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**MINUTES**  
**July 11, 2024**

**MEMBER ROLL CALL:**

Ralph Lutjen, Chairman – Present  
Josh Shackford, Vice Chair – Present  
Michael Brooks – Excused  
Mike Mosher – Present  
Marc Ohlson – Excused  
Liza Rogerson - Present

Ted Slader (Alternate) – Present  
Noreen Downs (Alternate) – Excused  
Marcia McKenna - Present  
Joy Gray – Selectmen’s Rep. - Excused

**OTHERS PRESENT:** Carol Dandeneau - Madison TV and Katharine Young, Land Use Boards Administrator

**MEETING POSTED:** The Public Hearing was posted in the Madison Town Hall Upper & Lower levels, Madison & Silver Lake Post Offices on July 3, 2024.

**CALL TO ORDER:** Lutjen called the meeting to order at 4:30 pm.

**ELEVATION OF ALTERNATES:** **Motion** by Shackford, seconded by Mosher to elevate Slader and Rogerson to full voting members. The motion was voted on and passed **unanimously**.

Lutjen stated that he is going to do the approval of the minutes and Public Comment later in the meeting.

**OLD BUSINESS:**

**Tim Nolin – Forest Land Improvement:** Nolin stated that all the trails have been brush opened on Jackman Ridge, Bog Brook and the Wold Lot but has not been brush sawed. Nolin stated that the woods roads and fire suppression roads on Goodwin Burke have also been opened. Nolin stated that he did do the mowing for Old Home Week a few weeks earlier this year. Nolin also stated that he did flag the easement line on the Durgin Pond McNair Easement. Nolin stated his budget was approved by a vote of the commission for \$4,025.00 and with everything he has done so far, his invoice is at \$3,095.00 leaving \$930.00 left in the normal operating budget. Nolin asked the commission if there was anything else they would like done? Nolin suggested that the mowing of the field on the Wold Lot be done this year and the cost for that would be \$550.00 and, if the commission wants him to mark the bounds at the Barclay lot, that cost is \$225.00 and that this does not include any of the regular trail maintenance which is brush

sawing and leaf blowing which is normally done. Nolin stated if the commission wanted to get the brush sawing, leaf blowing and mowing of the fields done and do the boundaries, the total cost would be \$725.00 which would need to be added to \$4,025.00 already approved budget amount. McKenna asked if brush sawing and leaf blowing would include all trails and she asked if it would be 270.00 or more? McKenna stated that the commission has more money in their budget than they thought they did. Nolin stated he could get everything done except for what they had planned to do for monitoring for a fee of \$725.00 which is more than was originally allocated. Lutjen asked Nolin if they were looking at other items that should be done and what would they be? Nolin stated the only item left is the easement monitoring that he would have done this year and the commission went a few years without doing the monitoring. Nolin stated that some monitoring was done last year and that he looks at the physical things being more of a priority, that being, getting the other field mowed and finishing the trail work.

Lutjen stated that he was going to suggest, under New Business, to increase Nolin's budget amount by \$3,000.00. Lutjen stated this seems high based on what Nolin had previously provided to the commission. Nolin agreed and further stated that if he was going to do the monitoring and everything that was in the line items, the cost would be \$1,925.00 additional to get everything done. Nolin further stated the \$1,200.00 for the easement monitoring could be put off for a year. Lutjen disagreed and felt it was important to continue doing the easement monitoring on a regular basis because we now have a backlog.

Slader was concerned about the Ward Parcel and he asked Nolin if he had included this parcel in his fees? Nolin stated no, they have not done trail maintenance on this parcel in the past and that he has not even looked at it. Slader stated that he is going to try to find someone to help him because at least 20 trees need to be cut down and that is where Slader had stopped working and is unsure about the rest of the trail and that he only got about half way through. Nolin stated they will do it and see what they have. Slader stated it is passable to a point. Lutjen suggested increasing Nolin's budget by \$2,500.00 which would include the work for the Ward Lot. Lutjen stated he changed his suggestion to increase Nolin's budget by **up** to \$2,500.00. Nolin stated he does not see an issue getting everything the commission wants done.

**Motion** by McKenna, seconded by Mosher to increase Tim Nolin's budget by up to \$2,500.00 in addition to the already approved budget amount of \$4,025.00. The motion was voted on and passed **unanimously**.

Nolin presented the commission with a bill in the amount of \$3,095.00 for the work he has done to date. Young stated she would make sure the check was cut and sent to Nolin. Nolin stated he will try to get all trails dressed up before Old Home Week and this should not be an issue. McKenna stated there is already a disclaimer posted on the website about the possible condition of the trails.

Young asked Lutjen if he would like her to email Ohlson to see if he has a hike planned for Old Home Week? Lutjen agreed and asked Young to do so. Shackford stated that if Ohlson is unable to do the hike this year, he would be willing to do it and the hike would start off Goe Hill Road to the Shackford's camp which is about 1.5 to 2 miles.

McKenna asked Nolin if he was in favor of meeting times to start later in the evening? Nolin stated that he is. Nolin further stated he can make the meetings at 4:30 pm during the summer months due to his daughter working but once school starts up again, he would not be able to make 4:30 pm due to his daughter's afterschool activities.

#### **APPROVAL OF MINUTES:**

**Motion** by Shackford, seconded by Lutjen to approve the June 6, 2024, minutes as written. The motion was voted on and passed **5-1** with Mosher abstaining as he was not present at the June 6, 2024 meeting.

Young stated she did not have Down's minutes from the May 23, 2024 work meeting with her tonight as she knew Downs was not going to be present for tonight's meeting.

**Chain of Ponds Update – Doug Burnell:** Burnell was not present at tonight's meeting. Lutjen stated his last conversation with Burnell at last month's meeting was that USVLT was considering the commission's amendments. McKenna stated she believes the commission is on hold until they receive USVLT's revisions and then the commission should have another workshop meeting and then have Nolin review the revised easement. Lutjen agreed but he would like Nolin to look at the easement after USVLT makes their next revision.

**Conservation Easement Deed Revisions Update:** Burnell was not present at tonight's meeting.

**Property Review Commitments:** No update was provided from Ohlson or Gray as they were not in attendance. Lutjen asked Young to send an email and remind them.

**Master Plan:** Lutjen stated that with the Chain of Ponds, the plan is going to be dramatically changed. Young stated that she included information from NorthStar Planning in the commission's packets regarding the Master Plan.

**Digitalizing Property Town Reports:** Young stated she has not had a chance to revisit this task. McKenna asked if the commission has decided what they are going to do? Young stated that money to pay for the scanning was an issue. Young also stated that Gray was going to help Young with researching using Adobe. Lutjen stated that we need to determine the cost of scanning and the output being two formats, one for public use and one for internal use which would permit the commission to modify the reports as necessary. Lutjen stated he would prefer a Word file and for the public, a PDF file and he would like a word file internally for the commission.

McKenna asked if taking money out of the Forest Maintenance Account for the above cost is justifiable or do they need to have a different account to pay for this from? Lutjen stated we cannot take money for this out of the Forest Maintenance Account. Lutjen stated that the Forest Maintenance Account only covers forestry, trails etc. Lutjen stated there is an idea that the Capital Reserve Account could be used because it has the purpose of the fund being "land acquisition and conservation purposes." Lutjen stated he believes the commission has the authority to use the Capital Reserve Account. McKenna stated the commission would have to go through town meeting to get this money. McKenna stated that the commission discussed, at the last meeting, the possibility of restructuring of the Forest Maintenance Account to give the commission more leeway. Lutjen stated that the commission would need to go to town meeting to request monies from the Capital Reserve Account. McKenna stated that the commission would need to request at town meeting, the authority to take money out of the Forest Maintenance Account and Capital Reserve Account. Young stated that you cannot take monies out of the Forest Maintenance Account for purposes other than maintaining the town forest. Young read aloud the statute governing the Forest Maintenance Fund as follows:

**“31:113 Appropriations Authorized.** – For the purposes of establishing or maintaining a city or town forest, a city or town may raise and appropriate such funds as it deems necessary. The proceeds from said forest shall be placed in a special forest maintenance fund and shall be allowed to accumulate from year to year, unless otherwise voted by the legislative body of such city or town.”

