



A Handbook for

Agricultural Commissions

Massachusetts Department of Agricultural Resources

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ACKNOWLEDGEMENTS

This handbook was produced through a grant from the Massachusetts Department of Agricultural Resources to the Pilgrim Resource Conservation and Development (RC&D) Area Council, Inc.

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The authors wish to recognize and thank the following individuals and organizations for their time, guidance, support and assistance in the preparation of this guide.

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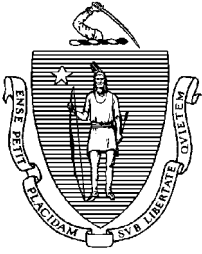
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June 2005



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June 15, 2005

Dear Agricultural Commission Members:

I want to commend you for your involvement in your community's agricultural commission! You are in a position to provide substantial benefits to your town and to agriculture in your town.

Massachusetts state government is fully committed to advancing the work of your agricultural commission and agricultural commissions statewide. The Office of Commonwealth Development's "Sustainable Development Principles" include strengthening natural resource-based businesses (farming, forestry and fishing) as key components of the state's smart growth initiative.

A strong farm business, with a farm family that is happy with their working environment, is the best hedge against the sprawl of development. We believe so strongly that agricultural commissions are key to advancing this principle of "smart growth" that municipalities can receive points towards Commonwealth Capital grant programs for creation of the agricultural commission and Right to Farm bylaw.

Agricultural commissions are uniquely positioned to provide input into municipal decision-making, to ensure that impacts on existing farms are only positive. Other town boards are hungry for your perspective and I encourage you to develop a strong working relationship with those other volunteers and town officials.

As every month goes by, more towns and cities are establishing agricultural commissions. This network of commissions will provide valuable resources and a support structure for agriculture throughout the Commonwealth. Seldom are one town's issues unheard of in another, so sharing approaches and successes with each other will provide you with valuable insight on these issues.

The Department of Agricultural Resources is here to assist you. We look forward to working with you on behalf of Massachusetts agriculture.

Sincerely,

Douglas P. Gillespie
Commissioner

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A Handbook for Agricultural Commissions

Introduction

This handbook is a step-by-step reference guide for newly organized agricultural commissions (AgComs). Its objective is to present successful organizational and planning strategies in a user-friendly fashion. Actual examples from existing AgComs are provided and include their purpose, structure and steps used to plan and implement their work. Because this handbook will receive wide distribution, a short section is included for those who are interested in organizing an AgCom in their community.

The three-ring binder format allows users to easily add information and reference materials. Periodic updates will be available through the Massachusetts Department of Agricultural Resources website, www.mass.gov/agr.

The handbook has been organized into seven parts. **Part I** is for those who are interested in starting an AgCom and contains steps that have been used to measure public interest and to organize. **Part II** contains examples of how AgComs have organized, identified priorities, created a plan for their work, and implemented the plan. Finally, **Parts III - VII** contain meeting procedures, AgCom member responsibilities, and other municipal board procedures.

The **Resource** section contains a list of organizations and contacts commonly used by AgComs.

The **Appendices** include Massachusetts General Laws relating to agriculture, open meetings and conducting public business. It also contains helpful tools such as sample AgCom bylaws, a model right to farm bylaw, steps commonly used to develop work plans, examples of AgCom work plans and public education plans.

I. CREATING AN AGRICULTURAL COMMISSION

What is an agricultural commission?

Agricultural commissions (AgComs) are committees formed at Town Meeting through the passage of a local bylaw. In the case of a city, an AgCom is formed through a recommendation from the city council and approval by the mayor. Under Massachusetts law, communities can create committees at the town level that serve in the interest of that town. Each town or city can decide what the duties and responsibilities of the AgCom will be.

For simplicity, this handbook refers primarily to town government. It is important to note, however that cities are also creating AgComs. Issues that are faced by both cities and towns and the functions of an AgCom are similar, so the information in this handbook will be helpful to city residents as well.

See Appendix A for examples of AgCom bylaws

What does an AgCom do?

