

**DRAFT**



**WEARE CONSERVATION COMMISSION  
MEETING MINUTES  
July 12, 2023**

**PRESENT:** Andy Fulton- Chairman, Steve Naijar- Vice Chairman, Sherry Burdick- Ex-Officio, Marc Phillips-Commissioner, Ray Lemay-Commissioner

**ABSENT:** Mike Camacho- Commissioner

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Burt Brown, Rick Brown, Kevin Cahill, Jason Fiske – Interim DPW Director, Bob Brown

Chairman Andy Fulton called the meeting to order at 7:02 PM.

**I. AGENDA ITEMS:**

- a. **Duck Pond Discussion:** Rick Brown presented a highway plan from the State but it does not show the elevations of the pond. There have been no issues with the pond since 1969, in the last five years the beavers have made it worse. Mr. Brown hopes there is a plan to help fix up the pond. Chairman Andy Fulton asked Mr. Brown how he views the Conservation Commission as being part of the solution to fixing the problem at Duck Pond. Mr. Brown said that he has spoken to NHDES and they did not help. He also filed a complaint when Benji pulled a stump out of the berm of the pond. Chairman Fulton clarified that Mr. Brown spoke with someone at the State and the State was not helpful or did the State not understand the problem? Mr. Brown said he received a letter from the State and nothing transpired. Chairman Fulton asked when he received the letter. Mr. Brown said February 22, 2022, and showed Chairman Fulton the letter. Chairman Fulton said the letter just states that it was forwarded to Jen Drociak at NHDES. He asked Mr. Brown if he received anything from Ms. Drociak. Mr. Brown believes he received a letter but could not find it from her. He did speak to another person at DES who came out to Duck Pond and said there was nothing he could do. Commissioner Lemay clarified that the culvert was taken out. Mr. Brown said the State removed the culvert. Vice Chairman Naijar stated that he has some of the same concerns that Mr. Brown brought up and has mentioned them before. Vice Chair Naijar would like to see the Town contact USDA wildlife services to install a beaver deceiver. A beaver deceiver is going to maintain the water level at whatever the town agrees the height should be. It will allow them to build the dam up but there is still a pipe flowing through. There are ecological problems to consider, such as when you get into the winter if you pull the dam out you could kill amphibians and reptiles that are in there that are settled in for the winter. In the spring if you take the culvert out too early, they can get smoked because of its cold weather aesthetic. There also could be issues with aquatic life in the pond. Having the beaver deceiver could take some of the pressure off the public works and the state. Vice Chair Naijar said he is working with David Alban the state director on another project and can get in touch with him. A good deceiver could last 10 to 20 years. Vice Chair Naijar suggested calling Fish and Game and David Alban and giving an update at the next Conservation

Commission meeting. Interim DPW Director Jason Fiske informed the Commission that the issue was brought up at the Board of Selectmen's meeting on Monday night. Interim DPW Director Fiske would like to see the water level come up more than it has. He has been working with DES for the last month and Fish and Game to come up with a solution. The solution was a pond leveler or beaver deceiver. This would allow for DPW to not go down there every day. If the Conservation Commission would like to take over the issue Interim DPW Director Fiske has no issue handing it over, if not he already has a plan in place with Fish and Game and DES. Vice Chair Naijar asked who would put the pond leveler in. Interim DPW Director said DPW would. Chair Fulton asked if the Town was confident in putting in the beaver deceiver and re-establishing the level that addresses the concerns tonight. Interim DPW Director Fiske said they are not going to put it back up to the level it was right on the road but it will be a happy medium for everyone. Burt Brown is in support of whatever the Town would like to do to help Duck Pond. He would like to see the Town clean up around the pond and make it look nice rather than having the town buy more land. Chair Fulton asked for a rough time frame. The interim DPW Director said he would be able to get the materials and then hopefully start the work in 3-4 weeks. The Conservation Commission does not want to step in the way of what the Interim DPW Director had in place.