Young read aloud language from Attorney Johnston's email dated July 10, 2024 as follows:

**The “unless otherwise voted” language suggests that the town meeting could vote to spend money from the fund for some other purpose. I believe the meeting probably could vote to take some money from the fund to pay expenses related to the purchase of the conservation easement; but this makes me a little nervous, because it is, after all, a “forest maintenance fund.” But if there is no other option, I think this could be done.**

Young stated that at the June 6, 2024 meeting, the commission asked her to email Attorney Johnson and ask if the commission could rewrite the Forest Maintenance Account to give them more access to money for things the commission deem appropriate. Young suggested in her email to Attorney Johnston dated July 3, 2024, that the conservation commission do a warrant article, go to town meeting and ask for a certain amount of money to cover legal costs (which was what was discussed at the June 6, 2024 meeting) which would come from the Capital Reserve Fund-land acquisition account. Attorney Johnston stated he believes this option would be better and to have the town meeting appropriate the funds from the Capital Reserve Fund for land acquisition.

McKenna stated it makes her nervous that Attorney Johnston states in his letter dated December 13, 2022, “I am basing my information on former Selectmen Bill Lord’s review of town meeting votes from 1971 to present: I have not researched the town’s actions independently.” McKenna stated that Attorney Johnston’s opinion is based on someone else’s opinion and not on direct research of his own. McKenna stated that she wants to know that Attorney Johnston has looked at it and that he still agrees with what he wrote. Young said that it clearly states in Attorney Johnston’s letter dated December 13, 2022, Page 2 under the Forest Maintenance Fund **“This is not a capital reserve or expendable trust fund; it is just a separate account held by the town treasurer. However, as with other funds, it cannot be spent without an appropriation by the town meeting. Money in the fund should be used to maintain the town forest.”** Lutjen stated that regarding the Capital Reserve Fund-land acquisition paragraph of Attorney Johnston’s letter, Lutjen read aloud **“In 2006 the town meeting established a Capital Reserve Fund for the purpose of land acquisition and conservation purposes.”** Lutjen stated that Attorney Johnston is just repeating exactly what happened in 2006. McKenna was still uncomfortable with Attorney Johnston’s first paragraph of his December 13, 2022 letter regarding Conservation Funds. Lutjen said unless you want to send an email to Attorney Johnston asking him if he is sure that the Capital Reserve Fund has these words in it, he believes this is exactly what it means. Lutjen stated that Bill Lord’s interpretation does not apply to this particular provision. McKenna again, read aloud Attorney Johnston’s first paragraph from his letter dated December 13, 2022. Lutjen stated that Attorney Johnston is referring to a 2006 meeting which is clear and we can go back to the 2006 meeting and make sure that the Capital Reserve Fund is for the purpose of land acquisition and conservation purposes. McKenna stated she is ok with that one but she is wondering about the Forest Management Account because Attorney Johnston is going on what Bill Lord said. Lutjen stated no, Attorney Johnson is not going on what Bill Lord said pursuant to his latest interpretation in his email to Young dated July 10, 2024. Lutjen stated that at town meeting, the commission will have to deal with an appropriation out of the Capital Reserve Account.

**NEW BUSINESS:**

**Increase Tim Nolin’s budget:** This was previously done under Tim Nolin Forest Land Improvement.

**Meeting time change discussion:** McKenna stated that Nolin had asked her months ago, before the commission was discussing the issue of changing the meeting time to a later time, to schedule the

meetings later as it is difficult for him to attend meetings at 4:30 pm. McKenna also stated that Gray has asked the Selectmen to meet later than 4:30 pm as that is a tough time for her also and Downs has a conflict to meet at 4:30 pm as she has meetings with Green Mountain Conservation Group which she needs to attend. McKenna also stated she wants a later meeting time and it is just one night a month and if it is hard for our members to be here and Nolin, who we rely on mostly for advice cannot be here, we are not doing the town a good service by meeting at 4:30 pm because it is convenient for people but not because it makes the commission more viable. Mosher and Shackford both stated they would like the meeting time to remain at 4:30 pm. Mosher stated he does not want employees to have to leave work and then come back at night. McKenna stated that up until a year ago, the meetings were later. Mosher stated he understands child care but that Nolin is running a business and getting paid and if he cannot find the time himself to do his work and attend meetings which are part of his business, that is not on the commission to change schedules for his business and being at a meeting should be part of that. Lutjen stated if the meetings are not at 4:30 he would prefer 7:00 pm. Lutjen further stated, that since three of the members are not present tonight to vote, that this item get moved to the August meeting when all members may be present to vote. McKenna stated that Downs would vote in favor of a later meeting. Mosher stated it did not matter for Downs if they voted tonight, as Downs was not present tonight. Slader stated he is good with either time and suggested maybe alternating months. Mosher stated this has been tried before and did not work. Lutjen stated the commission moved the meeting time based on majority of members wanting 4:30 pm. Slader stated that Bass was the one who originally proposed the time change. Mosher stated that Bass got the support to change the time. Young interjected and stated the time change was changed to 4:00 pm and then Brooks requested it be changed to 4:30 pm as he cannot make it by 4:00 pm. Lutjen stated he wanted to wait until all members are present and feels it is unfair to decide tonight without them. Shackford stated he likes 4:30 pm but would not be opposed to 7:00 am meeting. Lutjen stated at the next meeting, if not all members are present, they will vote anyway. McKenna stated she will not be at the August meeting and she wants to be able to vote. Young stated that the commission does not have Bylaws and Bylaws would be the only way someone could vote by proxy.

