

APPROVED
Community Preservation Fund Advisory Board
Meeting Minutes
February 5, 2009

The meeting was opened at 7:33 p.m. A quorum was determined to be present. Members present — Chair Susan Ezrati, Pete Hubbell, Phil Seymour, Miriam Latzer, Brent Kovalchik, and Rich Biezynski. Michael Knutson of Scenic Hudson was also present.

The Board had received the draft January 8 minutes to review. Ted Fink had made two technical corrections, and Phil made a motion to approve those corrected minutes. Brent seconded the motion, and all members present voted in favor.

Susan said she had sent a report to Town Supervisor Sue Crane about the Board's progress on the parcel inventory, about the subcommittee's work on developing a monitoring policy and a definition of stewardship, and about Phil's wish to be re-appointed to the Board for another two-year term. The members discussed possible nominations for the other open seat. They agreed to ask for the list of those previously interested in being on the Board and also to ask about people who had responded to a website notice about the open seat.

Michael Knutson, Conservation Easement Manager from Scenic Hudson, spoke about Scenic Hudson's program and monitoring policy. He said that the Scenic Hudson holds approximately 100 easements on lands totaling about 10,000 acres.

Asked about the organization's definitions of monitoring and stewardship, Mike said that he believed that in large part, monitoring was the "act of working with the land owner it relates to the easement." He said he was not aware that Scenic Hudson had adopted a formal definition of stewardship, although he said that the organization had a clear idea of what stewardship entailed.

Mike went on to say that Scenic Hudson usually monitors agricultural easements in the winter or early spring, which is generally when the leaves are off the trees and when the farmers are not actively working the land. He said that Scenic Hudson was part of the Land Trust Alliance's new Conservation Defense Initiative.

Pete asked how Scenic Hudson arrived at the amount to be donated to the endowment. Mike said that the organization estimates that the endowment donation would generate 5% interest and that monitoring expenses should draw off that 5% every year. By looking at the acreage involved, the complexity of the easement and other factors, the trust computes the estimated annual cost to monitor. It then mathematically figures out what amount will generate that amount at 5% interest annually, and that is the amount requested. He said the amount is between \$5,000 and \$10,000, with the majority of requested donations around \$6,000 or \$7,000.

Miriam asked how many of the organization's easements were in their second generation. Mike said approximately 30%-40% of the easements were on lands now owned by people other than those who originally placed the easement. He said that monitoring costs may increase a bit with subsequent owners.

Mike said that Scenic Hudson believes strongly in communicating early and often with a landowner. He said that the organization contacts a new owner as soon as possible after a property transfer.

Many times, he said, the new owner has questions about the easement, and, he said, maintaining a positive relationship with the landowner makes monitoring easier and more productive. He added that Scenic Hudson puts out a newsletter specifically for landowners with conservation easements.

Mike answered several questions about what Scenic Hudson does if it is notified of a violation or if it finds a possible violation during a monitoring visit. First, he said, a representative visits the land and documents the event. Then, he said, Scenic Hudson assesses whether there is an actual violation by carefully reviewing the easement, since the language of each easement is different. If a possible violation is found, Scenic Hudson calls the landowner. Sometimes, Mike said, a third party is responsible, and the land owner is unaware of the event. Other times, the land owner is not aware of some of the terms of the easement. Sometimes, Mike added, the easement is not well-written, and both the land owner and Scenic Hudson then look at the intent or purpose of the easement and try to come to an agreement. Occasionally, he said, an easement can be amended to make the details of an easement conform to its intent.

Pete asked whether Scenic Hudson would consider holding an easement taken by a municipality, with the municipality retaining third-party enforcement rights and provided that a Town representative is included in the monitoring site visits. Mike said that Scenic Hudson currently co-holds five (5) easements with the Town of Warwick. He said that in those cases, both parties monitor the properties, they co-write the monitoring report, and the annual monitoring visits must satisfy both parties. In answer to Miriam's question about Scenic Hudson's priority areas, he affirmed that lately the organization has focused on those areas nearest to the Hudson River.

Mike then handed out Scenic Hudson's guidelines for developing a baseline documentation report. He said that the Land Trust Alliance makes available free software that can create maps. He said that photos taken on-site can be keyed to GIS maps.

Pete asked how much Scenic Hudson would charge to develop a baseline report. Mike said he would get back to the Board with approximate figures for baselines for a small, a medium and a large parcel. He said he would also investigate approximate timelines.

Pete then reported on the subcommittee's continuing progress toward developing a monitoring and stewardship plan and handed out a revised draft plan.

Pete also distributed a document from the Vermont Land Trust that outlined an "Option to Purchase [Preserved Land] at Agricultural Value". He said that in Vermont, this program substantially discounts the purchase price of preserved land if the prospective buyer is a farmer who will put that land into production. He said that under this program, agriculturally valuable land is appraised both at an agricultural value and a higher development value. If a farmer purchases the property, he or she pays the agricultural value and a land trust or a municipality pays the difference to the seller. Pete said that sometimes an easement can be amended to allow the option to purchase at the ag value.

Mike distributed several additional handouts and said that he would get back to Susan with answers to some of the questions asked during the meeting.

Pete asked the members to review the revised draft "Farmland Protection Purchase of Development Rights Program Stewardship and Monitoring Plan" and be ready to discuss it at the next meeting.

Susan reported that Ted Fink had hired Red Hook High School student Emma Dowden as an intern to help with the parcel inventory.

Brent said that he had asked the Village of Red Hook to post on its website a request for recommendations of significant Village properties for inclusion on the inventory.

The members generally agreed to hold its next meeting on March 12, 2009 so that Ted Fink could attend.

Since there was no more business to discuss, Phil made a motion to adjourn. Miriam seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker