

AGRICULTURAL LAND PRESERVATION COMMISSION

MINUTES OF THE APRIL 14, 2005 MEETING

COMMISSION MEMBERS PRESENT: Mike Sullivan, Dave Wallace, Everett Stuart, Kevin Nelson, Jim Opaluch, Bob Sutton, Jason Pezzullo, Judy Bailey

COMMISSION MEMBERS ABSENT:

STAFF PRESENT: Mary Kay, DEM/Legal
Lis Peterman, DEM/Agriculture
Ken Ayars, DEM/Agriculture

GUESTS: Richard Schartner Sr. and sons, Schartner Farm
Dorothy Devagn and Richard Bianculli, Office of Bill Harsch, Esq.

The meeting began at 5:10 pm at USDA, 60 Quaker Lane, Warwick.

Kevin Nelson made a motion, seconded by Jim Opaluch, to approve the minutes of the March 10, 2005 meeting. The motion passed unanimously.

The Commission discussed the Schartner/Bald Hill Nursery project. Richard Schartner has signed a purchase and sale agreement with the Mancini Family, owners of Bald Hill Nursery, Exeter/No. Kingstown. The Mancini's were previous applicants to the Commission for development rights, though did not accept the Commission's offer and negotiations ended in 2004. Funding partners to the Commission's original offer to Mancini included USDA, Town of North Kingstown and The Nature Conservancy. Bald Hill Nursery is in foreclosure and was scheduled for public auction, which is forestalled per the purchase and sale agreement with Schartner. Schartner has approximately 90 days from the date of signing to fulfill the terms of the purchase and sale agreement, and seeks to sell developments to the Commission as a part of the overall project. Richard Schartner discussed his vision and plans for Bald Hill Nursery should the sale go through, which include a number of farm related improvements. Bob Sutton made a motion, seconded by Jason Pezzullo, to authorize an appraisal for the project pending receipt of a new application by Schartner and letter from Mancini authorizing Schartner's application to the Commission. The motion passed unanimously. Bob Sutton made a motion, seconded by Judy Bailey, to formally convey to all potential parties the Commission's interest in acquiring the development rights to Bald Hill Nursery. The motion passed unanimously.

The Commission discussed the Jevne (Deerpath Farm), No. Smithfield application for development rights. The acreage in the soils report does not correspond with the application, therefore Judy Bailey made a motion, seconded by Bob Sutton to table the Jevne application until the next meeting. The motion passed unanimously.

Commission membership was discussed, and Ken Ayars conveyed his understanding that George Mason, Little Compton Agricultural Conservancy Trust will be appointed by the Governor to fill a vacant membership on the Commission. Judy Bailey informed the Commission she is to be re-appointed by the Governor to the Commission.

Mike Sullivan informed the Commission that this will be his last meeting as Chair, as he is nominated by the Governor to be the Director of DEM, and ethics opinions to previous Directors of DEM prohibit Chairmanship of the Commission at the same time.

The Commission discussed farms in negotiation:

Green, N. Smithfield – Purchase and sale agreement signed, proceeding with survey, title etc.

Lebreaux, Tiverton – Undergoing appraisal by the Nature Conservancy.

Richmond, L. Compton – No recent discussions with family. Commission has agreed to continue negotiations under the proposed conservation plan, with plan details to be refined in concert with DEM and The Nature Conservancy.

Manfredi, Westerly – The Weekapaug Foundation for Conservation will take the lead on discussions with family. Commission to allocate \$250,000.

Escobar, Portsmouth - Commission has approved allocation of \$500,000, and USDA approximately \$900,000. The Aquidneck Island Land Trust is in the process of raising additional funds.

Salisbury, Scituate – Appraisal being updated to include an additional 21 acres of woodland, per request of Salisbury.

Knight, Scituate - The Knights have approved an offer of the appraised value of 2.2 million for development rights to the farm (approximately 85 acres). The Commission previously authorized a commitment of \$500,000 and has received a grant from USDA for \$350,000. Proceeding toward purchase and sale agreement and survey.

Pancieria, Hopkinton – Purchase and sale agreement signed, survey complete, deed approved by USDA. Proceeding toward closing.

Tuckahoe Turf, Richmond – Discussions continue toward resolving issues related to proposed public water supply wells on the property, and agreement is reached that the Water Resources Board will own in fee the acreage immediately around the proposed wells.

J. Peckham, Tiverton – Offer letter recently sent to Pete Peckham.

Wallace, So, Kingstown – Continuing discussions between Wallace and Cottrell regarding boundary issue appear to be heading toward resolution, and property has been re-appraised to new fee value of \$880, 000 for development rights. The South Kingstown Land Trust requests additional funds toward acquisition of development rights. Bob Sutton made a motion, seconded by Judy Bailey, that the South Kingstown Land Trust negotiate the final price with Wallace and then re-make the request to the Commission for additional funds.

The motion passed unanimously (Dave Wallace recused himself from discussion and voting, and left the room).

Smith, Gloucester – appraisal to be amended to include additional 4 acres.

Ceppi, Neale and Dutra Farms, Jamestown – Appraisals complete and submitted to the Conanicut Island Land Trust. A meeting will be held on May 10th at DEM with potential funding partners to discuss the projects.

L. Peckham, Tiverton – Undergoing Appraisal

Hibbad, Tiverton – Undergoing Appraisal.

Pandolfi, No. Smithfield – Appraisal recently received, undergoing review by DEM.

Jaswell, No. Smithfield – Undergoing appraisal.

Smith, Tiverton – Eric and Catherine Watne seek to purchase the Smith farm contingent and in collaboration with the offer by the Tiverton Land Trust and Commission to purchase the development rights to the farm for \$100,000 (Tiverton Land Trust and Commission each contributing \$50,000). Discussions ongoing between Smith, Watnes and Tiverton Land Trust.

The Federal Farmland Protection Program application has been submitted to USDA/NRCS. Grace Smith of DEM/Legal was in large part responsible for drafting the application and is leaving DEM for DOT. Kevin Nelson made a motion, seconded by Jim Opaluch to thank Grace for her exemplary service to the Commission. The motion passed unanimously.

The meeting adjourned at 7:00 pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief
Division of Agriculture, RIDEM