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**MINUTES**  
**January 12, 2023**

**MEMBER ROLL CALL:**

Marcia McKenna, Chair – Present

Marc Ohlson – Present

Ralph Lutjen – Present

Noreen Downs (Alternate) - Excused

Robert Stone - Present

Ted Slader (Alternate) – Excused

Emily Bass – Present

Mike Mosher - Present

**OTHERS PRESENT:**

Aysia Morency- Madison TV and Katharine Young, Land Use Boards Administrator

**MEETING POSTED:** This meeting was posted at Madison Town Hall Upper & Lower, Madison & Silver Lake Post Offices on December 29, 2022.

**CALL TO ORDER:** McKenna called the meeting to order at 4:10 pm.

**ELEVATION OF ALTERNATES:** None

**APPROVAL OF MINUTES:** **Motion** by Ohlson, seconded by Lutjen to accept the minutes of July 20, 2022 site visit. The minutes were accepted **unanimously**.

McKenna tabled the approval of the December 1, 2022 minutes to the February 2, 2023 meeting as the minutes were missing Pages 2 and 4.

**PUBLIC COMMENT:** There was no public comment.

**OLD BUSINESS:**

**Property Review Commitments and Sign-Up:** Lutjen stated the Commission had a conversation with Tim Nolin about scheduling certain properties and asked him deal with those. Mosher asked what was the account that the Commission agreed upon paying Tim Nolin out of and does the Commission have the right to expend the money out of that account? McKenna stated that this needs to be squared

away and won't happen until after town meeting but that \$1,200.00 was being put in the budget. McKenna asked if the Selectmen approved to put the \$1,200.00 addition to the Commission's budget for property monitoring? Mosher stated he was not sure. McKenna asked Kate Young, Land Use Boards Administrator if she knew. Young responded that she did not and that Linda Shackford brought it to the Selectmen and they have not made a decision. McKenna asked what are we supposed to do? Ohlson stated put the \$1,200.00 in the budget.

**McNair Easement Amendment Update:** Downs has tried and has not been able to reach Laurie Corron so there are no further updates.

**Chain of Ponds Update:** McKenna stated that she spoke with Abby King and she is coming to the February 2, 2023 meeting to give the Commission an update. McKenna asked King if before town meeting, does the Commission need to get access to any of the Capital Reserve Funds McKenna stated that King is coming to the February 2, 2023 meeting to give an update on the appraisal.

**Part-time Administrator Position Update:** McKenna stated someone has expressed an interest in the position. McKenna read the cover letter Susan Staples Smith sent to the Commission.

Lutjen stated that Susan Staples Smith is very thorough, intelligent and would be able to pick up the RSA's and background information fairly quickly and she would do a great job. McKenna stated her only concern was that she has no land use background but we can help her with that. Lutjen stated that Smith is effectively retired and has the time to do this. McKenna asked the Commission when they would like to interview her and should they tell her thank you and show up at the next meeting, or go into non-public to discuss it? Lutjen stated the Commission should do an interview. Bass asked if there was land use training that Smith could attend that the Commission could afford to pay for? Ohlson stated there is the NH Associates of Conservation Commission that does land use training programs. McKenna stated there is probably training on line and the Commission would pay for that. Lutjen stated the job is basically doing the minutes accurately. McKenna asked the Commission if they would like to invite Smith for an interview at 2:00 p.m. or 3:00 p.m. and have her come before the meeting? The Commission agreed on 3:00 p.m. on February 2, 2023 and she could stay and observe the meeting. McKenna stated that L. Shackford should contact Smith about the time and compensation as the letter was addressed to L. Shackford. Mosher asked if the Commission could have a copy of Susan Staples Smith's cover letter and Resume. Young stated that she believes that is confidential/personnel information and stated no.

