

**Town of Chester
Board of Selectmen Meeting
Thursday, September 12th, 2013
Municipal Complex
Approved Minutes**

I Preliminaries

7:00 PM Call the Meeting to Order
Roll Call
Pledge of Allegiance
Chairman’s Additions or Deletions
Public Comment (10 minutes)
Approval of Minutes
Discussion of Spring Hill Farm Trust
Roundtable
Public Comment (10 minutes)
Adjournment

1.1 Call to Order

Chairman Landau called this meeting of the Town of Chester Board of Selectmen to order at 7:05pm.

1.2 Roll Call

Selectmen present:

Joseph Hagen
Stephen Landau
Richard LeBlanc

Selectmen absent:

Joe Castricone
Jack Cannon

Members of the Public present, at various times:

Patrick Connelly
Glenn Crawford, Maggie Mae Farm
Maggie Crawford, Maggie Mae Farm
Jeff Geary, Spring Hill Farm Trustees
Gordon Graham, Town Counsel
Terry Knowles, Attorney General’s Office
Kim Misco
Chuck Myette, Spring Hill Farm Trustees
Leroy Scott
Gary Van Geyte, NH CSA
Brad Wamsley, Spring Hill Farm Trustees
And other persons unknown to the Recording Secretary

1.3 Pledge of Allegiance

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 Additions and Deletions

54 There were neither additions nor deletions.

56 1.5 *Public Comment*

58 There was no public comment solicited.

60 **II. Old Business**

62 2.1 *Approval of Minutes*

64 This subject was not addressed tonight.

66 **III. New Business**

68 3.1 *Terry M. Knowles, Assistant Director Trusts Unit, Attorney General’s Office, Spring Hill Farm Trustees - Discussion of Spring Hill Farm Trust*

72 Mr. Geary, Attorney Graham, Ms. Knowles, Mr. Myette, and Mr. Wamsley joined the Board at the meeting table. The purpose of this meeting was to discuss the Spring Hill Farm Trust.

74 The Spring Hill Farm property was put under a conservation easement with Rockingham County Conservation District before the death of Miss Muriel Church in 2001. In her will she left the real estate to the Town of Chester with the intent that it be used for agricultural purposes, and other personal property to the Spring Hill Farm Trustees in order that they might maintain the Farm.

80 Ms. Knowles has perused the documentation and is of the opinion that the Spring Hill Farm Trust was intended to be a charitable trust, 501(c)(3) . A charitable trust never extinguishes and is not subject to taxes; there is nothing to lose by becoming one. To the contrary, one advantage to becoming a charitable trust is that tax deductible donations can be accepted, which is a benefit to both the Trust and to the donors. Paperwork to become a charitable trust – Form 1023 - has never been filed with the IRS. Ms. Knowles agreed that this form can be difficult for those without experience; she, however, is quite capable of assisting the Trustees in completing it, and willing to do so.

88 As it stands, due to the rule against perpetuity, the Spring Hill Farm Trust will extinguish 21 years after Miss Church’s death (2022); any funds remaining in the Trust will be distributed to the Town’s Conservation Fund and will no longer be available to maintain the Farm.

92 Mr. Wamsley asked why the Attorney who drew up the documents hadn’t filed the paperwork to set it up as a Charitable Trust; the reason for this is unknown.

94 Mr. Crawford stood and was recognized. He and Mrs. Crawford are the tenants of Miss Church’s house. He stated that they operate “Maggie Mae Farm @ Spring Hill Farm Trust” for their own benefit. Should the Trust change their methods, and have tenants that are employees who will run the Farm for the benefit of the Town? Attorney Graham stated that this was not a “should”, but it could certainly be considered. Mr. Myette stated that the Trustees wanted tenants who could operate the Farm and care for the land and animals. The Crawfords’ rent pays for the house itself, and they are able to use the land and equipment for their own benefit; they also care for Miss Church’s remaining animals (three cows) at their own expense. Mr. Crawford noted that the Farmhouse was extremely behind on its maintenance. There is no insulation, no ventilation (which causes the paint to peel), the windows are original, there are cracks in the foundation, etc.

106 There was some discussion about who exactly should be paying to maintain the property. Vice-

108 Chairman Hagan noted that one should expect to spend 10% of the value of a property each year in
110 maintenance. Selectman LeBlanc and Attorney Graham cited parts of the Will and Trust Documents that
112 indicate that the Trust should be maintaining the properties. Mr. Wamsley demurred, stating that the
114 land and buildings belong to the Town, and that the Trust operates the Farm. He does not believe that
116 the Trust should be paying to maintain buildings that it does not own, and cited another section of the
118 Will that expresses a hope that the Town will maintain them. Mr. Wamsley stated that fulfilling Miss
Church’s wishes was paramount. He stated that he would prefer that the Trust pay for farm equipment
rather than the barn roof. He added that preserving the open space was saving the Town between
\$250-700k each year, as 400 acres of new houses would cost that much in police, fire, roads, schools,
etc. Attorney Graham stated that the trust documents seemed to indicate a hope that the Farm profits
would allow it to be self-sufficient; Mr. Myette stated that the Farm does get more sustainable as the
years go on.

120 Chairman Landau asked if perhaps a Memo of Agreement, drawn up and presented to the Legislative
122 Body at Town Meeting, would be a good idea; Attorney Graham concurred. He also suggested that a
124 Capital Reserve Fund be set up for the benefit of the Farm. Chairman Landau stated that the Town has
a CIP; perhaps the Trust could join in on that? One difference, however, is that disbursing funds from
the CIP require a vote of the Town; this is not required for a CRF.

126 Ms. Knowles suggested that all stakeholders sit down together and talk. A long term plan is needed,
128 specifying how many buildings there are, what maintenance is needed and when, etc. She reminded
130 those present that the Town had voted to accept the property many years ago, but what about today’s
voters? Attorney Graham stated that he would be unable to represent Spring Hill Farm directly, due to a
potential conflict of interest, but that he would be able to represent them via the Town.

132 Chairman Landau moved to allow the Spring Hill Farm Trustees to contact Town Counsel at Soule, Leslie,
134 Kidder, Sayward & Loughman; Vice-Chairman Hagan seconded the motion. The vote was three in favor
with Selectmen Cannon and Castricone absent; so moved.

136 Chairman Landau thanked all present for coming to this meeting. Mr. Geary, Attorney Graham, Ms.
138 Knowles, Mr. Myette, and Mr. Wamsley departed the meeting at 8:23pm.

IV. Selectmen’s Business

4.1 Roundtable

Selectman LeBlanc:

- 144 • He had attended last night’s Planning Board meeting as its liaison, and the Lincoln Lane
146 development was discussed. The fence’s owner has removed 16’ feet of fence in order that the
148 Town could access the catch basin, and the drain manhole behind #14 is covered by erosion
stone. There is an as-built certification missing; Brian Sullivan will contact Eric Mitchell. The
road cannot be accepted until this is in hand.
- 150 • There was some discussion at the Planning Board meeting about Stuart Arnett and the Chester
152 College property. Mr. Smith would like everything completed by December 1st, which is unlikely
to happen, and would like the Board’s assistance. Chairman Landau noted that the Planning
Board can hire a planner themselves, but that the Town would not be hiring a planner for a
private individual.
- 154 • He thanked Patrick Connelly for arranging a Conservation Commission meeting and making
156 funds available for the Wason Pond driveway.

Vice-Chairman Hagan:

- 158 • Nothing to report.

160 *Chairman Landau:*

- 162 • The Wason Pond field leveling and road move work is to begin immediately, perhaps as soon as
Monday. There may be grant funds available, as well as highway funds, conservation funds, and
164 • John Colman drove Colin Costine’s trailer with the cannon wheels to Pennsylvania for repair. The
wheels are expected to be back in Chester in November. Both men were thanked.

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4.2 *Public Comment*

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170 Kim Misco stood and was recognized. She stated that she supports Fire Chief Antoine in his participation
in the search for the missing girl in Gilmanton, and stated that any equipment in his vehicle was not
essential to the Town, as it was duplicated in other vehicles.

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As no other members of the Public wished to speak, Public Comment was closed at 8:36pm.

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V. Adjournment

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178 The next meeting of the Board of Selectmen is Thursday, September 19th, 2013 at 7pm in the Meeting
Room.

180 Selectman LeBlanc moved to adjourn the meeting; Vice-Chairman Hagan seconded the motion. The
vote was three in favor with Selectmen Cannon and Castricone absent; so moved.

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The meeting was adjourned at 8:37pm.

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Respectfully Submitted,

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Debra H. Doda