



Land for Maine's Future Program

Minutes of the Meeting

September 16, 2014

DACF Deering building room 319, 90 Blossom Lane, Augusta ME

Board Members Present:

Ben Emory, Norman Gosline, James Norris, Neil Piper, Walter Whitcomb, Bill Vail, Patrick Keliher, James Gorman

Board Members absent:

Chandler Woodcock, Sarah Demers sitting in for

Staff Members Present:

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Ed Meadows

Others:

Kimbalie Lawrence, DACF, assistant to LMF program

Christine Bennett, Kittery Land Trust

Nina Young, Maine Farmland Trust

Jeff Romano, MCHT

Nina Pleasants, Somerset Woods Trustees

Representative Deane Rykerson, District 151

Bill Bayreuther, William A. Bayreuther Grant Writing

John Marshall, Pleasant River Wildlife Foundation

Jerry Bley, Creative Conservation LLC

1. Welcome and Introductions

Chairman Vail called the meeting to order at 1:12pm and welcomed everyone and asked for introductions. Ed distributed a letter from Representative Deane Rykerson, District 151 regarding the Brave Boat Headwaters proposal in Kittery.

2. Minutes of the July 15th 2014 meeting

Mr. Meadows explained that the July 15 minutes were more detailed than normal. He advised the minutes are the record of the decisions to fund Round 8 projects, and these notes likely would be referred during the course of those projects. It is helpful to have a good record of the discussions.

Motion: by Commissioner Whitcomb, 2nd by James Norris to approve the minutes of the meeting on July 15th, 2014. Motion passed unanimously.

3. Funding Update

Ed Meadows presented the funding update for LMF bond funds (Attachment A-1 and A-2) and explained the state process of money flow. He reported the Randall Orchards project has closed while the Androscoggin Greenway Expansion will close in early October and Varnum Farm projects by the next meeting. He explained that funds are requested in advance each quarter. Next month the January-March 2015 projection for funds will be put together.

4. Projects to be voted on

Save Eagle Bluff, Round 8 Attachment B

Sam Morris gave an overview of the project.

Appraisal Oversight Committee (AOC) Recommendation

James Norris, Chair of the AOC, advised the committee supports and accepts the valuation.

Public Notice

Public Notice was posted in the Kennebec Journal and Bangor Daily News on September 2nd, 2014, with no public comments received.

Motion: by James Gorman, 2nd by Norman Gosline to approve the recommendation for the LMF AOC to accept the appraiser's value of \$132,000.00. Motion passed unanimously.

Merritt Cove Water Access Proposal, Attachment C

Tom Miragliuolo gave a brief overview of the project. He explained the aerial photo showing the rock beach, hand carry access and parking to the Board. Board member James Norris, and staff members Ed, Sam and Tom have visited this site. Discussion ensued. Board members commented on the size of the proposal (96 acres) and large amount of frontage (nearly one-half mile). Comm. Whitcomb stated that to use Water Access funds to acquire a large parcel would be precedent setting. Applicant John Marshall of Pleasant River Wildlife Foundation proposed that a smaller site could be proposed with DIFW holding a conservation easement on the balance of the property

Motion: by Ben Emory, 2nd by Norman Gosline

to table this project until later in the meeting after discussion of Access Improvement Funds and Round 8 allocation update.

Motion passed unanimously.

5. Board Work Group Discussion

Ed explained discussion memos (Attachments D and E) and offered the opportunity for volunteers for two working groups:

- a. A group to work on the Proposal Selection Process for future rounds of funding. Commissioner Keliher, Commissioner Whitcomb, Neil Piper and Norman Gosline volunteered for this group. Two public members expressed interest in participating: Jeff Romano and Bill Bayreuther.
- b. A group to work on the conservation easement policy on LMF-funded land and the development of a LMF conservation easement template. Jim Norris, Ben Emory and James Gorman volunteered for this group. It was suggested that Karin Marchetti-Ponte, General Counsel for the Maine Coast Heritage Trust, be appointed to the work group due to her long experience conservation easements. It was agreed the Chairman would offer invitation for her to serve. Jeff Romano reported he would talk with Ms. Marchetti-Ponte about serving. Comm. Whitcomb stated this is a timely and critical topic, which should also include the issue of the growing challenge of monitoring easements due to the volume of acreage now covered by easements.

The public is welcome to volunteer to participate in these groups. The LMF chair will appoint additional members as needed.

6. Site Visits

Ed stated the Department of Inland Fisheries and Wildlife offered to host a tour for board members at the Merritt Cove property in South Addison September 25 to help answer questions about the project. He asked the Board to let staff know of interest board members have in site visits to other LMF project areas. It was suggested a good time for site visits is after the appraisals have been received. It was also suggested that field visits during the workweek are problematic for board members but that weekends present similar difficulty for staff and partners hosting the tours.

7. Round 8 Board action, Attachment F

a. Access Improvement Funds

Ed explained that 2% of funds for Conservation and Recreation projects are set aside for access improvements on those projects. A timeframe for applying for, and using, these funds needs to be established and criteria discussed. He suggested eligibility maximum amount and timeframe for work completion.