- Serves as a local voice advocating for farmers, farm businesses and farm interests
- Provides visibility for farming
- Gives farmers a place to go to for help
- Works with town boards on issues facing farming in the town
- Helps resolve farm related problems or conflicts
- Protects farmland and other natural resources

“Our AgCom gives farmers an opportunity to network with each other and work with town boards on issues that make a difference to Rehoboth and its farm businesses.”

~ Richard Pray, 7th generation farmer, AgCom member, Oakdale Farms, Rehoboth

Who can start an AgCom?

Any local resident or group concerned for their community’s farming, farm businesses, growth, rural character, open space, etc., can start organizing support for an AgCom.

Why are AgComs formed?

Many towns trying to balance growth and quality of life issues are creating AgComs. The intent of an AgCom is simple: to protect agricultural lands, preserve rural character, provide a voice for farmers, and encourage agriculture based businesses.

Who can serve on an AgCom?

Anyone who is a resident of the town is eligible to sit on a town board or commission. However, the bylaw created and passed by the town determines the number of members and composition of the commission. In towns with existing AgComs there are several types of members – voting, alternate, and advisory. Each town should decide what type of membership and qualifications are appropriate for the community.

Are AgComs regulatory?

Unlike some other town committees, AgComs do not operate under any regulatory authority from the Commonwealth. While town conservation commissions implement the Massachusetts Wetlands Protection Act and planning boards enforce the local zoning code, AgComs are created at Town Meeting to represent farming interests in the town - but they do not have a legal mandate or enforcement authority.

“Sprawl and intense development are changing the landscape of our town and the economics of farming. In today’s world the highest and best use of our land is houses. I want to work with my neighbors and family to keep our farm going for the next generation.”

~ Dawn Gates Allen, 4th generation cranberry grower, AgCom member, Gates Cranberry, Middleborough

What are AgComs doing?

- Publicizing farm retail outlets in the town
- Raising monies for farmland protection and economic development
- Providing mediation and conflict resolution on farm related disputes within towns
- Collaborating with other town boards to review development proposals
- Holding educational workshops on intergenerational transfer of property
- Discussing Chapter 61 and 61A lands, farm viability, Agricultural Preservation Restrictions, and other state and federal grant programs
- Starting local farmers’ markets
- Obtaining technical assistance on conservation farm planning, nutrient management, environmental stewardship, and non-point source pollution management
- Adopting local right-to-farm bylaws
- Hosting farm festivals

“Our AgCom started in 1988 and was reorganized in 1997. Over the years we watched as support and assistance to farmers, from a variety of sources, was lost. Having an AgCom in Dartmouth allows our farmers and our town to take responsibility for ensuring that agriculture flourishes.”

~ Susan Guiducci, Chair -Ag Preservation Trust Council, AgCom member, Apponagansett Vineyard, Dartmouth

How can my community create an AgCom?

The following procedure is based on experiences in towns in the Commonwealth.

See Appendix B for an example of the ordinance process used by the City of Pittsfield.

Common steps:

These steps apply to those towns that have organized and can be easily applied to a city situation.

1. Individuals or groups have expressed an interest in organizing an agricultural commission and a leader/organizer emerges.
2. If there is a need for technical information and support for organizing, contact the Massachusetts Department of Agricultural Resources (MDAR), Pilgrim Resource Conservation & Development (RC&D), Community Involved in Sustaining Agriculture (CISA), American Farmland Trust (AFT), and Massachusetts Farm Bureau Federation (MFBF).

See Resources for contact information.

3. Leaders and those interested in creating an AgCom assess the interest in their community. Talk to farmers, community decision makers, residents, boards, and committees.
4. Support is gathered from farmers and town leadership for a public exploratory/educational meeting regarding organizing an AgCom in town.
5. An AgCom Exploratory Meeting is organized to determine if creating an AgCom is a good idea for the community.
 - Invite farmers through written letters of invitation; invite residents and the public through press releases and newspaper articles.
 - Request members of established AgComs to speak about why they organized, what they do and the benefits of having an AgCom.
 - Ask an active farmer, Town Administrator and/or Selectman to facilitate the meeting.
 - After presentations, questions and answers, the facilitator asks the audience:

Is an AgCom a good idea for our town?

