

APPROVED
Community Preservation Fund Advisory Board
Meeting Minutes
December 4, 2008

The meeting was opened at 7:35 p.m. A quorum was determined to be present. Members present — Chair Susan Ezrati, Pete Hubbell, Phil Seymour, Victor Behoriam, Brent Kovalchik, Rich Biezynski and Miriam Latzer. Town Board member Harry Colgan, Lucy Hayden from Winnakee Land Trust and planner Ted Fink were also present

The members reviewed the minutes of November 13, 2008. Miriam made a motion to adopt the minutes. Brent seconded the motion, and all members present voted in favor.

Susan said that since there had been several discussions about monitoring easements and stewardship of preserved land, she had invited Lucy Hayden from Winnakee Land Trust to the meeting to give a short presentation and to answer questions.

Lucy said that when a land trust takes an easement, the trust's job is to monitor and defend that easement and to correct any violations. She said that easements can range from simple to very complex and that the land trust staff must have the expertise to understand the terms of the easement and to know what it is looking at. She said that even when an easement is not eligible for some tax deductions, the IRS makes sure that the easement is respected. The agency now requires a very specific and detailed report.

She cited as an example a recent easement in the Town of Red Hook. She said that when Winnakee accepted the easement, the land was all one parcel but that it had been approved for subdivision into seven lots. Someday, she said, there will be seven owners and so seven potential violators. She added that these additional owners increase the risk for the land trust. She said that it is essential that all the new owners, their land managers and the owners' children understand the terms of the easement. At the same time, Winnakee must have staff members who understand habitats, GIS, GPS, the various layers of a map, etc. They must begin by creating a baseline map and then using it year after year to check for violations. She added that the older easements tended to have blanket restrictions, such as "no development". The newer easements, she said, were more detailed, with restrictions on lighting, fencing, and different kinds of buildings, and sometimes requiring that a field be hayed every three years. She said that there was a potential conflict when a Town holds an easement in perpetuity because, unlike a land trust, a municipality can seize property by eminent domain and break an easement.

Pete asked whether Winnakee might, by contract, create the baseline map and do the monitoring for an easement held by the Town. Lucy said that if the Town considers accepting an easement, the land trust should be involved early in the process, because the Town might accept something that the land trust would not take. Brent added that this type of partnership would be similar to the partnerships formed for the PDR program.

Victor asked Lucy for a definition of stewardship. Lucy said that stewardship is the obligation to make sure that the conditions of the easement are upheld.

Lucy said that a land trust must have enough money in the bank to do the monitoring, etc. without touching the principal. She said that typically the landowner makes a donation to the endowment

principal. She said that it is a one-time donation, typically based on the risk of violation. She went on to say that it is very important that the land trust have a personal, positive relationship with the landowner so that the trust can avoid legal issues. In addition, the landowner must share all information with his/her land manager. She said that if a violation does occur, the trust tries to work with the landowner to repair the violation and only goes to court as a last resort. She said that there had been few violations yet because current landowners are the ones who have set up the easements.

Victor asked how the Town could become a partner in the easements. Lucy said that the Town could have third party enforcement rights.

Rich asked whether Winnakee might monitor other Town resources, such as the historic brick wall in the Village. Lucy said that the Winnakee board of trustees had debated this question and that it would depend on the resource. Harry asked whether there was any local organization like a landmarks preservation group. Lucy said that Hudson River Heritage was the closest but that it had not taken on such a role for a resource in some time.

The Board talked about the different local land trusts. Lucy said that both Winnakee and Scenic Hudson were working on developing a strategic preservation plan. She added that Winnakee would like to begin with the Town of Red Hook.

The Board agreed to ask for mission statements from Winnakee, Scenic Hudson and Dutchess Land Conservancy. Susan suggested that a subcommittee of the Board be formed to develop a monitoring policy. Pete, Brent and Miriam volunteered to be on this subcommittee. They will report to the Board.

Susan then turned the meeting over to Ted Fink, who reported his progress in developing an inventory for the Community Preservation Plan. He said the basis of the CPP is to assess the parcels in the Town, giving each a conservation value according to its resources. The parcels with the highest conservation value will be included on the list for conservation. He said that agriculture has consistently been of the highest priority on community surveys, so he had begun with a variation on a map developed by Mary Ann Johnson. This map shows the parcels now in active agriculture. He had then added the parcels in Ag District 20 and also both federal and DEC designated wetlands.

Asked how the Corps of Engineers and the NYS DEC map wetlands, Ted said that the Corps of Engineers has jurisdiction over navigable bodies of water and all streams and wetlands that feed into those bodies of water. He said that federal wetlands can be small in size and that Fish and Wildlife maps are good indicators of where the wetlands are located. He said that the DEC, on the other hand, regulates only those wetlands 12.4 acres in size or larger and that aerial photographs are used to develop DEC wetlands maps.

Ted suggested that additional overlays to the CCP map might include aquifers, slopes, and soils.

Ted went on to say that various agencies have already mapped a great deal of information; for instance, New York State has already mapped significant natural habitats and communities. He said that each of these documents has specific recommendations about sites that should be considered of significant value.

Pete asked whether archaeological resources have been mapped. Ted said that the State does not disclose the location of significant archaeological sites because they don't want amateurs digging up artifacts.

Ted then distributed copies of a draft Red Hook Community Preservation Plan. The Plan listed the criteria for significance and would include a photograph of each site. Victor asked whether the criteria would be weighted. Ted and Susan said that this topic needed to be discussed by the Board.

The Board generally agreed that the map Ted brought was a good foundation upon which to build other layers. Harry suggested asking the Agriculture and Open Space Committee for more information. Ted discussed finding student interns to help with the inventory. He will call Micki Strawinski at Bard. Ted also said he would investigate the Cultural and Natural Resources Inventory information located in the Town Hall library.

Harry asked the Community Preservation Fund Advisory Board to recommend one of its members to the Town Board for appointment as Chair. Sue and Brent were nominated for that position. The Board asked them to settle the determination of the Chair between them.

The Board set the next meeting for Thursday, January 8, 2009. Pete made a motion to adjourn. Brent seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker