

Minutes, Gardiner Open Space Commission Meeting

Feb 13, 2023 at 6-7:30 PM

Hybrid Meeting/ Town Hall and on Zoom

Attendance:

Present in Town Hall: Jean-Ann McGrane, Kay Hoiby, Linda Geary, Laura Rose, Laura Wong-Pan, Tara Hoey

Zoom: Kellie George

Next Meeting: Scheduled for March 6, 2023, 6-7:30 PM

Quotes: (Laura Rose)

It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change. - Charles Darwin

“Without deviation from the norm, progress is not possible.” - Frank Zappa

The only way to make sense out of change is to plunge into it, move with it, and join the dance. - Alan Watts

“We are making a step. It's just a baby step but it's a step.” - Harper Lee

Approval of January Minutes: Motion made by Kay to approve, seconded by Laura R, unanimous approval, no objections.

Merging the CPF and Open Space local laws (Linda Geary, Jean McGrane)

At the February 7, 2023 Town Board meeting, Jean presented our analysis of this issue to the Town Board and shared the resolution GOSC passed at our January meeting, in support of the changes suggested.

All suggestions were well received by the Town Board.

Jean requested that the local law merging the two groups be prioritized within Dave Church's work this spring, making this law part of the first part of work he will complete.

Laura Walls brought forward a question at the meeting regarding a memo Linda Geary had shared in the past with the Town Board about the responsibilities of the ECC and GOSC in the local law.

Laura W asked if this is connected to the current recommendations.

This is a separate issue. We are an independent commission with different responsibilities from the ECC and we want to create a very clear, well defined path for our work moving forward.

GOSC needs to update Warren Weigand about this issue since he was absent from the last town board meeting. Jean to reach out to Warren.

Goals for GOSC 2023

After discussion at our last meeting, then via email and as a group at this meeting, GOSC has come to a consensus around our goals for 2023; as follows.

#1 DEVELOP NEW PRESERVATION PROJECT(S)

- Use the tools of the Community Preservation Plan, and the Natural Resources Inventory, along with the guidelines of major grant providers, to help target preservation efforts.

- Communicate with owners of agricultural properties, (especially those with high conservation ranking,) find willing landowner(s,) choose a project, fundraise, and apply for grants, including the Ag and Markets Grant which is coming up this year.

- Communicate with residential property owners, (especially those with high conservation value holdings) about the benefits of preservation and conservation easements; assist in voluntary conservation, and offer funding for a project or projects as appropriate grants and other money becomes available.

#2 MERGER

-Work towards merging our current responsibilities with those slated to be assigned to a Community Preservation Fund Advisory group; facilitate the creation of a new Open Space/ Community Preservation Commission.

#3 MONITORING

- Ensure the Town monitors its conservation easements and preserved lands.
- Participate in monitoring.
- Advocate for enforcement and clean-up of violations found during monitoring visits, as needed.

#4 EDUCATE

- Educate Gardiner about open space preservation.
- Utilize education as outreach to potential future land donors/ conservation easement holders.
- Encourage voluntary conservation.

#5 SUPPORT

- Support other Town groups in their conservation efforts, ex. the Drinking Water Protection Committee.
- Participate with the ECC in keeping NRI and CPP mapping tools up to date.

Progress updates/ Goals from 2022

Next Public Education Session is scheduled. (Kay)

March 13, 2023, 7 PM in Town Hall and via Zoom.

Kay brought in an outline with the proposed speaker line-up and tasks to complete before our next *Agricultural Land Preservation Workshop*.

The line-up of speakers was discussed. Christie DeBoer of WVLT will be included and there were suggestions made around choosing a second speaker.

Kay to reach out to suggested speakers, and will report back to us about who she was able to line up.

Since the Ag and Markets grant is coming up, it would be helpful to have a speaker who has successfully navigated this in the past.

Linda Geary to reach out to Dennis Doyle's office to find a list of successful past applicants.

Discussed potential issues with conservation easements that may hold farmers back (ex. farmers may have trouble getting future mortgages years after the value of their property is reduced; some grantors may put restrictions on them that will inhibit the growth of their agri-business choices moving forward.)

