



Land & Community Heritage
Investment Program



LCHIP BOARD OF DIRECTORS MEETING

New Hampshire State Library

January 12, 2015

Doug Cole, Board Chair

Minutes Approved at April 20, 2015 Board Meeting

Attendance

Voting Members: Doug Cole, Senator Martha Fuller Clark, Senator Jeanie Forrester, Harold Janeway, Rusty McLear, Amanda Merrill, Bill Norton (7 = quorum)

Non-Voting Members: Tracey Boisvert, Susan Francher, Jennifer Gornert, Beth Muzzey, Pierce Rigrod

Staff: Paula Bellemore, Melissa Jones, Dijit Taylor, Jenna Lapachinski (HR Specialist, starting 1/20/15)

Conflict of Interest Forms

Dijit explained the three different forms:

- Grant round decision-making day conflict of interest (relates specifically to possible conflicts with applicants, completed by those attending the meeting)
- Overall LCHIP conflict of interest policy based on policy since 2001, reiterated in *Financial Policies and Procedures Manual* (due in LCHIP office in January, distributed at this meeting. Need to be submitted by every Board member)
- Required annually per RSA 15-A to be submitted to Secretary of State by anyone serving in a position appointed by the Governor and Council. Due January 16, 2015)

Each seeks slightly different information, so there is no obvious way to combine.

Minutes of November Meeting

MOTION: To approve minutes of November meeting as presented

Rusty McLear

SECOND:

Bill Norton

VOTE:

Approved unanimously

Nominating Committee

In the absence of an uninvolved member of the current Nominating Committee, Susan Francher (member of previous Nominating Committees) presented the Nominating Committee report: Chair – Doug Cole, Vice Chair – Amanda Merrill, with thanks for their willingness to serve.

MOTION: To elect the slate of officers presented by the Nominating Committee

Rusty McLear

SECOND:

Martha Fuller Clark

VOTE:

Approved unanimously

Finances

Finance Report Bill spoke about the November Finance Report distributed with the meeting packet and asked for any questions. There being none,

MOTION: To accept the November Finance report as presented

Mandy Merrill

SECOND:

Harold Janeway

VOTE:

Approved unanimously

Finance Committee The Committee met just before this meeting. Draft Investment Policy has finally been reviewed by Treasury. Dijit will make the minor changes suggested by Treasury which Finance Committee has approved in concept; and circulate to Finance Committee and then to full Board with expectation of reviewing and approving at April Board meeting. Working on strategies for financial issues considered at the Nov. meeting, including “rainy day” fund and long-range planning regarding registry fees. The committee discussed the upcoming state budget and possible repercussions.

CCE Trust Fund

Dijit reports that the CCE Trust Fund is up to \$3.1 million. Year-to-date income is \$100,000. Last year’s distribution, \$200 per “unit”, was \$52,000. Finance Committee feels \$200 per unit is still reasonable. At April meeting, staff will provide the Board with a count of projects eligible for the 2014 monitoring payments and seek approval for distribution. Approval of the Council on Resources and Development (CORD) is also needed and will be sought at its next meeting. The number of recipients changes each year as newly completed projects become required to submit monitoring reports and some historic resource projects complete their term stewardship agreements and no longer are required to submit the reports.

Staff Update and Action Items

There were no questions about the list of projects closed during September – December distributed with the meeting materials. Doug asked about the status of the bridge in Dover discussed at previous meetings. The letter of “no action” has been sent, but there is no information about whether the work has started.

Grant Recipient Reception

Doug described the event: Well-attended by recipients, legislators and the governor. LCHIP got a photo of each recipient with Doug for PR use. Senate President Chuck Morse and Senate Minority Leader Jeff Woodburn each spoke in support of LCHIP at the luncheon hosted by the NH Preservation Alliance, Forest Society and Trust for Public Land. Staff followed up with press releases sent to recipients and to regional press organizations.

