

**Town of Northwood
Conservation Commission Minutes
November 5, 2013**

Chairman Steve Roy calls the meeting to order at 7:00 p.m.

Present: Chairman Stephen Roy, Vice Chairman Steven Hampl, Wini Young, James Ryan, Thomas Chase, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Paul Lussier, Alternate Loren O'Neil, and Alternate Michael Matson.

MINUTES

May 7, 2013

Mr. Ryan makes a motion, second by Mr. Chase, to approve the minutes of May 7, 2013, as written. Motion passes; 4/0/1. Mr. Roy abstains, as he was not at the meeting.

June 3, 2013

Mr. Chase makes a motion, second by Mr. Hampl, to approve the site walk minutes of June 3, 2013, as written. Motion passes; 4/0/1. Mr. Ryan abstains, as he was not at the meeting.

June 4, 2013

Mr. Roy makes a motion, second by Mr. Ryan, to approve the minutes of June 4, 2013, as written. Motion passes; 4/0/1. Ms. Young abstains, as she was not at the meeting.

August 6, 2013

Mr. Roy makes a motion, second by Mr. Chase, to approve the minutes of August 6, 2013, as written. Motion passes; 3/0/2. Ms. Young and Mr. Ryan abstain, as they were not at the meeting.

NEW BUSINESS:

For Follow-Up

A discussion is held regarding follow up with the town forester Charlie Moreno. Mr. Roy states that he would like to have Ms. Smith contact Mr. Moreno regarding his suggestion relative to a cutting *for* the Giles lot. Ms. Smith explains that the Giles lot is a town forest and managed by the conservation commission. She states that Mr. Moreno should provide a projected plan to the commission and after okay by the commission; Mr. Moreno will provide a contract to the selectmen for their signature. **Mr. Roy makes a motion, for Ms. Smith to contact Mr. Moreno and request a more specific plan be provided relative to the work he recommended for the Giles lot, from the presentation in June, so that the commission can proceed with the project. Mr. Ryan seconds. Motion passes unanimously; 5/0.**

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Additional discussion is held regarding the Low lot. Mr. Chase notes that the Low lot may need to be reblazed. Ms. Smith will ask Mr. Moreno for an estimate to reblaze the Low lot.

A discussion is held regarding funds relative to town forests; land management fund. Ms. Smith explains that if the forester is working on a town forest, any revenue covers the forester's fees and any remaining funds are deposited into the special account, only *if the lot is a designated* town forest. She states that any funds that are to come out of that *account* must be done via a warrant article. She states that additional funds *from cuttings on non-designated forest land* go into the general fund; however, there could be a warrant article to encumber funds for a specific purpose. She states that town counsel provided an opinion, which states that the revenue should be put into a fund and there was no issue with using funds for the recreation fields because it was a warrant article.

Discussion ensues. Ms. Smith states that she will ask town counsel about revenue funds and revolving funds and will report back to the commission next month.

BUDGET

Ms. Smith states that the selectmen have approved a budget. She states that there were no changes made to the commission's budget, as proposed.

OLD BUSINESS

Stewardship Funds Legal Opinion

Mr. Roy states that this subject has been on the agenda and needs to be addressed. He states that a legal interpretation from town counsel was requested regarding using conservation land funds for stewardship contributions. He states that the commission requested that he speak with The Society of the Protection of NH Forests (SPNHF) again regarding easement monitoring and training. Mr. Roy states that he was asked again by the Society if the commission would be providing funds for stewardship for the Wallman and Gallagher projects.

Mr. Roy states that the decision for the commission is to make a determination if town counsel's opinion should be made a public document, which would allow the opinion to be provided to the Society and other agencies who may request funds for monitoring.

Ms. Smith states that the document is confidential and the commission should make a motion to make the document a public document unless there is a legal aspect, litigations, land purchase, or a reputation matter.

