

MINUTES
NEW DURHAM CONSERVATION COMMISSION
3 JUNE 2014

Present: Commission members Ron Gehl (Vice-Chair), Charlie Berube, Bob Craycraft (Alternate), Bill Malay (Alternate), Recording Secretary Amy Smith.

Others Present: Stephanie Kearns, Curtis Richard

Vice-Chair Gehl called the meeting to order at 6:35 pm and designated Mr. Craycraft and Mr. Malay to sit in as voting members. Vice-Chair Gehl informed the public that since Chair Paddy McHale resigned as a Commission member, as Vice-chair he (Mr. Gehl) would be Acting Chair.

Thompson Easement

Acting Chair Gehl stated he requested this short meeting to discuss the recent chain of events that have transpired as a result of the Conservation Commission's donation of \$5,000 to Moose Mountain Regional Greenways (MMRG) for future stewardship costs of the Thompson property. Acting Chair Gehl stated after the Conservation Commission donated the money to MMRG the Board of Selectmen sought the advice of the legal department at the New Hampshire Municipal Association (NHMA). The NHMA Attorney felt that even though the Town of New Durham was not actually acquiring an interest in the property, the funds would be used by MMRG to 'facilitate interest in property'. Acting Chair Gehl continued to state that the Attorney's opinion was since the Town had not voted to enact RSA 36-A:4-a the transaction was unauthorized. Acting-Chair Gehl pointed out the Conservation Commission specifically voted the donation to MMRG was for stewardship costs associated with the Thompson easement and didn't feel RSA 36-A:4-a applied as the Town was not purchasing property or a property interest. Acting-Chair Gehl continued to state the Selectmen, after advice from the NHMA Attorney, voted to send a letter to Moose Mountain Regional Greenways requesting the return of the \$5,000 donation. Acting-Chair Gehl noted MMRG has already returned the money to the Town.

Acting-Chair Gehl stated as this point he felt the Conservation Commission had two options. Acting-Chair Gehl stated Ms. Smith had sent an e-mail to the Town Administrator asking him to forward a question to the NHMA Attorney regarding the donation. Ms. Smith's question was that if Moose Mountain Regional Greenways was able to purchase the Thompson easement without use of the funds from the New Durham Conservation Commission could the Commission then donate the \$5,000 for stewardship costs, as was their intention to begin with, pursuant to RSA 36-A:5. Ms. Smith stated she had not yet received a response. Acting-Chair Gehl stated the Commission's other option is to take an executory interest in the property. Acting-Chair Gehl noted MMRG would be the primary interest holder and the New Durham Conservation Commission would hold a secondary interest. Acting-Chair Gehl stated in order for the Conservation Commission to take an executory interest in the property a public hearing will need be held by the Commission and the Board of Selectmen need to approve. Ms. Smith noted the public hearing notice needs to be published in the newspaper which adds a few days to the State required 10 'clear' days for public notice.

Mr. Craycraft made a motion that the New Durham Conservation Commission move forward with the \$5,000 donation to Moose Mountain Regional Greenways by accepting a secondary executory interest in the Thompson conservation easement and to hold a public hearing on the matter. Mr. Berube seconded the motion. The motion was unanimously approved.

Commission members agreed to hold the hearing on 24 June 2014 at 7:00 pm during their regularly scheduled meeting.

At 6:50 pm Mr. Craycraft made a motion to adjourn. Mr. Malay seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary