

Freedom Conservation Commission and Forest Advisory Committee
Tuesday, August 19, 2025
6:30 pm
At the Freedom Town Hall
Minutes

1 Quorum Check, Roll Call FAC/FCC – The meeting was called to order at 6:34 pm by Jeff Nicoll. Present are:

FAC – Paul Elie, Ron Newbury

FCC – Jeff Nicoll, R.A. Oram, Megan Broderick, Susan Marks, Nancy Cristoferi, Sue Hoople

Dave George, Scrub Oak Scramblers and Barry Keith, Forester are present.

Absent – James Guido-Planning Board Rep., Yvonne Hoyt, Gary Williams - Selectboard Rep.

Michele Keenan has resigned, effective immediately.

Oram is the FCC rep to the FAC

2 Approval of July 2025 FAC/FCC Meeting Minutes – line 36 – should say one not once. Line 60 – add hogging to brush. Line 69 – change in to an.

FAC - Paul made a motion to approve as amended, Ron seconded. APPROVED

FCC – Megan made a motion to approve as amended, Oram seconded.

APPROVED

FAC

3 Trout Pond Trail OHW Wagon Rides Update – good day, good weather. Over 30 signed up, 5 cancellations. Feedback was good. A donation of \$25 was received. Photos of the event were shared.

An anonymous donor donated a gift certificate for Metcalfs to Josh Battles.

There was an incident regarding a car and hitting a rock. Police and fire attended, a couple of large rocks were moved from the trail.

4 Capital Reserve Account discussion & FAC / FCC accounts – looking forward, this should be considered. There appears to be a need for this.

A motion that a recommendation to the FCC that we start a capital reserve fund was made by Oram, amount tbd. Ron seconded. APPROVED

Barry commented about monies that have been generated have gone into the maintenance fund, which is similar to a capital reserve. Jeff suggests that this budget season we reword the warrant article to state that we would like to make a deposit to the fund, to be raised by taxation.

Discussion about how the monies are expended (via warrant article or through a majority vote) depending on the account they are in.

Megan spoke about not having spent anything for the water quality testing.

Jeff clarified that they bill us at the end of the year. Oram spoke about the line on the budget that the Town already has for water quality testing. Jeff feels that it comes out of the FCC budget in entirety every year.

Barry commented about the chart of accounts – if we don't have an item for timber tax revenue we should. Jeff will check on this.

5 Forester Update – Barry Keith – Paul asked about logging and the burn project. Barry stated that it is in his scope of work. Jeff provided a memo summary to the group. Barry spoke about getting the mowing underway in the forest. He met with the Town Administrator in July. He didn't have answers to his questions, other than that the Town has someone that does the mowing for the Town. He was then put on the agenda for the Selectmen's Meeting. No decisions were going to be made at that meeting, just gathering information. Barry has not received a copy of the purchasing policy from the Town Administrator as of yet. He gave the Board a document that can be added to the record.

After heavy rain, the road fared pretty well. One check dam needed a little work. A couple of the stones were moved around to make it work better. The sign at the bottom of the hill was discussed. (Washout – Pass At Your Own Risk) – put tape over the "Washout" and leave the sign in place is suggested. Dave mentioned that he may be able to get a grant in the spring to get some ledge pack to add to the road. The Pass At Your Own Risk sign will be left in place, with tape over the word washout.

Mowing contractor – Historically the Club has done it and billed the Town. That is one option. Second option – check with the contractor who is mowing the transfer station. Barry and Dave feel that it should cost \$3000 to \$4000. Scrub Oak Scramblers will give us a quote, and Barry will check with the town's contractor. There is no money left in the maintenance

accounts to do the mowing this year. There is money in the stewardship gifts account that could apply in this case. Barry suggested that it could also come out of the current use penalty tax money. There is an account that is wildlife habitat – this could be used for this project. We have an approved grant from Fish and Game in the amount of \$4000. The Town has to pay the contractor, and will get reimbursement in some portion from the State. This also applies to prep work for the burn. A motion was made by Ron to withdraw from the forest maintenance account – wildlife account and to get quotes from Scrub Oaks, the town contractor, and possibly Josh Battles.

Jeff spoke about the burn – TNC will not be managing controlled burns that are not on their property. Mike Crawford said he will reach out and say that perhaps Barry can do some of the preparation for the burn, and that they will be available for support but cannot lead. We would have to rely on the State for the burn boss. Barry will reach out to Michael Crawford to meet with him and review the pre-burn practices.

Timber project is going to gain access at Gate 1. Currently the area is so grown in, the contractor will need to brush back both sides of the road with a tree saw.

Nancy has a concern about meeting with the TNC when we don't know what the State will be able to do. Reach out to the State first. Barry states that it could be considered a maintenance.

Boundary maintenance – has been worked on for a couple of years. A map of what has been completed was shared with the group.

Timber Sale Administration – Previously it was the Forester's responsibility. Barry would like a copy of the purchasing policy. Jeff explained that quotes would be gotten, (use the line "in my professional opinion, this vendor is preferred because...") This will need to be bonded as well. Barry recommends using the process that has been used in the past. Jeff stated that this is what needs to happen.

Salvage operations – it has been a couple of seasons since the moths hit the forest. If we can get at some of it, even if it is pulp wood, we could salvage

that. The Trout Pond area should be looked at as a salvage project. The oak on the Air Strip side of the project is not as good quality.

DNCR contacts us about a meeting. Barry has not heard from her yet.

Recommended steps from Barry's forest update were reviewed.

Gravel pit – in the future we can have an onsite source for gravel/materials. Barry is looking to clearcut an area of about an acre. We can then consider getting an excavator and a crusher in.

6 Rob Cunio put out a blurb about fires. A letter from the FAC was distributed to the camp administrators requesting their assistance informing the attendees that fires in the forest are always strictly prohibited. The letter was hand carried by the Fire Chief and the FAC Rep to the campgrounds.

Barry spoke about an incident at the Trout Pond Rd parking lot – there was an abandoned vehicle out there with Alabama plates. Somebody was living in the car. The police were notified.

Shawtown Road is not on the Town Forest property. Municipal trails are discontinued Class VI roads.

7 FAC Member/Support Briefs {Yvonne, Ron, Oram, Dave (SOS)} Dave reports that SOS did some main trail mowing a week and a half ago. There will be some people taking limbs down in the fall.
The Green Mountain article has been delivered and is waiting for publication.

8 FAC Invoices - GW Brooks - \$1058.40 - Ron made a motion to pay, Paul seconded. APPROVED

9 Other Business / Public Comment / Adjourn – Ron made a motion to adjourn at 8:10 pm, Oram seconded. The FAC meeting was adjourned.

FCC

10 Aquatics Update – the State is starting the grant process for 2026. Our intent to ask for grant funds needs to be submitted. Megan made a motion to submit the intent for grant funds from DES, Nancy seconded. APPROVED
Nancy reported on Lake Host Program – we are down to one host for the remainder of the summer.

Oram spoke about the pond at Purity Springs and checking the plants there. Invoices have been submitted to DES for 50% reimbursement.

11 Applications for Review

11.1 ZBA: 111 E Danforth Bay Rd – Falanga – Jeff prepared an internal summary and a draft letter. Concerns he noted included: impervious coverage needs to be properly addressed. Significant slope on the water side. Megan noted that their current stairs do not allow the funneling of water as the new stairs will do. Jeff will add a bullet point that the stair design is of particular concern.

11.2 Wabanaki Campground – materials for review were in the member packets. Jeff used the ARC GIS program and did some overlays. Sue shared her discussions with the Selectmen. They are now taking legal action with Wabanaki. Per their draft minutes, the Town is going to have the assessor go out to get a handle on what exists there now. Jeff feels we should wait to see what happens when the assessor has their visit. Oram would like this discussion tabled until we have the final minutes from the Selectboard meeting. Oram made a motion that we table any further discussion on Wabanaki until we have the final minutes from the Selectmen’s meeting. Megan seconded. 3-3 Motion does not carry.

Oram is a dissenter and feels there should be no more discussion until the minutes of the Selectmen’s meeting are available.

12 FCC Invoices

GW Brooks - \$1058.40 – Pay Request – July 24, 2025 – Megan made a motion to approve, Nancy seconded APPROVED

NH Lakes - \$1500.00 – Invoice #85 – August 12, 2025 – Megan made a motion to approve, Nancy seconded. APPROVED

13 Other business to come before the Commission – Jeff will be double checking the contents of the packets for accuracy and what is on line.

