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MINUTES
August 3, 2023

MEMBER ROLL CALL:

Ralph Lutjen, Chairman	Ted Slader (Alternate) - Present
Marc Ohlson – Excused	Emily Bass – Present
Michael Brooks – Present (late)	Josh Shackford - Present
Mike Mauro, Selectmen’s Rep. – Present	Mike Mosher - Present
Noreen Downs (Alternate) - Present	

OTHERS PRESENT: Carol Dandeneau - Madison TV, Katharine Young, Land Use Boards Administrator, Tim Nolin, Marcia McKenna, Mike Morin - USVLT and Kathleen Stutzman – Graduate Research Assistant, University of Vermont

MEETING POSTED: This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on July 26, 2023.

CALL TO ORDER: Lutjen called the meeting to order at 4:00 pm.

ELEVATION OF ALTERNATES: Lutjen stated there is no need to elect alternates.

APPROVAL OF MINUTES: **Motion** by Lutjen, seconded by Bass to approve the July 6, 2023 minutes as written. The Motion passed **6-1** with Mosher abstaining as he was not present at the July 6, 2023 meeting.

PUBLIC COMMENT: Downs counted each member and then stated there are five members and two alternates present. Downs questioned why the commission is not elevating alternates?

Motion by Bass, seconded by Shackford to elevate Downs and Slader for this meeting. The motion passed **unanimously**.

McKenna suggested that the Commission minutes be included in the Selectmens package as she has attended all Selectmen meetings but one and none of the information discussed at the Commission meetings as to the Chain of Ponds, Davis Pond property or Downs efforts as to the spreadsheet for the culverts and stream crossings ever comes to light. McKenna stated she believes the other Selectmen would like to know as well. McKenna further stated that she made a suggestion to L. Shackford that the Selectmens meetings should have what we have here,

which is the Selectmens Report and Planning Board Report and that they include on their agenda the reports from their respective representatives after the meetings are held to educate the other Selectmen as well as the public who watch the meetings. Mauro stated that if the public wants to know they can watch on tv as well as this meeting. Lutjen stated that McKenna made her point and it is now up to the Selectmen to consider it. McKenna stated it is up to the Commission to vote to provide the Selectmen with the Commission's monthly minutes. Bass asked if McKenna is asking that someone from the Commission should attend the meetings? McKenna stated she thought that would be a good idea and she believes that the other Selectmen would want to know what is going on in these meetings. Lutjen agreed that the Conservation Commission minutes should be provided to the Selectmen.

Motion by Lutjen, seconded by Slader to send the Conservation Commission minutes to the Selectmen. The motion passed **unanimously**.

Young stated that the minutes are on the Madison website. Bass stated that not everyone reads things and there is a responsibility to put it right in front of their face so the Commission can say that they really tried to inform the Selectmen.

Slader stated that August 6th is the date for the animal presentation for Old Home Week and he asked for help setting up chairs.

Downs stated the Commission approved the minutes too quickly and that she had one or two revisions to the July 6, 2023 minutes as follows:

1. Downs referred the Commission to the July 6, 2023 minutes wherein it stated "No direction was given to Young to schedule Darron Laughland for the October 5, 2023 meeting." Downs requested now if Young would contact Darron Laughland to attend the October 5, 2023 meeting. It was agreed by the Commission to have Young contact Laughland. Young stated this is not a revision to the July 6, 2023 minutes. Lutjen stated Young does not need to revise the July 6, 2023 minutes as this is included in these minutes.
2. Downs stated at the July 6, 2023 meeting she had requested Young table the McNair Easement Amendment Update until Downs had information for a report and she would let Young know. Downs stated that Young had this on the August Agenda and in the July 6, 2023 minutes. Young stated she would remove it from the minutes and the Agenda going forward.
3. Downs stated on Page Four of the minutes that Young should spell out "Green Mountain Conservation Group" as people reading the minutes may not know what that entity it is. Also, same page, Paragraph Six, Downs requested this paragraph be moved to below the **Motion**.
4. Downs stated on Page Five, first paragraph, there is a misspelling of culvers wherein should be culverts. Also, same page, Paragraph Four, Zoo Keeper should reflect Wildlife Encounters of Barrington New Hampshire.

Young stated she would make the changes as noted above.

OLD BUSINESS:

Property Review Commitments and Sign-Up: Lutjen stated the workload given to Young has created some expenditures that are not in the budget for this year and he would like to defer this as well as the revisions/additions to the Master Plan to January, 2024. Lutjen further stated that Nolin will not be doing the property review work until the fall and the Commission would not be getting this information until later in the year to update the property descriptions but that people could sign-up now if they would like. Downs asked if the Commission Members are being asked to volunteer to do the monitoring or to take Nolin's information and update what he does? Lutjen stated just updating Nolin's information and no monitoring of the properties.

Review of Master Plan: Lutjen stated again, we do not have the hours in the budget for Young and he will take the Commission Members input provided and update the Master Plan to the extent possible. He further stated that McKenna, Downs, Bass and himself have provided some of the updates. McKenna stated she was confused as to why this is being postponed and that every year, they do the monitoring of the property but this would not affect the writing of the Master Plan because those are just general descriptions of the property. Lutjen stated it could be and it would incorporate the latest information and if there is a need to update the information as the result of Tim's review, he wants this in the Master Plan. McKenna asked what Young's involvement would be in the Master Plan, would she do the rewrite or would Lutjen? Lutjen reiterated he is willing to do the rewrite of the Master Plan with the comments he has been provided and if it gets more involved, he will ask Young for assistance. Downs stated the Lutjen could take the comments Members have provided and develop a draft and circulate to the Members for comment. Downs also stated Appendix D which is listed as Environment also has to be looked at and not just Chapter 8 and she stated she has not commented on Appendix D yet.

Downs interjected and stated she was confused with the sign-up commitment list and stated the Bass put her name on the sign-up commitment and she picked Big Island, Loon Island and Hurricane Point and Downs asked Bass if she was going to monitor these properties? Bass stated yes. Downs asked for clarification if Lutjen is asking the Members to volunteer to take Nolin's information from the parcels he is going to monitor this fall and update the material? Downs also asked Lutjen if he wanted the Members to put their names down on the sign-up to do property monitoring if they want to do one? Lutjen stated that the update was to take any information that was relevant to update the property descriptions. Lutjen then stated he thought the Commission was going to do a series every year which would not involve all of the properties and since all the properties were done last year, his thought process was they would cycle through with Nolin's work and update year by year. Lutjen stated that the Commission Members do not need to go and monitor the properties.

McNair Easement Amendment Update:

Again, Downs stated that she wanted the McNair Easement Amendment Update tabled until she received information and at that time, she will forward to Young to be put on the Agenda. Downs stated there is no need to report and wants it deleted from the Agenda. Young previously stated that she would remove it going forward in the minutes as well as on the Agenda.

Digitalizing Property Town Reports: Per Lutjen this is deferred to January, 2024.

Chain of Ponds Update: Lutjen gave the Acquisition Letter from Morin, USVLT to Mauro. Young stated that the Acquisition Letter has been reviewed by the Town's attorney as it is currently written and that she only added the date of August 3, 2023 per Lutjen's instructions. Downs stated that in the first paragraph of the letter, it states that the "MCP abuts the town of Madison's Currier Lot" and she stated it does not abut but is adjacent to and is across the railroad tracks as they made that determination at the last meeting and did not know if it mattered. Lutjen stated this does not change anything and he asked that Mauro bring this Acquisition Letter to the Selectmen. Morin stated that he would like to have their counsel review the final copy before it is signed. Young stated she had emailed our attorney approved copy to Morin on August 3, 2023. Morin stated he still needed to forward the Acquisition Letter to their attorney for approval and will email any changes to Young.

Tim Nolin Update: Nolin stated all the forestry maintenance work they needed to do before Old Home Week has been done. Nolin further stated there was a lot of standing dead and blow down trees on the Bog Brook Trail. Nolin stated he will be sending his invoice on the work done to date.

Motion by Downs, seconded by Shackford that Lutjen is authorized to approve Nolin's bill outside of session for the budgeted amount. This motion was not voted on.

Downs interjected and asked Morin, UVSLT for any updates.

Chain of Ponds Update (continued): Morin, UVSLT stated the Conservation Fund is still working with the land owner on costs on the Purchase and Sales Agreement. Morin further stated they had a good meeting with the grant maker, Land Community Heritage Investment Program (L-CHIP).

