



PO BOX 248
MADISON, NEW HAMPSHIRE 03849
Phone: 603-367-4332x302 Fax: 603-367-4547

MINUTES
December 4, 2024

MEMBER ROLL CALL:

Ralph Lutjen, Chairman – Present
Josh Shackford, Vice Chair – Excused
Michael Brooks – Present
Mike Mosher – Excused
Joy Gray – Selectmen’s Rep. - Present
Marc Ohlson – Excused
Liza Rogerson (Alternate) - Excused

Ted Slader (Alternate) – Present
Marcia McKenna - Present

OTHERS PRESENT: Kasia Scontsas - 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 November 27, 2024.

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

ELEVATION OF ALTERNATES: **Motion** by Lutjen, seconded by Brooks to elevate Slader to a full voting member. The motion was voted on and passed **unanimously**.

APPROVAL OF MINUTES:

November 7, 2024 (work session) Minutes: **Motion** by Brooks, seconded by McKenna to approve the November 7, 2024 work session minutes as written. The motion was voted on and passed **unanimously**.

Discussion:

McKenna did not understand how it was left with SLAM when they attended the November 7, 2024 meeting as far as their proposal to do the Watershed Management Program. Brooks stated they went to the Board of Selectmen (BOS) at their last meeting and the BOS endorsed the effort. He further stated they are going to proceed with whatever Warrant Article needs to be on the Warrant to make it official and it will go forward after town meeting.

McKenna asked if town counsel’s fee would be \$3,000.00 for him to review the Conservation Easement? Young stated this is an estimated amount. McKenna stated that if we are going to have to pay out-of-

pocket, she is proposing that we get an easement attorney and not use town counsel as this is not his specialty when there are attorneys who do this regularly and would pick up on things that town counsel might overlook. Lutjen stated that would be something that the commission would need to bring up with the Selectmen. Lutjen stated he believes town counsel is fully capable and he gave his estimate for what he would incur. McKenna asked why would we not get someone whose specialty is reviewing Conservation Easement as town counsels specialty is short term rentals? Young disagreed and Brooks stated he believes it is inappropriate to discuss whose specialty is what when the State of New Hampshire does not even recognize specialties in the law. Young stated in her conversation with town counsel, that she asked him if he felt uncomfortable reviewing the easement and if he wanted to recommend another attorney and he said no.

November 7, 2024 Minutes: Motion by Brooks, seconded by Lutjen to approve the November 7, 2024 minutes as written. The motion was voted on and passed **unanimously**.

PUBLIC COMMENT: Slader stated that the commission started doing the trail maps in 2018 and the first printing was ,1,400 maps and in December of 2020, we printed 4,000, so we basically started with 5,400 maps and we are down to 700 in a period of 4 years. Slader believes the 700 will get through the summer and most of next year but the commission, at some point next year, the commission should review and update any changes to the maps.

Tim Nolin – Forest Land Improvement: Nolin was not present.

Chain of Ponds Update/Conservation Easement Deed Revisions: Lutjen asked Young if she received any update from Brunelle regarding to the email Lutjen asked her to send stating that the commission is still reviewing the draft and that they want to complete the process before they meet with Upper Saco Valley Land Truste (USVLT). Young stated she had not sent the email as she was off from work today but would do so after the meeting. Lutjen explained to the commission that Brunelle wanted to have a work session to work through the conservation easement.

McKenna stated that as a commission they need to vote on Rules and Regulations as to who and who cannot participate by phone and this needs to be according to the Municipal Association and this needs to be in the commission's Rule and Procedures and this should be put on the Agenda and addressed.

McKenna stated that as far as listening to the Work Session that happened on November 7th, she would have liked to have cautioned the commission about the LCHIP and the Fish and Game Grants need to have specific easement language and cannot be altered or changed if we want to take advantage of those grants and without having that language to compare the easement to, we are spinning our wheels as certain language may be necessary for the grant money to come through. Lutjen agreed that this is an issue and stated there is a specific statement, "LCHIP language to be provided or forthcoming." He further stated that the commission is dealing with what issues are important to the commission and what they really want to get out of this easement as to prohibitions of use, etc. Lutjen further stated that we have plenty of time and all the discussions are preliminary and nothing is cast in stone and he believes the commission needs to review the document as it stands and we have not engaged in a lawyer as not having absolute assurance the deal is going to happen and we are not spending any money until we get to a point where we know it will happen. McKenna stated that we know it is going to be purchased by the Conservation Fund and that this is a given, whether we go through with the easement or not. Lutjen stated that have not scheduled a closing date or completed the survey that is required and there are things that need to happen. Lutjen stated that Brunelle could verify that there is the financial capacity to do the deal, but this has not been stated. McKenna disagreed. McKenna further stated that if USVLT does not buy the property, the Conservation Fund will buy it. Lutjen stated that there is a lot that can happen between now and the proposed extension. Lutjen reiterated that the commission needs to do a

complete review of the Conservation Easement, come up with their comments and then when the deal is of virtual certainty, then we engage in an attorney and have an earnest conversation with him and present the commission's version of the Conservation Easement.

Slader questioned if the two organizations that are requiring specific language in the Conservation Easement, if that language is included in the current Conservation Easement? Lutjen stated no and again stated, "LCHIP language to be provided" which is in Section **3.11.E LCHIP LANGUAGE BELOW (needs to be updated with the most recent minimum deed terms.)** McKenna stated there certain things in the easement that the commission did not like as to LCHIP and Fish and Game and that they put their information in the easement because it had to be in there in order to get the money from the organization. Lutjen stated he wanted assurance that the LCHIP language is available and that it is not there. Lutjen suggested the commission set another date for a work session to continue their review of the conservation easement and do this at the January 2, 2024 meeting.

Property Review Commitments: Nothing to report.

Master Plan: Lutjen stated that the revisions to the Master Plan should wait until the closing of the Chain of Ponds is completed. McKenna stated that there is so much more to the Master Plan than the Chain of Ponds. Young stated that the Planning Board has asked the Selectboard to do a Warrant Article for \$100,000.00 for the Master Plan. Young further stated that the Planning Board wants to start looking at the Master Plan, page by page and update it as to spelling errors, grammatical errors, missing pages, etc. McKenna asked about the conservation piece of the Master Plan. Young stated that the commission has already started working on it and people have already started submitting their suggestions. Young stated if the Warrant Article does not pass then nothing will be done. McKenna stated that when they did the Master Plan before they did not do a Warrant Article and did it themselves. Gray stated that the Warrant Article is to hire a third party. Young stated yes, for someone to do the whole Master Plan as the Planning Board is not comfortable re-writing the whole Master Plan and this is why the Planning Board had a third party meet with them in June to discuss what would be needed and a rough estimate of cost. Lutjen stated that he had suggested we do not do anything until the Chain of Ponds transaction is completed because it is a huge change in the scope and scale etc. Lutjen stated there is no state of emergency to complete the Master Plan as this time. McKenna stated there are other things in the Master Plan that need to be addressed like Pea Porridge Pond, water quality of lakes and ponds and we could address bio diversity in the eco system, natural resource inventories, maintaining the rural character of the town and the purpose and statement of it. Lutjen stated this is already in the Master Plan and he does not see any need to change anything. McKenna stated the commission would need to have a workshop and go over it. McKenna stated there are things to be updated. Brooks stated we should wait to see if the Warrant Article passes.

Motion by Brooks, seconded by Lutjen to take the Master Plan off the Agenda until April, 2025. The motion was voted on and passed **unanimously**.

McKenna stated that she has updated the conservation piece of the Master Plan and made suggestions as well as Downs and these suggestions were never discussed. Young stated that everything with the Master Plan came to a halt because the Planning Board met with a third-party entity to see what it would cost to have a third party do the Master Plan. Young further stated that the Planning Board does not feel comfortable revamping the Master Plan on their own, without a planner's assistance. McKenna stated that the commission is not asking the Planning Board to do their section. Young stated that since she has worked here there has been a lot of work done on Chapter 8 of the Master Plan. Young reiterated again, that everything stopped because to do the Master Plan, it is going to cost money.

McKenna stated she was admonished that when she was Chair that the big reason why she was

knocked off the Conservation Commission was because they had not updated the Master Plan. Lutjen stated that is a situation beyond the commission's control and he is sorry this happened to McKenna and he further stated that he has made a significant effort to modify the existing plan for Chapter 8 and it is a respectable work product and we will make progress in the future.

McKenna asked Lutjen if he knows how many acres the Conservation Commission manages as she has no idea? Lutjen asked what McKenna is recommending? McKenna stated that we could put the Conservation Easement on hold for a while and we have not set any to accomplish this year other than the Chain of Ponds and because that is being postponed, we need to set some new goals and objectives for the Commission and do some other work.

Digitalizing Property Town Reports: Lutjen stated we have a budget line item for this next year.