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Mr. Roy explains that Legislator Spang sponsored a bill with the intent to enable municipalities to participate in regional conservation projects and the way the statute existed was to allow a municipality to spend funds within their municipal boundaries but not outside the boundaries. The bill is now law. He states that if a town adopts a warrant article it enables itself to spend the conservation land fund money on projects that are not restricted to its municipal boundaries.

Mr. Roy states that he contacted someone from NHACC to see if there was a number of how many towns have adopted this statute. Mr. Chase asks if this provides a means to expend funds other than land/easement acquisition. Mr. Roy replies that this is for projects that are outside the municipal boundary that do not deliver a real estate or easement value to the town itself.

Mr. Roy notes that he has also been contacted by Ryan Young from The Society for the Protection of NH Forests (SPNHF) regarding the invoice for stewardship funds.

Copies of the legal review are distributed to members for review.

Mr. Roy makes a motion, second by Mr. Chase, to make the opinion received from town counsel dated April 25, 2013, a public document. Motion passes; 3/2. Mr. Ryan and Mr. Hampl are opposed.

Ms. Smith reads RSA 36-A:4a and b.

Ms. Smith states that apparently a warrant article can be done for either section "A" or "B", which will allow for conservation commission funds to be used for land outside the municipal boundaries or to make contributions to a third party.

Mr. Roy feels that he believes that the town did gain a real interest right a part of the acquisitions. He states that the town did spend funds from the conservation land fund to put an *easement* in place on these properties. SPNHF gained the primary right and the town gained the executory right. Ms. Smith states that the stewardship portion is not acquiring the rights. She states that it relates to maintaining the property, which comes after the property has been obtained.

Mr. Roy states that town counsel's interpretation prevents the town from expending funds for maintenance for conservation land to a third party.

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Discussion ensues. Mr. Roy states that for future projects, if section "B" has not been adopted, then the commission pre-announces to the land trust involved that the commission cannot provide stewardship monitoring fees. Mr. Roy states that he will forward along the letter to SPNHF.

Mr. Ryan feels that the selectmen should make the decision relative to proposing a warrant article, not the commission. Copies of the RSA are provided. Mr. Roy suggests that the commission members read the full statute and if the committee wants to support a warrant article then the commission can meet with BOS.

This item is continued to December.

Additional discussion is held regarding establishing special revenue funds and creating a warrant article. Ms. Smith states that she will look into the commission having a special revenue fund and will report back for December.

SPECIAL REPORTS

Water Report

The NH Lives on Water report, compiled by the NH Water Sustainability Commission, is provided by Mr. Roy. A few hard copies will be provided for the December meeting.

Non-Public Session

8:41 p.m. Mr. Roy makes a motion, second by Mr. Chase, to enter into a non-public session, per RSA 91-A:3,II(D).

Roll Call Vote:

Mr. Roy – yes

Mr. Hampl – yes

Mr. Ryan – yes

Ms. Young – yes

Mr. Chase – yes

Motion passes unanimously; 5/0.

9:00 p.m. Mr. Ryan makes a motion, second by Mr. Hampl, to come out of non-public session, per RSA 91-A:3,II(D), and seal the minutes.

Roll Call Vote:

Mr. Roy – yes

Mr. Hampl – yes

Mr. Ryan – yes

Ms. Young – yes

Mr. Chase – yes

Motion passes unanimously; 5/0.

Official as of December 3, 2013

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OTHER

Ms. Smith states that she received a call, from Victoria Parmele regarding the Upper Lamprey Scenic By-way. Ms. Parmele is gathering information and is requesting additional information for inclusion on the map. The commission will review this information as it becomes available. Ms. Smith suggests contacting Joanne Bailey from the historical society for input.

**9:13 p.m. Mr. Chase makes a motion, second by Mr. Ryan, to adjourn.
Motion passes unanimously; 5/0.**

Respectfully Submitted

Lisa Fellows-Weaver
Board Secretary