

**Easton Agricultural Commission
Regular Meeting Minutes
October 14, 2020 7:45 p.m.**

Held Virtually Via Zoom Video Conference Zoom Meeting ID: 895 4875 0846

In attendance Jean Stetz-Puchalski, Irv Silverman, Denise Hebner, Victor Alfandre, Matt Oricchio

Absent Lori Cochran Dougall, Sage Rega

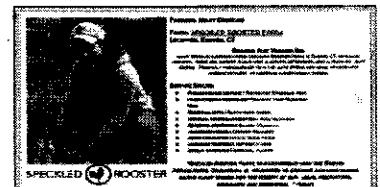
I: Call to Order – 7:48 p.m.

II: Approval of Minutes from Last Meeting – Matt Oricchio made a motion, and Irv Silverman 2nd. Motion passed.

III: Public Comment - Jeff of South Park Advisory Committee provided an update that progress with the town owned South Park property continues and will stay in touch.

IV: Updates & Reports

- Discussed Ag Com Covid-19 advisory activities helping Town, farms and farms and farm stands to adapt to changing conditions. Website updates, success stories, challenges, and how farms and farm stands have adapted to social distancing and mask requirements. Irv Silverman shared an increase in farm visitors during the week given 'home schooling'. Acknowledgement of National Farmers Day, Oct 13.
- Discussed Farmland Preservation Fund and preservation of an Easton Farm.
 - Jean Stetz-Puchalski reported on meetings with Town to add the Ag Commission as advisors to the Farmland Preservation Fund as the fund predates the existence of the Agricultural Commission. The Easton Conservation Commission was assigned as advisor to the Board of Finance concerning use of the fund. Process may require an ordinance change. Jean will continue work in this area.
 - Executive session to discuss the farmland preservation deal as agreement parameters called for confidentiality.
 - Out of Executive session to vote to recommend use of Farmland Preservation Fund to secure Development Rights for 37.29 Acres of Easton Farmland owned by the Barneys (Lakeview Orchard) Motion was made to unanimously recommend that the town of Easton take this opportunity to preserve this 37.29 acres of Easton Farmland and that the Farmland Preservation Fund be leveraged to meet the Town's contribution of \$26,804.25. Victor Alfandre 1st and seconded by Irv Silverman. Jean Stetz-Puchalski will submit a formal written request recommendation to the Conservation Commission to advise the Board of Finance as to the use the Farmland Preservation Fund to meet the Town's contribution of \$26,804.25. Discussed timeline for discussion and action needed to meet timeline for participation in this program: October 14 - Ag Commission supported the investment, October 15 - The Board of Selectman review the Farm Preservation Agreement, October 27 - Conservation Commission votes to support the investment and provides the Board of Finance a recommendation to allocate \$26,804.25 of the Farmland Preservation Fund, November 10 - the Board of Finance meets to vote on the recommendation, Late November – agreement signed and submitted for Mid- December Close and distribution of funds. See attached supporting documents.
- Conservation Agriculture and Ecotype Project:
<https://ctnofa.org/ecotypeproject/>. As part of the Farming on Town land project, farmer Matt Oricchio will complete requirements of the SSES farmland rent by sharing a presentation prepared for the SSES student body on cultivating native plants, and information on the



pollinator pathway ecotype founders plot to support pollinator and crop health. Irv Silverman offered support to turn the land for fall planting.

V: Correspondence: Town Planner Justin Giorlando provided information from the American Farmland Trust on the Brighter Future Microgrant Program. The program is a \$5,000 grant to help growers access land, improve land security, facilitate farm transfers and increase resilience to climate change. Applications are open now and will be reviewed as they are received on a rolling basis.
www.farmland.org/brighter-future-espano/

VI: New Business - none

VII: Adjournment: Motion made to adjourn by Denise Hebner. 2nd by Victor Alfandre. meeting at 9:00 p.m.

Attachments include:

Attach A - Easton AgCom Recommends Farmland Preservation.pdf

Attach B - Joint Partnership of Farmland Preservation Cooperative Letter 2017.pdf

Minutes submitted by Denise Hebner *Denise Hebner*

Request from Easton Agricultural Commission to recommend use of Farmland Preservation Fund to secure Development Rights for 37.29 Acres of Easton Farmland

Executive summary:

The State of Connecticut, through the Department of Agriculture, and The Connecticut Farmland Trust, has entered into an agreement to purchase the development rights to 37+ acres of farmland in Easton.

