



WEARE CONSERVATION COMMISSION
MEETING MINUTES
AUGUST 9, 2023

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

ABSENT: Mike Camacho- Commissioner, Steve Najjar- Vice Chairman

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: David Hino, Sandy Heino, Marlo Herrick- Hopkinton Forestry, David Herrick- Hopkinton Forestry, Rick Hippler- BOS Chair, Salim Blume- BOS, Kevin Cahill-BOS, Jeremy Turner- Forester, Andrew Sheard

Chairman Andy Fulton and Chairman Rick Hippler called the Conservation Commission and Board of Selectmen meeting to order at 7:06 pm.

Forestry Items: Jeremy Turner Town Forester gave a background on the timber bid. Mr. Turner said the process had gone as planned, they showed the interested parties the timber sale. Mr. Turner sent out the bid work to professional loggers and foresters. Four parties showed up at the site and another party went after the showing. Mr. Turner preferences the area during the walk as being a heavily used area. The bid sheet Mr. Turner sent out broke down the access for improvement from the Town Highway into the project, the road build, landing construction, stumping, grading, ditching, and the possibility of culvert installation. Mr. Turner said he would expect a lot of aggregation to be put on the road to keep the heavy machines up and off protecting the road. The second item was an improvement of the construction of a recreational trail which would be an additional component. Mr. Turner said he emphasized that it is a pine forest, where they are trying to regenerate pine from a scientific standpoint of practicing regenerative forestry. Mr. Turner said ideally you need the disturbance of the soil to happen around the drop of the cone which is in September/ October. Mr. Turner explained during the walk he emphasized getting machines in the forested area that were suitable for creating a disturbance in a timely manner for regeneration. Mr. Turner said he did say it would not be a sole determination but a big factor in the bid award. Mr. Turner said the bids were reasonable in range. Mr. Turner did explain to Mrs. Herrick that when he saw a zero cost on their bid, he had a large concern about no cost to the Town for that level of work but it was providing the most value on timber but to Mr. Turner it felt that the bid was incomplete because there was no explanation for the zero cost. Mr. Turner said on the back side of the bid, he also takes into consideration if they are professionally trained loggers if they have first aid skills and safe productive falling skills for harvesting timber. He does check references for Town logging. Mr. Turner said historically they have always received the sealed bids at his office and held them to the time mentioned. If individuals show up, they will open them with any interested party in full disclosure. Mr. Turner said this is the first time where he did not spell out that the bids would be opened at 2:00 pm in New London, and understands the issue with that. He said he thinks the other problem is not having the cost expectations not being clear.

