

Members: Chairman Carsten Springer, Jason Holder, Allan Hess, Robert (Bobby) Loree, David Caillouette

Absent Excused: Patty Shogren-Alternate

Others in attendance: Chris Giordano

Meeting called to order @ 7:40 PM and televised.

Pledge of Allegiance was recited: by those present

Review Minutes: The minutes of the June 18, 2015 were reviewed and amended. Allan Hess made a motion, seconded by Bobby Loree to accept the minutes as amended. The motion passed with Carsten Springer, Jason Holder, Allan Hess, Bobby Loree, voting in the affirmative. David Caillouette abstained.

New Business: Transfer of Property: The Selling of Town Land to A Private Owner: Carsten informed the Con Com that the BOS has asked for the Con Com's input regarding the transfer of a piece of property. The Driveway across from the Chenille Factory is town owned. The abutting owners because of this, do not have direct access to back of their property. The driveway is less than 50 feet wide. It could not be used in the future for a road or development. Chris Giordano, member of the BOS, clarified that the owners have a right to pass over this 30 feet wide driveway. The owners wish to own it and maintain it. After a brief discussion, Carsten made a motion, seconded by Jason recommending the town transfer the property for whatever price the BOS determines. The motion passed unanimously.

Site Walk: Carsten informed the members that there will be a site walk on Saturday September 5, 2015 at a 10-acre planned sub division on Caleb Drive. It is off to the right and a cul-de-sac is proposed.

Clean Up of the Gravel Pit in The Town Forest: Carsten would like to facilitate the clean up of the gravel pit. Since the town voted to restrict target shooting in Danville, there has been very little activity back there. There is some residual mess there. He suggested asking the County Commissioner for work release individuals to help with the clean up. A crew will come out with staff to do the work but the town must supply lunch. He would like this done in September/October, before hunting season begins. A short discussion questioned the need for a dumpster or truck for trash removal. The consensus was that raking is what is needed most. Because it is not known how many work release individuals would be brought to the site, a motion was made by Carsten and seconded by Jason to spend up to but not to exceed \$200.00. The motion passed unanimously.

*Inspection of Private Property by Government Agencies:* Carsten explained to the members that a recurrent problem has come before the Con Com, at least 2 or 3 times, regarding government agencies i.e. NH Department of Environmental Services (**DES**) and the NH Dept. of Agriculture, & Food Markets (**DofA**) receiving letters from sometime signed and sometime anonymous persons making a complaint about a Danville resident and then cc's the Con Com putting the commission in the middle. Agents from these agencies are going onto private property of the person complained about without permission, Probable Cause or an Administrative Warrant. One of these letters was sent against Danville resident Chris Giordano siting improper storage of cow manure. The DES had concluded there was not violation. A staff member from the DofA came onto his property twice without permission or notification in advance by phone, letter or email that she was coming. She claimed an RSA gave her the authority. He assured her there was no such RSA. Chris explained to her that this was a violation of his 4<sup>th</sup> Amendment Rights. Chris Giordano read out loud, for the record, the 4<sup>th</sup> Amendment to the Constitution:

**Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. The DES concluded there was no violation.

Carsten mentioned that by RSA, members of the Con Com cannot go onto someone's property. Carsten then read from the NH State Constitution:

**[Art.] 19. [Searches and Seizures Regulated.]** Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

Carsten mentioned that the Con Com does not accept anonymous complaints but other government agencies may. It was also mentioned that since no permits or grant monies were involved, best management practices may not be required.

Carsten read: TITLE XL AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY  
CHAPTER 431 SOIL CONDITIONERS Manure, Agricultural Compost, and Chemical Fertilizer  
Handling Section 431:34 (<http://www.gencourt.state.nh.us/rsa/html/XL/431/431-34.htm>)

Chris read the conclusion of a study showing that horse manure is a solid waste excluded from federal EPA solid waste regulations. (<http://www.californiastatehorsemen.com/envirohorse>)

The discussion included the fact that obtaining an administrative warrant is not difficult. Chris is seeking a letter of apology from the agent of the DofA. Chris will keep Con Com updated if letter is received. The discussion concluded with the decision to table this topic until next meeting. The group agreed Carsten would draft a “boiler plate” letter for review by the Con Com in case it happens again. They would be able to change the name of the agency to whom the letter is directed. If Chris does not receive a satisfactory answer to his letter, they may ask the agent to appear before the Con Com.

A motion was made by Dave and seconded by Allan to adjourn at 8:35PM and was unanimously accepted.

**DRAFT MINUTES ARE NOT A PERMANENT RECORD AND ARE SUBJECT TO AMENDMENTS AND APPROVAL AT A SUBSEQUENT MEETING OF THE COMSERVATION COMMISSION, AT WHICH TIME THE MINUTES AS AMENDED AND APPROVED BECOME PERMANENT.**

**MINUTES PREPARED BY MARY ANN DISTEFANO**

Amended/Approved on \_\_\_\_\_, by majority of the Commission