

TOWN OF GROTON  
SELECT BOARD MEETING  
July 25, 2017

**In Attendance: Kyle Andrews, John Rescigno and Sara Smith (Administrative Assistant)**

**Absent: Christina Goodwin**

**Audience Members Present**

John called the meeting to order at 7:01pm.

**MINUTE APPROVAL**

**John motioned to table the Work Session minutes of June 20, 2017 until the next meeting, Kyle 2nd, so voted.**

**John motioned to table the Non-Public Work Session minutes of June 20, 2017 until the next meeting, Kyle 2<sup>nd</sup>, so voted.**

**John motioned to approve the Work Session minutes of July 11, 2017, Kyle 2nd, so voted.**

**John motioned to approve the Non-Public Work Session minutes of July 11, 2017, Kyle 2nd, so voted.**

**John motioned to approve the Select Board Meeting minutes of July 11, 2017, Kyle 2<sup>nd</sup>, so voted.**

**OLD BUSINESS:**

*Kimball Hill Property*

Mark Zankel, the State Director of The Nature Conservancy (TNC) for New Hampshire, introduced himself and Jan McClure, Director of Land Protection. He thanked the Town for letting them come to talk about the possibility of working with the Town to conserve the lands on the Kimball Hill property which is currently owned by Timbervest. The land is being marketed by Landvest in a sealed bid process with the bids due August 10<sup>th</sup>. They know that the Town has been involved in a long standing conversation and has done a lot of work in the past to protect the land. Their hope through the bid process, and discussions with the Town, is that they can bring a conservation outcome across the finish line. He is here today to talk about what the Nature Conservancy (TNC) is, how they are approaching this project, answer any questions the Town has and hear what is on the Town's mind so they can go into the bid process with as much information as possible about the community's interest.

The Nature Conservancy of NH is a nonprofit conservation organization that works to conserve land and water with their first project in NH back in 1961. Since then they have with partners and communities across the state to protect nearly 300,000 acres of land. They manage and own 29 conservation areas around the State totaling around 26,000 acres. They hold conservation easements and other conservation restrictions on another 45,000 acres around NH. The lands are open to public for public access and for traditional recreation use such as hunting, fishing, hiking, cross country skiing, snowmobiling on designated trails.

Since they have learned about the Kimball Hill property and the sale, they have been exploring prospects on how they can contribute to conserving the land. That exploration has consisted of visiting the property, talking to people involved in past efforts, talking to potential funders, getting updated information on what the property worth and working internally with their Board of Trustees. Since they are a nonprofit, they need to

approve all of the projects. They are currently developing the details on what a bid would look like. Their goals are straight forward which is to conserve the land, provide for continued public access and traditional recreational uses, protect water resources and ensure a sustainable forest management. He said if they are successful with a bid on the property they would look forward to coming back to the Town sometime in the fall and working closely with the Town to figure out how to best meet the conservation goals. They can envision multiple conservation scenarios such as a community forest or some other conservation ownership and outcome. Right now their focus is how to assemble a competitive bid and acquire the property. If they can do that then they will figure out what the best outcome would be to meet all the goals for the community's interest.

Mark wanted to open it up to the Town to see what the Town thinks of the property, what are the Town's primary interests, who else they should be talking to as they develop a bid, and if there is anything else they should know.

John asked- *"If TNC won the bid, would you sell the property to the Town? Is that how it would work?"* Mark said that if the Town wanted a community forest then they would be happy to work with the Town on that or they could put a conservation easement on it and sell it to the Town.

