



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, January 11, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Kathleen Babin-Johnson, Bill Bilodeau, Laura Byergo, Chip Hussey, Brad Lajoie, Stephan Toth, Lloyd Ziel

Absent:

Also Present: Paul Sanderson, Town Administrator

L. Ziel opened the Conservation Commission meeting at 6:35 p.m. He announced a quorum was present and the meeting was being recorded and live streamed.

1. Agenda Approval

MOTION: S. Toth moved to approve the agenda. Second – L. Byergo; all in favor. MOTION CARRIED

2. Approval of Minutes

MOTION: C. Hussey moved to approve the minutes of Wednesday, November 09, 2022. Second – B. Bilodeau; six in favor, one abstained (B. Lajoie). MOTION CARRIED

B. Bilodeau noted that his name was not listed under *Members Present* on the minutes of the meeting on Wednesday, December 14, 2022; he was present at the meeting.

MOTION: C. Hussey moved to approve the minutes of Wednesday, December 14, 2022, as amended. Second – S. Toth; all in favor. MOTION CARRIED

3. Town Administrator

Paul Sanderson, Town Administrator, addressed the Conservation Commission. TA Sanderson reviewed the Conservation Commission budget. In 2023, they will have the full amount of their warrant article available, which is \$17,600. In the Town budget, depending on voting, the operating budget of \$2,000 will be available or \$1,975 in the default budget. TA Sanderson explained the issues with the accounting system. He also explained the difference between the operating budget and warrant articles.

TA Sanderson discussed the summer intern and his phone conversation with Primex, the Town's insurer. Primex has stated that the summer intern can only be appointed by the Board of Selectmen, they must be supervised by a full-time Town employee, they cannot operate a Town vehicle until they have gone through a background and motor vehicle check. If they use their own personal vehicle to move between sites, Primex will not cover them other than a \$500 loss deductible waiver on property insurance, nothing with respect to liability. The individual would be taking a risk using their vehicle because they would not be covered by the Town's insurance. The Town would also be taking a risk: the Town could

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be held liable if someone was hurt; the Town would have no choice but to sue the intern in order to recover what the Town was held liable for. The insurance questions are important and should be considered by the Conservation Commission. An alternative would be to use a volunteer; they have substantial liability protections on their own that do not apply to employees. Another alternative would be to hire an independent contractor who would provide their own insurance.

L. Byergo stated that they have asked the insurance questions before and were told the intern would be covered by the Town's insurance policy that covers everybody. Due to time constraints, L. Ziel asked to continue further discussion to another meeting. TA Sanderson will provide additional information at the next meeting. L. Ziel noted that their marching orders were per the insurance company regardless of what was done in the past; TA Sanderson agreed.

TA Sanderson stated explained that Boards are being asked to do their own minutes, to the extent they can; administrative support will be available. Boards doing their own minutes would free up the administrative assistant's time for other tasks.

TA Sanderson received a draft RFP for brush hogging from C. Hussey. TA Sanderson felt the RFP as written would be difficult to score due to the unknown unit of measure. He questioned if the charge would be by the foot, event, or season. He recommended making those changes before sending out the RFP. C. Hussey felt it was good information and would discuss it further with members.

L. Ziel questioned the requirements for minutes. TA Sanderson stated that the bare minimum is contained in the Right-to-Know Law: who is present, the action that was considered, any motion and the vote on the motion. The explanation and debate don't have to be included. L. Byergo noted it would be more difficult when dealing with a wetland permit. TA Sanderson agreed there may need to be more detail on some items. L. Ziel was concerned that if a member had to track discussions during a meeting they would not be as effective. TA Sanderson suggested a volunteer could help or minutes could be done using the recording.

4. Old Business

GPS: The GPS for easement monitoring was discussed. L. Byergo noted that for 99% of easement monitoring a GPS is not needed; the On-X Tracking app is used. L. Byergo recommended that the GPS be tabled. A better system may be needed when there is an easement problem inside a property line. K. Babin-Johnson stated that the summer intern may give a summary report of the easement monitoring at the next meeting. The intern suggested a surveyor's compass be used for monitoring Falls Way or similar properties. Further discussion of the GPS was continued to the next meeting. C. Hussey recommended waiting to see what the Selectmen will allow before spending money on equipment.

Easement Monitoring and By-Laws: C. Hussey suggested submitting the list of properties to be monitored to the Board of Selectmen; they could decide which properties to continue monitoring. L. Ziel noted the Conservation Commission is tasked in their by-laws with monitoring. L. Byergo stated that the Conservation Commission has not heard directly from the Board of Selectmen. If the Board of Selectmen wants them to change the way they do their business, the Selectmen should ask the Conservation Commission to attend their meeting for a discussion. L. Byergo did not feel the Conservation Commission needed to be proactive on that; they have not heard anything from the Selectmen indicating that easement monitoring should not be done. The Conservation Commission discussed how to be added to the Selectmen's agenda.