Do you think we should organize an AgCom in town?

- The facilitator asks for a show of hands by those interested in serving on an AgCom steering committee (to begin planning the creation of an AgCom).
- A group of steering committee volunteers convenes immediately following the meeting and agrees on a date, place and time to meet.

It is important to include a member of the Board of Selectmen, City Council, and town staff such as the town planner, administrator, health agent and/or conservation agent on the AgCom steering committee

6. The steering committee meets soon after the exploratory meeting.

The purpose of the steering committee is to develop an article for the Town Meeting warrant and prepare for the Town Meeting by educating the public and town officials about the article and its benefits to the community.

Not all towns go through this steering committee process. The following purpose and actions are provided for those towns and cities that do.

Actions commonly taken by steering committee:

- Select a chairperson
- Develop a plan of action to prepare for Town Meeting that includes:
 - Date of next town meeting
 - Date when article must be submitted to Board of Selectmen for inclusion on town warrant
 - Review of AgCom bylaws voted by other towns
 - Draft of warrant article
 - Submission of warrant article to Board of Selectmen and Town Counsel for review and submit by deadline.
 - Development and implementation of a public education plan for AgCom warrant article

See Appendix C for Carver's AgCom Steering Committee Education Plan.

7. Town Meeting: Article is presented at Town Meeting – discussion, questions, vote

8. Board of Selectmen solicits applications for AgCom membership. Often the Board of Selectmen, the appointing authority, will seek the advice of the AgCom steering committee in the review of applications for membership and requests recommendations on appointments.

Steering committees may also provide the appointing authority with guiding principles that they recommend to be used for AgCom member appointments

Example of guiding principles for AgCom member appointments:

- Adequate geographic distribution of membership
- Representation from a cross section of commodity groups (dairy, cranberries, vegetables, orchard, hay, horses, forest products)
- Large, medium and small farms are represented
- Members are connected to the agricultural community and can adequately represent the agricultural community

Recommended process for soliciting AgCom membership: (Used in Westport)

- Develop and run a simple newspaper ad stating that the Board of Selectmen is soliciting applications from individuals interested in serving as AgCom members
- Time the ad to run simultaneously with a direct mailing to those on your mailing list (list used for informational meeting)
- Give applicants about two weeks to send letters of application to the Board of Selectmen.
- Board of Selectmen reviews applications
- Board of Selectmen makes selections

9. Board of Selectmen notifies members in writing (with list attached of all members/addresses and phone numbers). This letter also charges them to meet within a certain date.

10. Board of Selectmen facilitates the first meeting of the appointed AgCom membership.

Assistance for organizing an AgCom

There are resources available to anyone seeking to organize an AgCom in their community. Please contact the organizations below and review the list of supporting organizations and agencies in the Resource section of the handbook.

Massachusetts Department of Agricultural Resources

Contact: Kent Lage, (617) 626-1702; Kent.Lage@state.ma.us

Pilgrim RC&D Area Council, Inc. also provides one-on-one assistance throughout the process of organizing an AgCom.

Serving: Bristol, Plymouth, Barnstable, Dukes and Nantucket counties

Contact: Irene Winkler, (508) 295-1317 ext. 130; irene.winkler@ma.usda.gov

Ag Commission Toolkit on CD-ROM. The Pilgrim Resource Conservation and Development (RC&D) Area Council has developed a unique resource for farmers, residents and town officials concerned about maintaining farms and farming in their community. "A Toolkit for Organizing a Town Agricultural Commission" is a package of materials on CD-ROM that will guide the user through the process of organizing an agricultural commission. Please visit www.pilgrimrcd.org or www.mass.gov/AGR for more information.

See Appendix D for contents of this CD.

Community Involved in Sustaining Agriculture (CISA)

Serving: Franklin, Hampshire and Hampden counties

Contact: Annie Cheatham, (413) 665-7100; annie@buylocalfood.com

American Farmland Trust

Serving: All of Massachusetts

Contact: Cris Coffin or Bob Wagner, (413) 586-9330; ccoffin@farmland.org, bwagner@farmland.org

Massachusetts Farm Bureau Federation

Serving: All of Massachusetts

Contact: Carl DeMatteo, (508) 881-4766; cdematteo@massfarmbureau.org

II. ESTABLISHED AGRICULTURAL COMMISSIONS

Member composition

The bylaws passed at town meeting specify the number of members and commonly include a general description of members and terms of service.

Examples of Agricultural Commission Bylaw Language

1: Town of Dartmouth (1988)

The Selectmen shall appoint a citizen's committee to be called the AGRICULTURAL DEVELOPMENT COMMISSION, to be comprised of nine members, serving staggered terms of three years each...

2: Town of Westport (2001)

"The Commission will consist of seven members from the active farming community of Westport, appointed by the Board of Selectmen."

3: Town of Middleborough (2002)

"The Commission will consist of a minimum of four members who are primarily engaged in farming and another three members who are interested in farming."

4: Town of Rehoboth (2003)

"The Commission shall consist of seven members appointed by the Board of Selectmen. The Commission will consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Rehoboth and another three who are interested in farming."

5: Town of Hatfield (2001)

"The Board of Selectmen shall appoint a five-member commission comprised of one representative of the Hatfield Land Preservation Advisory Committee and four at-large citizen representatives. At least three of the members of the commission shall be engaged in the business of farming or related agricultural industries."

"It is important to remember that strong people need to be engaged in the process to get this new organization off the ground. They may not be directly related to agriculture, but they may care a great deal about the issues, understand local government, and be able to guide the membership toward success. These people may serve as advisors or be part of an AgCom's Circle of Friends." – Barbara Hanley, Advisor, Westport AgCom

AgCom roles and responsibilities

The roles and responsibilities of members and alternates follow these general guidelines:

Members: Attend meetings regularly, serve to fulfill the purpose of the AgCom as stated in the bylaw (*Example: serve as facilitators for encouraging the pursuit of agriculture and promote agriculture-based economic opportunities in the town*), represent a grower group and/or region of town, report on issues of concern, serve on subcommittees, vote and conduct business according to *Roberts Rules of Order*.

See Appendix E for *Robert's Rules of Order* summary

Alternates: Attend meetings regularly and vote in the absence of a regular member. Additional positions play a key part into the success of the commission. Several of the established AgComs have found these positions extremely helpful.

Advisors: Advisors are volunteers who serve at the request of the AgCom members. They attend meetings and provide information, expertise, and recommendations to help guide the AgCom's actions. They may also provide clerical and organizational assistance, help members navigate local politics, advise AgCom members on connecting with agricultural service providers, and help plan meetings, social events, and public education events. Seeking the involvement and contributions of individuals who are interested in agriculture is very important.

Circle of Friends: Friends are people in the community (or connected to the community) who possess particular skills, experience, and abilities that would help the AgCom achieve their goals. The Town of Westport has found that "friends" are honored to be asked for help when the task is well-defined, short term and achievable. Friends have included graphic artists, legal counsel, soil scientists, and journalists. The AgCom highly values, respects and recognizes the volunteer time of its "friends."

One of the first responsibilities of a newly organized AgCom is to elect officers who will guide the commission through meetings, public events and community relations. The following is a suggested list of roles and responsibilities for the officers:

Chairperson

- Preside at all meetings of the AgCom
- Insure that all meetings are conducted with openness, efficiency and respect. Conduct business according to *Roberts Rules of Order* and Massachusetts Open Meeting Law

- Call special meetings
- Sign documents prepared by the AgCom for submission to the Board of Selectmen or other town boards and commissions
- See that decisions of the AgCom are implemented
- Represent the AgCom in dealings with the Board of Selectmen and other organizations
- The Chairperson has the same right as any other member to vote on matters before the AgCom and to speak for or against proposals, provided however, that the Chairperson speaks for or against a proposal which has been formally moved and seconded at a public meeting