John wanted to let everyone know where the Town stands financially right now. There are a lot of important projects going on that the Town needs to worry about. There is the road project that is going on that was voted down at the Town meeting because the taxpayers didn't want their tax money to go up. He just doesn't see how the Town can come up with the money for this project nor does he think it is fiscally responsible of the Town to do so. John completely supports conservation and preserving land and if the Town could afford the property he would be 100% behind purchasing this but when the Town has roads that need to be repaired, a Town building that needs to go up and a bridge that is being repaired, he just doesn't know how the Town can come up with the money. He is afraid this property could bankrupt the Town. John wanted to stress that he is a member of the Conservation Committee and he totally supports all conservation he just doesn't know how the Town can afford it at this time. Mark hears these concerns as he is on a Budget Committee for his hometown, but he has some thoughts to consider. They are open to a Town Forest if the Town wants to do that later on. They are also open to conserving the land and managing the land. They have done both, they have purchased land and conveyed it out to communities and states and they have purchased land and retained ownership. It all depends on who is funding it, what is the community's interest, etc. Their first goal is to get the property purchased. They would not go into it counting on the Town to buy the property from them.

Sara asked- *"Does this mean you would not need a non-binding letter from the Town to move forward?"* Mark said that they would not need this letter to move forward. Sara asked if the Town isn't interested would they still move forward with the bid. He said they would still be interested in the property for the idea of conserving the land.

John mentioned that if they purchased the property and held on to it then the Town and the community would be behind preserving the property. The Town is supportive of conserving the land. Mark said that he thinks it would be good in the future to approach the Town with ideas and move forward. Mark thinks it will not cost the Town the amount that we are all thinking because of past negotiations. They would put a conservation easement on it, which would bring the value of the property down and then do fundraising with State grants, public grants, etc. He thinks we would be surprised and there may be an opportunity for the Town to have this as a community forest at a lower cost than what was discussed in the past but they are also still trying to figure out a bid. He said it is a conversation that TNC would be open to in the future to let the community decide what they would want to do. John said he definitely knows the Town would be behind the conservation of this property but it would be at what cost that would be the issue. Mark said it is great to hear the Town would

support this because that is the first step. They have no idea who else may make bids on the property. As a nonprofit organization they can only bid based on what they can justify is a fair market value of the property.

Sara asked- *"If you purchase the property and in a year or two the Town is interested in buying it, are there are any additional costs to the Town for holding the land?"* Mark said he would need to get back enough to pay off loans and project costs but there are other ways to recover these costs and keep the costs as low as they can for the Town. They have found potential funding and they go to NH Fish and Game, Investment programs, private donors, and the community and piece it all together so at the end of the day they can pay off the loans but keep the cost as low as they can for the Town. He cannot promise what it will be at this time because he doesn't know but they have identified some funding that he believes would be interested in this.

Lou explained we had a presentation last time with Sally from The Conservation Fund (TCF). Lou asked if they could explain the differences since both TNC and TCF are both interested in making a bid and have access to the same funding. There are a lot of similarities and both organizations have access to the same things. Mark explained that he doesn't want to speak for Sally. They are both conservation organizations and they have communicated about this project along with many others and work together on projects quite often. He can only talk about what TNC does, which he already has, but he will let Sally answer as well.

Sally thanked Mark for bringing up the costs and the other funding sources as she was going to talk about this tonight. Sally explained that her company would approach the project the same way that Mark described including all of the funding but the main thing that is different between the two organizations is that her organization wouldn't be a long term land holder as that is not what they do but that is what TNC can do. Sara asked if this is why TCF needed the non-binding letter but TNC does not. Sally explained that this is exactly why.

John said the Town is interested in the property but it falls back down to the cost. John said that if there is no cost to the Town then the Town would recommend for them to make their bids and the Town supports this and would be willing to meet with whoever wins to discuss options at that time.

