



Land for Maine's Future Program
Minutes of the Meeting
October 27, 2015
32 Blossom Lane
Marquardt Building, Room 118
Augusta, Maine

Board Members Present:

Ben Emory, Neil Piper, James Norris, Commissioner Patrick Keliher, Commissioner Chandler Woodcock, James Gorman Jr, Chairman William Vail

Board Members Absent:

Commissioner Walter Whitcomb

Staff Members Present:

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Sarah Demers, Director
OPM-Jon LaBonte

Others:

Kimbalie Lawrence, Maine Department of Agriculture, Conservation, Forestry
Bob Marvinney, Maine Department of Agriculture, Conservation, Forestry
Jeff Romano, Maine Coast Heritage Trust
Bethany Atkins, Maine Department of Inland Fisheries and Wildlife
Steve Patton, Sheepscot Valley Conservation Association
Reeve Wood, Maine Farmland Trust
Jason Libby, Office of Policy and Management
Jonathan LaBonte, Office of Policy and Management
Diano Circo, Trust for Public Land
John Marshall, Pleasant River Wildlife Foundation
Dick Clime, Coastal Enterprises, Inc.
Isabel Lescure, Kennebunk Land Trust
Marie Louise St. Onge, Kennebunk Land Trust
Sophie Janeway, Natural Resources Council of Maine
Bob Kohl, Sheepscot Wellspring Land Alliance
Kaitlyn Bernard, Appalachian Mountain Club
David Trahan, Sportsman's Alliance of Maine
Theresa Kerchner, Kennebec Land Trust
Kathy Eickenberg, Maine Department of Agriculture, Conservation, Forestry
Jerry Bley, Creative Conservation, LLC
Tom Janenda, Elevate Consulting
Beth Ahearn, Maine Conservation Voters
Bill Bayreuther, WAB Grant Writing

Prior to the start of the meeting, Sarah Demers, LMF Director, announced that this meeting is being recorded for the purpose of aiding in the development of meeting minutes.

1. **Welcome and Introductions**

Chairman Bill Vail called the meeting to order at 1:02pm and welcomed everyone, asked attendees to sign in, gave directions to the bathrooms and asked for introductions from the Board and audience.

2. **LMF 2015 Government Evaluation Act Report - LMF and OPM Staff**

At the Board's request, Sarah provided copies of the public comments she received on the GEA report.

OPM Director Jonathan LaBonte opened the discussion by requesting questions and comments from the Board.

Chairman Vail asks about the deadlines for review and submission.

Mr. LaBonte states that the submission deadline set by the legislative committee is November 1, 2015. Mr. LaBonte indicated the Board should review and suggest content changes and reassured the Board that if additional time is needed for review, the report could be submitted after the submission deadline.

Neil Piper compliments the report and offers several comments:

- Appendix L should include a disclaimer that the board has not adopted these changes
- Appendix N questions what the point is of this appendix and points out that the board has not reviewed the information here or the recommendations. Neil requests that the Board invite the state economist to a future Board meeting
- Maps and charts potentially give the impression that LMF is involved in all conservation acquisitions, and perhaps the legislature would like to see only the land acquired with LMF funds.
- Similarly, the Conservation Easement Registry includes records for ALL conservation easements, not just those acquired with LMF funds.

Jim Norris asks Mr. LaBonte how the Board should address changing or editing the report?

Mr. LaBonte replies that this is the LMF Board's report and you can make changes and additions and alternative structures as needed

Neil Piper stated that the biggest emerging issue is all about the government being involved in a public vote and policy.

Ben Emory states that he feels the report was well done, however his sense is that reports of this type sit on a shelf to gather dust. Feels it is important to include the public comments received as part of the report. Ben also indicated he feels Board diversity is important to ensuring the integrity of the Board and asks that as new appointments are made, to please have a goal of ensuring diversity.

A discussion ensues on the process for reviewing and commenting on the GEA. Sarah will oversee staff review and comments and will receive and incorporate written comments and suggestions from Board members. Sarah will work with Jonathan to determine the submission process and date.

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| <p>3. <u>Minutes:</u> May 19, 2015 – Chairman Vail
 July 14, 2015 – Chairman Vail
 August 25, 2015 Board Workshop – Chairman Vail
 September 15, 2015 – Chairman Vail</p> | <p><i>Orange paper</i>
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Sarah provides the Board with an updated copy of the September meeting minutes which reflect edits requested by Ben Emory.