NEW BUSINESS:

McKenna stated she had a list of items she would like to address as far as setting goals for the Conservation Commission as follows:

1. McKenna stated that we have two members who have stated reasons for being on the commission were because they were sportsmen who hunted and fished and they wanted to see the commission move in a direction that supported that more and she was wondering if we are trying to create better habitat for animals and the two members must have had a reason to be here working on hunting and fishing and we need to talk about that and see where we want to go.
2. McKenna stated we need to educate ourselves more about the PFAS issue which is a concern for the lake and residents wells.
3. McKenna stated there is a lot of bittersweet and knotweed in Madison and we need to evaluate it and find out who the organization is who the Town of Dublin hired to spray.
4. McKenna stated the McNair Easement was put off until the land was sold and it did sell and those owners have contacted the commission and want to work with us and she believes the commission should look at that again. Young stated that Nolin was meeting with the new owners to work on a Forest Management Plan. McKenna stated she was talking about putting a hold on the whole McNair Easement to get the owners up to best management practices for today and that the commission had started that and ran into a road block with Fadden. Lutjen stated that the McNair Easement grew into a very complex document expecting the McNair's to sign and Lutjen stated he believes it was unmanageable and never going to happen as it would incur a significant cost. Lutjen stated that in the past, he made a very simplified modification and maybe we can make progress on that. McKenna suggested contacting the parties again.
5. McKenna stated the educational scholarship should be on the Agenda for January, 2025. Young stated this needs to be discussed.
6. McKenna asked about the brochure for recycling when people come to the town to register their vehicles and they should be made aware. Young stated she does a full packet when new owners come into town and she includes this Transfer Station brochure. McKenna asked if the brochure stated where people can take blankets and towels like to the Humane Society? Young stated she does not have the authority to alter that document. McKenna stated maybe the brochure can be revised. Young stated that would be a Selectboard decision. McKenna stated they went to the Selectboard years ago about this. Young deferred this conversation to Gray, Selectman. McKenna stated we need to do more for the town and not just discussing the Chain of Ponds.

Brooks stated that if we are creating a list, he brought up the Spongy Moth and a year ago, Nolin had a concern about the impact on the oak stands and we need an update on that because Nolin indicated that

if they did not foliate and Brooks believed this spring will be the triggering point and if they do not foliate this spring, then we are going to have to do a harvest and what is the worst-case scenario. Young stated she would email Nolin for an update.

McKenna brought up Noreen Down's resignation and that she deserves a thank you on camera for Downs years of service on the Conservation Commission. Brooks stated that the Selectmen would do this at town meeting and that is the greatest opportunity to have someone recognized and that is typically when people are recognized for longevity. McKenna stated that the commission itself, could have said thank you. Young stated she would draft a letter of recognition. Gray stated it would also go in the town report.

Selectman's Report: Gray stated as far as the scholarship, you cannot take taxpayers money to do a donation to something else and suggested that a Charitable Warrant Article would be needed for the Camp Scholarship in the amount of \$500.00. She further stated that the Ossipee Children's Fund supports children to go to summer camp. Young stated she did a lot of research for summer camp and it never came to fruition. McKenna stated she would draft a Warrant Article and will bring it to the January meeting.

Gray stated there is usually a Warrant Article for the Forest Maintenance Account and that a number had not been plugged in yet on the last copy of the Warrant and she asked if \$10,000.00 was still the amount. McKenna asked if that was enough money or do they need a separate Warrant Article for attorney's fees? Lutjen stated that we cannot use the Forest Maintenance Account for attorney's fees etc. Lutjen further stated that he would like to know the commissions level of participation as to the baseline report and Forest Management Report and he believes it will incur additional costs from Nolin and maybe others with respect to those two elements that we will need to review and need to have a position on and there will be a cost associated with that. Lutjen stated that he had a conversation with Young and Shackford about a Warrant Article to go into the Capital Reserve Account. Young stated the commission usually does a Warrant Article for \$5,000.00 for the Capital Reserve Account. Lutjen stated we should increase this to \$8,000.00 which would include the attorney's fees and he further stated that there is money in the Capital Reserve Account which is around \$66,000.00. McKenna asked if we could take the attorney's fees out of the Land Use Change Tax Account because there is more money in that account now? Lutjen stated he is not sure what the limitation is on that. Young read aloud Young's email to town counsel suggesting that we go to town meeting and appropriate the funds from the Capital Reserve Account for the land acquisition and she further stated that town counsel was in agreement with her. Young again, read this email aloud to the commission. Brooks stated it is not that simple and that the article that we have also put up was a contribution to that Capital Reserve Account and you cannot spend that money and you need a different Warrant Article worded differentially to be funded from the existing Capital Reserve Account i.e. not new taxation but basically creating a fund funded by what we already have in the Capital Reserve Account so that it can now be spent and just increasing the Warrant Article that is planned from \$5,000.00 to \$8,000.00 will not do anything for you as it is just a contribution into the Capital Reserve Account but does not authorized expenditure. McKenna stated there is two different votes, one to contribute to the account and the vote to withdraw from the account. Again, Young read her same email aloud to the commission. Brooks stated that we may need three Warrant Articles instead of two. Brooks stated that that the two Warrant Articles that are planned is the \$5,000.00 contribution in to the account and \$10,000.00 out of the Forest Maintenance Account to sit in a spot to be expended for the work that Nolin does and the third Warrant Article would have to be a Warrant Article funded by the Capital Reserve Account which creates another account to be expended.

Gray stated we have the standing Warrant Article to set aside the \$10,000.00 for Nolin's work and asked where do we fund that and what goes into that? Brooks stated that is where we do a timber sale and we generate revenue like the Ward parcel and those monies go into the Forest Maintenance Account. Young stated the second Warrant Article will be for the \$5,000.00 which we do every year and the third Warrant Article will be an expenditure article relative to cover the land acquisition costs. Brooks stated this is written differently than the typical article that we use to raise and appropriate \$5,000.00 to go into that fund and what we are talking about is to raise and appropriate \$3,000.00 and that appropriation to come from the Land Acquisition Account.

Brooks suggested maybe we should not do the contribution to the account and raise and appropriate \$5,000.00 and put it into an Expendable Trust Fund for the legal fees whenever they may occur. Lutjen stated there are going to be some costs when the closing takes place in addition to legal fees, there will be filing fees, etc. and there will also be an incremental amount of work that Nolin is going to do and maybe those fees can come out of the Conservation Land Use Account because it is related to that particular function. Lutjen further stated it is the baseline report which Nolin will have to review as well as the Forest Management Plan that will need to be done, whether or not the commission is contributing to that, he believes the commission will have input on that. McKenna stated that the \$213,000.00 that is committed she is wondering if that covers any of these costs. McKenna stated she believes the costs are included as the USVLT knew we only had \$213,000.00 but we need to get that clarified.

McKenna stated that they need input from the Selectmen as to the \$5,000.00. Gray stated it is a very heavy financial year and at the Budget Committee meeting the Warrant alone, because we are looking for \$500,000.00 road paving and \$500,000.00 for the grader. Brooks interjected and stated it is not \$500,000.00 for the grader and it is around \$62,000.00 - \$67,000.00 which is one payment in this year's budget. Gray stated per year but for seven years the total cost to the town with financing is \$500,000.00. Brooks stated that you cannot add the paving and the grader cost together even though they come to a \$1,000,000.00 because that is not true statement for 2025. Gray stated other items are \$166,000.00 for the dam study, \$100,000.00 for the SLAM Watershed Management Study which should be a loan that is forgiven but it still has to go on the Warrant and \$67,000.00 for a police car. Gray further stated that next year is going to be even worse because of the expense to fix the dam should hit next year once we have the \$166,000.00 study, the cost of the dam will be around \$2,000,000.00. Gray stated that we definitely need a Capital Improvement Plan to pace ourselves.

Gray stated there is a \$3,000.00 Legal Fee in the budget the Crowe property easement and asked if that was the attorney fees they commission was just talking about? Young stated yes that the \$3,000.00 fee is an estimate for town counsel to review the easement. McKenna stated this \$3,000.00 should not be in the budget and we should pay for it with the funds that we have rather than raising it by taxation. Young stated this was voted in the budget at the November meeting. Brooks stated it is going to be taxation no matter what but if this is going to be in the operating budget, he has no issue with that but you do not want to do a Warrant Article also. McKenna stated we should write a Warrant Article and take it out of existing funds. Lutjen stated we have covered the \$3,000.00 in two places and asked which is the preferred place. Brooks stated it should go in the Warrant Article and what McKenna is suggesting is the better way to go because you avoid a spike in your operating budget and albeit a very small operating budget for conservation but \$3,000.00 to a small number looks like a 40 percent increase. Gray stated it is kind of a one off. Lutjen stated we need to remove the \$3,000.00 from the operating budget. Young asked if we are now doing a Warrant Article for the \$3,000.00 and she was told yes. Brooks stated that this is the number three Warrant Article. Brooks stated that Shackford will have boiler plate language for the Warrant Article. Young asked if the commission is comfortable with the \$3,000.00 as she is concerned that this was an estimate.