Lou stated that his only concern is the conservation of the land. He has no allegiance to either organization but wants to look at the outcomes that are possible and supports both companies since their priority is to conserve the land. Lou explained that TNC is here today to work on a relationship with the Town that they would like to have but they don't need it to proceed. TCF does need an endorsement that we are interested and willing to try. Lou said that if we don't try because we cannot make it work due to costs, etc., it will still be the same outcome. If the Town doesn't purchase it, then the TCF will find a new owner. This new owner will be constrained due to the conservation easements that will be sold on the property which will not allow them from building condos, airports, etc. To the Town, it ends up being about the same. Lou is arguing that that there is zero risk for the Town at this time with both companies, even if there is a nonbinding letter of agreement involved. We do not know which organization will win the bid so having both companies making a bid helps the Town so he thinks we should move forward with the nonbinding letter in case TCF wins the bid. Limiting the number of bids will increase our risk of someone else getting it.

Lou asked TNC- *"In specific terms given the various usage of the land, what sorts of things are off the list for Town usage?"* Mark states it would all depend on the outcome. If it is a community forest it would be up to the community. It will have a conservation easement on it and there will be goals set up for that. Currently with the lands that they own they don't allow ATV use but that is because the areas they are in and they haven't been a traditional use on the properties they have acquired in the past. This is something that can be discussed and could be allowed if the Town thought it was necessary. They currently also do not have horseback riding on any of their properties but for the same reasons he mentioned above but that doesn't mean they will not it

allow it, it just hasn't come up. He understands this has been a tradition here but it hasn't for any of their other properties so that is why they haven't had it.

Miles wanted to address the comment that John made earlier about the Townspeople voting down the road project because the taxpayers didn't want their taxes to go up. He said to be fair, the road project wasn't done this year because the Select Board chose not to put it on the warrant because of the bridge project, which was a large amount of money. Then there was a move to resurrect that during Town meeting which failed. Miles stated he was one of the ones that opposed it and spoke against it because it would have been another almost \$150,000.00 on top of the almost \$250,000.00 for the bridge and this was on top of a budget that had already increased from the previous year so he thought it was too much to do all at once which others agreed and that is why that failed. Miles stated he has been a supporter of this property from the onset and there are a bunch of reasons why and it isn't going to bankrupt the Town. Miles explained that he was involved and part of the research he did was contacting a bond bank to receive different scenarios on different payment options listing different terms, purchase prices etc. and it is doable. So far the wind money has been used to a great extent to offset the tax rate. The Town's portion of the tax rate was \$0.40 per thousand. Miles thinks we can do both, the road construction and make this purchase. It balances the interest of the Town moving forward. If we wanted to bring all Town roads up to spec we could do with the wind money but he thinks this would be a mistake because at the end of the day we will have roads that are in great shape but going forward they will continue to need maintenance. This opportunity brings the Town a way to generate revenue based on sustainable harvesting of the land. It becomes a valuable asset of the Town that only increases in potential value as we move on. This allows the Town an opportunity to invest in itself and invest in its future because this property needs some maintenance going forward but not nearly the amount of maintenance that the roads would. Miles thinks we should focus on how we can best use the revenues of the wind farm while we have them. Miles thinks we should present it to the Town to vote.

John mentioned that an expense will always be an expense and purchasing the land will create an expense and a higher expense. Roads do need repair and will always need repair but to create another expense will increase the taxes no matter how you look at it. The money from the wind farm is spent to offset the taxes and if we increase our bills then our taxes must go up. Miles stated that the money from the wind farm is not spent already for previous years and it can be decided not to use it to offset the tax rate. It is only spent if we continue to try to keep the Town's tax rate at \$0.40. John mentioned the taxes will go up if we purchase the property. He stated he is not against purchasing the property but he has to balance it against the other projects, the taxes, what the people can afford and what the Town can afford.

Kyle mentioned that his issue with this piece of property is that he feels that we are being rushed into it again and he doesn't like that. Miles agreed and said he understands this is where Kyle is coming from but this is the way it presented itself at this time.

John said that if someone wants to bid on the property, we are all for sitting down with them and working it out depending on the costs. Also, John explained we do not know what the amount they will come up with will be and we don't know grants and funding so it is hard for the Town to agree or commit to anything without knowing this.

