

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

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Secretary

JOHN LEBEAUX
Commissioner

FINAL

Meeting Minutes, Board of Agriculture 1 Rabbit Hill Road, Westborough, MA

05/09/2018

Board Members in Attendance: Chair Abrams, Laura Sapienza-Grabski, Donald Chase, Alison Carr, Fred Dabney, Michael Smolak, Skip Vadnais, Jr., Crystal Card, Lucinda Williams, and Judy Leab with Noli Taylor, and Lydia Sisson via remote participation.

- 1. Call to Order:** Chair Abrams called the meeting to order at 10:00am and acknowledged that the Board has a quorum with Noli Taylor participating remotely for geographic reasons along with Lydia Sisson who joined the call at 10:30am. In accordance with the Open Meeting Law, the Chair employed remote participation with all votes being taken via roll call. Ms. Sapienza-Grabski noted that she is recording the meeting.
- 2. Minutes Summary:** The Board considered for approval the meeting minutes of 01/18/18. **Discussion:** Ms. Sapienza-Grabski put the Board on notice that she has filed a complaint with the Attorney General's Office of an Open Meeting Law (OML) violation. Ms. Sapienza-Grabski stated that Chair Abrams memo to the Board dated January 18th, 2018 was not distributed during that meeting and rather was only forwarded after the meeting electronically via email attachment by the Board's Secretary, Alisha Bouchard on January 24th. A copy of the complaint was provided to the Board Chair, Commissioner Lebeaux, Assistant Commissioner Wentworth and Chief of Staff/Board Secretary Alisha Bouchard. Additional documents were included with the complaint package including a cover memo addressed to the aforementioned and to the Office of the Governor. See attached corresponding documents.

Action Taken: Ms. Sapienza-Grabski made a motion to table approval of the January 18th meeting minutes until the next meeting. The motion was seconded by Mr. Vadnais. **Discussion:** Mr. Vadnais inquired as to the purpose of tabling the meeting minutes to which Ms. Sapienza-Grabski asserted that the Chair's memo was not handed at the last meeting. Ms. Williams along with other members recalled having received the Chair memo at the January 18th meeting. After the Board discussed their recollection of the last meeting as it relates to the Chair's memo the Board proceeded to a roll call vote on the motion. **Roll Call Vote:** Mr. Vadnais – Nay, Mr. Smolak – Nay, Mr. Dabney – Nay, Ms. Leab – Nay, Ms. Carr – Nay, Ms. Williams – Nay, Mr. Chase – Nay, Ms. Sapienza-Grabski – Aye, Ms. Card – Nay, Ms. Taylor – Nay, Ms. Sisson – Nay, and Chair Abrams – Nay. The vote on the motion resulted in eleven (11) votes against and one (1) vote in favor. Therefore, the motion did not pass.

Action Taken: Ms. Williams made a motion to approve the meeting minutes of January 18th, 2018. **Discussion:** None. **Roll Call Vote:** Mr. Vadnais – Aye, Mr. Smolak – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Ms. Carr – Aye, Ms. Williams – Aye, Mr. Chase – Aye, Ms. Sapienza-Grabski –

Nay, Ms. Card – Aye, Ms. Taylor – Aye, Ms. Sisson – Aye, and Chair Abrams – Aye. The vote on the motion resulted in eleven (11) votes in favor and one (1) against. Therefore, the motion passed.

Old Business:

3. APR: Updates on the Farmland Advisory Panel and Listening Sessions:

Commissioner Lebeaux provided the Board an update on the Farmland Advisory Panel (FAP) and reported that the FAP is on hold pending the APR listening sessions and the APR Looking Forward process. Going forward any FAP meetings will elect to follow the Open Meeting Law and will include available meeting minutes. Regarding the listening sessions, the Commissioner noted the Department held four sessions that were generally very successful with over 150 people in total in attendance. The comments from the sessions are set to be posted on the Department's website. The Commissioner advised the Board that the Department heard some very positive and some negative things about the program including items related to him.

Discussion: Following Mr. Smolak's inquiry the Commissioner confirmed that the Department heard some very constructive feedback from the listening sessions. Mr. Smolak commented that the program has gone through a lot of changes over the years and remarked on the good feedback heard at the Danvers session. Additionally, Mr. Smolak noted there seems to be more restrictions now and remarked that he learned there are financial incentives for land trusts to sign-on. Commissioner Lebeaux advised that the Board will hear more from the Department on next steps and any decisions on how to proceed will be done in conjunction with Secretary Beaton's team with a roll out of ideas for public consumption perhaps via online for comment or some other venue to be determined. Ms. Williams commented on Farm Bureau's filed legislation whereby only 2/3rds are happy with it however, noting anything that can be done to improve upon the program is a great thing.

Ms. Sapienza-Grabski stated that there were questions at the Worcester session why land trusts were used to facilitate and then she asked the Commissioner why UMASS mediation was not used. Continuing Ms. Sapienza-Grabski referenced the Middleboro session where people called for resignations and then she asked if the Department is doing anything to address this. Next, Ms. Sapienza-Grabski recalled that the Board should review Department policies and procedures. Mr. Vadnais remarked that it is incumbent upon the Board to review and thinks the Board should take a look at the APR program. However, he does not think there should be legislative remedies when the Board hasn't looked at this and mentioned the program has been around for a long time whereby the Commissioner has inherited a lot of the issues.

Having attended both the Worcester and Middleboro sessions, Mr. Dabney recalled his observations and was impressed by the groups and their feedback afterwards that recapped each of the groups that participated in the facilitated session. Chair Abrams also in attendance at the Worcester session, praised the woman that facilitated the group she was in.

Circling back to Mr. Vadnais' comments Mr. Chase agreed that the APR program is a great program that could be tweaked and improved upon and that the Board should weigh in. Mr. Chase also noted that the Board should be intimately involved in establishing Department procedures and policies. Continuing the discussion Board members considered whether they are an advisory board or a policy making board while noting the Board's enabling legislation regarding supervision.

Responding to comments about the use of land trust facilitators the Commissioner advised that the Department simply asked people to facilitate the sessions and didn't think it would be a point of contention. Furthermore, MDAR did not see that a mediator such as UMASS mediation was needed however, will consider it should it be appropriate for another time. Referring back to Ms. Sapienza-Grabski's comments in regards to smoothing out bad feelings the Commissioner

remarked that the Department is always happy to have a conversation and is open to what people have to say. The Commissioner did remark however, that some of the people that were upset did not want to talk with him. To Mr. Chase's questions, the Commissioner stated that the ALPC was established by legislation essentially for one purpose to provide oversight of the APR program. He also noted that ALPC roles and statutory duties have changed over the years; in particular in 2014, legislation changed to allow the ALPC to hear appeals. Regardless of the changes over the years the ALPC's mission and authority revolves around the APR program; however, that doesn't mean that the Ag Board can't review.

The Board continued discussing the scope of the APR program, the ALPC Committee's ability to provide advice to the Commissioner as indicated in MGL Chapter 20, and the Ag Board's review of Department programs.

Ms. Sapienza-Grabski stated that at the Middleboro session a packet was handed to her and she was asked to present to this Board. Ms. Sapienza-Grabski continued by saying that a multi-generational farmer was graded as not being a capable farmer to obtain an APR property.

The Commissioner highlighted for the Board that the Department does not interfere when property is being passed onto a family member. Furthermore, the Commissioner reminded the Board that the State Auditor's Office has been reviewing the APR Program since last summer and the audit is nearing completion. Once written documents are available from the auditors for public release the Board will receive a copy. Prior to the final report, MDAR expects to receive a draft report whereby the Department will have the opportunity to comment. During the auditor's informal exit interview, MDAR heard the APR Program is successful however; auditors are not here to see where improvements can be made. The Department was called out on poor communication within the APR Program and that the agency needs to do a better job in this regard. Flexibility and transfers were other areas highlighted from the auditors as well.

Ms. Leab mentioned that she attended the Amherst listening session and thinks it is necessary to be flexible and change with the times.

Action Taken: Mr. Vadnais made a motion that the Ag Board participate in a review of the APR Program and review what was heard from the listening session/comments received. Mr. Chase seconded the motion. **Discussion:** The Board discussed if they should focus on certain areas of the APR Program and address specific concerns. Chair Abrams suggested members could review the policies online at MDAR's website. Comments received from the listening sessions and the audit report was suggested as places for the Board to reference in its review. The Commissioner mentioned that the audit report is expected in June or July however, it's up to the auditors. **Roll Call Vote:** Mr. Vadnais – Aye, Mr. Smolak – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Ms. Carr – Aye, Ms. Williams – Aye, Mr. Chase – Aye, Ms. Sapienza-Grabski – Aye, Ms. Card – Aye, Ms. Taylor – Aye, Ms. Sisson – Aye, and Chair Abrams – Aye. The motion was unanimously approved.

4. **MDAR Position on Neonics and MDAR Pesticide Board/UMASS Toxicology:** The Commissioner reminded the Board that the Department does not take a position on pending legislation unless the Administration takes a position and that has not happened yet. In regards to the Pesticide Board and UMASS Toxicology, Chair Abrams mentioned the question is if the Pesticide Board doesn't have funding to review neonics why UMASS doesn't do the review. Ms. LaScola responded by advising that it's actually the Pesticide Subcommittee that would do the review and it's a resource issue given the Department has one Toxicologist and such a review is resource intensive. Additionally, to MDAR's knowledge no one on the Pesticide Board or the Subcommittee has asked for a review. Mr. Smolak asked if the Board could send something to them. Chair Abrams highlighted there is pending legislation however; no study has been done

on this. Ms. LaScola remarked that the Department maintains various studies and the EPA is reviewing neonics. It is expected that the EPA should have something coming out in the near future. Pesticide and their use may change. The comment period may still be open for public comment in terms of what the EPA found. Mr. Smolak stated there was a huge study on Roundup with no connection to cancer. **Action Taken:** None.

New Business:

5. **ALPC Updates:** Chair Abrams provided the Board an update on the last ALPC meeting. The Board briefly discussed the ALPC's review of renewable energy systems including roof mounted solar panels. The Commissioner suggested Board members subscribe to MDAR's Farm & Market Report if they don't already and noted the draft APR Policy on Renewable Energy has been posted for public comment and was eblasted in the Farm & Market Report. **Action Taken:** None.
6. **Board Member Updates:** Ms. Taylor reported on the status of the MA Farm to School line item funding in the budget and the organization's state conference being held this December in Leominster. The Healthy Incentives Program (HIP) state budget request is \$6.2 million and a pending supplemental budget. HIP customers were reportedly disappointed the program was unable to continue for lack of funds. Attending the Urban Ag conference was an amazing, wonderful event with approximately 400 people in attendance. It was a diverse crowd with lots of energy around urban farming. Concluding her remarks, Ms. Taylor reported on a policy gathering being held in June around policies to support state school programs. Ms. Williams also mentioned HIP and the funding situation along with the amount of support the program has many groups including farmers and legislators. Ms. Williams also shared with the Board a new program launched by Kendall Foundation known as the New England Food Vision. The program's objective is to get more local food into institutions. The Board members briefly discussed the impacts of the recent nor'easters, this year's maple production, tariffs, cranberries, depressed milk prices and the pending dairy tax credit legislation. Ms. Sapienza-Grabski provided an update on the MA Association of Agricultural Commissions and alerted the Board about the activities of animal activist groups targeting farms. Mr. Dabney mentioned the Livestock Institute's slaughter facility in Westport is planning to open soon and some activist activities taking place there. Mr. Dabney also reported the Town of Dartmouth is writing compost regulations because of issues while noting there is no other town in the state with their own composting regulations. Ms. Card provided an update on the bees, the impacts of the cold winter and how the season is about two weeks behind but catching up quickly. **Action Taken:** None.
7. **Legislative Updates:** Assistant Commissioner Wentworth reported on the status of the Healthy Incentives Program (HIP) funding in the House budget and advised the Senate budget should be out tomorrow. Continuing with the House Budget, funding for MDAR's Administrative account was \$5.9 million and included various earmarks. Mr. Wentworth briefly mentioned to the Board an update from MDAR's Produce Safety team and the Commonwealth Quality Program (CQP) that Hannaford's intends to implement a rule that includes following the CQP. Hannaford's intention is in addition to Wegman's and Market Basket. MDAR doesn't want farmers to be shut off because these organizations are not able to accept the produce. Ms. Sapienza-Grabski inquired as to how produce coming in from other countries will be handled and whether there will be a stricter process. In response, Mr. Wentworth noted there will something coming out at the federal level such as another Good Agricultural Practices (GAP) Program however; MDAR has heard that GAP is being phased out. There are farms in MA that are GAP certified however, there are issues and this is the type of situation is where CQP can assist farmers along with

MDAR's food safety grant programs to further help farms in adapting to new food safety requirements. Mr. Wentworth concluded his report to the Board. **Action Taken:** None.

8. **Other Business:** Mr. Wentworth advised the Board he has accepted a new opportunity and effective May 18th he will no longer be with the Department. The Board briefly discussed Mr. Wentworth's new opportunity and wished him well. **Action Taken:** None.

Date, Time and Location of Next Meeting: The Board's next meeting is scheduled for July 11th, 2018. **Action Taken:** Ms. Sapienza-Grabski made a motion to request that the draft meeting minutes be distributed to the Board within two weeks after the last meeting. The motion was seconded by Mr. Vadnais. Discussion: Ms. Williams expressed her concern with putting an absolute deadline on when the draft minutes should be received. The Board briefly discussed the phrasing of the motion as a "request." **Roll Call Vote:** Mr. Vadnais - Aye, Mr. Smolak - Aye, Mr. Dabney - Aye, Ms. Leab - Aye, Ms. Carr - Aye, Ms. Williams - Aye, Mr. Chase - Aye, Ms. Sapienza-Grabski - Aye, Ms. Card - Aye, Ms. Taylor - Aye, Ms. Sisson - Aye, and Chair Abrams - Aye. The motion was unanimously approved.

9. **Adjournment:** Mr. Smolak made a motion to adjourn. Mr. Dabney seconded the motion. The Board adjourned the meeting at 12:04pm. **Roll Call Vote:** Mr. Vadnais - Aye, Mr. Smolak - Aye, Mr. Dabney - Aye, Ms. Leab - Aye, Ms. Carr - Aye, Ms. Williams - Aye, Mr. Chase - Aye, Ms. Sapienza-Grabski - Aye, Ms. Card - Aye, Ms. Taylor - Aye, Ms. Sisson - Aye, and Chair Abrams - Aye. The Board unanimously approved the motion to adjourn.

To: Office of the Governor, Board of Agriculture, Commissioner Lebeaux, Asst. Commissioner Jason Wentworth, and Secretary Alisha Bouchard

From: Laura Sapienza-Grabski Member of the Board of Agriculture.

Re: Board of Agriculture Chair Laura Abrams' Letter to the Board of Agriculture Regarding Open Meeting Law, Dated January 18, 2018 but Distributed via email January 24th, 2018

May 9th, 2018

Dear Chair Abrams,

Attached is an email from the Board of Agriculture Secretary Alisha Bouchard dated Wednesday January 24, 2018 that "claims" that your letter dated January was handed out at the Board of Agriculture Meeting January 18th, 2018, but it was not.

Your letter was emailed out to the Board on January 24th 2018 which was after the Board met and is the essence of a violation of an Open Meeting on deliberation.

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed."

<https://www.mass.gov/files/documents/2017/10/12/OML%20Text.pdf>

Your letter attacks me for wanting to make sure the public has access to meetings of the Board at publically accessible locations with enough notice of the meeting content to make decisions on whether to attend or not. Other Board members have at multiple meetings expressed the exact same concerns.

Forty eight hours notice is not enough time for farmers to digest the past minutes or an agenda of an upcoming Board of Agriculture Meeting and to decide if they should attend to participate in the meeting.

Forty eight hours notice, a month or two or three after a Board meeting, is not enough time for Board members to review Board documents, nor is the discussion of the past meeting as fresh in each member's mind the further out from the last meeting. Fortunately for me, I record each meeting and I review the material against the actual words spoken.

For the public to become aware of an upcoming meeting of the Board of Agriculture or other boards and committees that are under the legislatively "supervision and control" charge of the Board of Agriculture, such as the Agricultural Land Preservation Committee, one would need to check the MDAR website daily.

In previous administrations, notices with links to upcoming meetings appeared in MDAR'S "Farm and Market" email alert managed by staff Richard Leblanc and there was also one screen on the MDAR website that listed all Boards/Committees upcoming meeting information with links as needed.

The Board has on multiple instance has been intimidated by various members of the legal staff of MDAR on "Open Meeting Laws". They have intimidated members not to speak to individual members of the Board on any agricultural matters, even if it is to understand that member's agricultural commodity or agricultural specialty, could be "considered" a violation of Open Meeting that could easily become an issue via anonymous complaints.

"Quorum", a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

<https://www.mass.gov/files/documents/2017/10/12/OML%20Text.pdf>

Your letter attacks me for attending Board meetings prepared with draft typed motions or comments on topics that have been brought up in multiple occasions, such as the "Livestock Care and Standards Board" or to bring to the Board's attention under New Business; concerns, events or meetings of the agricultural community, and topics for discussion for future meetings.

Since the Board is considered the "eyes and ears of the Department", on November 8th, 2017, I waited until New Business to alert the Board of a meeting that was happening the very next day which I had just found out about. I brought multiple copies of the information, making sure the Vice Chair and Board Secretary had a copy. I thought the meeting might be of interest to the other Board members and the content of my letter as suggestions for future Board discussions. The letter that I presented is attached to this letter.

At the time I brought forward my letter to the Board of November 8th, you and Board member Fred Dabney had exited the meeting.

You must have violated Open Meeting Law by discussing my submission on November 8th, since you were NOT present during the quorum discussion and you clearly have spoken to multiple Board members, publicized you opinion publically on the Internet and in emails to the entire Board.

Furthermore, on November 8th the Board voted to support the S441 "The Livestock Care and Standards Board" with significant support for the bill and minor changes. Letters to members of the legislators were signed by you and sent out on November 21st; but they did not contain the correct votes of the Board. The Board voted to support the language in the bill for a two thirds vote requirement of the Livestock Care and Standards Board for the approval of farm animal regulations.

Had the Board vote of November 8th been carried out, correctly and in a timely manner, perhaps the outcome would have different for S441 and the legislation language would not have been weakened into an advisory board that is NOT supported by Massachusetts Farm Bureau Federation and other agricultural organizations.

I trust that in future, Open Meeting Law will be adhered to, the intimidation of Board members by MDAR Staff will cease and your public retaliatory harassment attacks on me for doing my job as a member of the Board of Agriculture will end.

In addition, the level of your public scolding should have been handled in an Executive Session and I believe that this is also a potential Open Meeting violation.

Please be advised that I have contacted the Office of the Attorney General and I am filing an Open Meeting Complaint and in accordance with the processes defined in the link below, the first step is to notify the Chair which is included in this letter.

<https://www.mass.gov/files/documents/2017/09/27/OML%20Complaint%20Form.pdf>

A response from the Board must be presented within 14 business days, but you can call their office for an extension to schedule a meeting accordingly.

Sincerely,

Laura Sapienza-Grabski

Member of the Board of Agriculture

Ag Board 01/18/18 Meeting Follow Ups

Bouchard, Alisha (AGR) <alisha.bouchard@MassMail.State.MA.US>

Wed 1/24/2018 3:14 PM

To: Bouchard, Alisha (AGR) <alisha.bouchard@state.ma.us>;

Cc: Laura Abrams (Laura@Bartlettgreenhouses.com) <Laura@Bartlettgreenhouses.com>; Lebeaux, John (AGR) <john.lebeaux@state.ma.us>; Wentworth, Jason (AGR) <jason.wentworth@state.ma.us>; Callanan, Margaret (AGR) <margaret.callanan@state.ma.us>;

📎 2 attachments (81 KB)

Ag Board Ltr Rep Sanchez HB4050 & H3321.pdf; Board Chair Memo 01 18 18.pdf;

Good Afternoon Ag Board: As a follow up to last week's meeting attached please find the letter to Rep. Sanchez regarding HB4050 and H3321. At the request of Chair Abrams, attached please also find a copy of the Chair's memo distributed at the January 18th meeting.

I'll be back in touch ASAP with a follow up regarding the March meeting.

**Thank you,
Alisha**

Alisha Bouchard, Chief of Staff
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Boston, MA 02114
email: alisha.bouchard@state.ma.us
office 617.626.1703 / fax 617.626.1850

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January 18, 2018

To: Board of Agriculture, Commissioner Lebeaux, Asst. Commissioner Jason Wentworth,
Secretary Alisha Bouchard

From: Laura B. Abrams – Chair

RE: Open Meeting Law

All Board Members have been told to submit to Alisha and myself any topics that should be included on the agenda.

Open Meeting Law Guide – What information must meeting notices contain?

“Meeting notices must be posted in a legible, easily understandable format; contain the date, time, and place of the meeting; and list all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.”

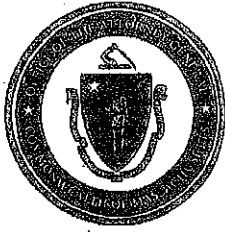
In the past, Laura Sapienza-Grabski has chastised the Department for not accurately posting meetings. I would say, that on at least two occasions, Laura is the one who might be violating the open meeting law by not informing the Secretary or Chair as to items that should be on the agenda. Thereby, leaving fellow Board Members unprepared and the public unaware of the discussions taking place.

The first instance was bringing typed out amendments to H441 Promote the Care & Well-Being of Livestock and H3321 – Farm Training in Mass. Clearly to be that prepared for a meeting was thought out ahead of time leaving the Board no time to prepare. Therefore, these had to be postponed to the next meeting to give members time to study the Bills and the proposed changes.

The second, was this past meeting on November 8, 2017 when the two Bills from above were on the agenda. Under New Business, Laura Sapienza-Grabski brought up the Farmland Advisory Panel and a lengthy discussion followed. Laura had a memo that she had typed out, a copy of the Agenda of the APR subcommittee of the FAP, a letter from Winton Pitcoff, and a list of the members of the FAP. (There were not enough copies for all board members). Following the meeting, other board members expressed concerns about this situation including the fact that the APR and ALPC discussion were brought up only after the two ALPC members on the Board had to leave.

I would suggest that both of these items should have been on the Agenda for Ag Board members and the public to appropriately prepare and/or attend.

I trust in the future, this will not happen again and all topics of discussion will be on the agenda. (Other than last minute notifications)



KISHU

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.

the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Chair Laura Abram sent out to members of the Board of Agriculture a letter on 1-24-18 to be inserted into the minutes of the 1-18-18 Board Meeting which I believe is a violation of Open Meeting because of her expressed opinions to the quorum and other matters that are included in my attached letter to the Chair Laura Abrams for the May 9th, 2018 Board Meeting.

The Chair Laura Abrams did not hand out her letter at the meeting of 1-18-18 but is acting as if she had and is attempting to add it to the minutes of that day during the May 9th Meeting as it is included in the email package sent out for the May 9th Meeting to the Board of Agriculture from the Board Secretary Alisha Bouchard on 5-4-18. Alisha's email is attached.

Chair Abrams also in her letter attacks me for my and other Board Members desires for greater accessibility and information for public participation at open meetings and for MDAR's legal staff that have been intimidating members of the Board with communicating to any Board Member, even if it is to learn about their agricultural matters one on one.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Chair needs to be educated on Open Meeting Law and a representative from the Attorney General's Office needs to review the law with the Board of Agriculture and with the MDAR Staff associated with the Board of Agriculture, including MDAR legal that have been intimidating members of the Board on the Open Meeting Law

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Harmon Suprenant Grabski

Date: May 9, 2018

For Use by Public Body: _____
Date Received by Public Body: _____
For Use by AGO: _____
Date Received by AGO: _____



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Laura Last Name: Sapienza-Grabski

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED] Ext. [REDACTED]

Email: [REDACTED]

Organization or Media Affiliation (if any): [REDACTED]

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

- Individual Organization Media

Public Body that is the subject of this complaint:

- City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Board of Agriculture

Specific person(s), if any, you allege committed the violation: Chair Laura Abrams

Date of alleged violation: May 9th, 2018

the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Chair Laura Abram sent out to members of the Board of Agriculture a letter on 1-24-18 to be inserted into the minutes of the 1-18-18 Board Meeting which I believe is a violation of Open Meeting because of her expressed opinions to the quorum and other matters that are included in my attached letter to the Chair Laura Abrams for the May 9th, 2018 Board Meeting.

The Chair Laura Abrams did not hand out her letter at the meeting of 1-18-18 but is acting as if she had and is attempting to add it to the minutes of that day during the May 9th Meeting as it is included in the email package sent out for the May 9th Meeting to the Board of Agriculture from the Board Secretary Alisha Bouchard on 5-4-18. Alisha's email is attached.

Chair Abrams also in her letter attacks me for my and other Board Members desires for greater accessibility and information for public participation at open meetings and for MDAR's legal staff that have been intimidating members of the Board with communicating to any Board Member, even if it is to learn about their agricultural matters one on one.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Chair needs to be educated on Open Meeting Law and a representative from the Attorney General's Office needs to review the law with the Board of Agriculture and with the MDAR Staff associated with the Board of Agriculture, including MDAR legal that have been intimidating members of the Board on the Open Meeting Law

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Harmon Saperstein Grabski

Date: May 9, 2018

For Use by Public Body
Date Received by Public Body

For Use by AGO
Date Received by AGO

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

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Signed: _____

Date: _____

For Use by Public Body Date Received by Public Body For Use by AGO Date Received by AGO

To: Massachusetts Board of Agriculture
From: Board Member Laura Saplenza-Grabski
Subject: Concerns with the Purpose and Function of the Farm Advisory Committee
Date: November 8, 2017

Board Members,

The MDAR Commissioner created an Ad hoc Farmland Advisory Committee and recently testimony was submitted by Winton Pitcoff from the Massachusetts Food System Collaborative that gave the impression that the members of the Farmland Advisory Committee were in support of delaying legislation on the APR program. That letter is attached.

In addition, a subcommittee has been formed by the Farmland Advisory Committee that is reviewing the APR process and pending legislation. The notice of this meeting scheduled for November 9th is attached.

Last year I presented the Board of Agriculture a list of concerns that I have had with the APR program and in recent months MDAR has executed the Right-of- First- Refusal on a fourth generation farming family, putting that family in great distress and causing the pending buyer selected by the farmer to become homeless. Both families endured great emotional hardship and financial distress over this process with the seller still in limbo over MDAR's decision.

I attended the last ALPC meeting which followed the transgression of executing the RFR and there was no mention of this action, nor were ALL members of the ALPC or the Board of Agriculture notified that a problem existed.

The Ad hoc committee is attempting to supersede the power and the authority of the Board of Agriculture and I am concerned with this action. The Board of Agriculture was created by legislative action and has very strict policies to act as a public board, viewable to the public for comments and for participation in discussion.

Furthermore, so that the board fully understands the impact of executing an RFR and the problems with the APR program, the board should invite the seller Brian Perry and his buyer Mike Collins of the July Westport APR RFR action to the next meeting. Members of the ALPC should also be invited to attend.

Sincerely,

Laura Saplenza-Grabski

Board of Agriculture Member

November 9th, 2017, APR Subcommittee of the Commissioner's Farmland Advisory Panel

10:00 am – 12:30 pm

Mass Building at the Big E - 1305 Memorial Ave, West Springfield, MA 01089

AGENDA

1. The charge of this subgroup of the Commissioner's Farmland Advisory Panel:

The FAP APR subgroup was charged by the Commissioner with a complete review of the APR Program, with particular and immediate attention paid to: When and how the Department exercises or assigns its ROFR and OPAV; the intent of the Act itself; the allegiance to soils as a primary consideration; the change from a rolling admission to a deadline for new applications; the strong role of the federal partners; and the issuance of special permits and certificates of approvals and to provide recommendations for all of these topics, that to the extent practical, utilized the existing authority of the Department and the existing general law, and to do so by the end of October of 2018. Does the sub-committee accept this charge as written or would we like modifications (expand, shrink or otherwise modify)

2. Timeline for our process: There is very little time and much to accomplish. How much time can we devote, and what should the schedule be? (Ideally, come prepared to set a series of tentative meeting dates for the next year.)

3. Who will be involved in this process:

A. We would like a very small leadership team to help Jason and Nathan with some of the scheduling and planning work. Who will help with this (1-3 volunteers would be great.)

B. Who else would we like on the subgroup itself?

C. Who else do we need to hear from who isn't on the subgroup, and how should we gather their input?

D. For those participating in the subgroup, what background knowledge about APR does each person have? What information would you find helpful in order to make recommendations?

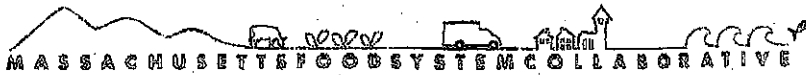
4. Work of the subgroup:

A. How public is our process, and how much should be "recorded" (I don't mean audio or video tape here, I just mean how detailed should our records be) — understanding the public records law

B. What can we all share as we go forward

C. What form will our work product take (how specific, how general, different reports along the way, or one major report at the end, specific documents on specific issues?)

D. Who gets the work product in the end or along the way?



Friday, October 20, 2017

Joint Committee on Environment, Natural Resources and Agriculture
Massachusetts State House
24 Beacon Street
Rooms 513 & 473F
Boston MA 02133

RE:

- S.2175: An Act reforming agricultural preservation restrictions
- H.458: An Act to promote and strengthen agricultural preservation

Dear Chairwoman Gobi, Chairman Pignatelli, and members of the Committee:

The Massachusetts Food System Collaborative is pleased to offer this written testimony in response to the above-referenced bills.