47 Chair Fulton asked Mr. Turner from this point forward what the options would be. Would it be to re-bid
48 the project with a new bid spec? Chair Fulton is not sure if it presents a timing issue for capturing this
49 year's Harvest, but it would not be something they need to start from the full beginning. Mr. Turner said it
50 does make sense and would emphasize starting with a very clear process in terms of the bid. Mr. Turner
51 said he understands the issue with the public place, and not having it clear about timing and it is only fair
52 to be open and present with people that are interested in the bid process to be present. Chair Fulton said
53 that he has never been aware of having the bid openings at the Conservation Commission meetings that he
54 is aware of. Selectman Cahill said when it was brought to his attention about the zero number his question
55 is specific to the gate and access to the road. Selectman Cahill asked if the specifics were drawn out for
56 example one foot of crushed gravel 300 feet etc. in the bid process. Mr. Turner said it was not clear.
57 Selectman Cahill said the reason he asked this was because when he saw the numbers it was a huge range.
58 Selectman Cahill said secondly where this is a municipality and these were public bids, he believes that in
59 the future the bids should be sent and held by the Town Administrator and opened in public for
60 transparency. Selectman Cahill said if he was on the other side of the fence and was a competitor for this
61 job, he would not feel comfortable with a re-bid. Chairman Hippler asked how many timber sales have
62 been facilitated under Mr. Turner's watch. Mr. Turner said for the Town of Weare about roughly eight to
63 ten. Chairman Hippler agrees with Selectman Cahill about the re-bid and would not feel comfortable re-
64 bidding. Chairman Hippler said he also agrees with Selectman Cahill about opening the bids in a public
65 setting. Chair Fulton asked Mr. Turner what the range of practice that he has seen within municipalities is.
66 Mr. Turner said most of them are non-public sealed bid openings that he has seen. Commissioner Ray
67 Lemay said he would not re-bid because then everyone knows the numbers that are already submitted.
68 Commissioner Lemay said that they probably would not be having a problem if the highest bid to the town
69 was awarded. Commissioner Lemay said that the highest bidder did put a zero at the bottom and a zero is
70 a number. Commissioner Lemay said if he was bidding on the job and wanted to do the town a favor, he
71 too would have put a zero down if he could make it up in the other sales. To have the bid rejected because
72 they put a zero is not fair. Commissioner Lemay said they are a professional they are already going to know
73 how to set the landing and will do it right. Commissioner Lemay agrees it should be a public bid opening
74 to allow for the individual's bidding could come and then questions could be asked. Mr. Turner said in
75 terms of the award it is not awarded to the highest bidder value-wise, it is awarded to the highest value that
76 the town would receive based on all kinds of things not just the bottom dollar. Selectman Blume asked if
77 taking that zero into account is the other criteria that would have excluded them. Mr. Turner said as he
78 mentioned earlier the second emphasis was the timing of the entry. Commissioner Phillips said that the bid
79 presented by Hopkinton Land Clearing says as soon as ground works. Commissioner Phillips said that
80 would tell him they are saying as soon as you say it is ready, they could start.

81
82 Mr. Turner said from a Forester's standpoint he considers that differently because of ground conditions are
83 not just for seed and how wet it is. He perceives the ground works as if it is dry. Mr. Turner said the
84 professional logging criteria on the sheet is something he heavily weighs in on. Mr. Turner said he thinks
85 responsible and professional to be trained and safe, and then if there are any felonies or criminal charges,
86 and references so he can ask how the Town forest job goes. Selectman Blume said going back to the bid
87 with the zeros the interpretation can be open to the groundwork but the training was a no along with the
88 convictions and there were references. Commissioner Lemay said he would think that NH Fish and Game
89 would be the strictest. Selectman Cahill asked Mr. Turner, when he spoke with Marlo, did he ask her the
90 questions he had been referencing to? Mr. Turner said no Ms. Herrick reach out to him after the decision
91 was noticed. Selectman Cahill asked if he reaches out to bidders that he may have needed clarification on.
92 Mr. Turner said his interpretation of that bid was very clearly explained to the bidders. Mr. Turner said in
93 retrospect they will be doing it differently. David Herrick with Hopkinton Forestry said his thoughts would
94 be whenever a bid goes out and there is a question on the dirt work side of it there should be a spec in place
95 so it can be apples to apples with any contractor. Mr. Herrick said it is not an uncommon practice to put a
96 zero in a bid. Commissioner Phillips asked what the CPL training was. Mr. Herrick explained it when you
97 go to the Timber Land Owners Association and they do practice in that but they do not go to everyone but
98 it is hard to get good manpower. Chairman Hippler asked Mr. Turner if there was a spec that other

