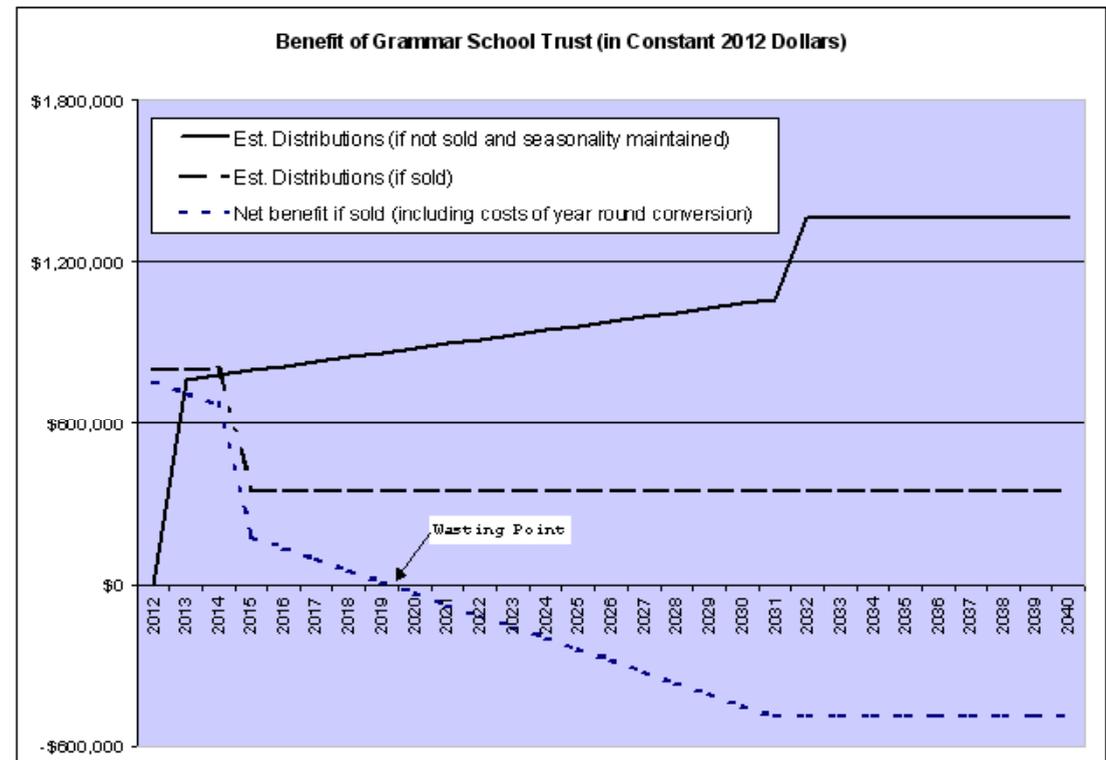


# MAKE YOUR VOICE HEARD AND STOP THE SALE OF LITTLE NECK!

A YES vote on Article 15 will help...

- Restore public accountability
- Substantially increase funding for the Ipswich public schools
- Preserve the oldest land trust in the U.S.
- Honor the last will and testament under which Little Neck was donated to the community

Visit [ipswichtrust.org](http://ipswichtrust.org)



**Top line:** Estimated income to the schools if the land is held in trust.  
**Middle line:** Estimated income if land is sold and converted into cash.  
**Bottom line:** Estimated net fiscal benefit if converted into cash considering the costs of supporting Little Neck as a year round community.  
 The proposed sale of Little Neck would eventually deprive the Ipswich schools of more than \$1 million in revenue every year. Details at [www.ipswichtrust.org/financial-analysis](http://www.ipswichtrust.org/financial-analysis)

## TEXT OF THE LITTLE NECK VOTE

Our motion to the Town Meeting under Article 15 is expected to be worded as follows:

Moved that the Town express its disapproval of the December 23, 2011 settlement agreement between the School Committee and the Feoffees of the Grammar School Trust which would allow for the proposed sale of Little Neck and that the Town express its support for a privately-funded appeal by Ipswich citizens seeking to overturn that settlement agreement because it violates the conditions under which William Paine donated the land at Little Neck for the benefit of the Ipswich public schools in his last will and testament dated October 2, 1660.

## HOW TO GET MORE INFORMATION

Detailed information is available at [www.ipswichtrust.org](http://www.ipswichtrust.org). A question and answer session about Article 15 will be held in Conference Room C at Ipswich Town Hall, 25 Green Street, at 7:30 p.m. on Wednesday, May 2, 2012

## HOW TO PARTICIPATE IN THE VOTE AT TOWN MEETING

The Annual Town Meeting will be held at the Performing Arts Center at Ipswich High School on Tuesday night, May 8, 2012 at 7:30 p.m. Any registered voter in Ipswich may attend the meeting and vote on Article 15.

Ipswich Citizens for Public Trust  
 PO Box 1  
 Ipswich, MA 01938

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# Preserve Little Neck as a Community Asset

## Vote Yes on Article 15 at the May 8<sup>th</sup> Town Meeting

Dear Voters:

When William Paine, one of the original settlers of Ipswich, wrote his last will and testament in 1660 he left 35 acres of waterfront land at Little Neck to be owned and managed by trustees “forever” for the benefit of the Ipswich schools. 167 summer cottages were eventually built on Little Neck. The cottage owners rent their land from the trustees, who are known as Feoffees.

A legal dispute between the Feoffees and the cottage owners led to a legal settlement last December allowing Little Neck to be sold to cottage owners at far below its true value. The Ipswich School Committee agreed to that settlement by a 4 to 3 vote without any public input at a highly unusual closed-door meeting. The settlement not only violates the conditions of Mr. Paine’s will but it would also deprive the Ipswich schools of tens of millions of dollars in future revenue and would eliminate the possibility of continuing the seasonal lease restrictions that have preserved Little Neck as a modest summer community.

It is not too late to overturn the settlement and stop the sale of Little Neck. As private citizens and as parents of children in the Ipswich Public Schools we took immediate steps in Essex Probate Court and objected to the settlement on the same day it was announced. When our motion to intervene was rejected and the settlement was approved by the probate court judge --without any detailed rationale for her decision -- we immediately filed an appeal with the Massachusetts Court of Appeals. Our case is solidly grounded in the law governing wills and trust in Massachusetts and it is likely to reach the state Supreme Judicial Court because it has ramifications that extend far beyond Ipswich. Until a final decision is made on our appeal, the Feoffees and cottage owners may only proceed at their own risk knowing that a sale may be voided by the courts. **You can help stop the sale of Little Neck by voting YES on Article 15, a non-binding referendum question at the May 8<sup>th</sup> Annual Town Meeting.**

Deciding whether to break a 351-year-old trust at a substantial cost to the Ipswich public schools is one of the most historically significant decisions the town has ever made. There are several important things to keep in mind as you consider your vote on Article 15:

- William Paine directed in his will that Little Neck be held by trustees “forever” and “never be sold or wasted.” Under Massachusetts law, wills can only be broken when a court determines that compliance is “impossible or illegal” or would defeat the original intent. No compelling evidence to support such a determination was cited in the probate court’s decision; in fact, there is strong contrary evidence that Little Neck could be held in trust and better managed to create a regular cash flow to the Ipswich schools as intended by Mr. Paine.
- The School Committee’s own expert concludes that keeping Little Neck in trust will provide substantially more cash flow to the Ipswich schools than selling the land and putting the net proceeds into a cash investment account. The stabilized cash flow to the schools from a professionally-managed land trust would be at least *twice* as much as the investment income from the proposed sale, even while maintaining seasonal restrictions on Little Neck that reduce financial burdens on the town.
- The current settlement is not only a bad financial deal for the town and the public schools but it requires that the Feoffees be granted immunity for their prior mismanagement of Little Neck. There are legal mechanisms available under Massachusetts law to remove the current Feoffees and replace them with responsible trustees even if the settlement agreement is overturned.
- Keeping Little Neck as a land trust can be accomplished on terms that are completely fair to existing cottage owners, many of whom have longstanding ties to the community. Tenants can be offered long-term leases with rent increases limited to the rate of inflation and those leases would still provide substantially more money to the schools than the proposed sale.

Links to the information cited above, a detailed history of Little Neck and all documents relating to the court proceedings and proposed settlement are available at [www.ipswichtrust.org](http://www.ipswichtrust.org). Please examine the facts and reach your own conclusion. The stakes could not be higher.

***Andrew and Susan Brengle, Peter Buletza, Douglas DeAngelis, Joanne Delaney, Cara Doran, Tammy Howe, Jacqueline and Jonathan Phypers, Kenneth Swenson, Robert Weatherall, Jr., Jason and Michele Wertz, Clark Ziegler***