

**Department of Agricultural Resources  
AGRICULTURAL LANDS PRESERVATION COMMITTEE  
MINUTES OF MEETING**

***June 22, 2015  
DFW Headquarters  
1 Rabbit Hill Road  
Westborough, MA***

**MEMBERS PRESENT:**

- John Lebeaux  
*Department of Agricultural Resources*
- Robert O'Connor, Designee of Matthew A. Beaton  
*Executive Office of Energy & Environmental Affairs*
- Judy Leab  
*Board of Agriculture*
- George Beebe  
*Public Member*
- Stephen Verrill  
*Public Member*
- Fred Dabney  
*Public Member*
- Deb Johnson-Hawks  
*Natural Resources Conservation Service, Non-Voting Member*

**MEMBERS ABSENT:**

- Phillip DeMartino, Designee for Chrystal Kornegay  
*Department of Housing & Community Development*
- Patricia Vittum  
*Interim Director of Center for Agriculture, UMass, Amherst*
- Warren Shaw, Jr.  
*Public Member*

**ALSO PRESENT:**

Gerard Kennedy, Department of Agricultural Resources  
Rick Chandler, Department of Agricultural Resources  
Chris Chisholm, Department of Agricultural Resources  
Barbara Hopson, Department of Agricultural Resources  
Ron Hall, Department of Agricultural Resources  
Michele Padula, Department of Agricultural Resources  
Tara Zadeh, Department of Agricultural Resources  
Michelle Kopelson, Department of Agricultural Resources  
Dorothy Du, Department of Agricultural Resources  
Delia Delongchamp, Department of Agricultural Resources

**GUESTS:**

Kathy Orlando  
Donald Leab

## **ALPC – MINUTES OF MEETING –June 22, 2015**

### **Page 2 of 5**

Chairperson of the Agricultural Lands Preservation Committee ("ALPC"), John Lebeaux, Commissioner of the Massachusetts Department of Agricultural Resources (the "Department"), called the ALPC meeting to order at 10:17 A.M.

#### **I. APR UPDATE**

Commissioner John Lebeaux briefly discussed the Early Retirement Incentive Program (ERIP) and that 10 Department staff members had elected to take early retirement. This ERIP had impacted various divisions within the Department, such as the Division of Agricultural Conservation and Tech Assistance, Animal Health, Pest and Crop Services and Administration. Still being reviewed is what staff positions can be back filled, and there was a process for determining those critical positions. The impact on the Department is still unknown, but staff who took conventional retirement could likely be replaced.

Commissioner Lebeaux reported that a process for appointing an Assistant Commissioner was underway. Also, the Board of Food and Agriculture members had increased from 7 to 13 members.

Ron Hall distributed and reviewed the **APR Report Summary** dated June 22, 2015. To date in FY15 the APR Program has closed 11 projects, which protected 850.8 acres of farmland, and had an APR value of \$8.5 million, and cost the Department \$7.0 million (with \$290,610 in local contribution and \$635,390 in landowner bargain sale). The number of pending projects has changed with 23 pending Vote of Interest (Nominated) projects with 1,534.9 acres and there are 28 pending Final Voted projects with 1,398.08 acres at an APR value of \$13.8 million, which will have a Department cost of \$11.8 million (with a potential local contribution over \$1.23 million and landowner bargain sale of roughly \$774,026). There are eight (8) unresolved projects.

Additionally, Ron Hall reported MDAR's ALE Application for FY15 Cooperative Agreement has 8 (out of 12) eligible projects with an APR/ Deed value of \$6.7 million with an anticipated Federal cost share of \$2.2. He also reported the Department submitted comments for Agricultural Conservation Easement Program (ACEP) interim final rule.

#### **II. APPROVAL OF MINUTES**

##### **a. March 25, 2015**

It was moved, seconded and

**VOTED:** To approve of the minutes.

#### **III. VOTE OF INTEREST**

##### **a. Warren Wilcox (Windy Hill Farm)– Sheffield/ New Marlborough - Berkshire**

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation

Restriction.

**b. Dziengelewski – Southwick - Hampden**

Barbara Hopson presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**c. Kelly – Barre - Worcester**

Michele Padula presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**d. Arthur West (Hartsbrook Farm) North Parcel – Hadley - Hampshire**

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**e. Arthur West (Hartsbrook Farm) South Parcel – Hadley - Hampshire**

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**f. Caroline Pam/ Timothy Wilcox – Whately - Franklin**

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**g. Fairfields Dairy Farm LLC – Williamstown - Berkshire**

Rick Chandler presented information on this application to the ALPC. His recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**h. Koshivas – Holliston - Norfolk**

Chris Chisholm presented information on this application to the ALPC. Her recommendation was to nominate the property for appraisal to determine value. It was moved, seconded and

**VOTED:** To appraise the property and negotiate for the execution of an Agricultural Preservation Restriction.

**III. FINAL VOTES**

**a. Francis and Martin Malnati (Malnati Farm) – Richmond - Berkshire**

Barbara Hopson presented information on this request to the ALPC recommending it for a new final vote. It was moved, seconded and

**VOTED:**

To approve the project submitted by or on behalf of the Town of Richmond for the acquisition of an Agricultural Preservation Restriction by the Commonwealth on the land in said municipality situated on March Hare Road and Dublin Road, reportedly owned by Francis and Martin Malnati, for a sum not to exceed \$835,000, of which DAR will contribute \$751,500 with the balance to be a local contribution and/or bargain sale of \$83,500 for 70.22 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

**This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to an \$83,500 town contribution and/or bargain sale, and that the soils on the property meet FRPP/ ALE qualifications.**

**c. Baker Farm LLC - Swansea - Bristol**

Chris Chisholm presented information on this request to the ALPC recommending it for a revised final vote. There is a Farm Viability Enhance Program ("FVEP") covenant on the property and a pay-back will be required on the land to be converted into an APR. The Town of Swansea had approved \$225,000 and committed \$204,000 towards the Baker APR, while the remaining balance was kept for possible due diligence. It was moved, seconded and

**VOTED:**

To approve the project submitted by or on behalf of the Town of Swansea for the acquisition of an Agricultural Preservation Restriction by the Commonwealth on the land in said municipality situated on Locust Street, reportedly owned by Kenneth M. Baker, for a sum not to exceed \$1,020,000, of which DAR will contribute \$816,000 less the adjusted FVEP payback of \$44,000 equaling \$772,000 with the balance to be a \$204,000 local contribution and a bargain sale of \$44,000 for 93.3 +/- acres, and the Commissioner of Agricultural Resources shall be and hereby is authorized to acquire a restriction, cause payment to be made therefore and do any and all other acts necessary to complete said acquisition.

**This vote passed and is subject to the Department's standard conditions with respect to executing its current Agricultural Preservation Restriction contract un-amended. Further, this vote is also subject to a \$248,000 town contribution and/or bargain sale, and that the soils on the property meet FRPP/ ALE qualifications.**

## **VI. DISCUSSION**

### **a. Option to Purchase at Agricultural Value - Guidelines**

Committee members were presented the APR Program Guidelines for "Requesting For Waiver of an Option to Purchase at Agricultural Value" and "Assignment of Option to Purchase at Agricultural Value". There was a discussion on the development of these guidelines and General Counsel Tara Zedah the explained procedure developing these recent guidelines for the Department's use.

### **b. Public Comment**

The next meeting will be tentatively scheduled for the Massachusetts Day during the Big-E in September in West Springfield. Notice will be sent to the Committee members to confirm the date and time.

### **c. Presentation for Rick Chandler**

There was a brief presentation for Rick Chandler, who will be retiring on June 30, 2015. Members of the ALPC and Department staff provided some brief words on Rick's contribution towards his work with the Agricultural community and Department.

It was moved, seconded and

**VOTED:** To adjourn the meeting at 11:47 A.M.

Respectfully submitted,



Ronald A. Hall,  
APR Program Coordinator