Lou said that the letter does not hold us to the property, which is why it is nonbinding. This does not put the Town in or hold the Town to anything. One group is not asking for anything. The other group is just asking for us to say we want to be in it but we may not be able to. There is zero risk in this. This letter just increases the probability that one of these two organizations will get the property. We can say a year, two years, etc into it that we cannot put this money out and that will be okay. John said that unfortunately when people put out millions of dollars they want their money back.

Sally explained that if they moved forward with the bid they would need the letter. Then they would move forward with the appraisal, they would have nonpublic meeting to discuss costs, which would be fair market value, etc. We would see all numbers, grants, etc. That way we would know the highest and lowest of what they would be bidding. If they did put in a bid and won and then the Town isn't interested in committing then they would seek the ultimate conservation outcome which could be TNC or other conservation outcomes. Sally said it is a great opportunity for the Town with two strong national organizations and she does understand that it feels rushed.

Lou stressed again that the Town would have the right to walk away without consequences. With either company we are not held to this, it is a no risk deal. John said we need to clearly see this stated. Lou said then the Town can even write the non-binding letter of intent ourselves to make sure it states what we want it to say. Kyle confirmed that TNC didn't need the letter of intent, just the TCF and this is correct. Kyle explained that ultimately he doesn't want the Select Board to be the one to make the decision for the amount of money and he would want the Town to.

Slim wanted to point out that the property is more special than some people even know about. He knows the property well and he rides it all the time with his horses. The horse campground in Town also uses this property all the time so there is a presence there historically. There is a section that is considered a virgin forest which is 26 acres that has never been cut. That is something that the conservancy has always been interested in and they jump in across the country to save places like that.

Miles wants to add that he thinks it is premature to pull the plug at this point. Miles said he was getting the idea that this wasn't going to go forward. Miles would hope that would be more research, grant funding, etc. before any decision is being made. He would like the numbers being looked at and investigated. He has tax bills from when his parents owned the house. There was a year in the 80's when the tax rate was \$30.00 per thousand. The building we are in now was in the area of \$250,000-\$300,000 that was funded in short term due to the issues with the old building. Miles doesn't think that the Townspeople are not willing to fund the important projects and he doesn't think he is the only one that recognizes that this can be a very important project. He is asking that the Select Board be a little more open and investigate the cost so they know what they are talking about and then consider whether or not we can do all of the things we are looking to do and look at the grant funding that will offset the costs. John mentioned that he was involved and we didn't know the amounts because we didn't know grants then. We were in the same situation then as we are now. We don't know how much it will cost; it will all depend on donors, grants, etc. We just don't know. Miles said he is assuming because he doesn't know that he has the funding for the full purchase price but Miles is telling us if you look at the numbers that the Town has the ability to do this. John said we understand that but we want to make sure that the Town has a clear path out. Miles said that is what Sally has said will happen. John explained it has been in writing and agreed upon. So far the first draft didn't even say it was non-binding; we had this added and sent it to our attorney and our attorney still isn't comfortable with everything as it is written in the letter and it still isn't a clear path out. Lou said then to add what we need in there. John explained we will. John said we have entered into contracts in the past that have done more damage than good so we want to be sure. Lou said this is not a contract. John said that once you agree to something and there are signatures then it is binding and is a contract to a certain level.

Sally said that she will say that they are not going to sue the Town. Sally wanted to explain the need for the letter because she agrees that anything that is in writing that contains a signature from two different parties carries the weight of import and she values that the Town find this important. It is important for her to hear that the Town cares if they sign it or not. John doesn't want to give anyone false intent. She is interested in hearing our attorney's feedback. We are coming up to the deadline that we need to act on the letter of intent so if the Town doesn't feel comfortable on the letter tonight then she wouldn't be comfortable moving forward with the bid. Lou wanted to confirm if she needs the letter tonight. Sally said we are coming close to

the deadline and incurring costs. They don't take big actions without a strong partner saying they are willing to commit and if there is this much concern then she hears that. John mentioned it is not that we are not interested it is just that we need to make sure that the letter we sign works for her but also works for us. She understands it is a lot to look at in a short period.

John mentioned that we are interested in the property and that we can work with the company that wins the bid to preserve the property.

Lou asked if the Board is going to look into what is acceptable for a letter. John said that we will talk about it. Lou asked for a timeline. John asked what the drop dead date that she would need it would be. She said they would need it within days. Kyle said it would be up to how long the Town's Attorney can get it back to us. Sara explained that she will send the letter to the Attorney tomorrow, asking her to tweak it so the Town is more protected and explaining it is a high priority.

Sally asked as a follow up due to investing funds; how do we feel about working with them. John mentioned that they would love to work with anyone who has the best interest of conserving and preserving the land. We understand that it is valuable.

TNC said if any other questions don't hesitate to contact them.

#### *Thank you Letter-Nedeau Lane*

The collapsed building on Nedeau Lane was reported as resolved. The Select Board was supposed to review the location to confirm. Kyle did drive by and confirmed that the trailer has been removed but the frame is still there. **John motioned to sign the thank you letter for Nedeau Lane, Kyle 2<sup>nd</sup>, so voted.**

#### *Excavation Issues*

There have been some ongoing excavation issues with a property owner in Groton. We have been working with Mary Pinkham-Langer from the Department of Revenue (DRA), and it was delayed from last year due to weather, etc. Christina recommended that the Board members review RSA 155E to be clear on the steps. Sara has sent this RSA to all Select Board to review. It was agreed this should be tabled until next week when all of the Board are here to discuss. **John motioned to table the excavation issues until the next meeting, Kyle 2<sup>nd</sup>, so voted.**

#### *Electricity at Park*

The Town of Groton had requested a quote from NHEC to put electricity at the Park. We received the quote a while ago and need to make the decision if we are going to move forward with installing electrical at the Park or not. **John motioned to table the electricity at the park until the next meeting, Kyle 2<sup>nd</sup>, so voted.**

#### *Cameras at Highway Garage*

Dave Switaj submitted a quote to the Select Board to install cameras at the garage. He is waiting to hear from the Town if he should install them or not. The cost is \$299.00 for the four camera system. **John motioned to approve the installation of the cameras at the Highway Department, Kyle 2<sup>nd</sup>, so voted.**

Ann asked if there has been a problem at the garage. It was explained that all Town buildings have cameras except for the garage and it is just to protect the Town from potential issues.

**NEW BUSINESS:**

*Assessing Bids*

The Town of Groton had advertised online, in the papers, and reached out to assessing firms. We only received a bid back from Avitar. Kyle said we should review this and pull the last quote and talk about it at the next meeting. Sara will send the bid to the Select Board. **John motioned to table the assessing bids until the next meeting, Kyle 2<sup>nd</sup>, so voted.**

*Hazard Mitigation Plan*

Christina had mentioned we should put this on the agenda. It was agreed to table this until next week. **John motioned to table the Hazard Mitigation Plan until next week, Kyle 2<sup>nd</sup>, so voted.**

*Septic Plan- Map 2 Lot 115-5*

Hinds Septic Design Services mailed in a Septic Plan and local approval for Map 2 Lot 115-5. All the information is correct. **John motioned to sign the local approval for Map 2 Lot 115-5, Kyle 2<sup>nd</sup>, so voted.**

*Septic Plan- Map 1 Lot 54-3*

Bruce Barnard dropped off a Septic Plan and local approval for Map 1 Lot 54-3. We had signed it last week. There were just a few minor changes made so they dropped off a new one. **John motioned to sign the updated local approval for Map 1 Lot 54-3, Kyle 2<sup>nd</sup>, so voted.**

**Having no other business to conduct, Kyle motioned to adjourn at 8:05pm, John 2<sup>nd</sup>, so voted.**

Respectfully Submitted,

Sara Smith  
Administrative Assistant