Gray asked about the \$5,000.00 Warrant Article that the commission does every year. Brooks stated it is a contribution to that account. Brooks suggested not going to the taxpayers twice because you already took \$5,000.00 out of them last year. Brooks is suggesting that the commission should forego the \$5,000.00 contribution because it is pointless and let's give the new taxation a break and take a year off from that and do a Warrant Article to pull \$5,000.00 from the existing account to potentially spend on legal review and other things related for land acquisition and conservation purposes. Brooks stated this will be worded similar to the Forest Maintenance Account Warrant Article.

Brooks stated there were two Warrant Articles on the Agenda and we have talked about two others tonight. Brooks suggested doing each Warrant Article one at a time and do it by motion. Young was in agreement with this procedure as it was getting very confusing.

Motion by Brooks that the Conservation Commission not do the ordinary \$5,000.00 contribution Warrant Article this year because there will be a secondary motion in a few minutes.

McKenna stated we need to open this for discussion. Brooks stated we need a second to the motion first which Gray seconded the motion:

Discussion:

McKenna stated that people should have the right to contribute or not contribute and the \$5,000.00 is four or five cents per thousand on taxes and they have contributed it every year and they contribute it because they want to support conservation and if they want to do it and they vote for it and if they don't want to do it they won't vote for it but the town should decide. Brooks stated that when the Board of Selectmen has asked every other department to hold the line and/or reduce their budget, Brooks stated it is a slap in the face to the other departments to suggest that we are going to ask for a \$5,000.00 contribution and then we are going to ask to spend up to \$5,000.00, that is \$10,000.00. Brooks stated this is still taxpayer monies. Gray stated that the Budget Committee is pushing really hard on no increases on taxes. McKenna argued this is not a new tax as we have asked for it every year. Brooks stated it is new taxation.

By a roll call vote, the motion passed with a vote 4-1 as follows:

Gray, Aye; Brooks, Aye; Slader, Aye; Lutjen, Aye and McKenna, Nay

Motion by Brooks that the commission do the Warrant Article they have done over the past couple of years which is to withdraw the \$10,000.00 from the Forest Maintenance Account for the purpose of forest maintenance and no amount to be raised by taxation. Any amount not expended during the year will be returned to the Forest Maintenance Account.

Gray seconded the motion.

By a roll call vote, the motion passed with a vote of 5-0 as follows:

Gray, Aye; Brooks, Aye; Slader, Aye; Lutjen, Aye and McKenna, Aye

Motion by Brooks, that the commission put forth a Warrant Article to withdraw and not to exceed \$5,000.00 from the Capital Reserve Account for the purposes of land acquisition and conservation Purposes.

Lutjen seconded the motion.

By a roll call vote, the motion passed with a vote of 5-0 as follows:

Gray, Aye; Brooks, Aye; Slader, Aye; Lutjen, Aye and McKenna, Aye

Motion by Brooks, that the Conservation Commission do a Warrant Article to create an Expendable Trust Fund for purposes of scholarships and conservation related educational opportunities in the amount of \$500.00.

McKenna seconded the motion.

By a roll call vote, the motion passed with a vote of 5-0 as follows:

Gray, Aye; Brooks, Aye; Slader, Aye; Lutjen, Aye and McKenna, Aye

Gray brought up the trees that were removed off of Lead Mine Road and that there has been back and forth between the DPW and the Conservation Commission about the bill for \$2, 772.00.

Motion by Brooks, seconded by Lutjen that if Tim Nolin submits all invoices if any, and if there are any funds available, the Madison Conservation Commission will pay the \$2,772.00 for tree removal.

Discussion:

McKenna stated that the Conservation Commission had no say on how many trees were removed.

By roll call vote, the motion passed with a vote as follows:

Brooks, Aye, Slader, Aye, Lutjen, Aye, Gray, Nay and McKenna abstained.

Planning Board Report: Ohlson was not present to give a report.

Administrative Correspondence:

McKenna asked about the crab apple trees for turkey habitat. Brooks stated that is through the Fish and Game Department.

Lutjen stated the account balances are self-explanatory as follows:

Account Balances as of November 29, 2024

Conservation Land Use Change Tax: **\$225,764.31 +1.92 Interest = \$225,766.23**

Forest Maintenance Account: **\$64,703.81 + \$0.55 Interest = \$64,704.36**

Conservation Gift Account: **\$261.76**

Capital Reserve Account: **Balance as of December 2, 2024 is \$66,816.04**

ADJOURNMENT: **Motion** by Lutjen, seconded by Brooks to adjourn the meeting. The motion was voted on and passed **unanimously** and the meeting adjourned at 5:50 pm.

Submitted by:

Katharine Young
Land Use Boards Administrator