



Board of Directors Quarterly Meeting and Public Hearing

Via Zoom

Amanda Merrill, Board Chair

Monday, August 17, 2020

Approved at October 20, 2020 Board Meeting

Introduction and Explanation

Mandy Merrill called the meeting to order at 2:00 p.m. and read an explanation (See addendum) of how the meeting accommodated right-to-know requirements under Governor Sununu's State of Emergency proclamation including that the meeting was being recorded and that all votes would be taken by roll call.

Attendance

Dijit took attendance by roll call with attendees stating what interest they represent on the board and if anyone else was in the room with them. All attendees were alone.

Voting members: Colin Cabot, Doug Cole, Chick Colony, Rich Cook, Dave Danielson (joined at 2:30pm), Bob Giuda, Dick Lewis, Mandy Merrill, Susan Slack, Judith Spang, Ben Wilcox

Nonvoting members: Susan Francher, Shawn Jasper, Jim Oehler, Pierce Rigrod, Stephen Walker, Ben Wilson

LCHIP Staff: Barb Beers, Paula Bellemore, George Born, Kristen Powell, Dijit Taylor

Meeting Guidelines

Mandy reviewed operating procedures for this virtual Public Hearing and LCHIP Board meeting including the need to state name before speaking, and phone versus video participation.

Public Hearing: To consider the request by NH Department of Transportation to release conservation restrictions held by LCHIP on about 12 acres of land in the 13-Mile Woods in Cambridge, NH to accommodate proposed changes to NH Rt. 16 adjacent to the Androscoggin River.

Jennifer Reczek, Project Manager for NHDOT, presented a slide show detailing DOT's proposal to make improvements to 1.3 miles of Rt 16 in Cambridge, NH. Rt. 16 is one of the two major north-south corridors in the North Country, important for tourism, logging, manufacturing, outdoor recreation and other industries. It is considered the primary economic corridor for growth in the area. Proposed improvements will address poor condition of pavement and road base, provide a sustainable roadway, minimize the long-term maintenance and risk resulting from proximity of the river, and preserve the scenic quality of the surrounding area. DOT has considered four alternatives. A full shift alternative provides the best option for sustainability and the environment. Details and maps, available prior to the public hearing, were displayed via Zoom. Regulatory and permitting needs were explained and timeline provided. Members of the public were given an opportunity to speak. One member of the public, Representative Erin Hennessey (represents Bethlehem and Littleton) attended. No questions were asked. The Public Hearing was closed at 2:41pm.

DOT Request

The Board had previously been provided with extensive materials about the project. Mandy clarified that their first task was to determine if the DOT project as proposed meets the criterion for what is permissible for LCHIP to make a decision on. The request by NH Department of Transportation is to release conservation restrictions held by LCHIP on about 12 acres of land in the 13-Mile Woods in Cambridge, NH to accommodate proposed changes to NH Rt. 16 adjacent to the Androscoggin River. The Board must determine if they have the authority to release these restrictions. Mandy reviewed the guiding language from RSA 207:1 for what the Board could authorize.

To start the discussion Rich Cook made a motion that it is not permissible for LCHIP to approve this. He explained the motion by observing that there's a lot of "gray" in what LCHIP can and cannot approve, but that this project is closer to the kinds of changes listed as major alterations and thus outside of LCHIP's purview. Ben Wilcox supports the project but agrees that the proposed work is a major alteration. He asked about the process if the motion is approved. Mandy explained that a member of the legislature would sponsor a bill requesting approval for the project. The bill would proceed through the usual legislative committee review and consideration process. It might be appropriate for LCHIP to testify. Judith feels the proposal represents a major alteration and wants LCHIP to have input. Paula explained that per the LCHIP statute, LCHIP will have input into the further elements of the process whichever way the Board decides. Dave Danielson asked if the Highway Committee has seen the project. Jennifer responded that it has not, but that local elected officials (one Representative and one Executive Councilor) attended the August public hearing. Paula stressed that the area of "major change" is only 1/3 of a mile long and that the proposed move gets the road out of a flood zone thus protects the river and road. Dick Lewis felt that while this is a gray area for LCHIP, this proposal would prevent erosion and protect the river. Jim Oehler asked if Chris Aslin from the NH Department of Justice has an opinion on whether LCHIP has the authority to release these restrictions to allow the realignment to go through. Paula stated that when asked that question Chris wrote "the Board has to decide how to interpret the statutory language."

MOTION	The LCHIP Board of Directors finds that the request to release up to 12 acres of land in the 13-Mile Woods in Cambridge from LCHIP-held conservation restrictions is outside the scope of projects that are deemed permissible under RSA 227:M-13 I.	Rich Cook
SECOND		Judith Spang
VOTE		Motion fails with 2 in favor and 9 opposed.

The Board then took up a second motion.

MOTION	The LCHIP Board of Directors finds that the request to release up to 12 acres of land in the 13-Mile Woods in Cambridge, NH from LCHIP-held conservation restrictions is within the scope of projects are deemed permissible under RSA 227:M-13 I.	Bob Giuda
SECOND		Susan Slack
VOTE		Motion carries with 9 in favor and 1 opposed. Chick unavailable to vote.

Dick Lewis requested that a summary of the logic behind the decision be written to benefit any similar future request to the Board. This could be created or provided at a future meeting.

Leaving the highway in its current alignment will result in future expensive repairs for stability of the river bank. Susan noted that all of the permit requirements could be met in the preferred alternative. In spite of some wetland impacts, water quality will benefit from this shift and scenic values will be preserved. Ben Wilcox observed that tremendous due diligence has been done. Jen Reczek stated that there had been no comments as a result of required DOT mailing to interested parties. The chairman of the Town Forest Committee in Dummer attended the Public Hearing, but didn't speak regarding the proposal.

