

Weare Open Space Committee
Minutes
December 7, 2005
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This evening's meeting was conducted out of sync with its normal schedule in order to expeditiously address the Frank Ferrante Project – there is a limited time frame involved on this project.

In attendance were: John Ciampi, Steve Najjar, Mike Boyko, Andrea Alderman, Pat Myers, and Andy Fulton.

Guests this evening included: Kate Garrett, project manager for the Trust for Public Lands; Paul Doscher of the N.H. Forest Society; Carol Hall of the Russell Foundation; Margaret Watkins' of the PWA; Neal Kurk, Tom Carr, chair of the WCC; and Helene Kurk, currently a member of the Select Board.

Minutes Review – The members reviewed the minutes of last OSC meeting of 11-22-05, and the following change was made: to correct the spelling of *Ferrente* to *Ferrante*. Pat made motion to accept the minutes as amended, and Andrea 2nd. All voted to accept the minutes as amended, and the motion carries.

Discussion of the Ferrante Project – Kate Garrett opened the discussion by introducing herself, and giving a brief overview of the objectives of the Trust for Public Lands. As for this evening's discussion, and more immediate objectives, Kate talked about developing a transaction with Frank Ferrante; exploring possible funding with other groups, such as the Russell Foundation; acting as a liaison between Frank and the Town; guiding the Town in floating a bond; and working with the BOS to insure a successful interaction with the Town on this matter. Ms. Garrett appraised the gathering that a very important concern is the restricted time frame involved, and whether this project can eventuate after the Town vote in March. Kate stated that an offer was made to Mr. Ferrante, by the TPL, who has neither accepted nor rejected it. A personal issue with Mr. Ferrante is complicating this project to the degree that it may not finalize. Kate continued that various options are included in the offer made to Frank, and one objective we must conclude this evening, Kate continued, is to decide at what point in this process we break away and terminate this project. Mr. Ferrante indicated he will go ahead and develop his property if the land is not purchased for conservation. Currently Mr. Ferrante is delineating the wetlands on his property which would be of value to him if he continues to go forward and subdivide.

Kate Garrett noted it is essential to schedule dates tonight so that this project can continue to move forward. Helene Kurk stated that a warrant article concerning the bond issue must be submitted by January 10. It would then proceed to the deliberative session where it will be debated and possibly amended, in which the dollar figure could go up or down, and then voted on in March. Kate mentioned that any contract made at this time cannot be consummated for at least a month because of interactions with lawyers and other finalities. Neal Kurk added that in order for this project to be realized, all the essentials need to be in place. Steve propounded that a public hearing is needed on the bond issue at least 15 days, and not more than 60 days, before the deliberative session, in accordance with the BOS and Municipal Finance Act. Neal commented that the deliberative session can only amend, not reject the bond proposal. Ms. Garrett proffered that the TPL can assist in organizing this campaign and also to have a draft contract from Mr. Ferrante ready by January 10, but hopefully sooner. She added that securing an appraisal is an important factor before seeking a bond. Neal Kurk broached the topic that some towns have instituted a generic bond, for

instance, between \$3-5 million, in the event a certain property becomes available for conservation in between town meetings. Kate countered that this idea is a harder sell to the Legislative Body than if they are asked to support a particular parcel. Also, Kate added, bonding is a technical issue which mandates having the funds earmarked for an absolute acquisition.

Paul Doscher mentioned that the warrant can be pulled anytime up to the 10th of January, and, he continued, there are more now than 50 towns that have passed bonds for open space, and significant success occurs when the BOS, Conservation Commission, and Finance Committee collectively confirm the bond and initiate a concerted campaign (with emphasis on *concerted campaign*). Tom Carr stated that he expects \$315K to be transferred into the Conservation Fund, raising that figure to more than \$550K., and Steve supplemented that there is approximately currently \$80K in the Town Forest Account. Neal Kurk raised the cautionary flag of negating the conservation coffers. He advanced that the bond should be closer to the full range required, because, he explained, that if the bond were to pass, the additional one half million would not matter. Consensus countered that the tax impact is the issue here. Steve provided some tax statistics: on a \$200K assessment, for the first fiscal year, with a \$1.5 million bond for 20 years, the tax impact is \$76.00, which is \$.38 per \$1K assessment; for a \$2 million bond the tax impact would be \$100.00 for the same scenario. Kate made the suggestion of keeping the bond value conservative, and explaining to the tax payers how it will be settled. Mr. Doscher explained that if the Conservation Funds are not expended, the tax payers may question why their conservation tax dollars are not being used for projects such as this one, and will remember this the next occasion they are asked to support a conservation project. But, he added, the conservation funds do not have to be liquidated completely.

