

Milan Community Forest Charter

WHEREAS the residents in the Town of Milan, New Hampshire on March 13, 2012 voted to establish a community forest under the provisions of RSA 31:110; and

WHEREAS those voters also adopted the provisions of RSA 41:14a authorizing the Town to acquire land; and

WHEREAS those voters agreed to establish a Community Forest Capital Reserve Fund for the purpose of purchasing land to be added to the community forest from the sale of forests products from town owned lots; and

WHEREAS those voters also authorized the Board of Selectmen to accept land and/or buildings which may be offered to the Town for any public purpose;

The Town of Milan, with a mailing address of P.O. Box 300, Milan, New Hampshire 03588, a town in Coos County, New Hampshire incorporated on December 10, 1824 according to State Statutes hereby commits to owning and managing forested lots for the benefit of its residents. These lands will be known as the Milan Community Forest.

1. PURPOSES

THEREFORE, the Milan Community Forest will be managed for the long-term to protect and provide ecological and social values and a source of revenue for the long-term benefit of its residents. As such, the forest will be managed with the goal of providing:

- A sense of connection to and responsibility for stewardship of forests and land.
- Appreciation and invigoration of Milan's heritage as a recreation, logging, and wood product manufacturing/production community.
- Opportunities for residents to continue careers in forestry, logging and wood product manufacturing/production.
- Educational enhancements via living classrooms.
- Maintenance of open land and views of farm and forest lands.
- Varied recreational options and opportunities for residents and guests.
- Wildlife protection and habitat enhancement.
- Financial stability to augment state and federal assistance and support.

This Charter is adopted by the Town of Milan for the purpose of regulating and governing the use and management of those lands which have been, or hereafter shall be, acquired by the Town and designated as Community Forest lands, in accord with the purposes set forth in RSA 31:111. The Community Forest Committee will undertake to place conservation easements on any lands as soon after acquisition as possible. It is the further purpose of this charter to ensure that such lands are used and managed in accord with the terms of those conservation easements, and the purposes stated therein.

2. MANAGEMENT

A. COMMUNITY FOREST COMMITTEE. The Milan Community Forest established under RSA 31:110 shall be managed by a forestry committee (Committee).

- 1) The Committee shall consist of 5 members appointed by the Milan Board of Selectmen.
- 2) When first established, terms of the members shall be for one, two, or three years, and so arranged that the terms of approximately 1/3 of the members shall expire each year, and their successors shall be appointed for terms of 3 years each as specified in RSA 31:112. Members may serve consecutive terms and are not affected by term limits.
- 3) The Committee shall organize itself, electing members to the positions of Chairman, Treasurer, and Secretary. Additional officers and subcommittees shall be elected as deemed necessary and appropriate.

B. DELEGATION OF AUTHORITY. Authority over the governance and management of Community Forest lands owned by the Town of Milan, whether located within or outside the Town's boundaries, shall be exercised, in accord with the provisions of this Charter, by the Committee, created under Section 2.A.

C. DUTIES AND AUTHORITY OF THE COMMITTEE. The Committee shall have the following duties and authority:

- 1) Development, adoption, and amendment of stewardship plans under Section 3. To direct and manage all activities upon, and functions pertaining to, the Community Forest, in accordance with the stewardship plan adopted under Section 3, with any applicable conservation easement, and with regulations adopted by the Town of Milan within its Zoning Ordinance. This responsibility includes the coordination of activities and functions assigned to contractors, individuals, or groups working within or potentially affecting land within the Milan Community Forest.
- 2) Enactment of regulations pursuant to RSA 41:11-a, consistent with the adopted stewardship plan and applicable conservation easements, governing the management of the Milan Community Forest and its use by the public. No such regulation shall be enacted without a public hearing.
- 3) Preparation of the forest management budget, and supplemental appropriations from the forest management account under Section 4, for coordination with the Milan Board of Selectmen.
- 4) To enter into agreements and contracts with organizations or individuals, including a licensed professional forester, deemed necessary to best achieve any and all approved plans and goals in accordance with the stewardship plan and to assist in drafting the stewardship plan.
- 5) Submission of an annual report to the Selectmen.
- 6) Approval of all expenditures from the Community Forest Management Account.

- 7) Recommend to the Milan Board of Selectmen acquisition and/or disposal of properties by purchase, sale, or exchange, whether within or outside the boundaries of the Town of Milan. The Committee is authorized to complete due diligence for such properties to assure the property is appropriate for acquisition by the Town and to use available funds that have been deposited in the Community Forest Capital Reserve Fund and/or the Community Forest Management Account for that purpose.
- 8) Enter into contracts as are consistent with the fulfillment of the adopted stewardship plan.
- 9) Review the Milan Community Forest Charter annually and recommend amendments as needed or appropriate.

3. STEWARDSHIP PLAN.

A. Periodically, or as required by an applicable conservation easement, the Committee, with the assistance of the forester and such other persons as the Committee deems appropriate, shall prepare a draft forest stewardship plan consistent with the requirements of the conservation easement.

B. The Milan Community Forest shall be managed in a manner consistent with *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire*.

C. Amendments to an existing stewardship plan may be proposed by the Committee or any community members or organizations, at any time.