Lutjen asked if the commission wanted to have an August 1, 2024 meeting? Lutjen further stated that in the past, except for last year because they had a speaker, they typically do not hold an August meeting and he asked the commission how they wanted to proceed. Shackford and Rogerson stated they would not be at the August meeting and neither would McKenna.

**Motion** by Lutjen, seconded by Shackford to cancel the August 1, 2024 meeting. The motion was voted on and passed **unanimously**.

**Update on Hurricane Point sign:** Shackford stated Gemini Sign did a new sign and the DPW needs to attach it to posts.

**PUBLIC COMMENT:**

McKenna stated that when the tree came down in the bog, that she has the sign from the Goodwin Burke Forest and trails hiking sign leaning up against her house in fear they would be stolen. Shackford stated he would grab them at some point.

Shackford stated that if Ohlson is unable to do the Old Home Week hike this year, he would volunteer and the hike would start off Goe Hill Road to the Shackford's camp which is about 1.5 to 2 miles. Young stated she would check with Ohlson and let Shackford know.

Lutjen stated that Young provided him with documentation that \$11,300.00 was deposited into the Land Use Change Tax account which will increase that account to approximately \$225,000.00.

McKenna stated that since we have not found any children to sponsor for camp, that maybe Green Mountain Conservation Group can bring some of their programs to the Madison Rec. Summer Camp Program and then all children can benefit. McKenna further stated that she put Jill Emerson in contact with Heather O'Donnell. McKenna stated she is not sure if this happened but that the \$400.00 the commission had set aside would be able to provide three or four programs for the Madison Rec. Lutjen stated that we need to start early and figure out if we want to support certain candidates. Young stated this money would come from the gift account but that she needs to be given enough time and notice to work on it.

Rogerson stated that she is friends with Bass who lives on Alexander Avenue and there two bollards installed at the boat launch dock to prevent boat launching off the end of Alexander Avenue and that there is only one bollard that has been installed. Shackford stated they were taken down two years ago and the DPW could not get one out and did not put the other one in, but they have it down at the garage. Rogerson stated there is a lot of activity there from what she has been told and that someone could launch a small boat if they wanted.

Rogerson also stated that Jackman Ridge is nicely marked with red paint, but coming down the trail, she got completely lost and stated the trails are marked in one direction and not the other. Lutjen stated this is an item for Nolin. Slader stated that today, Nolin stated that trail needs work.

**Selectman's Report:** Gray was not present to give the Selectmen's Report.

**Planning Board Report:** Ohlson, Chair of the Planning Board was not present to give his report.

**Administrative Correspondence:** Young had nothing to report.

Lutjen went over the account balances as of June 28, 2024 as follows.

**Account Balances as of June 28, 2024**

Conservation Land Use Change Tax:  $\$214,455.09 + \$1.65 = 214,456.74$

Forest Maintenance Account:  $\$69,918.51 + .54 \text{ cents Interest} = \$69,919.05$

Conservation Gift Account:  $\$661.76$

Capital Reserve Account: **Balance as of July 1, 2024 is  $\$60,979.37$**

**ADJOURNMENT:** Motion by Lutjen, seconded by Shackford to adjourn the meeting. The motion was voted on and passed **unanimously** and the meeting adjourned at 5:25 pm.

Submitted by:

Katharine Young  
Land Use Boards Administrator