



**APPROVED**  
*July 16, 2008*

INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

**NEWMARKET TOWN COUNCIL  
WORKSHOP  
JUNE 18, 2008  
TOWN COUNCIL CHAMBERS  
NON-PUBLIC**

**Present:**

Administrator Ed Wojnowski  
Chairman Dana Glennon  
Vice-Chairman Judith Carr  
Councilor James Bergeron  
Councilor Rose-Anne Kwaks  
Councilor Michael LaBranche  
Councilor Steve Minutelli  
Councilor Michael E. Ploski

**Chairman Glennon** noted that the Town Council would be going into a Non-Public Session to discuss real estate.

**NON-PUBLIC RSA 91-A:3 II (d) Real Estate**

**Motion:** To enter into Non-Public RSA 91-A:3 II (d) at 6:15pm.

**Motioned:** Vice-Chairman Carr

**Seconded:** Councilor Kwaks

**Vote:** 7-0 Motion carries

Councilor Kwaks	Aye
Councilor Bergeron	Aye
Councilor LaBranche	Aye
Councilor Ploski	Aye
Councilor Minutelli	Aye
Vice-Chairman Carr	Aye
Chairman Glennon	Aye

**Administrator Wojnowski** noted that the appraisal had come back on the McIntosh property; the potential well sight for the Town. The report appraised the well and area surrounding the well at \$90,000. This project would be done in partnership with the Nature Conservancy. If the Council is agreeable, negotiations would begin. Once a Purchase and Sales Agreement was executed an extended pump test will be done to see if this well could tie into the existing well system.

**Dwayne Hyde**, Director of Protection for the New Hampshire Chapter of the Nature Conservancy explained that the total acreage of land the Town would need for the well head protection area would be 8.1 acres.

**The Council** discussed possible treatment of the water as well as location of the existing pipe and where the pipe would be extended.

**Dwayne Hyde** explained that the Nature Conservancy on behalf of the Great Bay Resource Protection Partnership has been working with the Mr. McIntosh and the Town for a couple of years. The Nature Conservancy is interested in the acquisition of the back part of the lot abutting Hersey Lane. The Nature Conservancy hopes to acquire the land in fee as well as acquiring a forty-six acre easement. This easement is predicated upon the Town acquiring the 8.1 acres. The Town would also have a right-of-way to get to the well head and then on to Hersey Lane. This has all been built into the appraisal price as well as the pump station. Mr. McIntosh would keep 8.8 acres around the house free of easement and conservation restriction. There would also be a two-acre lot of land along Ash Swamp Road that would be excluded from any easement restrictions for a future home site. He discussed appraisal prices for the twenty acres the Nature Conservancy would acquire as well as the forty-six acre conservation easement appraisal price. In reviewing the appraisal reports, he had some questions that he was looking into. These questions may adjust the appraisal price slightly. He suggested that if the Town is interested in pursuing this land, that the Town and Nature Conservancy pursue the project together as it would be a more attractive package to the landowner. The Nature Conservancy is required to disclose the fair market value because they would be using federal funds. He believed that Mr. McIntosh wanted to continue to have control over the well area with the understanding that there would be limits as to what activities could be done within the well head protection area. Although fee simple ownership is usually preferable, he felt that the easement would work for the well because of the restrictions that would be placed therein. DES would also supply requirements to what a sanitary well easement needed to have included.

**Councilor LaBranche** asked if there were any consequences with the Town not owning the property a municipal water source was on.

**Dwayne Hyde** stated that the easement would provide accessibility to run, maintain and replace the well.

**Administrator Wojnowski** noted that it didn't matter where the well was located, the land would remain in its natural state. Mr. McIntosh would be able to mow the field for hay. He explained that the extended well test would test for arsenic, manganese and iron. He also noted that Mr. McIntosh had expressed his concern with getting a lump sum of money and spending it all quickly. He suggested that the Town could give Mr. McIntosh \$1,000 to speak with a financial advisor.

