

FINAL



**WEARE CONSERVATION COMMISSION
MEETING MINUTES
November 15, 2023**

PRESENT: Andy Fulton- Chair, Steve Najjar- Vice Chairman, Mike Camacho- Secretary, Sherry Burdick- Commissioner, Marc Phillips-Commissioner, Suzanna Taytslin- Commissioner, Philip Cody- Alternate Commissioner, Ray Lemay-Commissioner

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Janice Mathews

Chair Fulton opened the Conservation Commission meeting at 7:34 p.m.

Minutes:

October 18th, 2023: Burdick motioned to approve the minutes as amended. Seconded by Phillips. Motion passed 5-0-2. Abstentions from Taytslin and Lemay

January 11th, 2023: Phillips motioned to approve as written. Second by Vice Chair Najjar. Motion passed 6-0-1. Abstention by Taytslin.

May 10th, 2023: Phillips motioned to approve as amended. Seconded by Burdick. Motion passed 5-0-2. Abstentions by Taytslin and Lemay.

Parks and Recreation Shmid/Banks Field on East Road: Chair Fulton stated for the record that there is a substantial size hayfield, and a portion of the hayfield is on town property in the northeast corner of the Shmid property and extends onto the Brown and Banks property. The property is not all available or anything as town property or subject to easement as the commission intended. Chair Fulton said it is about seven and a half acres as far as the town-owned hay field. Vice Chair Najjar stated for the record the December 2nd, 2013 CC meeting minutes contain concurrent BOS meeting minutes. Vice Chair Najjar said Town Counsel Laura Spector-Morgan has an opinion which the CC has now, but he does not think she has gone back and reviewed everything because the warrant article went off the rails. The purchase was much different as far as the funding went. Vice Chair Najjar read an excerpt from the December 2nd, 2013 meeting minutes. Discussion ensued regarding the differences between recreational use and conservation recreational use. Phillips asked what the CC do to keep moving the issue forward. Chair Fulton said they will continue to speak with BOS about the parcel and voice sincere concerns. Phillips asked how they could move forward with getting the easement on the property and if a warrant article needs to be presented. Vice Chair Najjar said they do have the authority to put the parcel under easement they would just need to make sure it is valid. Phillips said they need to get that done and reinstate the easement. Vice Chair Najjar said they need a consensus from the BOS to see where the twenty acres are and there would need to be money spent for the preliminary design or just say no it is not feasible. The town is floundering on the AOT permit that was there too. Lemay stated what makes sense would be putting the recreational fields in to reclaim

the gravel pit because if they don't, they would need to find other ways to reclaim the gravel pit when mining operations cease. Chair Fulton suggested going to the Parks and Rec meeting and speaking with them on the proposal and the CC counter-proposal. Vice Chair Najjar said that they need to deal with some legal issues such as the poor farm boundaries and dealing with monuments on Courtland. Vice Chair Najjar suggested setting aside \$20,000 and asking the BOS if they could hire an attorney to get these projects worked out. Vice Chair Najjar said there are 26.70 acres of open space at Cortland.

Vice Chair Najjar motioned to put \$20,000 aside from the Conservation Fund to handle and review projects such as Banks/Shmid, Cortland, and Poor Farm to include County or legal assistance. Seconded by Taytslin.

Discussion ensued regarding legal policy. Camacho said he agreed they needed a better or different opinion and asked why the letter was not sent to the county. Vice Chair Najjar said that they do not know they do not have access to the attorney and was in the minutes that the CC requested that they are not getting the support they used to get. Vice Chair Najjar said that he would not suggest kicking the can further down the road because of the actual voting cycle. Right now, the way the policy to contact legal goes through many people before answers can come back to the CC. Discussion took place about reaching out to the Society for the Protection of NH Forests (SPNHF) about the easement of Shmid and Banks and going to the meeting on the 27th of November. **Motion passed 7-0-0.**

Phillips motioned Chair Fulton in writing to request legal assistance regarding the Poor Farm, County, Banks/ Shmid, and Courtland disputes. Seconded by Lemay.

Vice Chair Najjar said they will need to list out specifically what they are looking for. The intent for the Poor Farm Forest, they are looking for a letter for the BOS to sign relinquishing Mr. Cardinano of his claim and if he does not do that then they will be asking for necessary legal action to quiet the title. Vice Chair Najjar said for the Banks/ Shmid property they would have the attorney look at more than just the warrant article and see if anything changes. **Motion passed 7-0-0.**

Proposed Planning Board Zoning Ordinance Changes: Vice Chair Najjar informed the CC that the Planning Board is proposing to change the buffer ordinance. The ordinance is in place at a 25-foot buffer. Vice Chair Najjar said they are looking at changing to a tier system and it concerns him because it takes a while to get to know a wetland. Vice Chair Najjar said the Planning Board has not reached out to the CC and feels the CC should reach out to the Planning Board.

Land Management: Lemay worked on the Barden lot asbestos abatement RFP and asked who should be the primary contact and whether should they provide a bond. Discussion ensued about the context of the RFP. In conclusion, the RFP will include a mandatory site walk, a quote for just the abatement, a quote for the abatement and demolition, and they will require a bond.

Chair Fulton said the mowing has been completed by Mr. Wilson and when the invoice comes in let him know so they can have that approved.

Burdick informed the CC that the BOS wants the forester contract to go out to bid. Discussion took place on how the CC pays for the services. Vice Chair Najjar said they should bring the document back to the BOS and recommend that they sign the agreement. Vice Chair Najjar also mentioned already being in agreement with Meadowsend about the Timber Harvest. Ms. Mathews said the BOS was not sure if the document had been fully looked over by the CC. Chair Fulton said the CC needs to be at the meeting to be able to explain the contract of the forester. Vice Chair Najjar said that part of the conversation with the BOS will be to try and figure out what they are trying to obtain out of the RFP and how the selection process will go. Vice Chair Najjar said the CC is very happy with the work that Meadowsend is doing. Discussion of the original timber bid discussion at the BOS meeting of the rebidding was had. Chair Fulton

asked the CC if they would like to go to the BOS meeting to discuss the Forester Contract. Phillips suggested going out to bid and getting the contracts and seeing what others have to offer and at the end of the bidding process, it still could be Meadowsend that receives the bid. Chair Fulton said that he does not like to go out to bid to just go out to bid. He likes to go out to bid when there is no one to do the work and they are looking for someone to do it. Phillips said they need to first figure out if Jeremy Turner is the Town Forester because the BOS is stating that he is not. Vice Chair Najjar said he would like to see the CC go back to the BOS and have them sign the contract and abide by the waived amendment that they originally made. If the BOS does not do that then the CC can go back and ask them to sign so they have a Forester in the meantime while they work on putting out an RFP.

Vice Chair Najjar motioned to recommend to the BOS to sign the contract with Meadowsend Timberlands agreement with Jeremy Turner dated August 14, 2023, and signed by Jeremy on October 23, 2023. Seconded by Camacho. Motion passed 7-0-0.

Vice Chair Najjar suggested that the CC recommend to the BOS that the CC not put off the RFP for the Felch Farm harvest because it is a good seed year. Camacho asked if it could be brought up with the Selectmen at the meeting on the 27th and have an open discussion on the topic. Vice Chair Najjar said that would be his suggestion.

TA Bolton said there will be a 91: A Training on Tuesday, November 28th at 6:30, and will be remote.

A motion to adjourn was made by Phillips at 10:53 p.m. Seconded by Lemay. The vote passed 7-0-0.

ADJOURNMENT

A True Record.

Kearsten O'Brien

Kearsten O'Brien, Minute Taker