99 Municipalities use for the landing entry etc. Mr. Turner said no it is specific to the job and it would not be
100 hard to create. Selectman Cahill asked Mr. Turner if he would like to now go back and reevaluate
101 everyone's input. Chairman Fulton said in his experience with bidding it is not the caveat and may not be
102 written up that this way, that we take the lowest bidder. We look for the price of course but it is the most
103 responsive bidder. Chairman Fulton recommends that they do not come to a decision tonight. Selectman
104 Cahill said he would like to set a time when they can reconvene and give an answer. Mr. Turner said it
105 would be okay. Marlo Herrick from Hopkinton Land Clearing spoke and wanted to clarify the ground
106 conditions that apply to work. Ms. Herrick said the Forester is typically the one who tells them when they
107 can or cannot come in to do the work. Ms. Herrick said the milling company they are working with would
108 like to see the work done closer to fall as well. Chairman Fulton asked Ms. Herrick how the commission
109 or the people they hire know just what you were intending to put in the line to meet that item in the bid.
110 Ms. Herrick said that was discussed at the site walk and that is what her logger came back and presented
111 to her. Commissioner Lemay said in his experience even with a spec the numbers would have been the
112 same, if all the bids were evaluated by emotion it completely nulls any kind of bid. Chairman Hippler said
113 putting a zero there was an acknowledgment of what it is going to cost. If it were to have been left blank
114 then that would be a different story. Sandy Heino a resident of Weare and sister to David Herrick spoke.
115 She stated that if all four to eight people who are making these bids are all qualified and meet the
116 qualifications, the Board of Selectmen and Conservation Commission should certainly take into
117 consideration the taxpayers of Weare and pay attention to the bidding numbers closely.

118
119 Town Administrator Naomi Bolton stated that when the Commission put the notice out, they did not warn
120 the bidders that the Commission has the right to accept and reject any and all bids. TA Bolton said she does
121 not believe that they can throw out all the bids without warning the bidders. Chairman Hippler said it was
122 on the timber bid sheet. TA Bolton said it was not addressed publicly. Chairman Fulton asked if one month
123 out as far as a decision being made throw the schedule in arrears. Mr. Turner said a month may be too long
124 a week would be reasonable. Selectman Cahill asked if the Commission would like to send a representative
125 to the Board of Selectmen's work session Monday, August 14, 2023. Chairman Hippler suggested having
126 the commission members solely email the chair with their idea and then the chair could bring it to the
127 Board of Selectmen without it having been a meeting through email. Selectman Cahill suggested coming
128 Monday night where they could have a quick collaborative session. Selectman Blume said that they have
129 acknowledged that mistakes were made. The bid did say it would be awarded the next day and it does not
130 say anything about reconsideration being made. Selectman Blume said it makes him uncomfortable going
131 back on things that were presented in what will amount to legal documents. Chairman Fulton said that is a
132 strong read. Ex-Officio Sherry Burdick asked Mr. Turner if a letter was sent out. Mr. Turner said he emailed
133 a list of loggers directly. Chairman Fulton said it still is not a done deal because the decision had not been
134 arrived at in a public forum at a Conservation Commission meeting. Chairman Hippler said the only thing
135 that may go against the legal aspect of it is the town has never had the opportunity to reject it. Selectman
136 Blume asked Mr. Turner if he has signed anything that allows him to act as an agent of the Town of Weare,
137 that allows for him to pull the trigger on accepting a bid. Mr. Turner said he had an agreement with the
138 Town to be their agent. Selectman Blume said that is where he is hung up because it says the Town reserves
139 the right and they did that through Mr. Turner, and would not just be a recommendation if they had given
140 him that authority. TA Bolton said Mr. Turner signed something by Steve Najjar it's been about two years
141 and they had Laura come up with a forestry agreement because Mr. Turner has been doing work for the
142 Town and there was no signed agreement. The draft was approved and TA Bolton said she will need to
143 finish the agreement and then bring it to the Board of Selectmen to be signed and approved to be a vendor
144 that is contracted with the town. TA Bolton said to her there is no contact and the individual projects the
145 Commission has been signing the FSAs. Chairman Fulton said after TA Bolton's explanation he would say
146 that the bid has not been awarded. The premium bid was selected but not accepted by the Town based on
147 the fact there is no contract. Chairman Fulton asked if TA Bolton would be able to post that the commission
148 will meet again with the Board of Selectmen on Monday, August 14th. TA Bolton said she could. Selectman
149 Blume asked when the next bid would come up because they will need to be prepared for that. Chairman

Fulton said it could easily be within the next quarter. Mr. Turner said he plans to prepare the criteria and would suggest the Town adopts bid procedures.

Chairman Hippler motioned to adjourn the Board of Selectmen meeting at 8:25 pm. Seconded by Selectman Cahill. All in favor. None opposed.

Forestry Items: Mr. Turner said the pollinator habitat at Eastman and the annual mowing bid was awarded to Land Works out of Bradford. Currently mowing in between the rain storms. The landing, road, and store have been mowed. Mr. Turner said boundary maintenance for the Hardwick line had been completed with the meridian bed. Mr. Turner said the encroachment on Brookshire has been going on historically with several properties and some of the boundary encroachment issues have been resolved but there are still a handful of encroachment issues. Mr. Turner reported the TSI (Timber Stand Improvement) on Toby Hill is currently half the cost of what they had planned to do. Chairman Fulton asked if that is where Mr. Turner would be using his labor to do things such as weeding and thinning of areas where they did not want to commercially introduce big machines. Mr. Turner said yes. Mr. Turner said the GIS project is still looking for membership feedback. Chairman Fulton said the GIS is now linked to the website. Mr. Turner said the boundary maintenance service is still underway and he has a new FSA because the old one expired. Mr. Turner said moving ahead he would like to know what where Town Councils' opinion is on the quiet title. TA Bolton said she will have to check with the council and get back to Mr. Turner. Mr. Turner said the Eastman Timber sale has had some conversation about access to the Eastman lot with abutter Chris Bolton. Mr. Turner said that two forestry plans are out of date and that he would like to get on the queue for a standard ten-year rotation of certified tree farm requirements. The two forests he is referencing are Farren Pond and Poor Farm. Mr. Turner said he can write up the agreements to get into the work queue for the two forests. Mr. Turner said the Barden lot has been evaluated and has several activities that are scheduled. This lot should get into the work queue for next year. Mr. Turner said in some previous Conservation Commission minutes there was discussion about easement conditions at Collins Landing and historically they have helped them with that. He is unsure if that changed or if they would like the help they could assist. Chairman Fulton thanked Mr. Turner for bringing that to their attention and asked Mr. Turner to prepare an FSA for the September meeting. Mr. Turner said he could and he would suggest looking into an hourly FSA for the Conservation Commission. Mr. Turner said to conclude the Eastman forestry agreement expires in December and prepared a renewal for the Commission.

Commissioner Phillips motioned to approve the renewal FSAs as presented. Commissioner Lemay seconded. All in favor. None opposed.

Other Business: Andrew Sheard a Weare resident and Science Teacher at John Stark is looking to see what land the Town has and the opportunities that John Stark can be a part of helping the Town. Mr. Sheard said there are a couple of trails that are not marked. Mr. Sheard said it would be nice to have a direct trail from the school and into the forest. He would like to know if it would be okay for the school to mark some of the trails. Commissioner Lemay said it might be better to wait until after the timber cut is completed so the trails are easier to find. Chairman Fulton would give him Mr. Turner's contact along with the Vice Chair of the Commission so he can speak with them. Mr. Sheard asked about using the old logging road that connects to the beaver pond and blazes around that. Chair Fulton said it sounds like a good idea and would like someone from the commission to look at it with Mr. Sheard. Mr. Sheard said ideally, they would like to have the students do the work. He asked if there were any ideas or projects, they can engage students in. Chairman Fulton said the Barden property is nearby and if someone can evaluate the property from front to back for a trail system. Commissioner Lemay suggested analyzing the soil types and vernal pools for a trail system which could create a mapping project. Chair Fulton suggested winter tracking to get students to think about ecology and what it takes to have a habitat for various animal species.

200 Commissioner Lemay said he spoke with Bob Morin at Construction Summary and he is going to set up
201 the bid. Commissioner Lemay said he has not gotten together with TA Bolton yet; therefore, they will not
202 be able to out to bid until after next month.
203

204 **Minutes:** Chairman Fulton moved to approve the minutes until next month.
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206 **Bills:** Chairman Fulton to sign and give to the finance director.
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208 **Motion to adjourn made by Ex-Officio Burdick at 9:28 pm. Seconded by Commissioner Phillips. The**
209 **vote passes 4-0-0.**
210

211 **ADJOURNMENT**

212 A True Record.

213 *Kearsten O'Brien*

214 Kearsten O'Brien, Minute Taker