Orford Conservation Commission

Minutes of December 17, 2015 Meeting

Commissioners Present: Harry Pease, Carl Schmidt, Carl Cassel, Tom Bubolz, Craig Putnam and Jeff MacQueen; Alternate Present: Emily Bryant; Selectboard Representative: Anne Duncan Cooley; Guest: John Roe, UVLT

The meeting was called to order at 7:03 p.m.

Harry requested that Emily Bryant serve as Commissioner tonight for the vacant position.

Minutes from the November 19 meeting were reviewed. Carl Schmidt motioned we accept them, Tom seconded and the motion carried.

Old Business:

Mason Pond Project: Fundraising to date is about $8,600 of our $20,000 goal. We discussed additional personal contacts with potential donors. LCHIP held a press release in Concord with Governor Maggie Hassan on December 15. The Mason Pond Project received a grant of $92,500 of the $125,000 we applied for, leaving us $32,500 short of our goal. We discussed ways to make up the $32,500, including additional financial contributions from UVLT and the Conservation Fund and a further reduction in the selling price of the property. The original project budget included $63,500 from UVLT, $50,000 from the Orford Conservation Fund, and $61,000 in reduced sale price from owners David and John Bischoff. John Roe said the UVLT is able to contribute an additional $10,000. The Conservation Commission will consider an additional contribution from our Conservation Fund which would require another public hearing. Harry agreed to discuss the selling price of the property with the owners. It was agreed that we may hold a special Conservation Commission meeting in early January for additional discussions on this subject.

Orford Conservation Land:

1. Additional Invasive Plant Removal: Jeff reported that the Natural Resources Conservation Service (NRCS) determined that the invasive plant removal work done by Mike Bald of *Got Weeds* was not sufficient to allow them to make their cost share payment to Tullando Farm. The work needs to be completed to fulfil the NRCS contract with Tullando Farm and allow payment. Harry agreed to discuss this with NRCS District Conservationist Beth Ann Finlay to determine what needs to be done to complete the contract obligation and that he will report back on the results.
2. Additional Tree Planting in Riparian Buffer: Harry reported that Ron Rhodes of the Connecticut River Watershed Council (CRWC) has offered to obtain additional trees to plant in the riparian buffer next Spring to replace any trees that died after the Spring 2015 planting and to increase the density of trees in some places. This will be paid for by grant money from CRWC. The Commissioners agreed to accept Ron’s offer.

Update of Natural Resources Inventory: It was agreed at our November meeting that we should undertake an update of the Orford Natural Resources Inventory (NRI). Nate Miller, Executive Director of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) reported to Harry that they have a staff person who is qualified and available to help with the update if needed. UVLSRPC provided assistance to the Conservation Commission in developing the original NRI in 2011. We will take this up in the second quarter of 2016.

Conservation Fund and Budget: Harry reported that we came in $338 under our $1,970 budget this year. All Land Use Change Taxes collected in 2015 have been deposited into the Conservation Fund and the balance in the Conservation Fund is about $206,000.

New Business:

2015 Conservation Commission Annual Report: Harry reported that our report for the Town’s Annual Report is due in early January. He suggested that our report feature the work at the Orford Conservation Land and the Mason Pond Project and the Commissioners agreed.

2016 Conservation Commission Budget: Recently we were asked by Rusty Keith whether we could pay for the Conservation Commission’s annual operating budget out of the Conservation Fund rather than the Town’s General Fund. As a result, Harry sent the following inquiry to the legal staff at the New Hampshire Municipal Association (NHMA). “We have been asked whether or not it is legal to pay the Conservation Commission's annual operating expenses out of the Conservation Fund instead of out of the Town's General Fund as has been done historically.  We receive an annual appropriation from the town from the General Fund of about $2,000 which includes 6 line items (1) water testing, (2) NHACC annual dues, (3) space in the quarterly Town Libraries Newsletter to provide information on Conservation Commission activities and projects, (4) mowing around the monument on conserved, town owned land, (5) training for Commissioners, and (6) miscellaneous expenses such as postage and printing.  Can such annual operating expenses be paid for out of our Conservation Fund by majority vote of the Commissioners?”  Harry received the following response from Stephen C. Buckley, Esquire, Legal Services Counsel, NHMA. “The power to expend funds from the Conservation statute is quite broad.  RSA 36-A:5 (I) provides that money in the conservation fund ‘may be expended . . . by the conservation commission for the purposes of this chapter without further approval of the town meeting.’  All of your expenses items 1 through 6 are related to the purposes of the conservation commission statute, and thus could be funded from the conservation fund. Yes, such annual operating expenses could be paid for out of Orford’s Conservation Fund by majority vote of the Commissioners.” The Commissioners discussed this issue, specifically that even though it may be legal to pay for Conservation Commission annual operating expenses out of the Conservation Fund, the question remains whether they should be paid out of the Conservation Fund. The warrant article approved at Town Meeting in 2000 that established the Conservation Fund stated in part “by encouraging the conservation of open land in accordance with RSA 36-A:5 III.” Following our discussion the Commissioners concluded that our annual operating expenses should continue to be paid out of the Town’s General Fund as they always have been and since our expenses are not specifically about “encouraging the conservation of open land” as stated in the authorizing warrant article for the Conservation Fund. Harry agreed to report this information to the Selectboard and Budget Committee.

Carl Cassel reported that we had been contacted, along with all other Conservation Commissions in NH, by the Stoddard Conservation Commission and asked to join in their opposition to the NH Fish and Game Commission’s plan to open a hunting and trapping season on bobcats. Carl will send the Commissioners research information on the subject and Commissioners will then let Harry know their thoughts on whether or not to oppose the bobcat season.

Craig reported that he has been appointed by the Selectboard and taken the oath of office to become a Commissioner versus his previous position as an Alternate.

Tom motioned that we adjourn, Carl Cassel seconded and the motion carried. The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Harry Pease