Request for Board Action - Sprucewood Forest

Following the September Board meeting Paula was instructed to ask the Attorney General’s office for guidance regarding the Boards authority regarding public access requirements. Atty. Aslin responded with his opinion that the LCHIP Board **does** have the authority to allow a hunting prohibition on a case-by-case basis because, although RSA 227-M: 15 and CGP 17(B), require public access, public access does not necessarily include the right to hunt. Atty. Aslin suggested that the board evaluate any such request within the context of the purpose section of RSA 227-M: 1 and the public access section in RSA 227-M: 15, specifically noting that the Board is permitted to limit passive recreational use where the activity in question “would be inconsistent with the purpose for protecting the property and/or when public safety would be at risk”, and that a request to prohibit hunting should **not** be considered a waiver request pursuant to CGP 15, but instead a request under CGP 17(B) requiring approval by a majority vote of the Board only, not a super-majority.

Mandy Merrill identified herself as a Durham resident for the record, and then stated that town-owned lands in Durham are not universally posted against hunting, and that it was her understanding that the Town Council had not directed Mr. Selig to make a formal request to LCHIP on this matter. Susan Francher stated that in her opinion if hunting on the Sprucewood parcel was an issue it should have been raised in the application, and was not.

Dijit stated that if the letter received from the Durham Town Manager was intended to be a waiver request it did not meet the criteria described in the CGP, and that if it was intended as a request for approval to prohibit hunting within

the context of the deed language, the question before the Board was limited to whether hunting on the property would either a) be inconsistent with the purposes for protecting the property, or b) put public safety at risk. Paula read aloud a statement received from NH Fish and Game strongly supportive of continued public access on the property for the purposes of hunting. Dijit noted that although one of the purposes for protecting the property had been to conserve habitat for the New England cottontail rabbit, NH Fish and Game has a long-standing prohibition against hunting cottontails, making any further prohibition by LCHIP redundant. Jennifer pointed out that existing state hunting regulations include provisions to protect public safety. Rusty asked if the Board had approved other requests to prohibit hunting on LCHIP land for reasons other than the standard exceptions (on active livestock fields, during timber harvests etc.) and was told that it had, but only rarely. The Board was reminded that at the September meeting Charlie Royce had spoken against approving a hunting prohibition based on his belief that protecting public access to land for hunting was an important part of the initial LCHIP legislation.

MOTION: To approve the Durham Town Manager’s request to prohibit hunting on the Sprucewood Forest property. Martha Fuller Clark

SECOND: Harold Janeway

VOTE: **Opposed Unanimously**

LTA Standards & Practices

LCHIP Board has been reviewing these ethical and technical guidelines, a few per meeting, since March 2013. LCHIP applicants and recipients are required to adopt them. Land trusts around the country have adopted them. National Trust for Historic Preservation recommends this to historic groups. Adopting these would provide standards against which to measure LCHIP’s performance and from which staff can craft proposed policy change recommendations to the Board. Some of the elements don’t apply to LCHIP because of its status as a public instrumentality. Staff is all enthusiastically in favor of adoption.

MOTION: That the LCHIP Board of Directors adopts the relevant elements of the *Land Trust Standards and Practices* as guidelines for the organization’s operations and commits to making continual progress toward implementation of these standards and practices. Mandy Merrill

SECOND: Martha Fuller Clark

Vote: **Approved Unanimously**

Scheduling the Next Grant Round

Dijit presented two potential schedules for upcoming Grant Round 14, one with applications due at the end of June (which may precede finalization of the biennial state budget) and one with applications due around Labor Day. The former schedule is the one that was followed in Grant Round 13 in 2014 and has many advantages for staff and review panel members. Applicants would prefer consistency in the scheduling. Martha reports good support for LCHIIP’s dedicated fund in the Senate but cautions against appearing to threaten the process with grant round timing. Rusty observes that if the earlier schedule makes most sense for applicants and staff, we should stick with it as “business as usual”. Dijit reports that staff can proceed with either schedule. All agreed that we want a good application process. A vote on this can be delayed until the April Board meeting.

Legislation of Interest to LCHIP

Martha mentioned several bills that follow up on the SB 388 study commission that she and many others worked so hard on over the summer, including one that proposes further study of the state’s role in future land conservation.

There were no public comments.

The meeting was adjourned at 3:55 p.m.

Respectfully Submitted,
Melissa Jones, Office Manager

Doug Cole, Board Chair