The Collaborative is a network of Massachusetts food system organizations, working to promote, monitor, and facilitate implementation of the Massachusetts Local Food Action Plan. The Plan was developed for and accepted by the Massachusetts Food Policy Council, a 17-member entity comprising state agency, legislative, and industry representatives, established by the Legislature and Governor to develop recommendations, including legislative and regulatory changes, to promote sustainability and equity in the Commonwealth's food system.

The Plan represents the views of thousands of residents and farms, as well as hundreds of organizations and businesses. It emphasizes the need for a comprehensive approach to food system policy, where issues of economic development, natural resources, equitable access to resources, and others are all taken into account when considering laws and regulations related to food.

The MA Food System Collaborative urges the Committee to defer decisions on these bills at this time.

Massachusetts has been a national leader in farmland protection since the creation of the first state farmland protection program in the country, in 1977. As agriculture has changed over the past 40 years, the Agricultural Preservation Restriction (APR) program has had to evolve with it, adapting rules and policies to shifting needs of farm businesses and families that rely on protected land for their livelihoods. As agriculture has evolved, the Department of Agricultural Resources and the Agricultural Lands Preservation Committee have faced increasingly complex decisions about the APR program that require them to balance natural resource protection, farm viability, and the needs and interests of farmers and landowners now and well into the future.

Not surprisingly, these decisions have sometimes been contentious. Additionally, as the Commonwealth has become highly reliant on federal matching funds through USDA's Agricultural Conservation Easement Program, the APR program has had to make numerous adjustments that have impacted the program's priorities and practices. These and other evolving program rules, policies, and procedures have not always been effectively communicated to stakeholders, causing confusion among program applicants, current owners of APR land, and land trust partners.

The issues raised in these bills are complex. Rather than address them in a piecemeal fashion, the Collaborative recommends that the Legislature hold off on action to allow a process envisioned in the Massachusetts Local Food Action Plan to run its course.

The Plan offers many recommendations related to the APR program, on issues ranging from housing on APRs, to integrating succession planning into the program, to the need for increased funding. One recommendation calls for "tasking MDAR and the ALPC with convening an annual forum to evaluate progress through the APR Program and to invite stakeholder input on APR program policies." Reviewing the program in this way will help ensure that any proposed changes are considered in the context of the program as a whole, rather than as reactions to isolated challenges, and will ensure that those changes best meet the overall goals of the program and needs of the farming community.

The MDAR-led Farmland Advisory Panel (FAP), established in response to the Plan's recommendation that the State convene such a group to develop a comprehensive Farmland Action Plan, has done just that, tasking a subcommittee with reviewing the APR program's regulations as they are written and practices as they exist in the day to day operation of the program. The panel is made up of key stakeholders from within state agencies and the legislature (including the co-chairs of the ENRA committee), individual farmers, and leaders from land and farming organizations that represent thousands of farmers and landowners (see list of participants below). It has been charged with conducting an engagement process with farmers and other stakeholders, and delivering recommendations to the Commissioner by October 2018.

We urge the committee to allow this process to take place so that any changes made to the APR program are considered and developed in the context of the program as a whole, and are representative of the needs of the broad community of stakeholders and beneficiaries of the program.

Thank you very much for the opportunity to provide this testimony.

Sincerely,



Winton Pitcoff
Director

Members of Farmland Advisory Panel

MDAR (chair)	Commissioner John Lebeaux
Senate Chair, ENRA	Senator Anne Gobi
House Chair, ENRA	Representative Smitty Pignatelli
House Minority	Representative Donald Berthiaume
Senate Minority	TBD
Board of Agriculture	TBD
UMass Extension	Jody Jellison
Massachusetts Farm Bureau	Mark Amato
American Farmland Trust	Jesse Robertson-DuBois
NOFA/Mass	Dan Bensenoff
Buy locals	Phil Korman
New Entry Sustainable Farming Network	Jennifer Hashley
Cape Cod Cranberry Growers Association	Steve Ward
Conservation Law Foundation	Jenny Rushlow
Land for Good	Cris Coffin
Trustees of Reservations	Jennifer Ryan
Regional land trust involved in agriculture	Richard Hubbard, Franklin County
MA Nursery and Landscape Association	Rena Sumner
Massachusetts Association of Dairy Farmers	Rena Sumner
At-Large Farmer	Warren Shaw (Dracont)
At-Large Farmer	Nathan L'Etoile (Northfield)
At-Large Farmer	Rob Russell (Westport)
At-Large Farmer	Andre Tougas (Northborough)