

TOWN OF OSSIPEE
CONSERVATION COMMISSION
MEETING MINUTES

April 10, 2019

Minutes were recorded, and a Summary transcribed by Laura Nash, Commission Secretary. Revisions to these minutes are noted by *bold/italic* type.

Call to Order: Marie McConarty called the meeting to order at 7:02 PM.

Roll Call: Marie McConarty – Chair, Ralph Buchanan – Vice-Chairman, James Dolan, Lorey Pendarvis, and Kristal Eldridge. **Absent** was Joe Deighan.

Guest: Tim Otterbach and Rob Morency

Meeting Minutes: Review to approve March 20, 2019. McConarty noted that Joe Deighan called the meeting to order, not Ralph Buchanan.

A **Motion** by Buchanan to approve the meeting minutes of March 20, 2019, as amended. Dolan seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Financial:

- Budget Report: January 1, thru March 31, 2019. Buchanan questioned if the funds for water testing will be handled through the budget committee for outside agencies, why is it still a line item on the CC budget. McConarty explained because the change did not take place until after the budgets had been set. The secretary is to speak with the Town Administrator about having it removed from the line items.
- Checking account update: No updated report provided by the Town Treasurer. But the Treasurer did inform the secretary that the funds to pay Sign One for the Window's sign was expensed from the money market account due to insufficient funds in the checking account.
- Nongame & Endangered Wildlife: request for donation - After a brief discussion as to the benefits of making a donation. The CC chose against donating to this organization.

Unfinished Business:

- **Lake Host Program:** Tim Otterbach was present to discuss his emails concerning the Lake Host program. Otterbach advised the CC to contact Jim McElroy, Lake Host Coordinator and getting the notifications into the newspapers. The Conservation Commission is searching for 3 - Lake Hosts for the Boat Ramp on Route 25, Ossipee Lake Marina, and a part-time position for the Lake Shore Ramp. Along with 3-4 volunteers to fill-in when needed. Otterbach provided a copy of the press release from Ossipee Lake Alliance.

A **Motion** by Buchanan giving Jim Dolan permission to create a press release for the Conway Daily Sun advertising for Lake Host Inspectors and Volunteers. Eldridge seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

- **CC Property Signs:** The only remaining work to do is stain and poly the background boards. Once complete arrangements need to be made for assembly on-site due to the weight of the sign. Sign permit has been obtained. The CC will meet on Saturday at Buchanan's to stain the boards.

- Scenic Vista/Windows on the Ossipee Clean-up: Buchanan stated AJ will start in the spring once the snow is gone.
- Old Mill Site on Beech River & Annie Nichols Rd Parking: Miscommunication over the contract agreement was discussed. Dolan questioned if the Board of Selectmen approved the expenditure for White Mountain Survey & Engineering, Inc. to do the work. Discussion resolved the quoted cost of \$3,750.00 for the engineering, permitting and the Town Highway department will do the work of excavation and laying gravel.

A **Motion** by Buchanan granting Marie McConarty as Chair to sign the contract agreement with White Mountain Survey & Engineering, Inc. for the work to be done at the Old Mill Site on Beech River & Annie Nichols Rd for parking.

Dolan would prefer getting clarity if the Selectmen have approved the expenditure, before signing into a contract agreement. McConarty agreed and also requested getting a revised contract with her name verses Joe Deighan's name as chair. Buchanan modified his motion.

A **Motion** by Buchanan to grant Marie McConarty as Chair to sign the contract agreement with White Mountain Survey & Engineering, Inc. for the work to be done at the Old Mill Site on Beech River & Annie Nichols Rd for parking if the Board of Selectmen approve the expenditure. Dolan seconded. No further discussion. A unanimous vote was taken.

McConarty will speak will Ellen White tomorrow and the secretary will request a revised copy of the contract with a change of the chairperson from White Mtn. Survey & Engineering, Inc.

New Business:

- Bylaws: Was briefly discussed on the percentage land to be held in conservation. McConarty proposed instead of protecting a minimum of 25%, the CC could propose protecting a maximum of 30% of land in conservation. The CC will continue to review for the next meeting in May.
- **Email discussion under RSA 91-A:2** – Billings informed the Board about using email to discuss any Planning Board business or other forms of communication outside of a scheduled, publicly notice meeting; constitutes a meeting under RSA 91-A:2 and is strongly advised against per RSA 91-A:2 as follows:

“91-A: 2 Meetings Open to Public. –

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such *public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.*

A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters
"Meeting" shall also not include:

- (a) Strategy or negotiations with respect to collective bargaining;
- (b) Consultation with legal counsel;

- (c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or
- (d) Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

[Paragraph II effective until January 1, 2019; see also paragraph II set out below.]”

Point of Order: Tim Otterbach clarified if one member contacts another; that’s not a quorum.

McConarty noted but if everyone clicks to “reply all” that constitutes a quorum.

Public Input:

Rob Morency inquired about a development happening on Walker Hill and maintaining the “view shed.” Also questioned if there are any regulations to protect the Ossipee Mountain Range and incorporating a statement within the applications recommending, “The owner/s will maintain or will minimally impact the Ossipee Mountain View.”

Intent to Cut:

- **Tax Map: 240 Lot: 004:** (Original Cut) on Chickville Rd. Owner is Harold Whitaker and Tom Fadden; to cut 118 acres of 118 acres by Tom Fadden of Fadden Chipping., anticipated start date is 05/15/2019. Approved by the Board of Selectmen. Taxes are paid and No Cemetery.
- **Tax Map: 248 Lot: 026:** (Original Cut) on 31 Circuit Rd. Owner is Ellen Currie; to cut 5 acres of 5 acres by Frank Varney., anticipated start date is 12/01/2018. Approved by the Board of Selectmen. Taxes are paid and No Cemetery.

NHDES:

Wetlands & Non-site specific Permit:

File #2019-0794 – Wayne Klappordt, 10 Long Sands Rd. Tax Map: 050 Lot: 002 - The proposed work consists of repair and replace in-kind waterfront retaining wall in the dry.

The CC reviewed the proposed work based on plans submitted.

A **Motion** by Buchanan to approve signing the wetland permit with no objections. Pendarvis seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Informational Newsletters:

- The Legacy – Spring 2019
- Otterbach announced a public meeting being held on April 11th, 10:00 am at the Dam for pre-bids.
- Eldridge inquired about which organization used to host the clean-up day. Suggestions included Main Street, Conservation Commission, Boy Scouts, After School Program, etc... The secretary will check with Ellen White, to see if she recollects which organization used to host clean-up day.

Any Other Business that May Come Before the Commission:

None heard.

Adjournment:

A **Motion** made by Buchanan to adjourn the meeting. McConarty seconded. No discussion. A unanimous vote was taken. **All voted in favor, motion passed.** The meeting ended at 8:20 PM.

Next meeting date: May 8, 2019

Minutes approved by majority vote of the Commission on _____
Date


_____ or
Marie McConarty, Chairperson

_____ or
Ralph Buchanan, Vice Chairperson
(In the absence of the Chairman)