



TOWN OF BROOKLINE, NEW HAMPSHIRE

P.O. BOX 360 – 1 Main Street
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Minutes Melendy Pond Planning Committee September 18, 2018

Attendees at the beginning of the meeting included committee members Tom Solon, Chris Duncan, Kevin Visnaskas, Eddie Arnold, Chris Adams and Tad Putney.

Tom called the meeting to order at 6:36pm. He noted that **Chris Adams** is now a member of the committee.

Minutes

Eddie moved, seconded by Chris Duncan, to approve the September 4, 2018 minutes as written; Voted Yes 5-0-1 with Chris Adams abstaining.

Public Input

None.

Report on Selectboard Meeting

Tom said the discussion with the Selectboard went as expected. There were no questions. He said **Tad** has prepared a memo to the Selectboard seeking their guidance on specific issues so the committee can conclude its work. Members went over the draft memo and made edits (see attached for edited version). **Peter** joined the meeting at 6:55pm. **Eddie moved, seconded by Chris Adams, to keep the first paragraph of the discussion on seeking a legal opinion as written; Voted Yes 6-0-1, Chris Adams abstaining.** On the topic of lease limitations, **Chris** asked about the “seasonal use” definition. **Peter** provided history and background. He said when the MPA is made aware of a violation, it acts on them.

Tenant Survey

Tad provided an update on the survey responses. He said follow up letters were mailed out to all non-responders with a deadline of September 28th for their return. He will update the spreadsheet for the next meeting to incorporate any new surveys received.

Recommended Uses of Land

Eddie suggested that the committee come up with a list of the top five, or top tier, of recommended uses and highlight them in our report to the Selectboard.

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New Leases

Tom asked if the committee wants to draft new leases. **Chris Duncan** said he does not think the committee should draft the leases, but rather identify the main points for the leases, such as: defining the scope of demolition (all structures on the property), what happens to the power service to the building, etc. He said we need to define the list of items to be identified. **Tom** said the committee charter says we come up with a lease template. Members agreed that we should prepare bullet points on what items are in the lease and if the voters give the go-ahead in March to extend leases, then spend money for town counsel to draft an actual lease.

Chris Duncan asked if the MPA should be the lessor on new leases. **Peter** said that the MPA holds the deed to the land and should remain the lessor as a result. It was acknowledged that it is still an open question if transferring the land from the MPA back to the Town would provide better clarity on ownership and management going forward.

Potential Warrant Articles

Tom said that one potential warrant article would appropriate money and authorize survey work for potential future use(s) of the land. **Eddie** added that we could go to town meeting and ask for funds to develop a forestry plan, or it could be done in the operating budget. **Tad** said that we could have a warrant article to extend leases up to 2032. **Chris Adams** said that we could do a warrant article to dissolve the MPA. **Tom** said that based on the Selectboard's direction to the committee, we could look at future leases at our next meeting.

Enforcement

Tom said that he was not sure who the enforcement body is for the Melendy Pond area. **Chris Adams** said that the Town has the personnel to do enforcement (Building Inspector and Code Enforcement Officer) if the Town owns the land.

Next Meeting

It was confirmed that the next meetings are Tuesday, October 2nd and Tuesday, October 16th at 6:30pm.

Eddie moved, seconded by Chris, to adjourn; Voted Yes 7-0.

Meeting adjourned at 8:38pm.

Minutes submitted by Tad Putney.



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To: Selectboard

From: Tad Putney

Date: September 19, 2018

Re: Requested Guidance for Melendy Pond Planning Committee (MPPC)

As discussed at the September 10th Selectboard meeting, the MPPC is seeking guidance from the Board in order to complete its work. Guidance is sought on the following three items, *recognizing that offering new leases would be contingent upon town meeting approving the extension of leases beyond 2020*:

- **#1 - Objective of Rental Income:** Currently 17 tenants pay annual rent on the land of \$75-\$125 PER YEAR. The remaining six tenants pay \$615-\$2,800 PER YEAR with the more recent amounts calculated to help offset the cost to the town for structure demolition at the end of their current leases.

The most recent demolition cost was \$7,500. We estimate average demolition costs to be at least \$10,000 per structure in 2018 dollars.

Annual maintenance costs at Melendy Pond have ranged from \$3,000-\$8,000 per year for the last three years, without any demolition costs.

If we use area mobile home parks as a “market reference” (tenants owning their structure, but leasing the land). The “market” annual rent for a ground lease is about **\$5,000**.

Is the Board’s primary objective for lease extensions to:

- **Option A: Collect the funds needed for eventual demolition**
- **Option B: Cover demolition and annual maintenance costs**
- **Option C: Cover demolition, annual maintenance costs and provide a profit**

Clearly, the higher the rents are set, the less likely that tenants will agree to extensions.

- **#2 – Legal Opinion re Removal of Structures by Tenants:** There are two different lease agreements currently in force. Based on the committee members' review, one agreement does not provide recourse for the town to enforce the removal of a structure by the tenant and the second may, but the legal costs of pursuing a judgment in court could exceed the cost of demolition.

Does the Selectboard want the committee to seek a legal opinion from Town Counsel, with associated costs, regarding:

- **Legal basis and feasibility, based on the CURRENT LEASES, of enforcing a tenant's removal of the structure at their cost – or steps the town can take to recover the costs; and/or**
 - **Recommendations for language in NEW LEASES that enforces the tenants' removal of structures, at their cost, at the end of leases or provides the town recourse to recover such costs; and/or**
 - **Recommendations on the advisability/legality of the current lease limitations noted in #3 below.**
- **#3 – Expectations on Lease Limitations:** The current leases prohibit tenants from:
 - Using the address as a legal residence (which is required to register to vote, register a vehicle, or attend schools)
 - Receiving welfare
 - Using the Transfer Station
 - Subleasing without advanced, written permission of the MPA
 - Full-year use

Which of the above restrictions does the Selectboard wish to maintain on any new leases (pending legal counsel advice)?