A permanent restriction on non-agricultural uses will be placed on the deed to this property. The land remains in private ownership and the landowner continues to pay local property taxes and retains all other rights and responsibilities associated with being a property owner.

Easton's participation will not involve any liability or require additional oversight. The role of administration and enforcement of the agricultural conservation easement will be the responsibility of the State of Connecticut and the Connecticut Farmland Trust.

The majority of the cost, \$544,434, is being supplied by the Federal government, the State of Connecticut, and the Connecticut Farmland trust. The Town of Easton is expected to contribute \$26,804.25.

Easton has access to a fund established by Will Tressler from private donations in 1985 specifically for farmland preservation. We recommend that the Town utilize this fund for the Town's contribution. Thus, there would be no cost to taxpayers.

The deal, once put together by the State and accepted by the farmer, was presented to the Easton Agricultural Commission for consideration. Members of the Ag Commission and the Town of Easton became involved in the deal under conditions of strict confidence and thus were prevented from discussing it with other entities until recently. We do not have the option to change anything in the agreement, only whether we participate in the project as a funding partner.

The Agricultural Commission unanimously recommends that the town of Easton take this opportunity to preserve this 37+ acres of Easton Farmland and that the Farmland Preservation Fund be leveraged to meet the Town's contribution.

The Agricultural Commission did not exist when the Farmland Preservation Fund was created. The Easton Conservation Commission was assigned as advisor to the Board of Finance concerning use of the fund so it falls to the Conservation Commission to make the formal recommendation to Board of Finance as to the use of the funds.

The deal is set to close mid-December. Easton must have a check made out to the farm owner by the end of November. The Board of Finance meets on November 10th. The Ag Commission requests that the Conservation Commission review the request and formulate a recommendation to the Board of Finance so that they may discuss and take possible action at their November 10th meeting.

Farmland Preservation Project Overview:

The State of Connecticut Department of Agriculture preserves farmland by acquiring development rights to agricultural properties. This is done through its Farmland Preservation Program.

A permanent restriction on non-agricultural uses is placed on the deed to these properties. The farms remain in private ownership and the landowner continues to pay local property taxes and retains all other rights and responsibilities associated with being a property owner. The program is voluntary and gives farmers a realistic alternative to selling their land for residential development.

When a farmer, who must be the landowner, sells his or her development rights, a legal document known as an agricultural conservation easement is created to restrict in perpetuity the use of land to farming or forestry. The easement permanently limits residential, commercial, or industrial development of a property in order to protect its agricultural value. The easement is attached to the landowner's deed and stays on the deed even if the land is sold or passed on through inheritance, thereby assuring that development will not occur on that property. The easements are permanent and part of the land deed which is recorded in the local land records.

Applications are evaluated according to state regulation criteria which recognize the benefits of clustering farms with a high percentage of prime farmland soils in active farm communities like Easton.

As of July 2019, the program has preserved more than 44,500 acres on 370 farms. The long-term goal is to preserve 130,000 acres.

In 2017 the Ag Commission negotiated the signing of the partnership between the Town of Easton and the Department of Agriculture with the signing of an agreement (attachment 1 - Partnership Agreement) with the state to participate in the Community Farms Preservation Program (C.G.S. Section 22-26nn). It is because of our participation in the program that we have been invited to be a part of this current deal to permanently protect 37.29 acres of farmland owned by the Barney's (aka Lakeview Orchard) by placing a permanent restriction on the property that limits its use to agriculture and forestry only. The Barney's applied for the permanent protection of their farmland through the State Farmland Preservation Program and the state approved the application. The Connecticut Farmland Trust, Inc. and the State of Connecticut, Department of Agriculture, are joint parties to an executed joint offer agreement to purchase the development rights for 37.29 acres through the Community Farms Preservation Program (C.G.S. Section 22-26nn).

The final purchase price was determined by the final restricted farmland acreage of 37.29 acres as shown on an A-2 survey entitled *"Monumented Property Survey Plan Prepared for State of Connecticut Department of Agriculture Farmland Preservation Program and Connecticut Farmland Trust, 206 Everett Road, Easton, Connecticut, Map of Property of Joan Barney & David Barney, Total Acres Owned: 37.59+/-, Total Restricted Farmland Acres: 37.29+/-, Date: 1/22/2019, Scale: 1" = 80', Project #2018178."* (attachment #2 A2 survey + attachment # 3 aerial view showing the exclusion of the cell tower)

Here is a look at the deal:

The Connecticut Farmland Trust, Inc. and the State of Connecticut, Department of Agriculture are joint parties to an executed JOINT OFFER AGREEMENT TO PURCHASE THE DEVELOPMENT RIGHTS TO FARMLAND for Barney for \$14,600 per acre, totaling \$544,434 total for 37.29 restricted acres based on an A-2 survey, through the Community Farms Preservation Program (C.G.S. Section 22-26nn),

- The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) will contribute funding of up to \$330,000 for this parcel on a fiscal year 2018 joint Agricultural Lands Easement (ALE) Cooperative Agreement with the State, CFT, and USDA-NRCS.
- The State shall pay \$4,312/acre for \$160,825.50
- CFT and the Town of Easton shall contribute \$1,438/acre for \$53,608.50 of the remaining purchase price. CFT and the Town each pay \$719/acre or approximately \$26,804.25.

The Easton Ag Commission uses the State's application ranking system to prioritize farmland preservation goals in Easton. The following criteria is used:

- quality of farmland (based on soil quality)
- size of farm and proximity to other active agricultural land
- local support for farmland preservation
- development pressure
- other features (such as important natural areas or archaeological sites)
- financial considerations - whether the landowner is willing to agree to the determined offer amount of the purchase of the development rights
- proximity to other protected land

It is not often that a Fairfield County farmer agrees to the settlement at the price being offered by the State for the purchase of the development rights given the inflated property values in Fairfield County as compared to the rest of the state.

Easton's participation will not involve any liability or require additional oversight. The role of administration and enforcement of the agricultural conservation easement will be the responsibility of the State and the Connecticut Farmland Trust. The easement will become a permanent part of the land deed which will be recorded in our Easton land records.

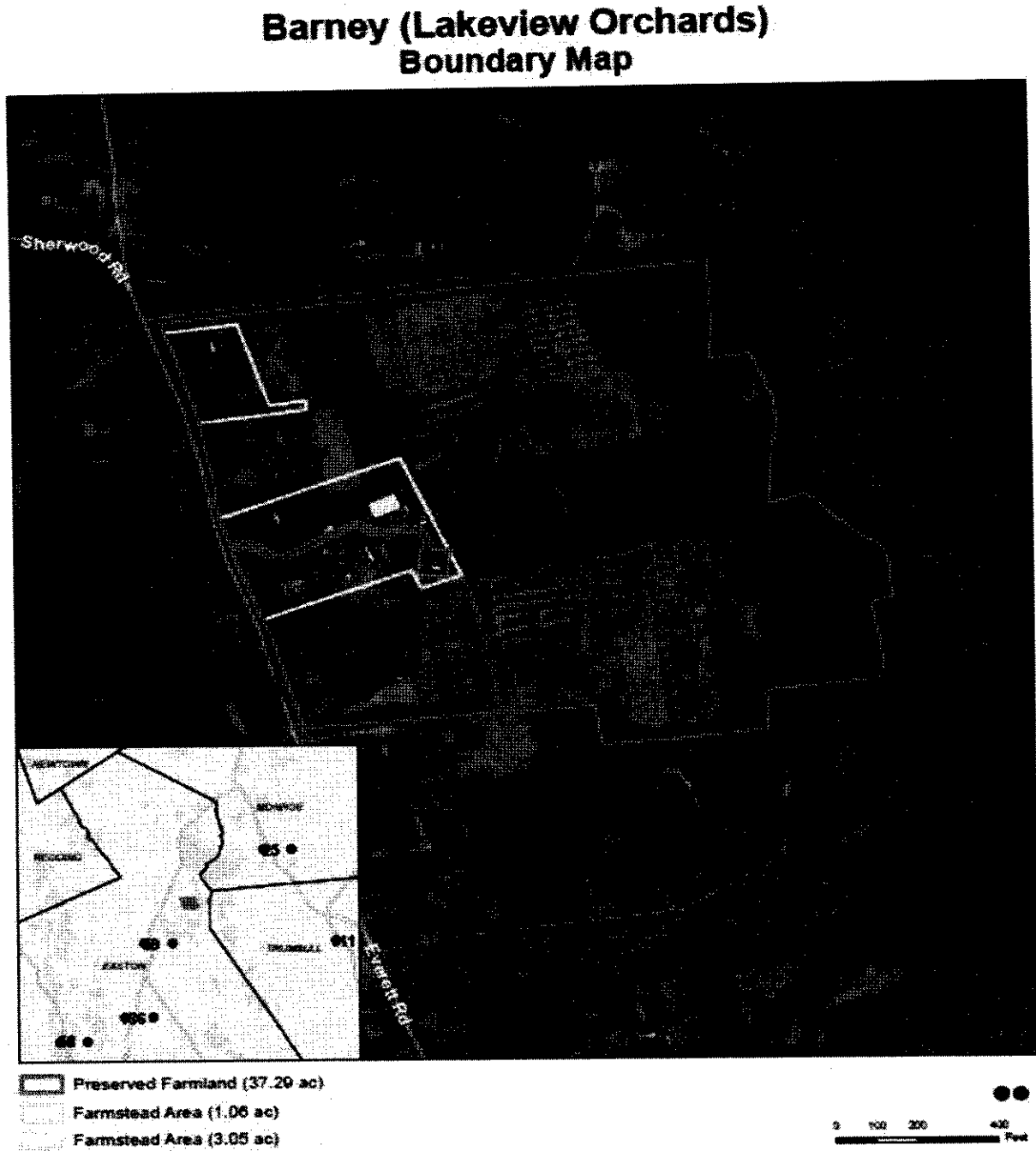
We have the proposed agreement to enter into a Funding Partnership Agreement. The Town's contribution would be \$26,804.25 (attachment #4 – Joint Agreement)

