

MEETING MINUTES

ALBANY CONSERVATION COMMISSION

Tuesday, August 2nd, 2016. 6:00 pm

Members present: Rob Nadler, Cathy Ryan, Mike Stewart, Peter Carboni, and Cort Hansen.

Selectman: Rick Hiland, Joe Ferris. Public: Steve Knox.

Rob called the meeting to order at 6:00 pm and noted that it was joint meeting of the Conservation Commission and the Board of Selectmen.

Rob asked for comments or questions regarding the minutes for the 7/5/16 meeting. With no questions or comments; Rob asked for a motion to approve those minutes. A motion to approve the 7/5/16 meeting minutes was made and with a second, the minutes for the meeting were approved 5-0.

Rob began the discussion with the BOS providing some background information on the history of the Town Forest acquisition starting in 2008 noting the cooperative effort of both boards. Cathy asked for background information on the association with the Trust for Public Land (TPL). The TPL participation was reviewed along with an explanation of the 6 acre exclusion from the USVLT easement on the west end of the Town Forest property and the 50 year term on that parcel. Rob explained the approximately \$9000 conservation fund balance and how it was generated by a discount from the reimbursement from the timber harvest performed to help offset the purchase price for the property (a bridge loan from TPL used in the purchase of the property which TPL agreed to discount when it was reimbursed). Also explained was the option of future sale of the Bald Hill parcel (with conservation easements included) which could be done provided that the income used for the sale be used for conservation fund purposes such as purchase of additional conservation property. Discussed was the strong emphasis by the Conservation Commission on not increasing taxpayer burden, thus the regular use of volunteer time to maintain trails and fields along with building kiosks and signage and trail construction along with the gift of materials and service from USVLT donors. Rob noted that periodic mowing of the open area is required by the USVLT easement and primarily this has been donated by members of the Commission or the farmers with only one contract mowing being done by Peter Howland since 2012. This emphasis on avoiding any additional town expense Rob felt was a guiding principal in management of the Town Forest.

Discussion went on to the topic of leases/land use agreements and the validity of the documents for periods of longer than one year. Rob noted that the original documents were reviewed and approved prior by the Town Counsel (TC) several times and recently had been amended several more times at the request of the CC and the BOS. Rick stated that the TC really regarded them as a lease not a land use agreement, and that the TC had framed them presuming the mutual consent of the CC and the BOS. Rob contended that the statutory guidance on this was vague and ambiguous and only testing the documents would prove their validity, which, he regarded as wasted expense. Rick noted that Town Meeting could approve leases of longer than one year (up to 5 years), but that would not benefit any of the current farmers immediately since that could not occur until March 2017. Rick noted that he and Rob had a conversation with Representatives McConkey and Ticehurst at the Town Picnic in July and that perhaps legislative action may be the solution for municipal leasing of Town property for agricultural purposes. Rick proposed that perhaps the solution would be to have the farmers sign a one year lease and go to town meeting to request a long term lease next March.

William Abbott spoke regarding the farmers and detailed how they were vetted using NH NOFA and that several interested farmers had lost interest in the fields after seeing how much work would be involved to bring them back into production. William said that the 2 farmers now working and invested in restoring the fields should be considered, and to avoid any changes that would injure them or cost them their investment in the field restoration.

The topic of grants and donations to the Conservation Commission was discussed. Rick provided some state statutes that cover the grants and gifts noting that they need to have the approval of the 'local governing body' (select board) prior to acceptance. Cort and Rob noted that in the same NHACC handbook, the section which was included in Rick's research, noted that some town's BOS extend blanket approval to CC's to apply and accept gifts and grants, which appears to contradict the statutes and it would be worth finding out how those towns do so. William gave a history of the gifts (grants) extended to the Albany Town Forest explaining that USLVLT thought it was important to support the town by gifting in order to conserve funds and reduce the extent of the initial timber harvest by saving forest and trees from harvest and damage which was being done to provide additional funding to offset the purchase costs of the property. He noted that the gifts were grant funds raised by USVLT and that were administered only by USVLT, that the grants were both anonymous and 'donor restricted', or specific to a purpose that the grantor had prior agreed to, and that they were for public benefit only (i.e.; they could not benefit one individual or farm, etc.). The first award was to improve public access and trail signage (parking lot, gate, kiosks and sign posts) and the second award was to provide power and water to the farm. William noted the public benefit of gifts, grants and donations. He further explained that the cost of a power connection had exceeded the initial costs estimates and that power would not be supplied due to the prohibitive cost involved. He noted that any power would have to be generated by the farmers with portable generators for the present time. And water would have to be pumped from the well with portable gas pumps by the farmers. Rick asked if William could supply a list of the gifts for the BOS. William said that he would do so. Rob asked if Cathy could confirm with TC the ability of the CC to accept gifts through blanket approval with from the BOS in order to streamline and minimize the process time explaining that every time members went down to cut and chip brush, clear trail, mow, etc it could be regarded as gift and to avoid duplicate meetings, etc. to the same end. He suggested that a cap be established at perhaps \$10K. Cort pointed out that the RSA 31:95-b in question; which Albany passed the short version of in 2013, required prior public hearing on gift or grant amounts in excess of \$10K. Cort considered Albany to be legally bound to the whole RSA, not just the abridged version listed on the warrant article in 2013.

