

**MINUTES OF THE
CENTER HARBOR CONSERVATION COMMISSION**

July 8, 2008

The meeting convened at 10 AM. Attending were

- Of the standing Commission: Bruce Bond, Chairman, Ellen Bennett, Stu Garden, Karin Karagozian, and JoAnn Wood, Secretary
- Maureen Criasia, Alternate and Randy Mattson, Alternate and SB representative
- Bob Beem

I. The minutes of the June meeting were read and approved with corrections as noted:

- Page 3, first bullet point under #A should read, ‘Regarding Hawkins Pond, Maureen and Bruce sent a letter to DES requesting that work on the dam be done in the fall. The engineers confirmed that that been taken into account and that, in any case, funds might not even be available this year to carry out the project. Maureen also brought to the Commission’s attention the fact that the old cabin on the shore is being replaced by a new structure on the old footprint. She wondered if that structure violates provisions in the new Shoreline Protection Act.’
- Page 3, last bullet point under #A should read, ‘Maureen and Bruce walked the Olsheskis’ ‘seasonal’ dock site but won’t be able to tell if the dock conforms to regulations until the fall (Karin asked for a definition of ‘seasonal dock’)

II. Bob Beem and the Commission further revisited the issue of conservation funds*

- Bob distributed copies of his July 1 memo to Doug Hill, which laid out his position on the 1989 warrant and amendment and, therefore, his opposition to the Commission’s making any attempt to move or access any part of the ensuing monies. He said a memo to the CC was in the works, setting forth his ideas on regaining the ‘shortfall’ of CC funds
- Bruce begged to disagree with Bob’s position, particularly as the CC needs to move enough money so that it can function as mandated
- Randy had several points to make
 - The SB has received numerous professional opinions regarding this issue and all seem to agree that all CC funds are required by law to be in the custody of the treasurer, who will invest the money to achieve returns similar to what it now brings in.

*The ensuing discussion refers to the 25% of LUCT funds

- SB intends to write a corrective warrant for 2009 TM, which will remove any 'cloud' overhanging the disposition of these CC funds. Further, this warrant will bring the control and use of the CC fund into line with State regulations.
- The SB believes that, despite Bob Beem's objections, the CC can and should go ahead with the NRI/PW projects.
- Stu asked if a public hearing would be necessary before appropriating funds for the two projects. The consensus was that it would only be necessary if the CC were proposing to buy land
- Karin said that the CC had to consider the intent implied in TM (06) when voters approved DES designation of five prime wetlands. In carrying through this project, the CC is merely trying to do the job voters intended it to do
- Bob Beem responded that there was no mention of cost and asked how voters would have responded if they'd known there was money involved. He maintained he was trying to protect the integrity of TM and accused the CC of overriding voters. He further said that the SB misinterprets the law and referred again to Doug Hill's May memo, which says, according to Bob, that moving the CC funds away from the Trustees opens the CC to a challenge, in which case, the entire fund might be lost to the CC. He said he's canvassing voters.

At this point, Bob left the room and the discussion moved on to other agenda items.

III. The Prime Wetlands project. The overriding issue is whether we go ahead with this project now, given Bob Beem's opposition and threats of a floor fight at TM '09. After a brief discussion – e.g.,...

- Stu asked why we couldn't wait until TM '09, to which Maureen and others responded that
- That would probably delay the project for almost another year as the contractor would have to wait until snowmelt or later to begin
- If we wait and development occurs, we don't have that extra layer of protection. As an example, Maureen mentioned the road abutting Hawkens Pond.
- Moreover, if Bob Beem successfully blocks any changes to the '89 warrant and amendment at TM '09, we might never get the funds we need to carry out the study
- Finally, Maureen points out that there were public hearings on the five wetlands prior to TM '06; and at that meeting, the vote for approval was not even close. This would seem to indicate that the voters are firmly behind this project.

...the CC voted overwhelmingly to go ahead. It was moved and approved however, that JoAnn draft a clear statement of intent, justification, and acknowledgement of Bob

Beem's opposition. The CC would review this draft for the record and post the approved version on the Town website.

The rest of the discussion focused on procedures for hiring a professional contractor to carry out the study.

- Rick van der Poll still seems the most logical person to undertake the PW study as he has already mapped two of the five wetlands in the course of developing an NRI for Meredith
- The SB, however, recommends that the CC solicit bids from at least two other contractors to comply with general Town regulations. Stu volunteers to do this by next meeting.

IV. Town Forest Project. The portion of Dane land that is forested is to be sold separately from the house/fields property (the Hearthstone property) currently under agreement. We have been told that someone has made an offer of \$900,000. At our last meeting, Roger identified the forest land as a potentially attractive target for the CC. Randy summarized steps taken over the last month:

- Ellen got an introduction to Bert Dane, who is a trustee of the Dane forest parcel. Although he is not actively involved in selling that parcel, he favors putting the land into conservation.
- Roger laRochelle and Randy then met with Bert to express joint interest of the Town, the SLCS, etc. Roger also said SLCS was trying to get the Hearthstone fields into conservation easement. Bert Dane promised to go back to the other trustees.
- The Halseys hosted a meeting of abutters and near neighbors to gain a sense of interest in the project. Don Berry of LRCT also participated.

Guided by Roger, we now wait to hear back from the trustees. But Roger did point to several 'tools' that would be extremely useful when approaching potential land donors – e.g.,

- An up-to-date NRI
- Additionally, an understanding of the history of a particular land parcel. For example, the Dane family has had a significant presence in Center Harbor for decades. A willingness to acknowledge this history in some way might help with any purchase proposal the CC might make.

V. On-goings. The rest of the meeting was taken up by

- The Membership notebooks. Maureen has tweaked the index and emailed everyone for updates/changes – to no avail. Undaunted, she has added information on local wetlands ordinances (she's put 10 copies in the file

cabinet). She asked what else should be in the binders given that the Blue Book is quite comprehensive. Stu agrees, to write by-laws by next meeting.

- Permits/Applications. No action this month
- Workshops. It was brought to the Commission's attention that we seem to be missing the boat on a lot of workshops/special events. (JoAnn promises to check for announcements on a regular basis [which she should have been doing all along] and notify commissioners on a more timely basis.) *
Upcoming workshops include a DES-sponsored update on Shoreline Protection ACT, Church Landing, August 11.

VI. Miscellaneous business.

- Membership. Bruce brought up the need to formalize Bob Coppo's situation. Although Bob offered to serve as an alternate, the commissioners agreed that we would be best served by finding someone who could promise regular attendance. Randy will recommended to the SB that
 - - Maureen be approved as a full member for three years
 - - Ellen be reappointed for a full term.
- Hazardous Waste Disposal Day. Maureen passed out flyers for this summer's haz-mat days.
- Support of Waukeewan's effort to forbid haz-mat trucks from using the summer by-pass. The SB has been asked to cooperate in this effort, along with Meredith.

With no further business to discuss, the meeting adjourned at 12:00 PM.

Respectfully submitted,

JoAnn Wood
Secretary