Thus we are presented with the opportunity to use the Farmland Preservation fund, a fund established in 1985 through private donations for the sole purpose of preserving Easton farmlands. The founder of the fund, the late Will Tressler, was a longtime proponent of maintaining and developing Easton agriculture. His vision was to see the funds used for exactly this purpose: to fund farmland preservation and gain visibility and support for strengthening Easton as a sustainable agricultural community. The Easton Agricultural Commission is strongly in favor of this project insofar as it could serve as a textbook example of the purpose for which the fund was created. We unanimously recommend that \$26,804.25 be released from the fund for Easton to participate in this agreement.

We ask that the Conservation Commission come to an immediate decision about the request for funding on behalf of the Agricultural Commission's recommendation and forward their own recommendation to the Board of Finance prior to their meeting on November 10th. We apologize for the short notice. Per state agency guidelines, the Agricultural Commission has only recently been able to share the agreement terms, and then only with the understanding that we would maintain confidentiality. We are only now able to present this information.

Respectfully Submitted by Jean Stetz-Puchalski, Chair, Easton Agricultural Commission

Fig 1-3: Aerial view showing protected boundary lines and exclusion of cell tower; A2 survey. Also attached to the email.



Data sources: Protected Property boundary lines estimated from survey; USGS Ortho Imagery from CT ECO (Spring 2019)
Created by: Kathleen Doherty, CFT (October 6, 2020)
Note: The Protected Property boundary line depicted is for general reference – the measurements are not to scale. The Property Description in the conservation easement should be used to locate the precise easement boundary.

Figure 1 Aerial view showing protected boundary lines and exclusion of cell tower

