

# CT DEPARTMENT OF AGRICULTURE

## FARMLAND PRESERVATION ADVISORY BOARD

### Minutes of Meeting

**March 8, 2010**

DoAg conference room, Hartford – 9:30 a.m.

**MEMBERS PRESENT:** Chairman George Hindinger, John Guskowski, Ben Freund, Terry Jones, Susan Rose, Jim Zeoli, Joseph Bonelli, and Paul Larson.

**ALSO PRESENT:** For the Department - Commissioner Phil Prelli, Director J. Dippel, Denise O'Meara, and Katherine Winslow; Others – Henry Talmage and Jiff Martin.

#### I. **Call to Order:**

Chairman George Hindinger called the meeting to order at 9:36 a.m.

#### II. **Review of December 12, 2009 minutes:**

The minutes of the December 12, 2009 meeting of the Farmland Preservation Advisory Board (FPAB) were distributed and approved (Guskowski/Bonelli – unanimous).

#### III. **Business:**

1. **Budget/Legislative update.** Commissioner Prelli gave notice of Governor Rell's press conference scheduled for 3:30pm today at the Bomba Farm in Seymour to announce expected State Bond Commission approval of \$5 million in lump sum funding for purchase of development rights to preserve farmland (PDR). He also indicated the Governor's deficit mitigation package calls for sweeping \$5 million from the Community Investment Act (CIA) but it is not clear what programs would be affected. He surmises if \$1.25 million is taken from each of the four state agencies that receives the CIA funds, then it would hurt the Farmland Preservation Program (Program) and dairy subsidies. The Department of Agriculture's (Department) budget was reduced by 60% last year. Ten percent of the CIA is currently used for the Department's administration and operations. [Jones enters the meeting] Maintenance of the lab and boats at the Department's Aquaculture facility has been delayed but cannot be put off indefinitely. The Commissioner discussed legislation that is pending review which would help the Program with stewardship of PDR farms. Landowners would be required to obtain the Department's approval before obtaining town permits for construction on PDR farms. Also a civil penalty system would be put in place if construction takes place without the required Department's permission. In addition, Working Lands Alliance (WLA) is supporting a large bill on agriculture and jobs to be reviewed on Friday. Hindinger indicated that he and Jones met with the Governor's Office to discuss support of protecting State-owned agricultural lands (Heritage Lands) through a proposed Executive Order (EO). The Governor's Office has asked if there are additional lands to include in Heritage Lands other than the six properties that have been identified. Likely there are lands of the Department of Transportation, University of Connecticut and Eastern Connecticut State University that would be suitable for agriculture. As it was determined that

identifying such lands would be difficult under a short time frame, some ongoing review of State-owned lands for agricultural use and preservation should be built in to the EO or legislation. Jones thanked the Commissioner for the Department's support of the WLA conference, entitled "Plowing Ahead: Farmland Preservation in 2010 and Beyond" on March 27, 2010 at Yale University. House Representative DeLauro will introduce the keynote speaker who is Kathleen Merrigan, U.S. Department of Agriculture Deputy Secretary of Agriculture. Commissioner Prelli plans to attend. [Commissioner leaves the meeting for hearings]