Jeff will do some research about a perched beach on Loon Lake if the Board supports it. Jeff made a motion that research be done, Oram seconded.
APPROVED

14 Public Comment -

15 Adjourn – Megan made a motion to adjourn at 8:52 pm, Oram seconded.
The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary

Note: Deadline for agenda items for this meeting closed at 12pm on
08/12/2025

Attachments:

Barry Keith- update to Selectmen
Jeff Nicoll document - point of order
Barry Keith's follow up

MEMO

To: Forestry Advisory Committee (FAC) & Forest Conservation Commission (FCC)

From: Jeff Nicoll, Chair

Date: August 19, 2025

Subject: Proper Review and Processing of Barry Keith's August 2025 Freedom Forest Update and Procedural Proposals

1. Background & Point of Order

At the August 11, 2025 Selectmen's meeting, Mr. Barry Keith presented both the "Freedom Forest Update" and a "Protocol & Procedures" segment directly—**without prior review or recommendation** by FAC or FCC. This action bypassed the Town of Freedom's purchasing policy (requires FAC/FCC involvement in procurement decisions) and the Conservation Commission's oversight role as statutorily defined under **RSA 36-A**. I made a point of order to the BOS and asked that they defer discussion so that proper discussions with the FAC and FCC can be made and proper channels followed.

2. Summary of Barry Keith's Update / Protocol & Procedures Proposals

- **Trout Pond Road:** To remain seasonally open; "Wash Out" sign removal and storage.
- **Mowing Contractor (<\$10,000):** Seeks clarity on bidding requirements, service agreement form, and insurance protocols.
- **Fire Management – TNC MOU:** Requests clarity on who oversees MOU changes and whether Warrant Article 26 funds may be used for burn-site prep.
- **Boundary Maintenance Notification:** Maintenance funded via maintenance fund; FAC/FCC to be notified if issues arise.
- **Timber Sale Administration:** Forester historically contracts loggers without Town funds; querying whether this continues without bidding.
- **Salvage Operations:** May only be viable if integrated into larger harvest operations.
- **Intent to Cut & Timber Tax:** Describes current PA-7 filing, taxonomy, and pre-payment/bond processes; seeks confirmation or adjustments.
- **NHFG Cost-Share:** Town must complete the work to file for reimbursement.
- **DNCR Monitoring Visit:** FAC/FCC should be notified when scheduled.

3. Policy & Statutory Analysis

A. Town of Freedom Purchasing Policy

According to the Selectmen's minutes (April 27, 2015), the Town's purchasing policy, developed with department heads and reviewed by Town Counsel, governs procurement and fund use, requiring FAC/FCC review for forestry projects involving Town or Conservation funds. Even when services fall under \$10,000 (and may not require formal bidding), best practices under policy call for multiple quotes and proper documentation (e.g., service agreement, insurance). Barry's unilateral approach bypasses these safeguards.

B. RSA 36-A – Conservation Commission Authority

New Hampshire's RSA 36-A establishes Conservation Commissions as advisory bodies with authority over conservation-related activities, including the oversight of Conservation Fund expenditures. Barry's actions circumvented Commission involvement, undermining this statutory framework.

4. Procedural Analysis & Recommended Next Steps

Proposal	Issues Identified	Correct Procedure
Mowing Services (<\$10k)	No FAC/FCC review; bidding/insurance process unclear.	FAC reviews scope; FCC authorizes; ensure quotes, service agreement, insurance.
TNC MOU / Fire Management	No FCC review or approval of contract modifications or fund use.	FCC must review MOU changes, authorize fund use with a vote
Boundary Maintenance	FAC/FCC oversight from forester recommendations and guidance	FCC should supervise boundary maintenance and develop protocols for issues.
Timber Sale Administration	Forester acting independently without FAC/FCC collaboration or process validation.	FAC to review technical harvest plans; FCC to ensure compliance , bonding, timber tax, document decisions.
Salvage Operations	Strategy proposed without FAC/FCC review.	FAC/FCC jointly assess feasibility and integration with harvest plans.
Intent to Cut / Timber Tax	Existing process assumed but not reaffirmed through governance format.	FCC must formally approve procedures, including bonding and compliance levels.
Cost-Share Work	Unilateral Town funding without formal authorization.	FCC should authorize cost-share activities; track documentation for reimbursements.
DNCR Monitoring	Only a notification placeholder—no oversight structure.	FCC must schedule, attend, and document the visit; coordinate with FAC and Selectmen.

Timber Tax Bonds & Pre-payment

- If the timber operation is conducted by someone **other than the owner**, particularly in situations involving current-use land or multiple owners, the town may require a **timber tax bond** equal to the estimated yield tax before signing the PA-7

Background & Point of Order

- Met with Town Administration on July 30th to discuss town contract bid procedures since it was after the July FAC/FCC meeting and before the August FAC/FCC scheduled meeting.
- Specifically, I wanted to know the protocol to solicit quotes for the mowing that could have been on the agenda for the August FAC/FCC meeting. Generally, mowing is conducted in the fall – so this was viewed as a priority in accordance with BHK's approved Scope of Work (Exhibit A).
- The Town Administrator (not BHK) put me on the August 11th BOS Agenda to provide an update to the BOS and to discuss procedures and protocol. At that time, I notified the FAC chair by telephone and e-mail.
- BHK was not made aware of the BOS Agenda until it was forwarded to me by the FAC Chair on the morning of August 11th.
- BHK contacted the FAC Chair the morning of August 11th to discuss and ask if the FAC Chair could be available to attend this "informational" meeting with the BOS.
- The August "Freedom Forest Update" was written the afternoon of August 11th as merely talking point for the update.
- BHK was not made aware of the April 27, 2015 "Town Purchasing Policy" and has NOT been provided a copy as discussed at the August 11th BOS meeting.

Policy & Statutory Analysis

- BHK did not intend to unilaterally bypass the town's purchasing policy. Rather the intent was to understand the procedures and protocols in order to secure quotes for various work items in the Approved Scope of Work for FAC/FCC review and authorization.

Handout at meeting from B H Keith Associates

Letter to Board of Selectmen from B H Keith Associates

FREEDOM FOREST UPDATE AUGUST 2025

- Trout Pond Road repairs were completed in early July. The road is stable and swales/ditches are re-vegetating. An inspection was conducted after the recent heavy rain event. Minimal erosion was observed.

The road is open to the public up to Trout Pond. The gate is in a locked open position. The "Wash Out- Pass at own Risk" sign is planned to be removed. The FAC/FCC conducted horse drawn wagon rides to the pond during Old Home Week. The rides were well attended.

Mowing/bushhogging along the road from the gate to the last wildlife opening should be conducted.

- Mowing of permanent wildlife openings should be conducted. Based on available funding (2025 Warrant Article 24 approved a \$7,500 Budget for Forest Maintenance). Other principal planned mowing would center on roadside mowing from Gate 2 to Black Brook Road at the Madison-Freedom town line.
- Fire Management. It is understood that the contract agreement between TOF and TNC (The Nature Conservancy) needs to be finalized and signed. The TNC has requested to meet on-site with the Town Forester to discuss management priorities, funding sources, and site preparation measures. Warrant Article 26 was passed to appropriate a sum of \$5,000.
- Boundary line maintenance (brushing, flagging, blazing & painting and installing and/or replacing signage) is on-going. In 2023-2024 approximately 2.61 miles of boundary maintenance was completed. This included approximately 1.76 miles along the eastern boundary and 0.85 miles bordering the southwest portions of the property. Currently, in 2025 approximately 1.65 miles of boundary maintenance is underway. An overall plan depicting the status of this work is being updated on an annual basis.
- A scheduled approximate 135 acre timber sale is planned. The project is positioned within Compartment 3 between the former "airstrip" and the western property boundary. This sale abuts the timber sale conducted in 2021. In accordance with the Stewardship Plan management prescriptions, the harvest is designed largely as a selection improvement thinning with approximately 5-7 acres of patch clearcuts to enhance wildlife habitat. Additionally, salvage harvesting shall occur, where viable, to remove dead and dying trees which were impacted by the spongy moth infestation in 2023.

- Other areas of insect damage are being evaluated for potential additional salvage operations.
- Future timber management operations will center within Compartment 2 to the immediate north of the 2021 harvest area. Other sections of the property such as Hurd Road and Shawtown Road accesses will likely require some improvement in order to gain access for timber operations.
- Cost-Share Assistance. The NHFG Landowner Small Grants program has allowed for specific cost-share reimbursements to the landowner for practices such as mowing, burn area site preparation, etc. The town pays for the practice and is provided cost-share monies at various set rates per unit (eg. number of acres mowed, etc.)
- Annual Monitoring Meeting and Site Inspection. The annual meeting and site inspection with Department of Natural and Cultural Resources (DNCR) is not scheduled at this time. Typically, the monitoring visit is conducted during the Fall.

