

# MEETING MINUTES

## ALBANY CONSERVATION COMMISSION

Wednesday, February 8, 2017. 6:15 pm

**Members present: Rob Nadler, Mike Stewart, Cort Hansen, Paul Brown; Alternate. Absent: Cathy Ryan, Peter Carboni and Austen Bernier; Alternate. Albany Selectmen; Rick Hiland, Joe Ferris Public: Steve Knox**

Rob called the meeting to order at 6:15 pm. He noted that Joe Ferris would be an acting member in place of Cathy Ryan and he reintroduced Paul Brown returning as an alternate commission member.

Rob asked for comments or questions regarding the minutes for the 12/6/16 meeting. With no questions or comments, Rob asked for a motion to approve those minutes. With a motion to approve the 12/6/16 meeting minutes and with a second the meeting minutes were approved 5-0.

Rob asked for a review of the letters from Town Counsel (TC) regarding jurisdiction and management authority of the Town Forest as they related to the draft town warrant articles. He said that these emails demonstrated that the CC has been acting properly and within their authority as was his contention. Rob also noted that the CC has regularly consulted the TC when contracts or advice was needed. Joe expressed that the topic of town forest versus agricultural resource needed to be clarified and would be defined with the proposed warrant article. Rob was concerned that adoption of the alternative warrant article, placing control of the management of the agricultural fields with the BOS may violate the conservation easements that are deeded and held by the USVLT and monitored by the State of NH. Cort said he thought the inclusions of the either of the warrant articles was a wasted effort; that the BOS and the CC had spent nearly a year debating the issue, and that both the former TC and current TC had produced the same conclusion; that the management authority was held by the CC. Cort said that the Town had spent enough time and money researching this issue. He noted that the all the discussions prior to the purchase, and all work since the purchase included the proposed development of the agricultural fields, they were common knowledge by both the BOS and the community itself which had approved the purchase of the forest, and that the CC was doing the same work that other commissions were engaged in NH such as agricultural uses including hay production, blueberry leasing, etc. Rob asked that if these warrant articles went to town meeting that the CC have the complete support of the BOS in the first article to preclude any confusion for the voters. His concern was that any opposition to the CC administration of the agricultural uses of the field with a failure of the first article and adoption of the second warrant article would jeopardize the legal obligations the Town had and could result in legal action.

Rob surveyed the commission members on what should be included on in the town annual report from the conservation commission. New trail work, the addition of a new additional farm tenant and a new well were among the topics suggested. He noted that the BOS had approved the adoption of donations by the CC through 2016.

Rick mentioned his concern about precise wording in any contracts to protect the town.

The budget for 2017 was discussed. Rob showed a revised budget sheet that showed a reduction in the legal costs from \$2000 to \$1500, operational costs at \$2000 and attendance costs at \$2940. As the higher figure had been voted on previously he asked for a motion to approve the revised lower figure of \$6440, with a motion and a second the motion was approved 4-0-1 with Joe abstaining since he wanted to see a operating budget before supporting the revised figure. Rob asked that Cort create projected operating budget. Projected budget costs were considered with mowing and brush cutting, possible machine contour work along the drainage swales on the field, trail work and materials, NHACC membership fees and parking lot development were mentioned.

Rob noted that in prior years he had budget \$2000 for operating costs but had reduced that to \$1000 last year as more mowing costs were covered in 2015 and he was more conservative in projecting costs last year.

The topic of acceptance of grant monies by the CC was discussed. As discussed during the December meeting Rob suggested TC could research to see if the CC could be authorized by the BOS to accept grant monies under \$10,000 as is the practice by several towns in the state according to the NH Association of Conservation Commissions. The frequent use of volunteer labor and donated materials could be construed as donations and that frequently requesting the authorization of either the BOS or town meeting would be unwieldy and cumbersome. At the December meeting the CC suggested that the BOS present a warrant article to the town in March to grant the CC this authority.

Rob proposed that the TC re-word the proposed warrant article to write it as a “housekeeping measure” as the BOS contends it actually is and drop the second warrant article. By doing so the result is the same and possible confusion and jeopardy of the conservation easement could be alleviated. It was agreed that this was a good solution to the issue. Rob asked for a motion to: *“request that the Board of Selectmen ask Town Counsel to re-write the article as a house-keeping measure in order to clarify the issue”*. With a motion and a second the motion was approved 5-0.

With no other comments, and with no further business to address, a motion to adjourn the meeting was made and with a second the motion was approved 5-0 and the meeting adjourned at 7:00 pm.

Cort Hansen, Conservation Commission Secretary.