

# MEETING MINUTES

## ALBANY CONSERVATION COMMISSION

**Tuesday, September 6th, 2016. 6:00 pm**

**Members present: Rob Nadler, Cathy Ryan, Mike Stewart, Peter Carboni, and Cort Hansen.**

**Selectman: Rick Hiland, Public: Steve Knox, Lee Grant, June Johnson, and William Abbott.**

Rob called the meeting to order at 6:00 pm.

Rob asked for comments or questions regarding the minutes for the 8/2/16 meeting. Cathy asked for clarification on the length of contracts with the farmers. She thought it was only one year. Rob said that at the 8/2/16 meeting it was thought it would only be one year, but subsequent information provided prior to the selectmen's meeting the following day, and with all fees dropped from the contract, and given the information provided by Rick about the length of time it would require for legislative change in state statutes it was decided to go with a longer term contract. With no other questions or comments; Rob asked for a motion to approve those minutes. Peter made a motion to approve the 8/2/16 meeting minutes and with a second from Mike the minutes for the meeting were approved 5-0.

Rob noted that the Commission had recently received a warm letter from the USVLT regarding their annual monitoring of the Town Forest land easement. USVLT found that we are in compliance with the terms of the easement and pointed out the recent prescribed burn of the fields, the new well head, and new memorial bench on the trail network. They thanked the Town for being good stewards of the Town Forest and having a well maintained trail network.

Rob said that he had met with Colton Dow and his partner regarding the land use contract and that they had agreed to mow a portion of the field in exchange for their use of the field. Rob explained that this was a great deal for the Town and that by removing any fees from the contract, we will now trade services which would save the Town significantly on the cost of mowing the fields which are part of the easement requirements. He noted that mowing costs could be substantial and provided some cost figures from the last mowing of a only a portion of the field which cost \$650. Cost estimates to mow the entire field have been in the range of \$2-\$3,000.00. Mowing needs to be done at least every other year, and yearly if we hope to take back some of the edges from encroaching growth.

Rob noted that Rick has questioned the insurance certificate that had been received from Littlefield Farm (Dow). He said that he was working with Dow to update that certificate.

Rob said that he still needed to meet with the Grand View Farm (Richardson family) and that they were in the thick of production and harvesting, in order to designate what portion of the fields they would assume mowing over.

The topic of the NHFG lease was discussed next. Rob said that the selectmen will have to complete the negotiation over the contract. The lease has been reviewed by the State AG and town counsel. The Road Agent should be involved as our fee for use of the property is limited to providing some minimal snow removal during the winter months. Rick said that he had recently attended a seminar hosted by Primex, the Town's liability carrier. Primex will also assist with the creation of leases and contracts he noted. Rick provided some background information on Primex. Rob said that use of the NHFG property would be an advantage for both the farmers and the Town.

Next on the agenda was the topic of options for legal advice for the Conservation Commission. Rob said that we had eliminated \$1000 from the Commission expense budget, a 50% reduction in expenses the 2016 Town Warrant as it had not been used in the previous 2 years. He said that there was a history of cooperation between Town boards that did not require alternative legal advice or opinions but perhaps a legal budget line should be incorporated in the 2017 budget. Rick suggested that perhaps a token amount be allocated in order that funds could be transferred from other categories should circumstances require.

Albany Town Forest history was next on the agenda. Rob suggested that the Town was fortunate enough to receive gifts of over \$800,000 and the history and background of the creation of the Town Forest should have a page on the Town web site. Rick noted that the Select Board has been working on a new web site provider.

Mike asked about any funding for bridge materials for the trail network. He noted that in the past NEMBA has provided bridge materials but he felt that it wasn't fair to expect them to always provide materials from their limited budget. He said he could provide a budget for material costs related to bridging. William Abbott mentioned that USVLT still had funding available for trail work. William asked that any new trails be located with GPS digital data for use by the State for listing trail networks that were assisted or created by grants from LCHIP.

Rick filled in the group with some details from his recent Primex seminar. He mentioned that the assistant attorney from Concord had attended the same seminar and offered to supply copies of their contracts for farmers using Concord conservation land. He thought we may be able to gain some use from reviewing their contracts. Subsequent to the Primex seminar Rick has questioned the thoroughness of the contracts with the farmers including; names, business, or registered names, DBA, etc., physical addresses (no PO boxes), insurance coverage, and if aggregate coverage was specified correctly; a reference to the 2009 Town meeting, (vs. 2012) and if the Town was listed as additionally insured; the indemnity clause and if it should be extended to include USVLT, etc.; signature name lines and contract forms notarized. Rick thought Concord's contracts would be a good model to use. Rob noted that all the contracts have been regularly reviewed by Town counsel and the Commission has always acted on the advice provided by that office. He felt that the Commission had done its "due diligence" and could demonstrate that it had done so. He further suggested that he wanted to avoid a contract so complex that farmers would have to incur legal costs to evaluate or comprehend them. Cort noted that it was frustrating that after so many years of using the same contract framework that these issues were still being contended and that the Commission was only working on advice provided by counsel which was always considered to be valid. Rob said that he would support amending the contract to correct for any discrepancies.

With no other comments, and with no further business to address, a motion to adjourn the meeting was made and with a second the motion was approved 5-0 and the meeting adjourned at 6:45 pm.

Cort Hansen, Conservation Commission Secretary.