## **NEW BUSINESS:**

**Email from Jill M. Emerson, MB, Water Quality Coordinator, Green Mountain Conservation Group dated November 28, 2022** – McKenna stated she called Jill Emerson and talked with her and asked her to amend the letter that she sent the Commission dated November 28, 2022 to include a paragraph on the actual cost of the water quality monitoring as this gets put in the town report. Then people can see what they receive for their \$1,650.00 contribution. McKenna read to the Commission the following paragraph that was inserted into the letter dated November 28, 2022 from Jill Emerson as follows:

**“This year, the total cost for services to Madison was \$5471.90. This cost includes people hours (both staff and volunteers), equipment usage, data analysis, and laboratory services from both in house at GMCG and from two UNH laboratories”.**

**Thank you letter from Green Mountain Conservation Group:**

McKenna acknowledged the letter.

### **Account Updates:**

McKenna stated that the Commission needs to know if the Selectmen agreed to the \$1,200.00 increase in the budget and that the Commission is going to put it in their budget anyway. Lutjen suggested and McKenna agreed that hopefully the secretary can have the account balances on hand each month so the Commission can refer to them as needed and double check any expenses. Young stated that in the minutes dated July 7, 2022 it stated that “Noreen has agreed to supply a monthly report “. McKenna stated that when Downs is not here, McKenna does not know what the efficient way to do this is. McKenna suggested that she could come in a few minutes before the meetings and get the figures. Young stated she would check with L. Shackford.

### **Cordell A. Johnston, Esquire's email dated January 5, 2023:**

McKenna referred the Commission to Attorney Johnston’s email dated January 5, 2023. Bass was confused as to the comment **“But neither a hearing nor approval of the Selectmen is required for the expenditure of funds on a survey in connection with a possible purchase of property. Only the purchase itself requires a hearing and Selectmen approval”**. Lutjen stated evaluation is one thing and making an offer is another. Bass asked if the Commission could make an offer and Lutjen stated no, that we have to have a public hearing and in order to execute anything, we need Selectmen’s approval.

McKenna stated for the last 25-30 years since she has been on the Commission, the Forest Maintenance Fund was used to run daily expenses for the printing of pamphlets, the trail guide, Tim Nolin to blaze the properties and that any expenses incurred came out of this fund. McKenna believes there needs to be a Warrant Article to give the Commission permission expend those funds and if not, they will have to increase the budget substantially to cover those expenses. McKenna stated the argument she will make at town meeting is that the Forest Maintenance Fund is not taxpayer money and that the money comes from maintenance and mostly logging of the town properties and those monies have gone into this account and is not funded by taxpayers. If this money is no longer available to be used by the Commission, then the budget has to increase, which is taxpayer money. McKenna stated this is the only one chance the Commission will have money to spend unless the Commission increases the budget substantially right now in case the town does not want to give the Commission permission to use this money. Ohlson stated the Commission was going to ask for a set amount per Attorney Johnston’s email. Bass stated Attorney Johnston’s recommendation was to appropriate a certain amount from the Forest Maintenance Fund each year to maintain the town forest. Lutjen stated this is the way to go and come up with a dollar amount and propose a Warrant Article.

Mosher stated the Selectmen are looking to cut things down in the budget because of an increase this year and does not foresee increasing the Commission's budget. McKenna asked how much comes out of this account every year? Ohlson asked what was the budget drawn down? Lutjen stated a history of the use of this account over the past couple of years would be helpful. Ohlson asked would \$5,000.00 be enough? McKenna stated no she did not think that was enough money. Lutjen suggested \$10,000.00. Ohlson suggested up to \$10,000.00. Lutjen stated this should include the \$1,200.00 as it appears there may be some resistance increasing the budget so accommodate the property inspections in the \$10,000.00 figure.

**Motion** by Lutjen, seconded by Bass to draft a Warrant Article requesting an appropriation up to \$10,000.00 to come out of the Forest Maintenance Fund for operating expenses. The motion passed **unanimously with 6-0 votes**.

Discussion:

McKenna stated she will have to address the Selectmen to see if the town will vote to expend up to \$10,000.00 from the Forest Maintenance Fund for 2023 for operating expenses. McKenna asked if this automatically goes into the Warrant or do we need to do something additionally to get this in the Warrant? Lutjen stated that someone has to address at town meeting, what the money is being used for. McKenna asked if we vote on the Warrant now is that all we have to do or do we need to do a petition? Lutjen stated that part of the Madison governance does not require a petition. Ohlson stated no petition is required but the Commission needs to address the Selectmen according to their attorney's recommendation to support a Warrant Article to expend up to \$10,000.00 out of the Forest Maintenance Fund for financial year 2023.

McKenna stated they need to request another Warrant Article to consolidate or combine the Expendable Trust Fund and the Capital Reserve Fund which has approximately \$2,195.24 in it and it is for the acquisition of conservation lands and it can only be expended through town meeting. McKenna would like to dissolve this account and add this money to the Capital Reserve Fund as it has the same purpose and is expended the same way. McKenna asked how do we get rid of a fund that has approximately \$2,000.00 in it? Ohlson stated this may require a Warrant Article.

**Motion** by McKenna, seconded by Lutjen for the Town to vote to close the Expendable Trust Fund that was established in 1989 and transfer those funds in the estimated amount of \$2,195.24 to the Capital Reserve Fund. The motion passed **unanimously with 6-0 votes**.

**Selectmen's Report:** No new information.

**Planning Board Report:** No new information.

**ADMINISTRATIVE CORRESPONDENCE:**

**Letter from Selectmen regarding accounts:**

McKenna wants to know what is happening with the brine truck and asked if anyone knew. Mosher stated he has not seen it out and about. McKenna would like to know from the Selectmen what exactly are the issues, how are they being resolved, who are they trying to get help from and what are their future plans for the brine truck. McKenna stated it is very frustrating because the Commission paid for it. Mosher stated he has not seen the truck out. Stone asked who was in charge of it? Mosher stated the DPW. McKenna stated she was told they were not going to use it this year. Ohlson stated he saw the truck at Hilton's in Conway after the Conservation Commission meeting in November. Mosher stated the DPW was using it for Calcium on the roads and we did not have snow yet and the DPW was using it on the gravel to bind to prevent pot holes and to help keep dust down but he has not seen the brine truck out this winter. McKenna stated the Commission gave \$5,000.00 towards the brine truck and more money and feels the Commission paid for a good part of it. McKenna further stated that if they are not going to use it is it going to be sold and will need to reimburse the money to the Conservation Commission. Ohlson stated we could just let it go. McKenna stated that Downs was in touch with someone and was going to meet with them about trying to solve the issues. Bass would like to know what is happening as well. McKenna wants to know what the future plans are for the brine truck.

**Budget Drawdown:** Nothing to report as this time as there has been no activity.

**Make a list of the Conservation Commission's accomplishments/donations for the town report:**

McKenna read a draft of the letter for the town report she prepared to the Commission Members and asked for any input. McKenna did state she needed information on Old Home Week. Mosher stated that he thought Slader could help with information on the Old Home Week hike. Mosher believes the money went for the boat launch and not the dam repair. Bass stated maybe add in that the members of the Commission walked and monitored a majority of the property. Bass stated they did monitor about 80% of the property.

McKenna will send the letter for the town report to Young so she can circulate it to all Conservation Commission Members for their input and review.

**Three Warrant Articles:**

Warrant Article Request to Selectmen: \$5,000.00 be added to the Capital Reserve Fund.

Warrant Article Request to Selectmen: That according to their attorney's recommendation, accept a Warrant Article requesting to appropriate up to \$10,000.00 to come out of the Forest Maintenance Fund for operating expenses.

Warrant Article Request to Selectmen: Town to vote to close the Expendable Trust Fund that was established in 1989 and transfer those funds in the estimated amount of \$2,195.24 to the Capital Reserve Fund.

**ADJOURNMENT: MOTION:** By Mosher, seconded by Ohlson to adjourn the meeting at 5:10 pm. The meeting was adjourned with all in favor at 5:10 pm

Submitted by:

Katharine Young  
Land Use Boards Administrator