The status of the NHFG proposed lease was discussed, with planned development of the shed to house equipment, wash room and possible refrigeration for farmers, costs expected to be covered by grant application. Rob noted that the CC has the agreement from NHFG that has been prepared by the NHAG and needs to be reviewed by TC and approved by the BOS but hasn't gone forward yet in due to the expected cost of TC legal review and the in-kind trade for plowing the former DOT site in exchange for the lease of the building and site. Rick thought it would be good to go forward with the agreement in case state government or government employees change over time.

Rob noted that many towns tap a portion, or all of, the timber yield taxes, and the Current Use change of use fees, and place those funds into their Conservation Fund (CF). The CF can be used for purchases of new property or for conservation uses, etc. Rob thought that although the CC was aware that other towns do this that Albany residents may not support dedicating funds to CF purposes and he could support asking for this only if the BOS supported the idea. Rick suggested that the CC include a warrant article to that effect for the March meeting. William noted that the TPL had done an analysis of the benefits for conservation land in communities and Conway was one of the towns listed in the case study showing the community benefits and returns by preserving open space.

With the joint meeting topics discussed the topics on the CC agenda then were covered. Rob covered the model airplane club (MWVRCC) draft agreement which he had used the same framework as provided by TC. He explained that the club was a small club with limited membership and funding. Further expenses by them would be difficult or impossible to cover, so he and Cort had met with club officials to see if they could supply an in-kind service that would benefit the Town. They have offered to maintain their picnic tables and kiosk area as a town park and will put up signs to that purpose as well as mow from their landing field parking area to the for-

est kiosk located to the west. Rob asked for a motion to approve the land use agreement as specified for the MWVRCC, Peter moved the motion and Mike seconded and the motion was approved 5-0.

Rob brought up that the USFS had informally approached him and asked about the possibility of using a portion of the field area as a helicopter landing purposes for fire emergencies. Rob said that he thought this was a potential benefit as the USFS could be asked to mow and brush back the field in exchange for such use. Exactly what, if any, improvements would be necessary, and if such use fell within the guideline in the USVLT conservation easement (CE), would have to be further researched. William checked the CE and it specified no aircraft landing sites, (emergencies not included) and no surface alterations were allowed. Mowing was noted earlier and it is a CE requirement and a potential frequent expense. Rob will follow-up with the USFS for more details.

Cort briefly detailed a message from a USFS fire official asking if the Town was interested in participation with the USFS on grants available for reducing forest fire hazard areas adjacent to the Saco District office and in areas around Albany. Cort noted that Conway participated in one of these “fuel break projects” in the Cedar Creek area off the West Side Road that had a recent write-up in the Conway Daily Sun. Rick thought this would be a good project for the town to investigate further.

Rob provided a handout with a list of topics for the CC’s strategic plan and reviewed them individually. The status of the Bald Hill property for use as an exchange or trade for other conservation land was noted. William explained the Bald Hill property alternatives. Rob noted an inventory of wetland areas within town. He referenced a copy of the Albany 1991 report by North Country Council NCC. He thought that there may be another report still on file in town records. Discussion evolved around the value of another wetland resource inventory study and whether Albany has utilized the wetland inventory in the past. Rick suggested finding out what, if the Albany PB exercises the existing wetland report, and, if so the cost and effort to create a new study is a may be worthwhile investment to include in the 2017 town warrant.

Steve noted the county-wide agricultural opportunities but that only 2.5% of the total food consumed in the county is produced locally. William explained the effort that USVLT is making to expand local agriculture, noting that USVLT has funding to pay for a 3 year agricultural liaison person to do a two prong assignment first; to assist in marketing local farmers to the public, and second; to survey big customers such as chain stores and institutions/hospitals, etc. to discover barriers that prevent them from buying local. Agricultural revitalization is ongoing to corral all the players. Steve noted the ‘food hub’ buzz word. William said that there would be meetings to group interested players into a food hub network.

Rob asked if the web site could be updated to include a history and detail how the Town Forest was created with credit to acknowledge the various contributors to the purchase.

Rick noted that votes should be taken and recorded for all decisions taken by the CC.

Cathy noted that she had recently been informed about what a great place the Town Forest was to mountain bike in. William noted that the Town Forest was also one of their Exploration Ride Series trips this summer.

Mike said that flagging and walking work has been undertaken on the south side of the Kancamangus property for additional single track mountain bike trail work. Other NEMBA volunteers are now evaluating route selection; no trail work has been initiated.

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 7:25 pm.

Cort Hansen, Conservation Commission Secretary.