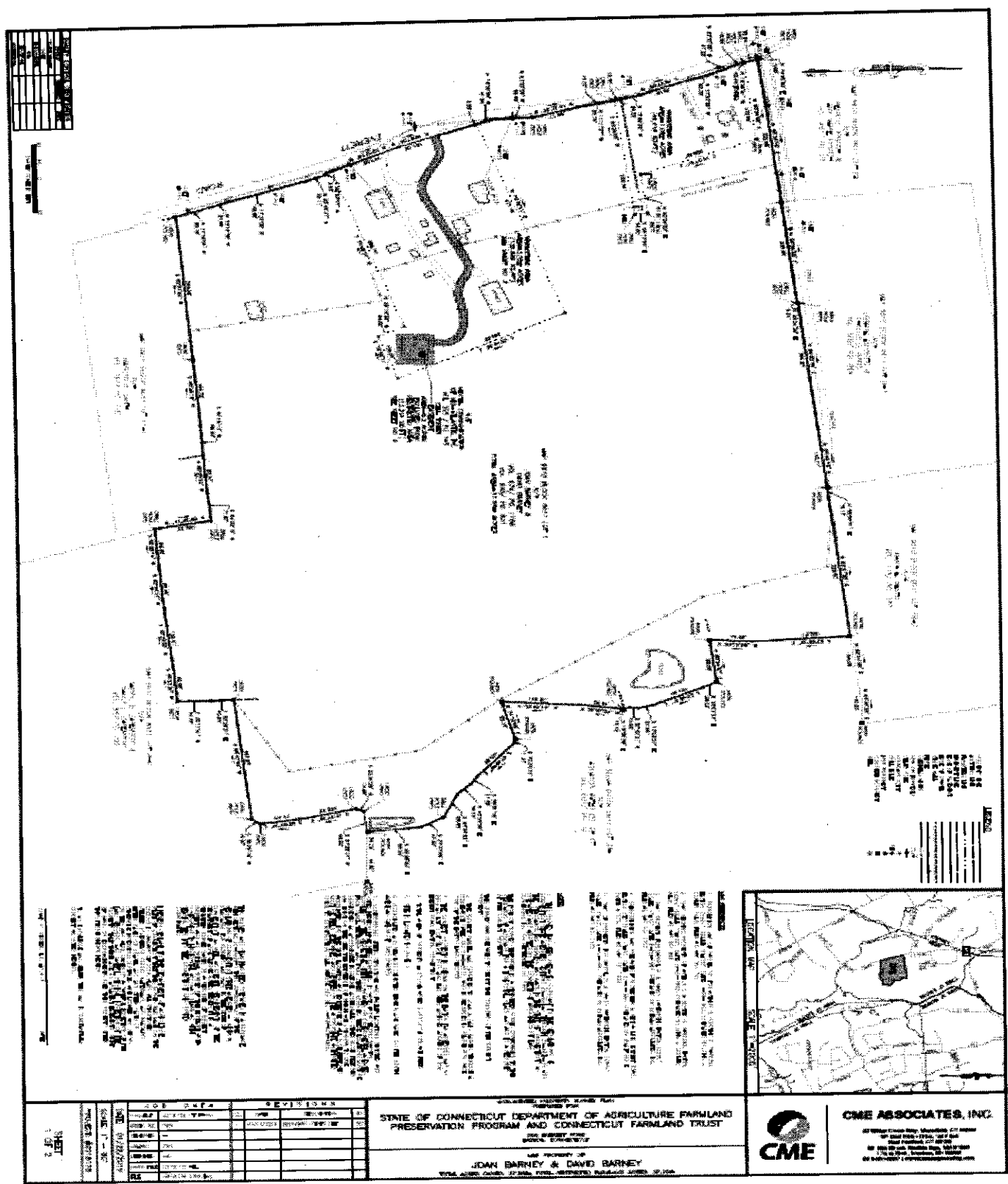


Figure 2: A2 survey sheet 1

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**COOPERATIVE LETTER OF AGREEMENT FOR THE JOINT PARTNERSHIP OF THE
 FARMLAND PRESERVATION PROGRAM
 AND
 THE COMMUNITY FARMS PRESERVATION PROGRAM
 BETWEEN THE STATE OF CONNECTICUT, DEPARTMENT OF AGRICULTURE AND
 THE
 TOWN OF EASTON**

This Cooperative Agreement, is entered into by and between the State of Connecticut, Department of Agriculture, acting by and through Steven K. Reviczky, its Commissioner of Agriculture pursuant to Connecticut General Statutes (CGS) Section 4-8, and the Town of EASTON, also referred to herein as the 'municipality', for the joint partnership of the Community Farms Preservation Program and acquisition and ownership of development rights to agricultural land, pursuant to Connecticut General Statutes Chapter 422a Agricultural Lands. For purposes of this Cooperative Agreement, the term 'Parties' refers collectively to the State of Connecticut, Department of Agriculture and the Town of EASTON.

I. AUTHORITY.

This Cooperative Agreement is entered into by the State of Connecticut, Department of Agriculture under the authority of the Connecticut General Statutes, Chapter 422a, AGRICULTURAL LANDS, Section 22-26cc(e) and Section 22-26nn.

II. BACKGROUND AND PURPOSE.

Conn. Gen. Stat. section 22-26cc and section 22-26nn authorize the Commissioner of Agriculture to purchase development rights easements in agricultural lands to maintain and preserve agricultural land for farming and food production purposes.

WHEREAS, the State of Connecticut, Department of Agriculture and the Town of EASTON have mutual interests in preventing the conversion of agricultural lands to non-agricultural uses, and

WHEREAS, the Town of EASTON has a policy in support of farmland preservation in a form either as:

1. A policy statement in the plan of development which supports farming or farmland preservation, or
2. An open space plan which designates farmland for preservation purposes, or
3. A municipal farmland preservation plan, and

[IF APPLICABLE, INCLUDE THE FOLLOWING OR MODIFY PER INDIVIDUAL TOWN:

WHEREAS, the Town of EASTON has established by vote the "EASTON Agricultural Commission" to:

1. Provide information to local farmers and municipal boards and commissions about the benefits of balancing agriculture and other land uses;
2. Educate municipal officials about agricultural laws and safety issues;
3. Identify grant sources for farmers and municipalities;
4. Enable a common understanding of agriculture among all municipal departments;
5. Provide information and guidance about agriculture-related zoning issues;
6. Support local, regional, and state vocational agricultural programs;
7. Provide conflict resolution and advisory services;
8. Identify innovative opportunities for agriculture; and
9. Create a climate that supports agriculture's economic viability in the municipality, and

WHEREAS, the municipality has an agricultural preservation fund or demonstrated mechanism for approving funds for agricultural preservation, and

WHEREAS, the State of Connecticut, Department of Agriculture, pursuant to Connecticut General Statutes Section 22-26cc et seq., administers a farmland preservation program, and has established regulations pursuant to Conn. Gen. Stat. Sect. 22-26gg for Agricultural Lands Preservation deemed necessary to carry out the purposes of CGS Chapter 422a, therefore the State of Connecticut, Department of Agriculture and the Town of EASTON, which municipality has an Agricultural Land Preservation Fund established pursuant to CGS Section 7-131q, have agreed to combine their resources to assure that such areas are protected from conversion to non-agricultural uses.

WHEREAS, the State of Connecticut, Department of Agriculture, pursuant to Connecticut General Statutes Section 22-26nn, administers a community farms program deemed necessary to carry out the purposes of CGS Chapter 422a, therefore the State of Connecticut, Department of Agriculture and the Town of EASTON, which municipality has an Agricultural Land Preservation Fund established pursuant to CGS Section 7-131q, have agreed to combine their resources to assure that such areas are protected from conversion to non-agricultural uses.

THEREFORE, the parties agree to enter into this COOPERATIVE LETTER OF AGREEMENT FOR THE JOINT PURCHASE OF DEVELOPMENT RIGHTS.

III. TOWN APPLICATION REQUIREMENT.

The Town of EASTON, will provide to the Commissioner of Agriculture the following:

1. An applicant who has voluntarily offered the sale of development rights which original application to sell development rights is signed and dated by the owner(s).
2. Copies of local assessor map of the property offered and local land record deed references, a survey of the property if available, soils maps of the property, a soil conservation plan prepared by the USDA, Natural Resources Conservation Service, and a description of agricultural operation including commodities produced and acreages planted.
3. A document identifying and recommending for preservation the applicant's agricultural lands in the municipal farmland preservation plan, or municipal plan of development or open space plan, copies of which shall also be presented by the municipality to the Commissioner of Agriculture.
4. The identity of the committee or agent designated by the municipality with the authority to negotiate for the purchase of development rights.

IV. STATE EVALUATION OF THE APPLICATION.

- A. The Commissioner of Agriculture shall evaluate projects pursuant to the state purchase of development rights program as set forth in CGS Section 22-26cc and/or pursuant to the state community farms program as set forth in CGS Section 22-26nn, and regulations set forth in Regulations of Connecticut State Agencies Section 22-26gg-1a, et.seq.
- B. Projects approved for acquisition by the Commissioner shall be appraised to determine development rights values.
- C. Projects rejected shall be ineligible for joint development rights purchase. The Commissioner shall notify the municipality of projects that have been rejected. Such notification shall include the reasons for rejection.