Ben Wilson asked about a mitigation package. Jennifer said the mitigation plans typically come later in the process. There will be mitigation both for the wetland impact and for the change in conservation value. That could be through the conservation of different land or through a monetary contribution to LCHIP. Susan Francher reminded everyone that a great deal of Forest Legacy money went into the conservation easement. The Forest Service will have to agree to release a portion of that easement.

MOTION	The LCHIP Board of Directors finds that there are no reasonable and prudent alternatives to the DOT proposal, and that the project as presented is not likely to materially impair the conservation purposes for which the parcel was originally protected. Therefore the LCHIP Board of Directors accedes to the DOT request for the release of the LCHIP conservation restrictions on up to 12 acres of 13-Mile Woods in Cambridge NH.	Susan Slack
SECOND		Bob Giuda
VOTE		Motion carries with 11 in favor and 0 opposed.

Minutes of June 22, 2020 BOD Meeting

There were no changes to the minutes.

MOTION	To approve the minutes from the June 22, 2020 Board of Directors Meeting.	Colin Cabot
SECOND		Ben Wilson
VOTE		Approved unanimously

Proposed Changes to the Conflict of Interest Policy

Changes to the Conflict of Interest Policy were proposed to better incorporate members of the LCHIP grant round review panels. There was a question about the section which states "Participants with conflict may vote on slates of projects that include the one for which they have the conflict." Dijit explained that the DOJ has approved allowing this, although it is also possible to pull a project off a slate and vote separately if needed. Bob proposed that we consider a verbal disclaimer. Mandy responded that all conflicts would already have been announced. Bob wants to be sure it is clear to the public if there is a conflict within a slate of projects that was voted upon. Rich noted the need to adjust the wording to paragraph 1 line 6. Dijit suggested adding making "member" plural.

MOTION	To approve changes to the Conflict of Interest Policy with the proposed word change.	Colin Cabot
SECOND		Susan Slack
VOTE		Approved unanimously

Dijit reminded the Board that soon they would be receiving a list of projects, towns, and applicants to review and indicate any conflict of interests in the current grant round.

Financial Topics

Dijit explained that the new bookkeepers are still working on understanding our finances and sorting out what took place during the months when we lacked a bookkeeper and so the reports we are currently seeing don't look exactly as they have in the past.

June Finance Report

Ben Wilcox noted that this is actually a fiscal year-end report. This report shows a financial loss for the year. Dijit explained that there is a budgeted amount for FY20 that has not yet been transferred from reserves. There are also expenses that haven't been posted yet. Rich questioned the negative value at Bangor Savings. Dijit explained that this occurred as a result of trying to balance the amount in all accounts to not exceed the FDIC limits. The resulted in an unanticipated bounced check. The sweep account has been planned, but is not yet set up.

MOTION	To accept the 2020 Fiscal Year-End Finance Report and place it on file for audit.	Colin Cabot
SECOND		Dick Lewis
VOTE		Accepted unanimously

Fund updates

Dijit presented fund updates. The CCE fund is in good shape. The Trust Fund, budgeted for \$3.5 million, has come in over budget which may mean additional money for grants.
 Trust Fund Income YTD = \$4,411,154 (June FY 19 = \$3,751,560)
 June CCE Market Value = \$5,514,803 (June FY 19 = \$4,940,971)

Project Updates

Grant round activity – We have 67 applications requesting \$9 million which is the largest request we've ever seen. Dijit observed that projects look fabulous and she recognized all the hard work that the Review panelists are doing. Site visits are taking place, 14 Natural Resources and 19 Historic Resources have been completed. Historic Resources needs a total of 29 site visits. Review Panels will meet via Zoom this year. Summary of the proposals will be sent to Board members as a book or flash drive. The Board was asked about timing of a Zoom meeting(s) for the deliberative session. One day with three sessions was the preference. Board members with specific questions about a project can reach out to LCHIP staff the week before the October 20 deliberative session.

Walker withdrawal – the Durham Walker/Lubberland Creek Project has received another funding source and therefore declined the LCHIP grant of \$70,000.

Stewardship activities – Kristen starts site visits next week. She completed so many last year that we only need half as many done this year. Andrew Chaplin has finished the natural resource site visits and has returned to his teaching job.

Legislation of Interest to LCHIP

None discussed

Other Business – Board members were asked to let staff know where to send the project materials for the next meeting. Bob requested they be sent to his home, not office.

Public Comments – None

The meeting was adjourned at 4:33 p.m.

Next Meeting: Tuesday, October 20, via Zoom, day-long decision-making meeting, times TBA

Respectfully Submitted,

Barbara A. Beers
LCHIP Office Manager

Amanda Merrill
LCHIP Board Chair

Addendum

LCHIP Board Chair, Amanda Merrill read the following at the start of the meeting:

As Chair of the Land and Community Heritage Investment Program, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-929-205-6099, meeting ID 817 6884 1224 and password 487218.

Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Land and Community Heritage Investment Program at: LCHIP.org

b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call or text (603) 224-4113 or email: officemgr@lchip.org

c) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote and that the meeting is being recorded.**

We'll start the meeting by taking a roll call attendance. Dijit will read the Board list. When each member states their presence, please tell what interest you represent on the board and state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. The meeting is being recorded. Any members of the public who wish to comment on the meeting can do so at the "Public Comments" section at the end of the agenda.