Kate called to mind that Mr. Ferrante will not receive fair market value for his property, but he understands he will qualify for tax alleviation. Although funds are currently tied up, Steve mentioned he applied for an LCHIP grant for the amount of \$500K. If the closing does occur, Ms. Garrett speculated it will not happen until the summer of 2006. Carol Hall, representing the Russell Foundation, stated that she is here this evening to observe this project as it presently evolves, and to provide any information that may be used for technical assistance; however, she added, there is the possibility the Russell Family would succor financially in the future. In continuing her discussion, Kate pointed out that the final contract parlance will be in partnership with Frank and the TPL, and will be contingent with the amount of the bond, exclusive of any real estate. Steve stated there will be a public meeting with the BOS at 9:30 P.M. on Monday, December 12, and will hopefully include other interested boards along with public participation. Mr. Doscher disclosed that he, Dick Ludders, on behalf of the John Stark School Board, along with Steve Najjar, walked a portion of the Ferrante Property and also the piece of property that abuts John Stark Regional High School. They determined that the portion of the land that John Stark High School is interested in, because of its ledge composition, is not suitable for any type of athletic fields, which was the School's intent. Kate mentioned that Mr. Ferrante has not placed any restrictions on his property because it will reduce the value of his land.

Neil advocated issuing an informational press report to coincide with the BOS meeting on Monday so that the tax payers do not feel they are being overwhelmed with more tax burden, but rather hopefully come to understand that this project is in their best interest as a long term asset and investment for the Town. Neil asked if there will be any additional financial outlay associated with this project, to which Kate responded there will be legal fees incurred with fashioning the easement contract. Tom Carr mentioned that Art Siliciano, local surveyor, will begin flagging Mr. Ferrante's land in January. Mr. Kurk submitted the issue of specialty end use, such as snowmobiles, ATV's, hunting, and to what degree they can use the proposed conservation land. The Conservation Folks present explained that the end use can be written into the final contract. Paul Doscher feels it may not be wise to generate two separate warrant articles – one to purchase the property and another to convey an easement

on it- because it could confuse the voters in March. Neil suggested placing on ballot the purchase of the land the first year, and then on the following year asking the voters to place an easement on the property; reasoning given that doing too much too soon may intimidate the voters, dissuading them from conservation issues. Paul suggested that the initial phase should be to ask the voters to purchase the land for open space purposes, and then later, ask them to accept whatever is deemed apropos for conservation purposes. Steve argued he would like the land to be designated as Town Forest, but unanimity from other attendees discouraged that proposition; instead, it was suggested to leave the end use open, at least for now, in order to draw in more supporters from the various local organizations. Mike commented he doesn't feel the Committee is ready to go public on Monday night, but Steve countered the time frame is too narrow to delay longer.

At meeting's end, Kate pledged to continue dialogue with Frank Ferrante, and to begin preparation for Monday's BOS meeting. Pat moved that the Committee craft a warrant article to designate floating a bond to be used to purchase the Ferrante Property for \$1.5 million, and the property to be used for conservation purposes. Mike 2nd it, all voted in favor, and the motion carries. The members then briefly discussed writing an article on the purchase of this land, enumerating the benefits it will extend to the Town, to be published in the Weare Free Press by Friday. A motion was made by Andy to authorize the Committee to write an article to the local tabloids, 2nd by Andrea. All voted in favor, and the motion carries.

Oliphant Property – Joe Fremeau, an appraiser from Manchester, was contacted by Mike Boyko, and Mr. Fremont quoted 8 – 9 weeks to begin his appraisal. Mike is waiting to hear back from him with a charge fee. Pat suggested that we recontact another appraiser, Scott Heath, and to give him explicit instructions on what the Committee wants accomplished in the appraisal. Steve feels that Mr. Heath doesn't have adequate creditability to satisfy him on the Oliphant Project, referencing his performance with the Bolton Property in which Mr. Heath did not visit the site and only preformed a paper exercise. And Steve continued if Mr. Heath doesn't want to conduct the appraisal on the Oliphant Property, then we should move on to another appraiser. Mike stated that no matter who we choose for an appraiser, the standard waiting time is 8 -10 weeks. Mike added that Joe Fremont assured him he will call tomorrow with a disclosed fee. Andrea questioned why we couldn't wait until spring for the appraisers to complete their work, to which Mike responded that in the meantime Mr. Oliphant will be moving forward with his plans of setting up a subdivision. Steve made the point that the appraisers need to be aware that Tiffany Hill Rd. needs to be upgraded to a class 5 road, and the perspective appraiser has to evaluate the access road on Tom's property to ascertain if it is valid. Steve feels the central issue here is the zoning. Mike feels the crux of this matter is whether Mr. Oliphant can develop two acre lots on a gravel road; and if not, the cost of the upgrade to the road must be included in the appraisal figures. Steve read the zoning ordinance 14.1, page 11, which states "land on class 5 streets which are a gravel surface and maintained by the Town may be subdivided with a minimum lot size of 10 acres".

Adjournment – Pat made motion to adjourn, 2nd by Mike. All voted in favor, and this evenings meeting is adjourned at 9:15 P.M.

Recorded as a True Record,

John Ciampi
Recording Secretary

cc: Tina Pelletier
BOS
OSC files

Town Clerk