Suggested criteria will be developed by LMF staff.

b. Fund Allocations and Remaining Funds

Ed provided a summary of allocations established by the Board July 15 for Round 8 in the categories of Conservation and Recreation, Farmland, Water Access, and Working Waterfront. He provided summaries of the allocation figures showing match, partners and communities involved in the projects, as follows:

Board Allocations of July 15, 2014:

C & R	\$8,096,013
Water Access	120,000
Farmland	683,500
Working Waterfront	250,000
Access Improvement	182,440

As a result, balances remain in several of the categories.

There was brief discussion of possibly increasing the preliminary allocations to some projects that had not been approved for the full request on July 15. Ed informed the board that criteria for considering requests for supplementary funding had been discussed and adopted by the Board 1/18/2005.

Motion: by James Norris, 2nd by Comm. Whitcomb to go into executive session for discussion related to negotiations and acquisition of land, pursuant to Title 1, Sec. 405. Motion passed unanimously.
3:15pm LMF board goes into executive session.

Reconvened board meeting in public session at 4:15pm. Commissioner Whitcomb and Commissioner Woodcock are absent. Chairman Vail informed those present that the board had discussed fund amounts and possible adjustments to funding as it related to acquisition of rights in land. No votes were taken in executive session.

He explained that the board discussed the remaining funds and concurred to leave the allocations as approved on July 15. It was pointed out that the allocation among the categories had been made with input

from cooperating entities and interested parties and the board wanted to stay with that allocation formula. Pursuant to the Board policy established January 2005, and other past practice, the Board has flexibility to approve adjusted amounts at the time the final approval of release of funds is given.

Mr. Meadows then summarized the status of remaining funds as follows:

Conservation and recreation	\$ 84,988	available for unanticipated project expenses
Farmland	\$458,000	available to match for 2015 USDA projects
Water Access	\$477,120	available for pending and new proposals
Working Waterfront	\$240,470	reserved for proposals due in September

The result of the allocations is that nearly all available funds are committed, unless a project should not get completed for some reason.

Merritt Cove Water Access Proposal

Motion: by Commissioner Keliher, 2nd by Ben Emory to table the Merritt Cove Water Access proposal, with a suggestion to DIFW to work with the applicant to propose a smaller parcel for the water access site.

8. 2015 Draft Calendar, Attachment G

A tentative meeting schedule for 2015 was presented. The date of the January meeting of the Appraisal Oversight Committee will be changed, or canceled, depending on need.

Ben Emory, who completes the maximum service of two terms in November 2014, indicated he would be willing to serve on the board until the Governor appoints a new board member to replace him.

9. Correspondence, Attachment H

Ed referred to correspondence provided in the meeting materials, and the letter presented today by Representative Rykerson.

10. Staff Updates

Historic Preservation Commission. Ed told the board and public that the Maine Historic Preservation Commission had reviewed the Board-accepted Round 8 proposals and provided an estimate of \$165,000 to perform archaeological exploration on 14 of the 30 projects.

Media Coverage. Ed presented copies of media coverage of Round 8 projects and updated the Board on Round 8 project management by the LMF staff, and the proposals tabled on July 15th.

Appraiser Training. On August 9th, 2014 Ed attended the Maine Revenue Service Tax School to give a class sponsored by the Appraisal Institute on appraising land conservation transactions. Ed asked the appraisers attending why there is a shortage of appraisers interested in appraising conservation transactions for land trusts and agencies.

Some of the answers were:

- It is difficult to find comparable sales for some parcels making these appraisals costly to perform.
- Conflicts between federal and state requirements, which the appraiser has to decipher, increase the complexity and time required, which the appraiser cannot easily invoice the clients
- Extensive review and oversight of appraisals, and the need for follow up work that is not compensated for going back to the task after completion of the initial report. Appraisers feel they

are not able to charge their clients sufficiently to cover the time required; therefore they frequently pass up the opportunity to do the appraisal.

- Issues with insurance coverage related to risk of performing appraisals involving IRS requirements

Ed told the appraisers that the LMF staff and board are committed to working with them and the land trust community on these issues and encouraging appraisers to be comfortable with performing LMF proposals. One suggestion he offered is to inquire if the project includes federal funds, or tax deduction. If not, potentially the appraisal would not be as complex to perform.

Commissioner Keliher updated the Board on working waterfront proposals tabled on July 15th, and asked the staff to send a letter to the Town of Jonesport from the Board to let them know that the Board is supportive of their working waterfront project.

11. Board Per Diem forms to be submitted to Kimbalie Lawrence.

Motion: by Chairman Vail, 2nd by Neil Piper to adjourn. Motion passed unanimously.

Adjourned: 4:45pm

Immediately following adjournment, the Board and Staff were invited to discuss comments and suggestions on the Proposal Selection process.

Next Board Meeting November 18, 2014 1pm

Next AOC meeting October 14, 8:15am

Work Groups TBD