new president of the College, and other, so that we are sure that the whole story is getting out.

Rosalyn Chirnoff said that she feels that the College should pay full taxes, since there are other non-profits in the area that pay full taxes as well -- ACCAG, for example.

Mr. McClaren reminded everyone that 90% of all court cases are settled before they go to court. He indicated that this would be so in this case.

After this discussion the question was called by Philip Coleman, seconded, and voted in the affirmative, with no "no" votes.

**Article 3.** Will the Town vote to have current property and personal taxes collected by the Treasurer, taxes due to be paid November 1st, 1993?

Moved by Mr. Burridge, and seconded. There was no discussion. Question called by Perry Hanson, seconded, and voted in the affirmative.

**Article 4.** Will the Town vote the sum of \$12,959.00 to the Ripton Volunteer Fire Department to help pay the expenses for the year?

Moved by Richard Kimler, and seconded. There was no discussion. Question called by William Pierce, and seconded. Article voted in the affirmative.

**Article 5.** Will the Town allow the National Forest to acquire a privately-owned 100 acre woodlot, located approximately 1200 feet west of the Ripton-Lincoln Road, on the Ripton-Lincoln border?

Moved by Jean Ryan and seconded.

Laureen Cox presented the article to the Town. She said that the issue was brought up at last year's Town Meeting, where the Board asked for a general approval for the acquisition of land by the National Forest. This article was defeated, so this year the Board, after another request from the National Forest, is asking for approval for the acquisition of a particular parcel. She showed a map which outlined the parcel, which is located on the Ripton-Lincoln

road on the border with Lincoln. She said that the parcel is very wet, has limited future development, and would have minimal impact on the Town tax rate.

Warren King said that current taxes on the property is \$1,333. This would be offset, he said, by the \$125 that the Town would get from the National Forest. Further, as the Grand List drops, State Aid to education increases by between 50% to 75% of the amount lost in taxes, so the Town would get an estimated \$650 in additional state aid. Further, the proposal to the land owner would include a one-time payment from the landowner of 10% of the purchase price, which would bring the Town approximately \$250 in additional income, further reducing the tax loss. He also pointed out that the land itself is very wet, and unlikely to be used for development. The National Forest is in a good position to manage this type of land. Regardless of the tax loss to the Town, the fact is that this land had natural resource value, and should be protected. The Forest Service wants the land to consolidate their holdings, rather than to extent them. The acquisition of this parcel would reduce their surveying costs considerably.

Kim Kimler asked if the national Forest was interested in the Towns lot that is for sale. Ms. Cox said that the parcel is on the market, listed with a new agent, and there are hopes that it will sell.

Joyce Henderson asked if this was a one time deal. Ms. Cox said that this is how this is being presented at this meeting.

William Pierce said that he felt that the Town had made it clear at least two times that the voters did not want to loose more land to the National Forest. He said that this sale would set a precedent which he does not approve of, since they already own 2/3 of the land in Town.

After this discussion the question was called by Philip Coleman and seconded, and the article was voted in the affirmative by voice vote, with a number of people voting negatively.

**Article 6.** The State of Vermont and the Town plan to reconstruct the intersection of Natural Turnpike with State Route 125. Will the voters of the Town approve relocating the memorial monument to the lawn beside the Community House? (For further information, see the Selectmen's report).

The Article was moved by Joyce Henderson, and seconded. Joyce asked why this was being done. Mr. Wimett said that it was an issue of safety. He said that he had met with the State's engineers, who agreed that this intersection is dangerous because there is a very poor line of sight for cars coming onto Rte 125 from the Natural Turnpike. They will reconstruct the intersection into an "T", rather than the "y" it is now. Mr. Hanson, The Town Clerk, noted that he gets calls and complaints from residents about close calls people have had at this intersection.

Arthur Lord asked if there would be any further changes in the embankment. Mr. Wimett said that all the excavation had been done, but the bank would be seeded over.

Ray Hathaway asked if other locations had been considered. Mr. Ford said that the Board had considered many locations, and had settled on

this one. Other locations considered included in front of the old office, in front of the new office, dug into the bank itself, amongst others.

Mrs. Malzac expressed concern that the Town was proposing to change the Hunter's driveway (her sister's) without consulting them. She said that the proposed change in the driveways as sketched in the Town report is unacceptable to them. The Clerk said that he had been in contact with the Hunters several times, and that they were aware that a change was likely, and that the sketch in the Town report was a rough sketch that was subject to change.

Charles Wade suggested that the monument be moved to the new school.

Susan Collitt asked if this project was being forced on the Town by the Sate. Mr. Ford said that the Board has encouraged the State to look at this intersection because it is dangerous. The State made all the other changes in the road without any input from the Board, and they are the ones that designed the intersection.

At this point a straw voter was taken to see which options the Town preferred. On a show of hands the Community House site receive 28 votes, the old office 10, and the new school 6.

After this vote Tammy Snyder called the question and was seconded, and the article was voted in the affirmative with a few nos.

Article 7. Any other business proper to be done at this meeting.

Mr. Ford announced that the Selectmen were inclined to have the Town use the Addison County Solid Waste District transfer station once it opens this fall, since there are doubts as to the long-term viability of the Salisbury Landfill.

After this discussion Kim Kimler moved that the meeting be adjourned, and was seconded. The meeting was adjourned at 9:06 pm.