



Land for Maine's Future Program

Minutes of the Meeting

November 09, 2017

32 Blossom Lane, Marquardt Building, Room 118
Augusta, Maine

Board Members Present:

Don Kleiner, Robert Meyers, Lisa Turner, Fred Bucklin, Harry Ricker, Brad Moll, Commissioner Patrick Keliher, Commissioner Chandler Woodcock and Commissioner Walter Whitcomb

Staff Members Present:

Sarah Demers, Tom Miragliuolo, and Tammara Roberts

Others:

Kevin Miller, Portland Press Herald
George Fields, Blue Hill Heritage Trust
Hans Carlson, Blue Hill Heritage Trust
Aaron Dority, Frenchman Bay Conservancy
Ian Stewart, Coast Mountain Land Trust
Tom Abello, The Nature Conservancy

Bethany Atkins, MDIFW
Jeff Romano, Maine Coast Heritage Trust
Liz Petruska, DACF BPL
Carly Peruccio, NRCM
J.T. Horn, Trust for Public Land
Steve Mistler, PPH

1. **Welcome and Introductions** - Commissioner Patrick Keliher, Chairman, called the meeting to order at 10:11 am, welcomed everyone and asked for introductions from the Board and audience. It was noted the R. Collin Therrien was absent due to jury duty.
2. **Ground Rules for the day** – Chairman Keliher read the ground rules for the day:
 - a. Public attendance is welcome
 - b. This is a working meeting; board members may direct questions to the audience through the Chairman
 - c. If the Board has questions about a particular proposal, LMF or DSA staff may be able to answer it. If not, LMF staff can follow up with the applicant
 - d. Differences of opinion among Board members is welcome
 - e. Board decision making is by consensus. Consensus means that everyone can live with the decision, although they may not entirely agree,
 - f. If there is no consensus, the Board will vote. A majority vote prevails.
 - g. The Board will endeavor to stick to the agenda and avoid broader topics that might not relate to the scoring process.

3. **Consensus Scoring Process** – Consensus scoring was discussed, and process was clarified with slide displayed below:

Consensus Scoring Process

- Major Land Asset points: 5/10/15
- Major Land Asset can't also receive points in Additional Land Assets
- Additional Land Assets capped at 25 points
- Additional Land Assets double counted

Naturalness	0-10
Accessibility	0-15
Proximity	0-10
Significance of Major Land Asset	15
Need of Major Land Asset	0-15
Additional Land Assets	0-25
Recreation Lands	2/4/6
Water Access	2/4/6
Vital Ecological Values	2/4/6
Rare Endangered	2/4/6
Scenic Interest/Feature	2/4/6
Farmland/Open Space	2/4/6
Ecological Preserve	2/4/6
River or Trail System	2/4/6
Island or Undeveloped Coastline	2/4/6
Significant Mountain	2/4/6
Economic Benefit	1/3/5
Project Structure	0/3/5

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4. **Bond Funding: Funding Categories & Set-aside - LMF Director:**

Sarah reviewed the Board’s existing Round 8 commitments (9 Conservation & Recreation projects and 1 water access project) and the total financial commitments for each of these projects, including the 5.5% set aside for legal work and inventories, which totals **\$1,390,648**. Sarah then reviewed the total available funds in each bond, noting that she rounded the existing commitments of \$1,390, 648 to \$1.4 million, to account for any outstanding legal bills that may still be outstanding.

Bond Funds –Available Funds

BOND FUNDS AVAILABLE 9/30/2017				
Public Law Reference	Designated Use of Funds	Cash Balance	Round 8 Commitments*	Funds Available
2009, Chapter 645, Sec. J	C&R	\$4,141,654	\$1,400,000	\$2,741,654
2009, Chapter 645, Sec. J	Farmland Preservation	\$386,434		\$386,434
2009, Chapter 645, Sec. J	WWAPP	\$276,857		\$276,857
2011, Chapter 696	C&R; Farmland; WWAPP	\$3,175,000		\$3,175,000
			TOTAL	\$5,916,654

NOTE: Round 8 Commitments rounded up from \$1,390,648 to \$1,400,000 to reflect that accounting report is good through September 30, 2017. Staff are aware of outstanding legal bills not reflected in this accounting report. Accounting through October was not available in time for Board mailing.

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Sarah then reviewed the allocation of funds for each funding category adopted by the Board at their May 16th Board meeting, explaining that some of these allocations are set in law by the bond language, and some are made by the Board. Sarah explained the proposed set-aside rates for legal expenses, inventories and access improvement grants and the staff’s recommendation to hold back \$491,654, or 8% of available funds, for funding contingencies, which could later be rolled into the Water Access fund which receives proposals on an as-needed basis.

Bond Funds – Set-Asides							
BASED ON BOARD CATEGORY ALLOCATIONS							10/27/2017
	2009 Bond	2011 Bond	Total	Legal/ Inventories	Access Improvements	Total Available	Total Requested
Conservation & Recreation	\$2,250,000	\$2,061,434	\$4,311,434	4%	2%	\$4,052,748	\$6,352,025
Water Access	\$192,500	\$307,500	\$500,000	4%	2%	\$470,000	\$54,000
Farmland	\$386,434	\$113,566	\$500,000	6%	0%	\$470,000	\$295,540
Working Waterfront	\$276,857	\$692,500	\$969,357	6%	0%	\$911,195	\$0
Sub total	\$3,105,791	\$3,175,000					

Notes:
1. Legal/Inventory funds pay for LMF attorneys, archeological/ecological surveys and other LMF costs.
2. Access improvement grants (authorized by statute up to 5%) are discretionary grants to LMF C&R and Water Access projects to improve public access as applicable. For farmlands, as applicable, to develop business plans or make limited capital investments in farm operations. Nothing comparable exists for Working Waterfront projects
3. Round 8 Legal/Inventories: 3.5% Round 8 Access Improvements: 2%
4. DOT legal expenses have increased from \$100/hr. to \$125/hr.
5. 2009 Bond - C&R \$2.74M/ \$2.25M (\$491,654 held back for contingency - 8% of total available funds)

Motion: Don Kleiner made a motion to accept the fund allocations and set-aside amounts as presented by the Director. The motion was seconded by Bob Meyers, with all in favor.

Executive Session & Confidentiality:

Sarah briefly reviewed the laws that allow the Board to enter into Executive Session, what activities can and cannot occur in Executive Session, and the Board’s primary tasks while in Executive Session. She then reviewed the award notification process, reminding the Board that per state contracting requirements, allocations must remain confidential until LMF staff have had the opportunity to notify applicants of their awards.

Lunch Break

The Board adjourned at 12:46 for lunch and then entered Executive Session

Motion: Bob Meyers made a motion to come out of Executive Session, seconded by Don Kleiner.

5. Project Selection, Funding Allocations & Project Conditions:

Motion: Commissioner Walt Whitcomb made a motion, seconded by Commissioner Chandler Woodcock that the following projects were selected and received a preliminary allocation of \$2,815,000 in Conservation and Recreation funds:

- Hope Woods
- Mirror Lake Conservation Easement
- Bethel Community Forest
- Caterpillar Hill
- Robinson Pond South
- Schooner Cove
- Yarmouth Riverfront Woods Preserve
- Woodward Point
- Kennebec Highlands Strategic Additions
- Easter Hill Beaches
- Madison Branch Multi-Use Trail

Motion: Lisa Turner made a motion, seconded by Bob Meyers that the following projects were selected and received a preliminary allocation of \$163,000 in Farmland funds:

- Old Talbot Farm
- Brigeen Farms

Motion: Don Kleiner made a motion, seconded by Fred Bucklin that the following projects were selected and received a preliminary allocation of \$214,000 Water Access funds:

- Pettegrow Point
- Lubec Boat Landing

6. Board Notifications and Approvals – LMF Director

River Rise Farm, Turner, Andorscoggin County

Background Summary: In 2010, the LMF Board contributed to the purchase costs associated with the Agricultural Conservation Easement on River Rise Farm. Through this transaction, a single property was divided into 3 distinct parcels: Farm 1 at 116 acres, Farm 2 at 154 acres and the Woodlot at 213 acres. All parcels are encumbered with conservation easements. LMF and USDA/NRCS contributed funding to Farm 1 and Farm 2, and LMF alone contributed to the Woodlot parcel.

- Farm 1 Easement Holder:
 - oWoodlot portion - Maine Farmland Trust,
 - oFarmland portion - Androscoggin Land Trust
- Farm 2 Easement Holder: Maine Farmland Trust
- Woodlot Easement Holder: Androscoggin Land Trust

Board Notification – Boundary Line Adjustment:

The Board received notification that a boundary adjustment was necessary to accurately mark the boundary between Farm 1 and Farm 2. No land is being lost from the project area. This is just a correction to a survey pin that was put in the wrong location. The effect of the boundary line adjustment would be a transfer of ownership of 1,432 sq. ft.(.03 acres) from Farm 1 to Farm

2. The parties have proposed that the boundary line adjustment would include signature lines indicating the consent of the Grantors, Grantees and Third part holders Department of Agriculture Conservation and Forestry and USDA Natural Resource Conservation.

Board Approval - Assignment of Farm 1 Easement:

Maine Farmland Trust is the current fee owner of Farm 1, with Androscoggin Land Trust holding the easement. Maine Farmland Trust and has entered into a contract to sell Farm 1 to a new owner. At the time of the sale of the fee, the easement will transfer through an assignment from Androscoggin Land Trust to Maine Farmland Trust.

LMF Board and staff understood that this was the long-term vision for this property, and anticipated this transfer in the LMF Project Agreement with the following statement:

“...the parties hereby pre-approve transfer of the Conservation Easement to the Maine Farmland Trust at that time when the Maine Farmland Trust conveys its fee interest in the Premises to a new party.”

Due Diligence Required:

- LMF and DACF review and approval of all Assignment Documents
- Copy of all recorded documents for LMF project file

Board Action: Does the Board agree that upon LMF and DACF review and acceptance of all due diligence items, the LMF Chair shall sign the Easement Assignment Document for River Rise Farm 1.

Motion: Lisa Turner made a motion to approve the boundary adjustment, conditioned on the completion of all due diligence required by LMF staff and legal. The motion was seconded by Harry Ricker.

7. 2018 Meeting Schedule

Sarah asked the Board to review the 2018 meeting schedule for the Board and Appraisal Oversight Committee and get back to her with any meeting conflicts. Sarah also noted that the schedule would be posted to the LMF website for the public.

The Chair adjourned the meeting.