MOTION: Ben Emory, 2nd by Neil Piper, to approve all five draft minutes. Board votes unanimously in favor.

4. **Update on Availability of Funds – LMF Director**

Sarah reviews Attachment – A, Bond Summary and reports that bond fund amounts have not changed since the last meeting.

Neil Piper clarifies that the remaining \$6.47 million in bond funds authorized by Public Law 2009, Chapter 645, Sec. J expires next week and it will take legislative action to reinstate this bond. Legislature has two years to reinstate funds and can reauthorize for up to 5 years.

The Board asks Sarah to clarify with the Treasurer’s office if 2009 bond funds are reauthorized by the legislature, what will be the effective date of that authorization – date of legislative approval, or date when bonds are sold?

Jeff Romano, Maine Coast Heritage Trust, reminds the Board that the state could also make funds available with a Bond Anticipation Note. This would require the sale of bonds authorized in 2011 under Public Law 2011, Chapter 696.

Commissioner Keliher – Announced that an applicant to the LMF working waterfront program met with the governor to discuss their project. At this time the Governor indicated that the \$2.2 million cash on hand could be used for active projects. Commissioner Keliher spoke directly with the Governor and confirmed that LMF cash on hand may be used, however he remains committed to not selling additional LMF bonds until his policy objectives are met.

Sarah then describes the steps that must be taken to determine which projects may receive limited available funds and the conditions that must be met by each applicant.

In response to questions from Board members regarding prioritizing particular projects, Commissioner Keliher reiterates that only projects already reviewed and approved by the board under the standard process will get considered for funding.

Ben Emory asks how much of the available funds will be used?
 Sarah reviews funds available for Farmland, Working Waterfront and Conservation and Recreation funding categories and that the level of readiness will dictate which projects move forward and subsequently how much is spent. Staff will be working with LMF attorneys to review projects and determine which projects will move forward.

Neil Piper asks how much of the \$2.2 million will be used for legal fees and other contracted services.

Sarah reminds the Board that they allocated a % of the LMF allocation toward transaction costs as follows:

- Farmland 5%
- Conservation and Recreation 3%
- Water Access 2%
- Working Waterfront 12%

LMF staff track transaction costs for each project and aim to ensure each project stays within its budget, however due to project complexity, multiple parcels, easement vs. fee, etc..., there are instances where some projects overspend and other underspend. It is the Director's job to ensure we are staying within the overall budgeted allocation for transaction costs.

5. Board Approvals – LMF Staff

DACF, BPL Land Transfer – Bangor and Aroostook Rail Trail Attachment B
11± acre (total) land swap between the Bureau of Parks and Lands and Smith Farms Inc.
Westfield, ME to improve farm operations & off road recreational trail safety

MOTION: Neil Piper, 2nd by James Norris to approve the Bangor and Aroostook rail trail land transfer between BPL and Smith Farms Inc. Board votes unanimously in favor.

MDIFW - Tide Mill Farms Conservation Easement, Attachment C
Edmunds, TWP DOT condemnation and taking of approximately 1.5 acres for bridge replacement, valuation of impacts and proposed payment to LMF

MOTION: Ben Emory, 2nd by Neil Piper to accept DOT repayment to landowners for condemnation & takings of portion of Tide Mill Farm Easement as part of DOT bridge work. Board votes unanimously in favor.

Sheepscot Wellspring Land Alliance (SWLA), Notice of Land Transfer Attachment D
Montville, 410± acres Land transfer notice and proposal from Sheepscot Wellspring Land Alliance.

MOTION: Neil Piper, 2nd by Ben Emory to approve the transfer and assignment of the Project Agreement contingent on the following conditions:

1. LMF Director to work with the lead official(s) of both the Sheepscot Wellspring Land Alliance and Sheepscot Conservation Association and, the Designated State Agency on Assignment of Project Agreement prior to Board Chairman's signature.
2. Assignment of Project Agreement must be recorded at the same time as the recording of the assignment and transfer of title of the subject property;
3. LMF Director and Board receive written confirmation that all tasks associated with the conveyance of the assignment are completed including the recording of the respective Assignment documents in the Waldo County Registry of Deeds
4. All recorded documents will be provided to LMF Director within 30 days of closing

6. C&R Projects to be Acted On – LMF Staff

Clapboard Island, 15.2 acres in Falmouth, Maine
Sponsored by Department of Agriculture, Conservation & Forestry

Attachment E

Tom gives project summary; James Norris gives AOC report.

MOTION: James Norris motions to approve the appraiser’s value of \$125,000, seconded by Neil Piper. Board votes unanimously in favor.

Chairman Vail announces that the public notice for the Clapboard Island project was advertised in the Kennebec Journal and Falmouth Forecaster on July 3rd.

Chairman Vail asks for public comment: Staff has not received any written comments prior to this meeting. Chairman Vail asks whether anyone from the audience would like to provide public comment on the project.

MOTION: Neil Piper motions to confirm the allocation of Conservation & Recreation funds in the amount of \$68,600 to support this acquisition subject to standard conditions. Ben Emory seconds the motion.

For: James Gorman, James Norris, Ben Emory, Neil Piper and William Vail

Against: Commissioners Keliher and Woodcock

Motion passes 5-2.

Howard Hill, 165 Acres in Augusta, Maine
Sponsored by Department of Inland Fisheries and Wildlife

Attachment F

Sam presents the project summary; Jim Norris presents the AOC recommendation.

MOTION: James Norris motions to approve the appraiser’s value of \$1,090,000, seconded by Neil Piper. Board votes unanimously in favor.

Chairman Vail announces that the public notice for the Howard Hill project was advertised in the Kennebec Journal on July 3rd.

Chairman Vail asks for public comment: Staff received written comment from the applicant, Kennebec Land Trust. This letter was distributed to the Board in their Board packet.

Chairman Vail asks whether anyone from the audience would like to provide public comment on the project. Theresa Kerchner, Kennebec Land Trust, thanks the Board for their action on the project and explains that KLT has taken out a loan to pre-acquire the property and is looking forward to paying that loan back with the receipt of LMF funds.

MOTION: James Norris motions to confirm the allocation of Conservation & Recreation funds in the amount of \$337,500 to support this acquisition subject to standard conditions. James Gorman seconds the motion.

For: James Gorman, James Norris, Ben Emory, Neil Piper and William Vail

Against: Commissioners Keliher and Woodcock
Motion passes 5-2.

7. Working Waterfront Projects to be Acted On – LMF staff

A&R Enterprises, 0.36± acres in Saint George, Knox County
Covenant to be acquired by the Department of Marine Resources.

Attachment G

Tom presents the project summary; Jim Norris presents the AOC recommendation. Sarah reminds the Board that due to the complexity of these appraisals, all Working Waterfront appraisals undergo a third party review by an independent appraiser, paid for by LMF. The third party review appraiser found the appraisal acceptable for use by LMF.

MOTION: James Norris motions to approve the appraiser’s value of \$1,000,000, seconded by Ben Emory. Board votes unanimously in favor.

Chairman Vail announces that the public notice for the A&R Enterprises project was advertised in the Kennebec Journal on October 17th.”

Chairman Vail asks for public comment: Staff has not received any written comments prior to this meeting. Chairman Vail asks whether anyone from the audience would like to provide public comment on the project. Hale Miller introduces himself as the applicant landowner and that his is the last non-commercially owned wharf in Tenants Harbor. The LMF allocation will allow the family to continue with maintenance and improvement to support the various marine landings that others won’t.

MOTION: Commissioner Keliher motions to confirm the allocation of Working Waterfront Access funds in the amount of \$250,000 to support this acquisition subject to standard conditions. Commissioner Woodcock seconds the motion.

Discussion ensues on whether this project will be the first to receive funds, and once funds are received, will the remaining LMF funds remain available for C&R and farmland projects. James Gorman indicates to the Board that he will be voting against this project as he doesn’t like the process that was used to ensure funds would be available.

For: James Norris, Ben Emory, William Vail, Commissioners Keliher and Woodcock

Against: James Gorman

Abstaining: Neil Piper

Motion passes 5-1-1

8. C&R Scoring & Selection Process Work Group

Neil Piper, LMF Chair of the work group, recommends that the Board table further discussion and action on this topic, given the recommendations in the GEA and potential further review by the legislature.

MOTION: Neil Piper motions to table, seconded by James Norris. Board votes unanimously in favor.