D. Prior to taking action on any draft stewardship plan or proposed amendment thereto, the Committee shall hold a public hearing in order to inform the public and receive input in accordance with New Hampshire public hearing requirements.

4. FOREST MANAGEMENT FUNDS.

A. All income or proceeds from management of the Community Forest shall be placed in a separate Community Forest Management Account (the Management Account), as authorized by RSA 31:113. The amounts in the Account shall be held by the Town Treasurer, invested and accounted for separately, and not commingled with other Town funds, and shall not be considered part of the Town's general fund balance, but shall be allowed to accumulate from year to year until expended or withdrawn in accord with this Charter.

B. The Town of Milan may place additional funds into the Management Account and/or the Forest Capital Reserve Fund by choice of the Board of Selectmen in its annual budget, by approving a bond issue, or by petition from voters of the Town.

C. The Milan Board of Selectmen may, without further approval by the Town Meeting, accept grants or gifts of money to be placed into the Management Account and/or the Community Forest Capital Reserve Fund, provided, however, that such grants or gifts, and all interest or other investment income derived there from, shall be accounted for separately, and such amounts shall not be subject to withdrawals under Section 6. Nothing in this Charter shall

be construed to affect in any way the authority of the Town or its officers to accept gifts or trusts for forest-related purposes under the provisions of other statutes.

D. Appropriations from the Management Account shall be made by the Committee in the manner set forth in Section 5, without further approval of the Town Meeting. Nothing in this Charter shall be construed as authorizing the Committee to make appropriations from the Town's general fund.

E. As voted by the residents of the Town of Milan, the Committee may transfer up to \$50,000 per year, derived from timber harvests, from the Management Account into the Community Forest Capital Reserve Fund.

5. FOREST MANAGEMENT BUDGET APPROVAL AND EXPENDITURES

A. The Committee shall prepare a draft annual forest management budget and shall present that draft to the Milan Board of Selectmen on or before the 31st day of December in each calendar year. The draft budget shall include:

- 1) The balances in the Account and the Community Forest Capital Reserve Fund at the beginning and end of the previous year, and all sources of revenue received during that year, together with any applicable conditions or restrictions attached thereto;
- 2) All purposes and amounts of appropriations approved by the Committee for the previous year, including any supplemental appropriations, shown together with the actual expenditures made pursuant to those appropriations for each purpose during that year;
- 3) Any withdrawals made under Section 6 during the previous year;
- 4) Estimated revenues to be realized over the coming year, including probable sources and conditions, if any; and
- 5) The purposes and amounts recommended by the Committee to be appropriated for the use and management of the Community Forest and/or the purchase of land for the coming year.

B. The draft budget will be included in the annual budget hearing held by the Milan Board of Selectmen. The Community Forest budget will be a separate presentation from the town budget. The Committee and the general public may testify.

C. The Committee shall forward its final budget, including all elements set forth in paragraph A of this Section, to the Milan Board of Selectmen, together with such other information it deems appropriate.

D. The Committee shall have approval authority over all expenditures from the Management Account and the Community Forest Capital Reserve Fund and the Town Treasurer shall pay out monies from the Management Account or Community Forest Capital Reserve Fund upon orders of the Committee. The Committee shall keep public records of all such expenditures.

E. The Committee shall have the authority to make supplemental appropriations from the Management Account for purposes pertaining to Community Forest use and management. Prior

to approving any supplemental appropriation, the Committee shall inform the Milan Board of Selectmen.

6. WITHDRAWALS. The Town by majority vote under an article properly placed in the warrant of any Town Meeting, may vote to withdraw an amount from the Management Account or the Community Forest Capital Reserve Fund and appropriate it to a purpose unrelated to forest management; provided, however, that no such vote shall be valid to the extent that it withdraws any amount attributable to grants or gifts made to the Management Account or the Community Forest Capital Reserve Fund, or to the extent that it draws the Management Account or the Community Forest Capital Reserve Fund to a level below the amount necessary to meet existing obligations or the amount estimated by the Committee to be needed during the succeeding three years. A withdrawal under this Section shall only be made pursuant to a separate warrant article, and not as part of the Town's operating budget. When such an article appears in the warrant, the Committee shall be given an opportunity to present to the Town its recommendation with respect to the article, prior to any vote.

7. NOTICE TO COMMUNITY FOREST COMMITTEE. All communications to the Committee under this Charter, including submission of draft stewardship plans and proposals for amendments under Section 3, and presentation of draft budgets or requests for supplemental appropriations under Section 5, shall be made by first class mail, sent to the Milan Community Forest Committee, P.O. Box 300, Milan, NH 03588.

8. SEVERANCE AND LIMITATION. The invalidity of any provision of this Charter shall not affect the validity of any other provision of this Charter. Nothing in this Charter shall be deemed to affect any property held by the Town of Milan which has not been designated a part of the Community Forest by the Milan Board of Selectmen.

9. EFFECTIVE DATE. This Charter shall take effect upon its agreement by the Milan Board of Selectmen and the Milan Community Forest Committee.


Chair, Milan Board of Selectmen

Aug 25, 2014
Date


Chair, Milan Community Forest Committee

8/25/2014
Date