V. AGREEMENT FOR JOINT PURCHASE.

- A. The Commissioner and the municipality shall enter into an agreement with each other prior to the joint

purchase of development rights for a specific parcel of property, once the value of the development rights has been determined. Such agreements shall specify the following:

1. Maximum contribution for joint purchase of development rights to be made by the state;
2. Maximum contribution for joint purchase of development rights to be made by the municipality;
3. The commitment of the municipality to place its contribution to the joint purchase of development rights in an escrow account until such time as the development rights are conveyed to the state and municipality, or until such time it is determined that development rights cannot be conveyed from the applicant;
4. The contribution from the state is dependent upon approval of the State Properties Review Board and of the State Bond Commission;
5. The state may pay the reasonable closing and survey costs involved with the conveyance of development rights;
6. The representative of the municipality authorized to negotiate with the project applicant for the purchase of development rights;
7. The owner of the subject property and closing date and acquisition price;
8. A procedure for the adjustment of price based on A-2 survey acreage adjustment; and,
9. The agreement and all transactional documents shall be subject to the approval of the Attorney General.

B. Agreements are to be signed by the Commissioner and the municipality's chief elected officer, treasurer, and chairman of the municipal body or commission, if any, responsible for farmland preservation planning.

C. Said Agreement may be used as the contract for the applicant referenced in VI(C) below, and may be modified as needed at the Commissioner of Agriculture's discretion.

VI. NEGOTIATIONS WITH THE APPLICANT.

A. The Commissioner, or his designee, shall be the chief negotiator for the purchase of development rights for the project.

B. Only the municipality's designated negotiator shall be involved in negotiations with the seller in addition to the Commissioner, or his designee. Appraisals and negotiations shall be kept confidential and discussed only with signatories to the Agreement, and/or where applicable, only in executive session of the municipal body or commission. Discussions with outside third-party funders is allowed with prior permission of the Commissioner of Agriculture, or his designee.

C. Contracts for purchase of development rights shall be on a form provided by the Commissioner. Such contracts shall include:

1. The State's contribution;
2. The municipality's contribution;
3. Any requirements that must be met before conveyance of development rights may take place;
4. Commissioner's signature;
5. Municipality's negotiator's signature;
6. Closing date, identification of parties and acquisition price;
7. A provision that the contract is subject, and all transactional documents may be subject, to the approval by the Office of Policy and Management and the Attorney General; and
8. Purchase agreements may be revised and resubmitted if both the Commissioner and the town's negotiator agree.

VII. CONVEYANCE OF DEVELOPMENT RIGHTS.

A. At time of purchase, the applicant shall give, on a form provided by the State, a warranty deed

conveying marketable title in and to the development rights of the property, naming the state and the municipality jointly as grantees. Obtaining necessary land surveys, title certificate, and any title insurance shall be the responsibility of the Commissioner and the Town.

- B. Deeds shall be recorded in the land records of the municipality. Surveys shall be placed on file in said municipality's land records office.

VIII. ENFORCEMENT OF RESTRICTION.

- A. The Commissioner and the municipality shall cooperate in the monitoring of the development rights restrictions placed on a project. The restriction shall be enforceable solely by the Commissioner of Agriculture.
- B. On site inspections of the project for compliance of restrictions shall be performed by the Commissioner or his agent(s). A designated agent of the municipality may accompany the Commissioner or his agent(s) during such inspection.

IX. DETERMINATION OF ACREAGE AMOUNTS OF ARABLE LAND.

The Commissioner shall: (1) determine the acreage of arable lands and prime and important farmland soils present at the time of purchase of development rights by the State and the municipality; and (2) make necessary adjustments due to the construction, if permitted, of a residence and/or farm building(s) made after the sale of development rights to the State. Aerial photographs, property surveys, soil surveys, and on-site inspections may be used to determine acreage. The Commissioner shall notify the owner and the municipality of the acreage determination prior to purchase.

IT WITNESS WHEREOF, the following authorized representatives of the State of Connecticut, Department of Agriculture and the Town of EASTON have executed this Cooperative Agreement.

THE STATE OF CONNECTICUT, DEPARTMENT OF AGRICULTURE

Steven K. Reviczky 9/12/17
By: Steven K. Reviczky, Commissioner Date
For: State of Connecticut, Department of Agriculture

THE TOWN OF EASTON

Adam Dunsby AUG 18, 2017
By: [Print Name:] ADAM DUNSBY Date
First Selectman [or Mayor or Chief Elected Officer]

Wendy Bowditch AUG 18, 2017
By: [Print Name:] WENDY BOWDITCH Date
Treasurer

Jean Stetz-Puchalski AUG 18, 2017
By: [Print Name:] JEAN STETZ-PUCHALSKI Date
Chairman of Agricultural Commission [or municipal body engaged in farmland preservation]