

APPROVED
Community Preservation Fund Advisory Committee
Meeting Minutes
November 13, 2008

The meeting was opened at 7:35 p.m. A quorum was determined to be present. Members present — Phil Seymour-chair for this meeting, Victor Behoriam, Brent Kovalchik, Susan Ezrati, Miriam Latzer, and Pete Hubbell. Town Board liaison Harry Colgan and planner Ted Fink were also present.

The members reviewed the minutes of October 9, 2008. Susan made a motion to adopt the minutes. Victor seconded the motion, and all members present voted in favor.

Phil reported on his conversation with Raphael Notin at Winnakee Land Trust regarding stewardship and monitoring.

Pete Hubbell said that he had spoken to Art Collings at Dutchess Land Conservancy who said that pre-monitoring, on-site inspection and post-inspection reports total about 5 hours of time. He said that the Conservancy asks for a \$4,000-\$6,000 donation from the land owner to the trust's endowment to cover monitoring and other costs. He said that this donation is no longer tax deductible.

Victor suggested that money for monitoring could be held back when development rights are purchased. Pete wondered if monitoring expenses could be paid from the CPF.

Brent distributed the monitoring plan drafted by the Town of Warwick's CPF Advisory Committee. He said that Warwick has not used any CPF money yet but that they were planning to buy development rights, not the land itself. They also planned to partner with land conservancy groups and let those groups do the monitoring.

Harry Colgan said that several months ago, Winnakee Land Trust came to the Town Board with an offer to monitor easements. Pete suggested that the Committee ask for a proposal from Winnakee.

Miriam said that a land trust also needs money for legal fees in case a violation of the terms of the easement occurs. The members generally agreed that CPF funds could not be used for legal action.

Phil said that Winnakee uses volunteers to monitor its easements and said that Red Hook could similarly use volunteers in similar capacities. He said that Red Hook should also approach land owners to donate their development rights. Some members said that many land owners are not in a position to donate but might be able to sell their development rights at a reduced price. Phil said that Columbia County has expended no money on its land conservancy program, that so far land owners have donated their development rights.

Susan suggested that the Committee look at the big picture. She said that the first step should be to prioritize the inventoried parcels and the second step should be to decide how to achieve those goals most cost effectively.

Miriam said that monitoring for violations was very important and that easements need enforcement teeth. Pete said he would be interested in volunteering to monitor but that money must be available in case no volunteers step forward. Victor said that an endowment must be set for monitoring. Susan said that while a percentage of the purchase money should be set aside to prosecute violations, should such a violation occur, the “monitoring escrow money” should be available to the whole portfolio of easements on purchased parcels and not applied on a parcel by parcel basis. Pete and Brent agreed that one advantage of partnering with a land trust or larger municipal entity would be the possibility of more available funds, more experience and more manpower.

The Committee discussed who would administer the easement and would ask for the endowment donation if the Town partnered with another agency or municipal entity. Victor said that regardless of partnering, if CPF funds are used, the endowment money must stay with the Town. Susan said that there must be legal precedents for these partnerships. Miriam recommended contacting the Land Trust Alliance. She added that if the CPF is not renewed, there must be funding for monitoring and enforcement in perpetuity.

Harry asked whether CPF money could be used to pay interest on a bond. The Committee generally agreed that that possibility should be explored.

Victor said that the Committee must inventory parcels and then define “stewardship”. He said that he was concerned that, as Town Board and Committee members come and go, the funds would be mismanaged if this group did not put the proper guidelines in place. Susan suggested that a sub-committee be formed to work on defining “stewardship”.

Harry said that the Town Board would be looking to the Committee for a checklist of what the CPF can and can't do.

The Committee generally agreed to get started on the inventory.

Ted Fink referred to an inventory outline he had drafted and distributed last month. He said this outline would guide the inventory process. He said he had looked at the Open Space Plan, the Comprehensive Plan, the Trails Feasibility Study, and other Town documents as well as some other pertinent County and State studies. He said that all these plans and studies deemed specific properties to be worthy of preservation. He said that the outline stressed agricultural land because it was under development pressure and because agriculture is a large component of the area's economy.

Ted said that he had contacted Dutchess County Planning about developing and printing a usable map, and he suggested using a map compiled by Mary Ann Johnson, which shows agricultural land and products produced, as a base map. He said that County Planning

could add overlays and print a large size map. He said that some of the parcels were already under easement.

The Committee generally discussed the criteria, categories and point system to be used for the inventory. Ted said that the criteria are outlined in NYS Town Law 64. He added that the Town must develop a Community Preservation Plan.

Susan reminded the Committee that the NYS legislature had allowed the Town to place the CPF on the ballot because the Town had adopted the Open Space Plan. Ted said that the NYS legislature had said that the Town could treat the Open Space Plan as its Community Preservation Plan until such time as a true Community Preservation Plan was developed and adopted.

The Committee discussed the base map. Miriam was concerned about the expression of the information on the map and suggested using different colors for parcels with different aggregate point values. Phil suggested using number values and Tax Map Parcel numbers. Susan said that the various overlays could be transparencies over the base map.

The Committee also discussed how investigating the various resources of a parcel might open up different funding sources.

Ted said that things would fall into place as the Committee saw how the inventory developed. The Committee talked about some of the data already collected by the Agricultural and Open Space Committee and other groups; for instance, the AOSC has already mapped current ag land according to soil values.

Phil said that small ag parcels need to be recognized as having value for animals and other uses. NYS Ag & Markets only recognizes parcels of 7 acres or more. Miriam added that the Committee could recognize smaller parcels as long as the value criteria for that parcel were strong. She wondered whether the income from a parcel should be a consideration. The committee wondered whether the current owner of a parcel and that owner's success with the land should be considered when evaluating the parcel.

Ted said that substantial amount of data has already been collected and mapped. He said that we know where the wetlands, the aquifers, the forests and the endangered species habitats are in the Town. Phil asked about soils, and Ted said that the USDA routinely analyzes the soils and keeps current maps.

The Committee generally agreed to form at the next meeting a subcommittee to draft a definition of stewardship and guidelines for appropriation. The members also agreed to find out how different land trusts monitor easements. Ted said that to be accredited, a land trust must have a monitoring plan, and it might be worthwhile to ask to see different monitoring plans.

Susan Ezrati will chair the next meeting, which was tentatively set for Thursday, December 4, 2008.

Brent made a motion to adjourn. Phil seconded the motion, and all members voted in favor.

Respectfully submitted

Paula Schoonmaker