**FREEDOM TOWN FOREST
PROTOCOL AND PROCEDURES**

QUESTIONS/COMMENTS:

- TROUT POND ROAD IS PLANNED TO STAY OPEN IN ACCORDANCE WITH NORMAL PROTOCOL AND BE LOCKED CLOSED PRIOR TO WINTER. THE "WASH OUT" SIGN SHALL BE REMOVED AND SAVED FOR FUTURE USE, AS NEEDED.

- MOWING CONTRACTOR. IT IS MY UNDERSTANDING THAT SERVICES UNDER \$10,000 DO NOT NEED TO GO TO BID AND CAN BE INCORPORATED INTO A SERVICE AGREEMENT BETWEEN THE TOWN AND THE CONTRACTOR. IS THIS CORRECT? IF SO, I WILL PLAN ON SHOWING THE PROJECT TO A LOCAL CONTRACTOR AND SECURE AN ESTIMATE FOR THE WORK. DOES THE TOWN HAVE A SERVICE AGREEMENT FORM? DOES THE TOWN REQUIRE A CERTIFICATE OF INSURANCE?

- FIRE MANAGEMENT AGREEMENT. WHO IS RESPONSIBLE FOR THE CHANGES IN THE MOU BETWEEN THE TOWN AND TNC? CAN THE ARTICLE 26 MONIES BE USED FOR PRESCRIBED BURN SITE PREPARATION?

- BOUNDARY LINE MAINTENANCE SHALL BE ON-GOING. THIS WAS CITED AS A RECOMMENDATION FROM THE DNCR EASEMENT MONITOR. FUNDING CURRENTLY COMES OUT OF THE MAINTENANCE FUND. SHOULD IT BE DETERMINED THAT BOUNDARY CORNERS ARE DISTURBED OR UNAUTHORIZED ACTIVITIES WERE FOUND TO OCCUR, THE FAC/FCC SHALL BE NOTIFIED AND A COURSE OF ACTION TO REMEDY THE SITUATION DEVELOPED.

- TIMBER SALE MANAGEMENT AND ADMINISTRATION IS UNDER A SEPARATE AGREEMENT BETWEEN THE TOWN AND TOWN FORESTER. PREVIOUSLY UNDER THIS AGREEMENT, IT WAS (AND IS) THE RESPONSIBILITY OF THE FORESTER TO CONTRACT WITH A REPUTABLE LOGGING CONTRACTOR TO IMPLEMENT THE HARVEST UNDER THE FORESTER'S SUPERVISION. WHEREAS THIS IS NOT AN EXPENDITURE OF TOWN FUNDS, CAN THE FORESTER CONTINUE WITH THIS PRACTICE OF IS THERE A BID PROCESS THAT THE TOWN WILL WANT TO IMPLEMENT?

- IN ORDER TO RETAIN A LOGGING CONTRACTOR FOR SALVAGE OPERATIONS, THEY WILL WANT TO INCORPORATE THIS WORK UNDER A LARGE HARVEST OPERATION. OTHERWISE SALVAGE OPERATIONS MAY NOT BE VIABLE.
- WHEREAS THE DEPARTMENT OF REVENUE ADMINISTRATION REQUIRES THE LOGGING CONTRACTOR TO FILE THE INTENT TO CUT ON MUNICIPAL LANDS AND BE RESPONSIBLE FOR THE TIMBER TAX, THE LOGGING CONTRACTOR TYPICALLY WILL HAVE STUMPAGE RATES APPROXIMATELY 10% LOWER THAN PRIVATE SALES SINCE THEY ARE RESPONSIBLE FOR THE TAX. USING THE ESTIMATES THE FORESTER PROVIDES THE TAX ASSESSOR THE TOWN HAS PREVIOUSLY REQUIRED A PRE-PAYMENT OR BOND TO BE EMPLOYED AGAINST THE TAX BILL BASED ON THE FINAL HARVEST NUMBERS FROM THE REPORT OF CUT. WILL THIS PRACTICE CONTINUE? WILL THE TOWN REQUIRE ANY OTHER MEASURES FROM THE CONTRACTOR?
- COST-SHARE ASSISTANCE WAS REQUESTED AND APPROVED BY NHFG. THE TOWN NEEDS TO IMPLEMENT AND COMPLETE THE WORK IN ORDER TO FILE FOR REIMBURSEMENT.
- THE FAC/FCC SHALL BE NOTIFIED OF THE DNCR MONITORING VISIT SCHEDULE.