

Conservation Lands Review Committee
Minutes
May 8, 2008

Present: Margaret, Nelson, John, David, Chele

The meeting began at 8:15 pm.

Conversations continued regarding the elements which need to be addressed to support the Conservation Commission continuing its land trust functions. Points discussed:

- Ideally, the Conservation Commission would function primarily as a broker connecting land owners wishing to pursue land preservation with the most appropriate land trust.
- The Natural Resources inventory is intended to be used as a tool to:
 - document conservation value of a parcel, and
 - provide guidance in determining critical management aspects.
- The TCC needs to have a clearly stated mission and criteria to determine which easements fall within its mission and priorities in order to determine which potential easements or purchases it wishes to pursue. The NRI is one important aspect. Other elements might include development potential, views, elements of local value...

Based upon David's review of the *Land Trust Standards and Practices* in relation to current TCC guidelines or practice, the committee began addressing items about which David was uncertain. See the related *Land Trust Standards and Practices* in conjunction with each standard.

Standard 2.B. - Nonprofit Incorporation and Bylaws. - "NA"

The TCC is governed by RSA 36.a.

Standard 2.D. - Records Policy - "Policy Needed."

The TCC maintains records; however there is no policy defining retention, i.e. type of storage, backup copies, length of time different categories of records (easements, minutes, reference documents...) are retained, etc. The policy also needs to address related records maintained by the Selectmen.

Standard 6.D - Financial Review or Audit - "OK."

TCC funds are held and managed by the town and included in the town's audit.

Standard 7.C. - Staff - "Policy Needed"

The TCC has only one employee-- an administrative assistant. The functions and duties related to that position need to be defined

Standard 7.H. Working with Consultants - Delete this item.
(???)

Standard 8.J. - Partnership Documentation - "Needed."

Partnerships between and among TCC and other land trust organizations must be clearly defined and documented for each collaborative easement or preservation effort.

Standard 9.G. - Record keeping - "Policy Needed."

Same as 2.D. - record retention and storage.

Standard 10.A. through C. - Tax Code Requirements/Appraisals/No Assurances on Deductibility or Tax Benefits - "Policy/Procedure Needed"

The TCC is responsible for communicating the existence of tax code requirements (IRS regulations) associated with a preservation project. It is advisable that the TCC provide current reference material and/or general information to landowners. In most cases the donor would be referred to his/her own attorney or tax advisor or other resource.

Standard 10.D. - Donee Responsibilities - IRS Form 8282 and 8283 - "Policy Needed"

TCC needs to know when the selectmen sign these documents. The TCC ought to consult in that process.

Standard 11.E. - Enforcement of Easements - "Policy Needed"

A policy is necessary to describe consistent TCC monitoring and enforcement procedures, including the action to be taken in the event of violations.

Standard 11.F. - Reserved and Permitted Rights and Approvals - "Policy Needed"

A policy is necessary to define the required notifications and related procedures.

Standard 11.G. - Contingency Plans/Back-ups - "Policy Needed"

Some easements designate contingency/back up organizations. The TCC and selectmen need an established back up plan and/or organization. Easements which have resulted in tax benefit cannot simply be dissolved.

Standard 11.H. - Contingency Plans for Backup Holder - "Policy Needed"

As per 11.G.

Standard 11.I - Amendments - "Policy Needed"

At present, easements can be adjusted to be more restrictive, but not less. A written policy is need to clarify the process by which amendments will be agreed and processed.

Standard 11.J. - Condemnation - "Policy Needed"

Standard 11.K. - Extinguishment - "Policy Needed"

Define who would be authorized to extinguish easements and by what process.

Standard 12.H. - Nonpermanent Holdings - "Policy Needed"

It is important that the TCC provide education and make selectmen aware of the specific and collaborative roles and responsibilities in TCC land trust functions.

The role of the CLRC is advisory and, at this stage, intended to communicate to TCC the categories which need to be addressed.

Next meeting: Thursday, July 17, 7:00 at Chele's

Minutes submitted by Chele Miller