

Town of East Hampton
Community Preservation Fund Advisory Board Minutes
Regular Meeting, August 29, 2016

Present:

Advisory Board Members: Tim Brenneman, José Arandía, Rav Freidel, Jim Kiley,
Charles Limonius, Jorie Latham, Philip O'Connell

Town Employees: Scott Wilson, Brian Frank

Peconic Land Trust: Kim Quarty

Public: Alex Balsam, Peter Dankowski

Meeting called to order by Tim Brenneman at 3: 33 PM.

A motion was made by Tim and seconded by José to accept the **minutes** of July 11, 2016 as presented. The motion passed.

Alex Balsam presented the Agriculture Advisory Committee's report on proposed **Enhanced Agricultural Easements**. The committee decided that, rather than evaluating each parcel on an individual basis, setting up a list of criteria to be considered was a better plan of action. Attached is their letter to the Town Board listing said criteria and Alex explained the rationale behind each one.

Charles asked if there was a way to use the enhanced easements as an incentive to "take back" lands receiving Ag tax assessments, but are not actively being utilized as farmland. Scott will see what the difference is between the assessment reductions for Ag land as opposed to vacant land.

Alex asked the AB for their comments on this list of criteria. Tim's only comment was that the level of threat seemed more of a consideration rather than a criteria. Scott and Alex explained that item in fuller detail.

The AB accepted the list and Tim will pen a letter to the TB in support of the recommendations.

The **next meeting** was set for Sept. 26 at 3:30 PM.

Tim made a motion to go into **Executive Session**; seconded by José and carried at 4:02 PM.

A motion was made by Tim, seconded by Philip, and carried to **adjourn** the meeting at 5:18PM.

Respectfully submitted;



Chris Rowan

September 1, 2016

Larry Cantwell, Supervisor
Town of East Hampton
159 Pantigo Road
East Hampton, NY 11937

Re: Enhanced Agricultural Easements

Dear Larry,

We last wrote to the town board on this topic on April 25, 2016 after having met with members of the farming community. After a robust discussion about Peconic Land Trust's proposal to purchase enhanced agricultural easements, and considering the challenges faced in the farming community, the CPF board endorsed the proposal.

We also pledged to work with the Agricultural Committee to develop criteria to be followed in the evaluation of already protected farmland. It is imperative that a definable process exist in advance of adopting this new concept and it is for that reason that I write today.

Alex Balsam attended our meeting earlier this week and reviewed the Agricultural Committee's recommended criteria. The Ag committee took the lead which is appropriate given their vast knowledge about the lands they work. I write today to let you know the CPF board is fully supportive of the proposed criteria outlined in the Ag Committee's June 14th letter to the town board. That letter is attached for your convenience.

Since 1999, the Community Preservation Fund has been a tremendous success and this new enhancement builds on that foundation.

As always, our role is to provide advice to the town and we ask that you accept this letter in that spirit. Please let us know if we can be of further assistance.

Sincerely,



Tim Brenneman
Chair, CPF Advisory Board

CC: East Hampton Town Board Members: Peter Van Scoyoc, Sylvia Overby, Fred Overton, Kathee Burke-Gonzalez, and Land Acquisition Manager Scott Wilson

TO: East Hampton Town Board
From: East Hampton Agriculture Advisory Committee
RE: Determining parcel eligibility for a CPF purchase of enhanced agricultural rights
Date: June 14, 2016

Dear Supervisor Cantwell and Members of the East Hampton Town Board:

The Agriculture Advisory Committee has been asked to provide input on how the Town should determine which agricultural parcels would be best served by the CPF purchase of an enhanced agricultural easement.

According to data compiled by the Town's Department of Land Acquisition and Management, there are some 178 "agricultural parcels" in East Hampton. Some of these parcels have full rights, some have basic development rights removed, some are actively being farmed, and many are not being farmed. As such, when the owner of a given parcel approaches the Town about a possible sale of an enhanced easement, the Committee feels that it would be more productive to evaluate that parcel on a case-by-case basis. The alternative would be to create a priority list of all 178 parcels, but the Committee feels that such a list would be inaccurate, and difficult to adapt as the circumstances surrounding each parcel changes with time.

With that in mind, the Committee suggests that the following criteria be considered when the Town is presented with an opportunity to purchase of an enhanced agricultural easement:

-whether the property is actively being farmed, or has historically been farmed: if the property is currently being farmed, what type of agriculture is currently being conducted

-quality of the soils: this is of high priority, as a parcel with questionable soils will have less potential for being profitably farmed

-NYS Agricultural District: if a parcel is registered in an Ag District, it has certain "right to farm" protections that increase the likelihood of a farmer's economic sustainability

-whether the parcel is part of a continuous farmland tract: preserving our agricultural corridors benefits both the farmers and the community

-view shed/road frontage: addresses the importance to our community of seeing agriculture as part of the landscape

-size/shape: while our Town's diverse farm community would likely put any agricultural parcel to good use, perhaps priority would be given to larger parcels or parcels that are more uniform in shape, thereby potentially making it more conducive to agricultural activities

-level of threat: how imminently would the parcel be taken out of agricultural production without the purchase of enhanced rights? i.e., is a parcel in danger of being sold to pay estate taxes?

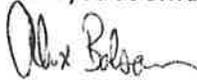
To be clear, we feel that none of these considerations on their own should be determinative or mandatory; these are simply a group of factors helpful in determining, on a case-by-case basis, whether the Town should proceed with the purchase of an enhanced agricultural easement. Additionally, we hope that the Town Board would refer each potential purchase of an enhanced agricultural easement to the Agriculture Committee for its opinion as to the parcel's agricultural attributes.

The Committee also discussed what sort of restrictions should be purchased in order to ensure that the intent behind these enhanced easements is fulfilled. The general consensus of the Committee is that the Town should, at a minimum, be purchasing an affirmative farming requirement, which would mandate that land cannot sit fallow for more than two consecutive years, failing which the lease contained in the easement would spring forward and give the Town or a land trust the ability to lease the farmland to a qualified farmer.

The Town should also be purchasing a resale restriction, which would limit any potential sale to a qualified farmer, the price of which could not be above the residual value of the land at the time the enhanced rights are purchased, plus an adjustment for the Consumer Price Index and the value of any agricultural improvements.

Lastly, in order to give the farmer the ability to adapt his or her business to a changing economy, the Committee does not want the enhanced easements to restrict the production of any food, animal feed, or fiber.

Thank you as always for your consideration of the Committee's opinion.



Alexander Balsam

Chairman, Agriculture Advisory Committee

cc: Scott Wilson