



Land for Maine's Future Program

Minutes of the Meeting

September 24, 2019

32 Blossom Lane, Marquardt Building, Room 118

Augusta, Maine

Board Members Present:

Commissioner Patrick Keliher (Chairman), Commissioner Amanda Beal, Robert Meyers, Don Kleiner, Lisa Turner, Jim Norris, and Roger Berle

Staff Members Present:

Sarah Demers, Tom Miragliuolo, and Tammara Roberts

Others:

Robert Marvinney, DACF
 Bethany Atkins, MDIFW
 David Rodrigues, DACF
 Liz Petruska, DACF BPL
 Jeff Romano, MCHT
 Jerry Bley, Creative Conservation, LLC

Pat Watson, MCHT
 John Contreni, MLREDC
 Margarita Contreni, MLREDC
 Ed Meadows, AVOCET Group
 Karin Tilberg, Forest Society of Maine
 Emily Horton, DACF

1. Welcome and Introductions:

Chairman Keliher called the meeting to order at 1:00 p.m., welcomed everyone, and asked for introductions.

2. Minutes:

Chairman Keliher presented the minutes from the July meeting.

Motion: Bob Meyers moved to accept minutes. Seconded by Roger Berle.
 Motion passes unanimously.

3. Bond Balances Project Allocations & Status -LMF Director:

Status of Funds
 ATTACHMENT A
 As of August 31, 2019

Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		
C&R	\$0	\$1,653,079
Farmland	\$0	\$383,559
Working Waterfront	\$0	\$276,685
Funds Remaining	\$0	\$2,313,323
PL 2011, Ch. 696		
C&R, Farmland, WWF	\$0	\$3,175,000
Total Funds Remaining		\$5,488,323

Project Allocations

Active Projects	Allocations
C&R	8 \$1,777,350
Farmland	2 \$163,000
Water Access	2 \$181,555
Working Waterfront	6 \$1,136,250
TOTAL	18 \$3,258,155

Projects closed: Annabessacook Lake WA, Robinson Pond South
 Appraisals: 3 WWAPP (Stonington, Wotton's, & Carter's Wharf)

We have \$5,488,323 cash on hand. Please keep in mind, as we close projects we use the oldest money first. Of the \$5.4 million in cash that we have, \$3.2 million is allocated to active projects.

In the time since we last met we have closed out two projects: Annabessacook Lake Water Access project in Winthrop and the Robinson Pond South property in Cape Elizabeth.

We've received appraisals for several of the recently selected Working Waterfront Access Protection projects. As a reminder, the Board set up a process where the working waterfront appraisals will first be reviewed by a contracted review appraiser. The AOC will receive the appraisal and appraisal review report and conduct their review. The review report is to help you better understand the appraisal for your recommendation to the Board.

Jim: What is the turnaround time?

Sarah: We are in the process of getting 2 review appraisers under contracts. We will be bringing quotes and contracts to Division of Procurement Services for approval and hope to have contracts approved soon. One of the appraisers indicated he would be available as early as Mid-October.

4. Appraisal Oversight Committee Chair appointment – Chairman Keliher:

This is an appointment made by Chairman Keliher, he is in the process of connecting with a committee member to discuss selection, just as soon as he can he will be announcing who he has selected. Sarah will send out an e mail letting everyone know who has been appointed Char to this Committee.

5. Projects to be Acted on – LMF Staff:

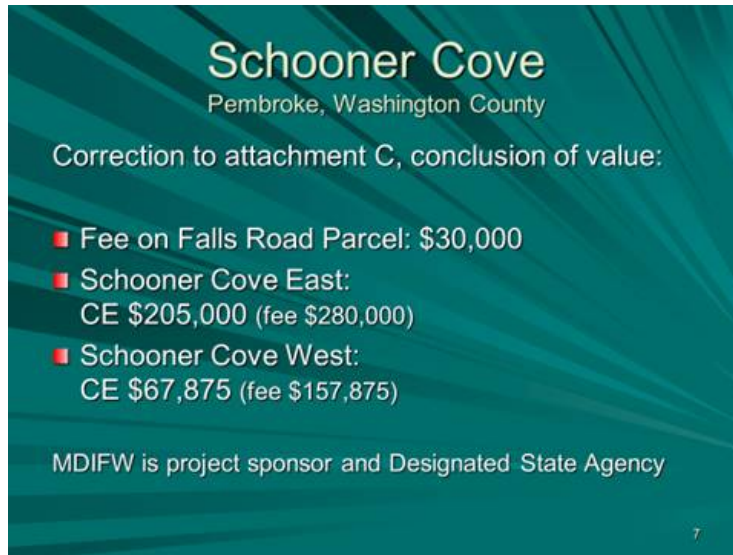
A. Schooner Cove, Pembroke, Washington County, 61±acres

Applicant: Maine Coastal Heritage Trust

Agency Sponsor: MDIFW

Subject properties are vacant land located on Cobscook Bay and accessed from public roads and adjacent conservation lands. The Downeast Coastal Conservancy is purchaser of the fee on the Falls Road Parcel and MCHT is the purchaser of a conservation easement(s) on the Schooner Cove East and West parcels. Property will be held under an LMF Project Agreement with Dept. of Inland Fisheries & Wildlife as the Designated State Agency.

