

**LEASED LAND REAL ESTATE COMMISSION**  
**Tuesday, August 16, 2016**  
**2:00 pm**  
**Selectmen's Meeting Room – Town Hall**

**DRAFT MINUTES**

Commissioners Present:  
Tom McGuirk, Chairman  
Christina Baker  
Ute Pineo

Also Present:  
Mark S. Gearreald, Town Attorney  
Edward Tinker, Tax Assessor  
Mrs. Helena Barthell  
Jacob Kallgren, Mortgage Officer, Optima Bank

The meeting was called to order by Chairman McGuirk at 2:00 p.m.

1. Approval of the Leased Land Real Estate Commission Meeting Minutes of October 27, 2015.

MOTION: It was MOVED, SECONDED and VOTED UNANIMOUSLY to approve the Minutes of the October 27, 2015 Leased Land Real Estate Commission Meeting as presented.

2. Consideration of the July 21, 2016 letter from Mr. and Mrs. Burley Barthell concerning the purchase of Leased Land at 33-35 Dover Avenue.

Mrs. Barthell introduced Jacob Kallgren, Mortgage Office, Optima Bank, who provided a commitment letter to the Barthells, a copy of which was provided to the Commission.

Mr. McGuirk commented that the value on the property at 33-35 Dover Avenue has increased because a year has passed since the first set of meetings, and reevaluation has taken place in Hampton within the year.

Mrs. Barthell stated that she and her husband underestimated how long the process would take in that one building on the property is commercial and one is residential. There had been some difficulty with banks given the two different classifications; however, at this time they just want to proceed with buying the land.

Mr. Kallgren stated that he has been working with the Barthells through Optima Bank structuring the transaction, and the details have been vetted out. The bank will start their process including a title search and appraisal once a Purchase and Sale Agreement has been signed by both parties and received from the Commission. Further, the senior underwriter has given a commitment, financials have been collected, and an appraisal will be ordered. He noted that the appraisal will take time in that this is a unique situation. It will be handled as a residential loan.

Mrs. Baker stated that the Commission wants to be fair to the Town and not set a precedent, given the time lapse and original vote by the Commission. Further, she stated that the Commission has to have an equation that represents the value as of today, with an increase in the sales price. She noted that the original appraised offer a year ago was \$807,500, which was voted by the Commission, however, the transaction was not completed within the allotted time frame.

Mr. McGuirk pointed out that revaluation value with an 8.22% increase was based on the five year valuation according to the Tax Assessor, Mr. Tinker.

Mr. Tinker stated that the 8.22% captured the land increase from 2011 to March of 2015. Further, from March 2015 to today, the increase would be at 5% as the 2015 appraisals are only a year old. In 2015, the property under discussion, 33-35 Dover Avenue, was given a sale price of \$807,500 at arbitration.. The 5% increase would bring the value from \$807,500 in 2015 to \$847,900 as of this date.

Mrs. Baker asked Attorney Gearreald whether it will be necessary to begin the whole process, including new appraisals, given the time which has passed. Attorney Gearreald stated that the Commission has the authority to increase the value in this manner, by percentage, and recommended that a deadline be established for closing. Mr. McGuirk noted that percentage process is what he would use versus starting a whole new process for this property.

Ms. Pineo noted that the increase is necessary given the increases to all Town properties, and she suggested a 90 day time frame for closing. Mr. McGuirk commented that 90 days is more than fair.

Mr. Tinker noted that ocean property has different increases and waterfront properties increased 20% for land and buildings over the past five years.

**MOTION:** It was **MOVED, SECONDED, and VOTED UNANIMOUSLY** to approve the purchase of the leased land at 33-35 Dover Avenue by Mr. and Mrs. Burley Barthell for the new sales price of \$847,900, with closing to take place on or before November 17, 2016, with the following condition: If this transaction is not completed within 90 days of this date (August 16, 2016), a new proposal with up-to-date appraisals shall be required.

MOTION: It was MOVED, SECONDED, and VOTED 2 in Favor, 1 Abstain (Mr. McGuirk) to authorize the Leased Land Real Estate Commission Chairman, Thomas McGuirk, to sign the Purchase and Sale Agreement to be drafted by him for the purchase of the leased land at 33-35 Dover Avenue by Mr. and Mrs. Burley Barthell for \$847,900 with a closing to occur or before November 17, 2016.

Adjournment.

MOTION: It was MOVED, SECONDED and VOTED UNANIMOUSLY to adjourn the meeting at 2:30 p.m.

Respectfully submitted,  
Thomas McGuirk, Chairman  
for the Commission