Discussed how we should communicate about tax implications and advantages. Kay to ask Christie to include information about this in her presentation.

Discussed promotion of the event, and reaching out directly to farmers with high conservation value properties, to invite them personally to this educational session.

Laura Wong Pan and Linda G to make personal invitations.

Monitoring the Town's Conservation Easements and preserved lands. (Laura Rose)

As discussed at our last meeting, the monitoring of all properties was completed by the WVLT before the end of 2022, and violations were found. Our next task is to develop a protocol to address this.

Jean, Laura and Tara met with the town supervisor on February 3rd.
Discussed: A summary report of the violations, and enforcement options.

As this is a new program, rather than send out notices, Marybeth will start the process by reaching out personally and directly to each violator.

30 days after her first contact, a follow-up call to be made, and an inspection. Written request to remedy the violation will be sent at this point if the violation hasn't been cleared. Laura R gave Marybeth the template letters received from WVLT that can be used for this purpose.

Jean brought up that there needs to be a way for all of us to share information about who has made which call and when, plus all of the information that we have about each property, including the easement agreements, monitoring reports and baseline reports. Marybeth said she would follow up with the options for this; Emily to assist.

We also looked at the budget and there is money available to properly mark and survey the Town-owned properties, which should help with enforcement. The properties with violations to be surveyed first.

It was our expectation that the Code Enforcement Officer would be involved in enforcement follow-up, but Bruce is retiring in April. A new person is being interviewed, but hasn't been hired yet.

Also, we are setting up a follow up meeting with WVLT to discuss what went well and what can be improved for next year.

Discussion:

Talked about the enforcement aspect of monitoring.

Laura WP suggested we look at the local law to see if there's anything already in it that shows what steps the town is required to take.

Are there fines? Tools that will be helpful?

Linda Geary agreed to look at the local law.

Last month, Laura WP also suggested that the text of the easements be reviewed for information as to expected enforcement protocol.

(We haven't assigned anyone to do this review yet.)

Can the town set aside a fund for legal action?

Can violations be placed in the file of a property, to create a red flag if someone does a title search?

Prioritization of Potential Preservation Properties Using the CPP's Interactive Mapping - Presentation. (Laura Rose)

Laura showed the group a draft map that shows the Gardiner properties rated within the top 5% of conservation scores in the CPP, in a 5-color weigh (so the top 1% in one color, 2% in another, etc.)

It is much easier to see what the most important to preserve are and also areas of the town where preservation of multiple properties should happen with this map than with the one posted for the public currently (with the NRI mapping.) That map shows the full top 20% in a single color and doesn't exclude or mark the already preserved parcels.

Laura would like to move this map from draft form to completed form so it can be shared with the rest of the town. She requires the assistance of Neil Curri of Vassar to complete this task. Neil has been asked for further assistance but hasn't found student assistants this semester. He has been approached about doing the work himself; waiting to hear back.

If he can't get student assistance, Laura is hoping we can find money in the budget to pay for his assistance. Jean affirmed that this is possible.

With assistance from Tara Hoey, Roberta Clements, this map and the spreadsheet in the CPP, Laura created a list of the Top 1% and 2% rated Gardiner properties.

She reviewed these lists with the group.

Many of the top-rated properties are farms.

This work should help us move our preservation efforts forward.

Proposed Millbrook Farm Subdivision (Tara)

The owners of this farm are proposing a subdivision that is not an open space development. They are also asking that a deed restriction be put into place, rather than a conservation easement, in conjunction with their subdivision proposal. When asked at the Planning Board meeting: Who would enforce deed restrictions? They said: the neighbors.

Tara asked: since we've already discussed deed restrictions as being less enforceable than conservation easements, should we be writing letters as a group or otherwise weighing in on their proposal?

Jean said: The ECC is reviewing their proposal; we don't have enough information and should withhold weighing in at this time.

Jean to look at this project further.

Encourage Voluntary Conservation (Jean, Laura WP)

Tabled.

Gardiner Activities related to GOSC Drinking Water Protection Committee. Linda Geary provided an update. The group is urging the town to hire a hydrogeologist to monitor the wells in town.

Meeting adjourned around 8 PM.