- Adjacent to existing conservation lands
- Access for clammers, hikers, boaters, etc.
- Wildlife rich waters and shoreline of Cobscook Bay
- LMF preliminary allocation of \$158,000 of the total project cost of \$358,000
- LMF funds requested do not include transaction costs.
- All due diligence requirements and conditions of the LMF Board will be completed prior to closing and the expenditure of LMF acquisition funds.



AOC recommendation: In absence of a Chair – Tom reported. AOC met on two occasion – 2/14/19 and 8/16/19. The AOC were satisfied with the fee parcel and approved it. After multiple attempts by staff and the Committee for more and clarifying information from the applicant and appraiser, the AOC were not satisfied with the appraisals for the two conservation easement parcels. As a result, the AOC rejected the two easement appraisals.

Discussion occurred: End result was a recommendation for staff to send a letter to the applicant and appraiser explaining the issues the AOC had with the original appraisal.

Chairman Keliher: What we can do is accept the AOC recommendation of the Fee portion of this appraisal and send out a clarifying letter explaining to the applicant.

Jim: I don't agree with this, but will do what is needed to support it.

Chairman Keliher: We have a draft motion on the board, would anyone like to make a motion or accept the motion on the board?

Motion: Don Kleiner moved to accept the LMF Appraisal Oversight Committee's recommendation to accept the appraiser's value of the fee of the Falls Road parcel of \$30,000. Bob Meyers seconded the motion. The motion passed unanimously.

Announcement of Public Notice: The public notice for Schooner Cove project was advertised in the Kennebec Journal and Bangor Daily News on September 13, 2019. Staff hasn't received any comment other than the letter previously addressed.

Public Comment: Project manager, Patrick Watson, disagree with the AOC decision. I would like a letter with detailed information about the appraisal and what was missing in the appraisal.

Tom: The AOC specifically directed staff to not engage in a continued back and forth communication regarding these appraisals, given that they had been rejected.

Chairman Keliher: Maybe a letter with more clarity of what is missing would assist, and I think the intent of the AOC was to have a new appraisal. Chairman Keliher opened the discussion up to the public.

Jerry Bley: Several concerns. 1. Worries that the appraisal review process has become adversarial. 2. Land owners have taken on expenses to assure the project would move forward as well their time to preserve the lands. 3. I deal with appraisal everyday and it is getting harder and harder to find appraiser with the skills need for the types of appraisal Land for Maine's Future requires.

Ed Meadows discussed the complexity and uniqueness of LMF properties and challenges of the appraisal process. Ed volunteered his assistance.

The Director provided context for the Board’s consideration on the Appraisal Oversight Committee’s acceptance and rejection rates over the last 8 years.

	Appraisals Submitted	Accepted as presented	Accepted after follow up	Appraisals rejected	Projects withdrawn due to appraisal “problems”
July 2011 - February 2015	68	38	25	2	2*
April 2015 - August 2019	36	27	8	2	

*Biddeford Riverwalk project withdrawn. This property had limited access and contamination issues that resulted in the property having little monetary value of. Wormell Farm project was withdrawn after appraisal was rejected.

Chairman Keliher: With no further comments, that concludes public comment on Schooner Cove. We have a draft motion:

Motion: Jim Norris moved to confirm the total allocation of \$15,000 in Conservation & Recreation funding to support the fee simple purchase of the Falls Road parcel, subject to standard LMF conditions. Roger Berle seconded the motion. Motion passes unanimously.

Chairman Keliher: Any further question or comment?

Don Kleiner: Process question: The rest of this project (the fee portion) is still moving forward?

Chairman Keliher: Yes, we just separated the process, and I believe it will still move forward. Chairman Keliher re-reads the motion. With no opposition to the motion, it passes unanimously.

Jim Norris: I would like to volunteer my detailed note to assist staff, in any way.

Sarah: I want to understand expectations here. At this point the AOC has rejected two appraisals. So, we can meet and discuss with the applicant, however the AOC has made it clear a new appraisal is necessary.

Chairman: My intent is that based on the request from applicant a letter with details will be sent and it will explain we are requesting a new appraisal.

7. New Water Access Proposal – LMF Staff.

Moosehead Lake, Greenville, Piscataquis County, 0.48±acres w/258' of shorefront

Sponsor: DACF, Bureau of Parks and Lands

A proposal for the fee acquisition of an undeveloped parcel of land located in downtown Greenville with frontage on Moosehead Lake by Moosehead Lake Region Economic Development Corporation, a Maine non-profit. Primary use of the property will be for access to and from the water in an in-town setting. Hand-carry boats will be able to launch from the site, while motorized boats and sea planes will be able to dock at the location. The site is also expected to be a key access site for snowmobilers in the winter. Additionally, the site will provide connection to proposed walking trails.

- 0.48 ac. fee acquisition by Moosehead Lake Regional Economic Development Corporation;
- Multiple access sites on Moosehead Lake, however
- Very few opportunities to dock a boat in population center of downtown Greenville;
- Slips for boaters to visit downtown Greenville;
- Access to/from lake in convenient & highly visible location;
- Tie-ups for fishing tournaments;
- Hand carry launch;
- Connectivity to walking paths;
- \$105,000 LMF Request;
- \$288,000 appraised value

Jim Norris: Are there long-term slips?

Margarita: The slips are free for all to use. One proposal was to have one slip for rent to help with maintenance.

Chairman Keliher: Having gone into Greenville several times, and look for a place to tie up, this looks to be a great opportunity. There is a draft motion on the board, anyone will to make it?

Motion: Lisa Turner moved to accept the Moosehead Lake Water Access proposal as a finalist, with a preliminary allocation of \$105,000, subject to standard LMF conditions. Roger Berle Seconded the motion.

Sarah: Before we take a vote, here are some possible conditions for the Board to consider:

1. Pedestrian access allowed after acquisition and prior to park construction;
2. Guaranteed public access to all current or future docks, ramps, wharfs, etc.

3. All funds derived from any leased slips or other uses to be placed into stewardship account for the property.

Chairman Keliher: Any additional questions or comment on motion. Seeing none. Any objections to the motion? Seeing none. Motion passes without objection.

8. Board Notification & Approvals

A. 2 Year deadline notifications – LMF Director

Chairman Keliher: Maybe a letter needs to be sent out to receive updates.

Don Kleiner: Does this need a motion?

Chairman Keliher: No doesn't need a vote.

Sarah: No, just an FYI we will be discussing at our next meeting.

Board Notifications & Approvals

Board practice - 2 year check in
Projects selected as finalists 11/9/2017

No Appraisal Approved

- Easter Hill Beaches – Maine Coast Heritage Trust
- Madison Branch Multi-Use Trail – DACF, BPL
- Caterpillar Hill – Blue Hill Heritage Trust
- Schooner Cove (CE properties) – Maine Coast Heritage Trust

Appraisal Approved – Stalled

- Pettegrow Point – Town of Machiasport
- Mailbox Pool – Rangeley Lakes Heritage Trust (Board accepted 07/2018)**

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B. Agriculture Easements Committee Report – Commissioner Beal

LMF Ag. Easement Committee met August 22, 2019

Attendees:

- Commissioner Amanda Beal, DACF; LMF Board member, Committee Chairperson
- Lisa Turner, LMF Board member, Owner: Laughing Stock Farm, Freeport; President of ME. Small Fruits & Vegetable Growers Assoc.;
- Lauren Parker, Assistant Attorney General
- Sarah Demers, LMF Director
- R. Collin Therrien, LMF Sr. Planner, project manager
- Stephanie Gilbert, DACF Bureau of Agriculture, Farmland Protection specialist;
- Ryan Dubois, USDA, Natural Resource Conservation Service
- Julieann Smith ME Farm Bureau
- LouAnna Perkins, General Counsel Maine Farmland Trust
- Jim Connolly, Director of Resource Management-ME DIFW
- Angela Twitchell, Executive Director, Brunswick-Topsham Land Trust

- Hope Hilton, Esq., project attorney for ME IFW and Land for Maine's Future

Commissioner Beal: Our goal is to come back and report some recommendations for the template in January. We hope to achieve this by having three in person meetings. The purpose of this meeting was to get everyone on the same page about what the easement needs do and what should be included in it.

C. Maine Outdoor Heritage Fund Proposal – LMF Director

Proposal Title: Working with Conservation Groups to Acquire Maine's Iconic Places

Submitted by: Maine Natural Areas Program, Dept. of Agriculture, Conservation and Forestry

- Project partners: LMF, Maine Land Trust Network
- Submitted: September 1, 2019
- Amount Requested: \$16,887

Project objectives relevant to LMF

Conduct an assessment of currently conserved lands and their status towards fulfilling the LAPAC priorities (Maine State Planning Office 1997)

Summary report to be provided to the LMF Board

Consistent with Title 5 6206 MRS

Board Responsibilities - Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Fund and the Public Access to Maine Waters Fund.

9. Staff Updates – LMF Director

Collin has retired. Special thanks to Collin for all her work and service to the people of Maine.

Tom Miragliuolo has taken a position with Maine Planning Assistance Program and will leave LMF at the end of September.

Next AOC Meeting: October 10, 2019

Next Board Meeting: November 19, 2019

Motion: Don Kleiner made the motion to adjourn and Bob Meyers seconded the motion.

Adjourn: 2:10 p.m.