2. **FLP Program update summary and related matters.** Director Dippel provided copies of the 2009 Annual Report Summary for the Program as well as a Program summary of projects as of February 22, 2010. He explained that \$5 million in lump sum bonding is expected to be approved in March and \$10 million is expected per the Governor's budget for the next fiscal year. Approximately 24 farms are pending closure on the development rights, of which 12 should close by August. The Program continues to receive applications and could commit \$3 million of the new \$5 million to high quality farms already; demand for funding remains high as applicants are doing estate planning and believe that qualified farms have a real chance at receiving the funds. Freund is concerned about the time it takes to close on the development rights and used his farm as an example. Dippel indicates it takes about a year or more to close from the point of a signed contract, and listed the due diligence steps taken, such as State Properties Review Board review and approval, survey, title work, signing of deeds, and cutting of check. Some reasons for delay are boundary line agreements with neighbors who live out of the country, environmental reviews and deed language required for compliance with the Farm and Ranch Lands Protection Program with its frequent changes in program requirements, and closing attorneys assigned by the Attorney General's office. Some discussion followed about wind and solar power generation on PDR farms to which Dippel responded that the use may be considered incidental to the farm operation but not for commercial power generation.
3. **Proposals received for Lebanon Farm lease.** Director Dippel indicated that six bids were received by the February 1, 2010 deadline, three of which are for active dairy operations and three for cropland. The bids are for different scenarios which need to be analyzed. Dippel will discuss with the livestock/dairy inspectors. An attempt to accommodate multiple farmers, including vegetable growers, will be made, if possible. The lease(s) would be for five years, with the option to renew for another five years. Lease(s) will be effective for the 2011 growing season. A determination shall be made by June 2010. Conversation segues from leases to deed language where WLA is working on a legislative fix to avoid locating cell towers on PDR farms. The Program considers cell towers a commercial, non-agricultural use of property and prohibits them on PDR farms. WLA met with the Siting Council who considers legislation on this topic unnecessary. The Attorney General's office believes differently. Some discussion about cell towers and PA 490 followed.
4. **State Owned Agricultural Lands Committee Report (SA # 09-8).** Hinderger provided copies of the Review and Recommendations Report to the FPAB and thanked George Krivda for having distributed it to appropriate officials per

statutory requirements. Hinderer thanked several agencies/organizations for their assistance and participation: the Natural Resources Conservation Service, WLA, American Farmland Trust, Connecticut Farmland Trust and Southbury Land Trust. He says six of seven properties scored over 80 based on Program criteria. Krivda and the Commissioner will be meeting with Commissioners of relevant agencies. Jones will thank the Governor for her support of the concept of preserving these high scoring Heritage Lands. A motion discussed and passed to express appreciation and encouragement for the initiative, "The Farmland Preservation Advisory Board recognizes the Governor's leadership and accomplishments in farmland preservation and looks forward to fulfilling the Governor's vision of preserving the state's 'Heritage Lands' for agricultural use in perpetuity." (Terry Jones/George Hinderer – Unanimous). There was some discussion about whether to pursue this through legislative channels in addition to the EO.

5. **Any other business.** Hinderer indicated the Environment Committee would conduct a hearing Friday morning March 12<sup>th</sup> on, "An Act Concerning Farms, Food and Jobs" Raised Bill No. 5419 (copies were distributed) which includes \$1.5 million in funding for the Community Farms Preservation Program and an assortment of agricultural initiatives. All were invited to the Capitol to participate in Agriculture Day on March 18, 2010.

#### IV. **Subcommittee Reports:**

1. **Community Farms Program Criteria Report.** Subcommittee Chairman Guskowski discussed the next charge for the Criteria Subcommittee would be to look at the process of how a farm is preserved to identify where the process may be streamlined and accelerated, with permission of the FPAB. Hinderer indicated support for this endeavor.
2. **Stewardship and Policy Report.** No report. Freund expressed some concern about the civil fines for building without permission on a PDR farm. Zeoli suggested a reminder letter go to the municipal chief elected official(s) and zoning officer, at a minimum. Talmage suggested an affidavit process whereby the landowner sign and acknowledge that no conservation easement exists on the property prior to starting the town permit process. Town officials are not going to track down deeds. Martin indicates that many items such as this may be tackled by the Stewardship & Policy Subcommittee and suggested new members may be interested in serving to help reinvigorate the Subcommittee. The Dos & Don'ts brochure needs to be finalized and sent to PDR farm owners. Dippel indicated attempts would be made to reconvene the Subcommittee prior to the next FPAB meeting.

#### V. **Adjournment:**

The next meeting of the FPAB is scheduled for June 7, 2010 at 9:30 a.m. at the CT Farm Bureau in Windsor. The meeting was adjourned at 11:20 a.m. (Guskowski/Rose – unanimous).

Respectfully submitted: Katherine Winslow.  
Date 3/11/2010; revised 6/7/2010.