**Councilor Bergeron** asked if the appraisals included the easement to Hersey Lane.

**Dwayne Hyde** explained that the appraisals included the necessary easements as well as a 50' x 50' area for a pump house to be located on the twenty-acre parcel the Nature Conservancy would purchase. The only concern the Nature Conservancy had was if the levels of arsenic in the water came back high, there would need to be clarifying ponds.

**Councilor Bergeron** asked if the easement would be in perpetuity to allow the Town access and to pump water as long as they wanted regardless of ownership.

**Dwayne Hyde** answered that access would be protected through the wording of the easement. He added that Mr. McIntosh would continue to pay taxes on the land, but at the easement value.

**Councilor Ploski** asked if there could be the option of having the Nature Conservancy purchase the whole thing with the Town purchasing the well land or easement from the Nature Conservancy.

**Dwayne Hyde** noted the Nature Conservancy and Town could go together on this project or each entity could go individually. He felt going together would be more desirable because the Nature Conservancy was a charitable organization for wetland protection. Doing an easement to withdraw water next to wetlands protection could prove difficult. It would be easier to do this project contractually if the Town and Nature Conservancy did this together.

**Councilor LaBranche** asked where the funding would come from. He asked if there would be any problems with the Town purchasing an easement versus purchasing the land fee simple.

**Administrator Wojnowski** noted funding would come from the water fees. He added that communities related differently; some needed to own the land, some didn't mind owning the easement.

**Chairman Glennon** noted that in order to own the land, the Town could work out an agreement with Mr. McIntosh to allow him to continue to hay the land.

**Councilor Bergeron** asked if there were funds set aside for land acquisition in the water fund.

**Administrator Wojnowski** noted that there is money within the enterprise fund for water exploration with Emery & Garrett. There is more than enough to cover the purchase of this land or purchase of the easement.

**Dwayne Hyde** noted that Mr. McIntosh felt strongly about putting this land into conservation. This land had been bequeathed to the Audubon Society in 1994; they had turned it down. Bob McIntosh had been next in line. The previous owner's intent was for this land to be conserved.

**Motion:** To authorize the Town Administrator to enter into negotiation with Bob McIntosh in conjunction with the Nature Conservancy for purchase of an easement for the McIntosh property.

**Motioned:** Councilor Ploski

**Seconded:** Councilor Kwaks

**Vote:** 7-0 Motion carries

Councilor Kwaks	Aye
Councilor Bergeron	Aye
Councilor LaBranche	Aye
Councilor Ploski	Aye
Councilor Minutelli	Aye
Vice-Chairman Carr	Aye
Chairman Glennon	Aye

**Dwayne Hyde** updated the Council on the Smith Sister's project stating that four of the five sisters were on board and ready to go. One sister was hesitant; the Nature Conservancy was trying to work with her through her concerns. He discussed the final appraisal value stating that the Town's portion was approximately \$138,000. This project encompassed large parcel of land in the Follett's Brook area. He would know better the

total acreage when the land was officially surveyed. Once this lot was under contract, the Town could get the easement with DES.

**Councilor Ploski** noted that the USA Springs lot on Route 152 was supposed to be going up for auction.

**Dwayne Hyde** noted there was a little over a hundred acres; the steel had been put up for the building. The Nature Conservancy is not interested in that tract of land.

**Administrator Wojnowski** noted if the surrounding towns were interested in conserving that land, Barrington and Nottingham could go in together to purchase and conserve the land.

**Councilor Kwaks** noted that there is a Mississippi Kite building a nest in a tree on South Main Street. This is the first in New Hampshire to be sighted. The highest north they have been spotted is Virginia. She was concerned with PSNH cutting the trees and scaring off the bird.

**Motion:** To leave non-public and seal the minutes because the release of information would render the proposed action ineffective.

**Motioned:** Councilor LaBranche

**Seconded:** Councilor Ploski

**Vote:** 7-0 Motion carries

Councilor Kwaks	Aye
Councilor Bergeron	Aye
Councilor LaBranche	Aye
Councilor Ploski	Aye
Councilor Minutelli	Aye
Vice-Chairman Carr	Aye
Chairman Glennon	Aye

Respectfully Submitted,

Erica Spechuilli