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The by-laws were discussed at length. L. Byergo has read through the NH Municipal Conservation Commission's handbook regarding by-laws. Something similar to what TA Sanderson had stated was in the handbook: the Conservation Commission's by-laws are for their own purposes and are not a State requirement.

L. Byergo felt it might be useful to discuss with the Selectmen how the Conservation Commission is doing their work. She would not assume there was a problem. The Selectmen have supported the Conservation Commission multiple years with the easement monitoring. S. Toth added that the Conservation Commission does not have a problem and did not feel they were challenged. B. Lajoie noted that the Conservation Commission is an advisory committee and not enforcement. S. Toth stated they would not gain anything by sending a letter to the Board of Selectmen. By sending a letter forward and there is a disagreement with the Conservation Commission's by-laws, it could lead to a discussion reducing the Commission's power.

L. Byergo stated it would not hurt to meet with the Board of Selectmen as well as clarify the support the Commission has received in the past from the Selectmen. Addressing an easement violation needs to be clarified. S. Toth suggested sending a letter to the Selectmen reaffirming that the current by-laws are within the duties and responsibilities of the Conservation Commission and in effect for the foreseeable future. K. Babin-Johnson noted there needed to be a procedure for a violation and L. Byergo has drafted a proposal.

MOTION: C. Hussey moved that a short letter be sent to the Board of Selectmen to reaffirm the Conservation Commission by-laws as presented. Second – S. Toth; all in favor. MOTION CARRIED

Natural Resources Inventory: L. Byergo stated that all bids received were significantly over the budgeted amount. The budgeted amount from the warrant article was \$9,000. L. Byergo noted that the warrant article could be spent on the NRI, although she did not advise that.

All quotes were in the \$20,000 to \$22,000 range. L. Byergo preferred the quote submitted by FB Associates: they identified all the work they had done in surrounding towns. There was a discussion about putting the NRI on hold and requesting more money. S. Toth suggested negotiating to bring the price down. L. Byergo suggested rejecting the bids and then talking with the three vendors.

MOTION: C. Hussey moved to reject any and all bids. Second – B. Bilodeau; all in favor. MOTION CARRIED

Discussion: C. Hussey stated that they would not get a 50% discount; tectonic plates have not moved in 10 years so a bedrock study does not need to be done. An addendum should be added to the existing plan. It was suggested by L. Ziel and B. Bilodeau that the Commission should be more specific about what should be done. L. Byergo suggested asking UNH what was the best way to move forward. K. Babin-Johnson volunteered to go to UNH with L. Byergo. S. Toth questioned how to convince people the NRI was a useful tool. There was continued discussion about the purpose of the NRI. K. Babin-Johnson proposed a subcommittee be formed and report to the Commission on a monthly basis.

MOTION: K. Babin-Johnson moved to form a subcommittee of three members for the NRI and determining the requirements. Second – B. Lajoie; all in favor. MOTION CARRIED

Discussion: K. Babin-Johnson, L. Byergo and B. Bilodeau have volunteered to serve on the subcommittee.

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RFP – Mowing: C. Hussey distributed the draft of the RFP for bush hogging. He added that mowing could be done three times. L. Byergo, responding to B. Lajoie, stated there was no mowing done this year. L. Byergo explained the mowing that was done last year. C. Hussey stated that the RFP includes the fields and the trails. There was continued discussion on mowing.

The meadow will be mowed between August 15th and September 15th. The parking lot and trails will be mowed between April 15th and April 30th, and mowed again between July 01st and July 15th. If snow prevents mowing of the trails and parking lot, mowing will be done between May 15th and May 30th.

Trail Clean Up: B. Lajoie and C. Hussey have not set a date to review trail clean up. They will try to meet before the February meeting.

Trail Cams: B. Lajoie reported he will be moving the location of the camera due to loss of signal. L. Byergo suggested the Berg easement as a possible location. B. Lajoie will be posting 2022 picture highlights from the camera to the Conservation Commission Facebook page.

5. New Business

Expiring Terms: L. Ziel asked members to seriously consider milestones and target dates to fill the Commission's open positions and those within the Commission. Terms expiring in March: L. Ziel, B. Lajoie, and S. Toth.

Annual Report: The Annual Town Report was discussed. The report is due at the end of January.

Recognition of Joe Fedora: Members discussed recognition of years served by Joe Fedora.

MOTION: S. Toth moved to recognize Joe Fedora in the Annual Town Report for years of service on the Conservation Commission. Second – B. Lajoie; all in favor. MOTION CARRIED

6. Adjournment

MOTION: B. Bilodeau moved to adjourn at 8:34 p.m. Second – B. Lajoie; all in favor. MOTION CARRIED

NEXT MEETING

Wednesday, February 08, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant