

Campton Conservation Commission
Minutes of:
Public Hearing relative to Warrant Article (RSA 36-A: 4-a, I (b))
January 30, 2012; 7pm
Campton Historical Society

Hearing attendees:

Select Board members: Sharon Davis, Charlie Wheeler, Marsh Morgan, Craig Keeney, and Bill Cheney. Town Administrator Ann Marie Foote and Eleanor Dewey were also present.

CC Members: Jane Kellogg, Jules Doner and Tammy Wooster

Others: Jim Aguiar, Patrick Miller, NH Assoc. of Conservation Commissions (NHACC) Executive Director Carol Andrews.

There was also a crew member from the local public access cable station recording the hearing.

The Public hearing was on the agenda of the weekly Select Board meeting. Sharon Davis turned the meeting over to the Conservation Commission at 7pm. Jane Kellogg introduced herself and Carol Andrews, Executive director of the NHACC who was present to assist in answering questions relative to the warrant article. Other CC members introduced themselves and Jane explained that the CC had prepared a PowerPoint presentation but the projector wasn't functioning so she would use the slides to guide the conversation.

Jane began by providing background for why we are here tonight. She explained that in 2009 the state passed legislation requiring NH towns to pass a onetime warrant article before allowing CC's to make a specific type of expenditure from their conservation funds. Ann Marie distributed copies of the warrant article wording to all present. Jane explained that the legislature mandated the wording of the warrant article which reads as follows:

"Shall the Town vote to adopt the provisions of RSA 36-A: 4-a, I (b) to authorize the conservation commission to expend funds for contributions to 'qualified organizations' for the purpose of property interests, or facilitating transaction related thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property?"

Jane summarized that passage of the warrant article would allow CC's to make CF expenditures to assist landowners with stewardship fees , with the easement holder being a qualified organization. Jane further explained that there had been some confusion among NH town attorneys around the legitimacy of making these expenditures when the public benefit was unclear; that is without an exchange of goods and services in the traditional sense since the town would not hold the property interest.

Jane continued with a clarification of some of the wording of the warrant article and began with the term qualified organizations which she gave as examples a land trust, conservation district, and lake association. Carol added that the term qualified organizations is defined through the tax code and is an IRS designation but in NH will almost always be a land trust. Jane explained that land trusts are specifically set-up to monitor easements and have the resources and expertise to do so. Carol noted that holding a property interest as an easement holder can have negative value in that along with these rights come a perpetual liability to monitor the property and enforce the terms of the easement.

Additionally, she said that currently there are not a lot of LUCT dollars going into conservation funds and so this allows conservation commissions more flexibility in land conservation deals by partnering with others.

Jane addressed the warrant article wording “retains no interest in the property” by saying that it needs to be looked at from a broader perspective. The town’s interest is not a property interest, but rather the conserving of land to protect water quality, wildlife habitat, preserve historic land uses, and secure public access are all of interest to the entire community. She listed the big picture benefits as being that the easement monitoring is left up to experts and the fact that the land stays on the tax rolls. It allows us to use CF money to leverage the dollars of other partners which is a more efficient use of the fund. Jane said that this would allow us to assist someone who may be land rich but money poor and unable to keep their land in conservation due to the expenses associated with the easement process.

Next Jane gave an example of a success story resulting from the passage of this warrant article. In 2010 the Rumney CC paid the stewardship fees to assist Dr. Sydney Paly in securing a conservation easement on his property with the Pemi-Baker land trust as the easement holder. The Paly easement conserved 26 acres of critical land and 1300’ of Baker river shoreline. This land has served as a popular swimming area and will forever be accessible to the public. Jane added that to date 69 NH towns have passed this warrant article, including our neighboring towns Rumney, Sandwich, and Holderness.

Jim Aguiar asked if qualified organizations have to go through any specific procedure to become qualified. Carol answered that The IRS designation of 501C3 status mandates that they operate in accordance with non-profit rules. Additionally, land trusts are accredited and have passed alliances for how they do business.

Jules reiterated the point of using the conservation fund wisely by using the Pattee property purchase as an example. He said its better not to take ownership because it is expensive to manage and monitor land. Carol responded that she wouldn’t say it is inappropriate for a town to take ownership of land in fact towns buy land outright all of the time. It is simply more of an expense to take ownership and a more efficient use of conservation funds to enter into partnerships. Additionally, landowners who feel an attachment to their land and do not want it developed want professional organizations overseeing it. She added that this is simply a tool that your legislative body chooses to give to the conservation commission or not. Carol said that she lives in Washington NH and she too, went before her town to say that if you want us to be able to move quickly to help landowners conserve their land then you must pass this warrant article because we cannot do our work without it.

Selectman Bill Cheney asked for clarification of the words “subject to the approval of the local governing body”. Jules explained that he was referring to language in subparagraph “a” of Section 36-A which was not relevant to this warrant article but it is true that we would not need Select Board approval for this type of expenditure after passing the warrant article.

Bill responded that the legislative body should be able to approve it and that it disappoints him that this is left to the Conservation Commission after passing the warrant article.

Carol said that she was personally involved in ensuring that the Select Board approval provision was not included in the language. She pointed out that conservation funds are not just comprised of taxpayer dollars but also contain private donations. People donate money to conservation funds all of the time and receive a tax deduction as a result. The way the law was structured was to not allow Select Boards to have control over money that might include private contributions.

Carol explained that this is not new and that prior to this warrant article conservation commissions have been using these funds to pay stewardship fees to land trusts for years. She went on to say that this is new for Campton because we haven't yet had the opportunity to use conservation funds to help a landowner in this way.

Patrick Miller asked whether any towns have set up a memorandum of understanding between Select Boards and town bodies to formalize the process.

Carol responded that this public hearing is part of the process and that public hearings will still be required if the warrant article passes. She continued to say that land conservation happens when town boards come together and that it needs to be recognized that these dollars are meant to go toward land conservation since the town voted in favor of a Conservation fund.

Jane added that all of us remember at past town meetings when we gave examples of the kinds of things the conservation fund would be used for, one of which was to help landowners with stewardship fees. We need to pass this in order to do what we've been saying what we will do and to follow through with our intentions.

Selectman Marsh Morgan said that he sees it as a win- win since land is conserved and the town is not liable.

Jim Aguiar asked what the typical dollar amount was for this type of expenditure. Carol said that it ranges greatly and depends on how complicated or problematic the land is to monitor. Jane said that in Rumney's experience the average stewardship fee requested has been \$5,000.

Jules asked if it is correct that the stewardship fee is a onetime expenditure for each property to which Carol agreed.

Patrick Miller said that there are multiple facets to consider at this time. With the state of the economy, people moving on in age and land likely to soon be going on the market this is a great opportunity to be having this conversation.

Selectman Craig Keeney asked if there are guidelines for what type of properties are eligible for this type of purchase or to prevent someone who doesn't need financial assistance from using these funds; That is, is there a way to ensure that only those who need help get it.

Carol responded that she would not advise a conservation commission to decide who needs assistance based on wealth, and that, rather the decision to assist a landowner is based on the land's conservation value and there are processes in place to guide this decision making.

Patrick Miller pointed out that this would be a good time to revisit the town's master plan using science and the NRI to drive these decisions.

Selectman Keeney said that the National Forest has a map that shows their property boundaries but they don't own all of the properties shown within the map. Carol responded that she wouldn't think the Conservation Commission would try and keyhole a property in the National Forest without talking to someone at a higher level.

Patrick Miller mentioned that a similar situation arose in Tamworth where both the town and National Forest were working to acquire the same property but the town let the Forest Service acquire it which made sense and the end result was the same.

When there appeared to be no other comments or questions, Jane concluded by thanking everyone for coming and Sharon Davis officially adjourned the hearing at 7:45.