Morin stated that Manikian is still working with the land owner and there is due diligence needed to be done on the UVSLT's end related to negotiations on the Purchase and Sales Agreement related to some costs but they are still moving forward and stated again, they had a good meeting with a grant maker, Land Community Heritage Investment Program (L-CHIP) and they are hoping for a contract sooner than later. L-CHIP did a tour of the property and were very interested. Downs asked if the appraisal was on track for October? Morin stated Peter Nault is working on it. Morin further stated he would change the wording in the final Acquisition Letter that Downs stated earlier that the Madison Chain of Ponds does not abut the Currier Lot.

East Davis Pond Letter: Lutjen asked for any comments on his letter to the Selectmen. There were none and Lutjen asked Young to forward it to the Selectmen.

Digitalizing Property Town Reports: Bass went over the cost analysis she received from Staples and the UPS Store. Bass needs to confirm the documents can be scanned to Word and PDF and she will report back to the Commission at the September 7th meeting.

NEW BUSINESS:

Kathleen Stutzman, Graduate Research Assistant, University of VT – Managing Pine Barrens:

Kathleen Stutzman gave a very informative presentation to the Commission regarding the pine barrens.

MCC Member or an Appointment: Bass stated that the Madison Library is doing monthly webinars educating people about the area, the town and official Boards and Bass was asked by a neighbor, who is a Madison Library Board Member if she would bring this up at the Conservation meeting. Bass stated she asked Young to put this on the Agenda. Bass further stated that the Madison Library wanted to learn more about what the Conservation Commission does and what role it plays in the town. Bass asked the Commission Members their thoughts and would someone like to do it. Lutjen stated it is information that is beneficial and the Master Plan could be very beneficial in terms of the input the Commission would give to the presentation and Lutjen asked Bass when are they expecting the Commission to do this? Bass stated it was to be determined at this point. Lutjen's recommendation is they work on the Master Plan and that information could be extracted for the library. Lutjen stated the Master Plan review would be reopened in January, 2024 but he is hopeful he will have a draft before that. Bass stated it is a little simpler than that. Lutjen stated a copy of the Master Plan could be provided with the presentation. Lutjen stated they would have something early next year.

Bass stated there was a letter in their packets from McKenna. Young stated she had received the letter that afternoon and that she had previously sent an email to all Commission Members on July 31, 2023 @ 1:50 pm about what she and Lutjen had decided to do for a gift to recognize McKenna's 22 years of service on the Madison Conservation Commission. Young further stated that in that email she had instructed the Members to please not discuss it when McKenna was present as she attended meetings and that this was going to be a surprise. Unfortunately, a Commission Member had disclosed this to McKenna, hence the letter received from McKenna dated August 2, 2023 stating she did not want a gift as she did not leave the Commission voluntarily and it would be too upsetting for her to look at something that reminded her of her unwarranted dismissal by the Selectmen but she suggested a donation to Upper Saco Valley Land Trust towards the Chain of Ponds or a donation to Green Mountain Conservation Group towards the completion of the acquisition of the Blankenstein property on Davis Pond would be greatly appreciated.

Bass opened the discussion stating she was not present at the meeting about McKenna and Stoney not being reappointed to the MCC and she questioned how did this happen and how did Shackford and Brooks get here (and she stated to Shackford this is nothing personal) and wanted to know the process she missed? Mauro stated this has been discussed at approximately six Select Board Meetings which are televised. Bass stated she did not

watch any of the meetings. Shackford stated he is not a Selectman anymore. Bass stated she does not know what that has to do with the question and Shackford stated Bass questioned why he was here. Bass questioned why there were replacements for McKenna and Stoney? Mosher stated it was the Selectmens decision and whatever they did had nothing to do with this board. Bass asked if at any time the Selectmen can say you are off the board? Lutjen stated no, it is when your term is up and you indicate your willingness to continue and it is up to the Selectmen to decide whether or not they want you to continue. Bass questioned why the Selectmen decided to not have McKenna continue? Shackford stated the Selectmen must have decided to put him on and that he applied to be on the Commission. Downs stated that four people applied and two people were chosen. Bass questioned if it was a performance issue why McKenna was not reappointed? Mauro stated Bass is welcome to come to the Select Board meetings but it was not something this board had anything to do with. Bass stated she wrote a letter to the Selectmen and she asked if it was appropriate to bring this up to the Commission now? Lutjen stated she is free to offer her comments and that the decision has been made. Bass questioned what the criteria is whether you are chosen or not? Bass stated she had heard through the grapevine that it was because McKenna's tenure was so long but there are other members that have been there longer than McKenna and Bass stated this is very disappointing. Shackford asked Bass if she would have cared if he was upset and did not get picked? Bass stated she would have to see Shackford's qualifications compared to McKenna's and make a decision based on the quality of that and she does not know his qualifications. Shackford stated he was not aware you had to have any qualifications to be on any board in the Town of Madison and there never has been. Downs stated other than being a Madison resident. Bass questioned how they picked Shackford over Stoney? Shackford stated he did not know but that he put in his application. Lutjen interjected and asked the Commission Members to move on.

SELECTMAN'S REPORT: Mauro, Selectmen's Rep., had nothing new from the Select Board to report to the Commission. Mauro stated he will bring the Acquisition Letter and the letter from Lutjen to place town property into conservation property, and the suggested name is East Davis Pond lot to the other Selectmen.

Mauro stated Old Home Week is coming up with lots of activities.

Mauro also stated the Town of Madison has sustained tremendous damage from two storms and the governor did sign a letter of declaration of disaster to the president for the May 1st storm which puts into motion, the federal government's involvement in some restitution for the funds that the town is spending which had not been budgeted for. Mauro stated as far as the second storm, this will take time as each town processes their information to the state and the state has a \$2,500,000.00 threshold and once that has been met, the state can go to the federal government at the request of the governor. He stated at this time, he does not have a figure for taxpayers but it will be a hefty bill that the Town of Madison does not have money budgeted for.

PLANNING BOARD REPORT: Ohlson was not present so there was nothing to report.

ADMINISTRATIVE CORRESPONDENCE:

Budget Drawdown: Lutjen stated there are a couple of expenses coming up soon with one being the water quality testing from Green Mountain Conservation Group and Lutjen stated there is room in the budget as to date only 22% of the budget has been spent at this point.

Shackford explained a deposit was received in the amount of \$4,900.00 which will go into the Land Use Change Tax Account. Shackford further explained that when you take land out of current use, there is a 10% penalty of the total land value which the town gets and then the Commission gets 50% of that figure which the total amount was \$9,800.00.

Account Updates: Lutjen stated that has been minimal activity and nothing to report except for a little bit of interest in the accounts.

Brooks arrived to the meeting at 5:10 pm.

Downs asked if the Commission could address McKenna's request for a donation to an environment cause? Lutjen stated the anticipated expense for the gift for McKenna was nominal and that it was the thought behind it. Lutjen suggested Downs make a motion.

Motion by Downs, seconded by Bass that the Madison Conservation Commission donate \$100.00 to the Upper Saco Valley Land Trust towards the Chain of Ponds acquisition project in honor of Marcia McKenna's 22 years of service. Mosher and Mauro abstained. Shackford called point of order and stated that Mosher and Mauro need to state a reason for abstaining. Mauro stated his reason is that taking the money for the gift was a nominal amount of money and now it has gone to \$100.00 and he wanted to know how we did that. Downs stated because she made the motion. Mauro asked how did we go from \$56.00 to \$100.00? Downs stated because McKenna has 22 years of service. Shackford called another point of order as he feels there may be some legality as far as just making a motion to give money. Downs stated we have a gift account and the \$100.00 would come from that account. Mauro stated he would withdraw his abstention once the attorney says it is ok. Young stated she would check with the Commission's attorney about the motion that Downs made. **This Motion was not voted on and was withdrawn by Downs.**

Brooks stated he tried to listen to the live stream on his way to the meeting and he suggested buying \$100.00 of the southern pine beetle traps in McKenna's memory and do a plaque which would serve two purposes. Lutjen liked Brooks idea. Downs stated maybe do something else like put the it towards a scholarship for campers next year. Bass stated we could name the scholarship that is already happening. Downs added to designate \$100.00 in McKenna's memory for her years of service. Bass suggested we don't spend any more money and just name what we are already donating and it is in perpetuity and every time we give the scholarship and Bass further stated McKenna is an educator as well, and there is no exchange of money. Downs asked Bass to make a motion. Lutjen stated there already is a motion. **Downs withdrew her previous motion.**

Motion by Bass, seconded by Slader to name a Scholarship Fund for campers interested in the protection of nature and the environment, The Marcia McKenna Scholarship Fund in honor of her of 22 years of service. The motion passed **unanimously.**

Shackford asked Young to follow up with the attorney about making motions to donate money to someone.

ADJOURNMENT: MOTION: By Lutjen, seconded by Mosher to adjourn the meeting. The meeting was adjourned with all in favor at 5:30 pm.

Submitted by:

Katharine Young
Land Use Boards Administrator