## **II. Forestry Items:**

**a. Award Timber Bid:** Town Administrator Bolton provided the Commission with a letter from a company that bid on the Felch Farm Town Forest and would like their bid to be reconsidered. Chairman Andy Fulton asked if the Board of Selectman have spoken about the letter. TA Bolton said that they have not yet but it will be on the next agenda. Commissioner Lemay stated that the company put zero and zero in the two places considered to be incomplete. He reads that the company was not going to charge. Commissioner Lemay does not feel the bid was incomplete and was the best price on the bid. TA Bolton said that they have had an issue with a bid before and that they filled the form incorrectly but kept his word. There was also a question as to why the chip amount was different. TA Bolton said that next time the Commission open the bids they should have full transparency as to when they would open the bid and be able to have people listen to the bids if they would like to. Vice Chair Naijar said that from what he understands it was a major amount of work that was not addressed. There was no reasonable person who would think that this contractor would do all of this work for free. TA Bolton said it's noticed in the prices above. Kevin Cahill said he agrees that there was a substantial bidder, they had one bidder that had 9500 on the gate and landing with 500 for the recreational trail improvements. There was another bidder that said 2500. The numbers are all over the place but Mr. Cahill agrees that the item was not left blank it says zero and that is what it is going to cost you. It is the bidder's choice. There will also be the question if this is a normal bid practice it is typically done in public sessions why was this bid not done so? Mr. Cahill said everyone makes mistakes and no accusations are being made here but it would be in the best interest of the Commission to review it and talk to Mr. Turner. Vice Chair Naijar said he believes that the Chair typically signs it. Chair said this is still in the work and there is no clear decision right now. Vice Chair Naijar said he spoke with Jeremy Turner and said it is going to be important to harvest this fall because of the comb crop. Commissioner Lemay said there are many questions about the applications that Mr. Turner needs to answer. Ex-Officio Burdick asked if the bids should come into the town and do open bids in a public setting going forward. Vice Chair Naijar said with a once-a-month Conservation Commission meeting it could be hard to do that but maybe the Board of Selectmen can open them in the future. The commission will have Mr. Turner come to the August meeting to speak with him about the meetings. Vice Chair Naijar asked that they do a joint meeting with the Select Board. TA Bolton will suggest the joint meeting on August 9<sup>th</sup> to the Select Board.

## **III. Land Management Items:**

a. **Barden Property:** TA Bolton said she received the list of vendors for the asbestos abatement. Commissioner Lemay asked if we are looking for a contractor to come out and do the actual abatement at this time. TA Bolton said yes. Vice Chair Naijar asked if the town had the report with the amount of asbestos in there. TA Bolton said someone can send the report. Commissioner Lemay suggested adding it to the construction summary and providing them with plans, reports, and pictures to get the contractor bid. TA Bolton asked if she got the information from Commissioner Lemay and if he could work on putting it together for the construction summary. Chair Fulton asked who the project manager would be for the project. Commissioner Lemay suggested the Building Inspector because he would know. TA Bolton said they only have a part-time building inspector as of right now. Chair Fulton asked who would be in the town and can supervise the contractor could it be the town engineer with help with compensation from the Conservation Commission? TA Bolton said she will check with the Select Board. Vice Chair Naijar said he feels the commission is looking too hard into this and they should just hold off until they get the reports. Commissioner Lemay agreed and if they hire a certified company, they will be liable for if there are any abatement issues. Chairman Fulton suggested that Commissioner Lemay takes the lead on this project. The commissioners agreed.

IV. **Other Business:** TA Bolton reminded the commission that the Collins Landing monitoring report will need to be done by 2023. The Commission received an email from Deb regarding abutting conservation land and wants to raise farm animals on the land. Vice Chair Naijar said it is her land and she can do what she would like but it could be a zoning question. Chairman Fulton will respond. Vice Chair Naijar said there was an asking if the Conservation want to look at where the wildfire took place. Chairman Fulton will respond to the email.

V. **Bills:** The Commission reviewed the bills of the commission. \$412 for the Felch showing, \$600 for Tobey Hill, \$ 150 for Eastman dated 4/30. Chairman Fulton will sign off on bills and give them to Finance Admin to be paid.

**Motion to adjourn made by Ex-Officio Burdick at 8:48 pm. Seconded by Commissioner Phillips. The vote passes 5-0-0.**

## **ADJOURNMENT**

A True Record.

*Kearsten O'Brien*

Kearsten O'Brien, Minute Taker