Vice-Chairperson

- Assist the Chairperson as requested
- Accept and undertake duties delegated by the Chairperson
- Preside over meetings or perform other duties of the Chairperson in the event the Chairperson is absent or unable to act

Secretary

- Records minutes of AgCom meetings
- Provides notices of special meetings
- Sees that meetings are posted
- Prepares agendas for meetings in consultation with Chairperson and members
- Serves as custodian for minutes and records
- Receives and informs the AgCom of correspondence or directives concerning business of the AgCom
- Sees that Town Clerk or Town Administrator receives copies of minutes

Treasurer

- Maintains records of AgCom budget, income and expenditures

The work of the AgCom

The responsibilities of the AgCom are defined in the bylaw. They may be quite general in some towns and very specific in others.

See Appendix A for town bylaw examples

Some of the AgCom bylaws state that the AgCom will develop a work plan to guide its activities. The work plan is developed and used to determine priority goals, actions, roles and responsibilities, and timelines. The following section describes the value of establishing an AgCom work plan and provides steps that can be used to develop such a plan.

Some AgComs do not have a formal work plan. When they take on a project, they assign one member to be the project manager and that person is responsible for action and follow up.

The AgCom bylaw sets forth the charge for the AgCom. **Below are several examples** from selected communities that have an established Commission.

Examples of Town Bylaw Language

1: Town of Westport (2001)
“Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the town of Westport, and shall promote agricultural-based economic opportunities in the Town.”

2: Town of Rehoboth (2003)
“Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Rehoboth; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.”

3: Town of Hatfield (2001)
The duties and responsibilities of the commission shall include, but not be limited to:

- 1) Advising the Hatfield Land Preservation Advisory Committee on transactions and acquisitions involving agricultural lands in town;*
- 2) Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and Historic Commission on projects and activities involving agricultural lands in town;*
- 3) Engaging in projects and activities to promote the business of farming, farming activities and traditions, and farmland protection in town including educational programs and community event;*
- 4) Reporting on its projects and activities on an annual basis within the Town Report*

Examples of Town Bylaw Language – Continued

4: Town of Whatley (2004)

The duties and responsibilities of the Commission shall include, but not be limited to:

- 1) Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions, involving lands in town.*
- 2) Engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in town, including programs and community events.*
- 3) Reporting on its projects and activities on an annual basis within the town report.*

Or take any other action relative thereto.

Creating a work plan

Creating a work plan is an effort to produce decisions and actions that shape and guide what the organization is, what it does, and why it does it, with a focus on the future.

The work plan is the road map the AgCom can use to meet its charge. It is a tool and a guide, but it is not a substitute for the exercise of judgment by leadership and membership. The AgCom will need to sit back from time to time and ask, and answer, "What are the most important issues?" and "How shall we respond?" Responses to these questions should be used to update the work plan to make sure it is timely and relevant.

Work plan process

A neutral, trusted facilitator is commonly used to guide the AgCom through the process of creating a work plan. Facilitators may be an AgCom member, advisor, or a person from the community or a community organization.

Preparation

Set time aside at three consecutive AgCom meetings to develop the work plan. Often, work plan meetings are held after the AgCom has had its first meeting, a chairperson has been selected, the group agrees upon developing the work plan and a facilitator has been requested.

Meeting #1: Establish and prioritize issues

- Purpose (from AgCom bylaw) of AgCom is placed on flip chart and posted on wall throughout the planning process.
- All members, alternates and advisors participate. Town staff and representation from the Board of Selectmen can be very useful at these meetings.
- Facilitator explains purpose, process and outcomes of work plan creation.

Steps: (All comments are recorded on flip charts by facilitator or a recorder)

1. **Brainstorm:**
Ask the question, **what agriculture related issues are you facing that the AgCom can address?**
2. Go around the room, one person at a time, one issue at a time (no commenting on issue –unless clarification is needed) – continue until ideas are exhausted. Facilitator records each issue raised on the flip chart
3. Discuss and clarify issues
4. Group common issues
5. **Score issues:** Suggested scoring method:
Each person receives nine Post-it notes
 Three Post-its are marked with the number 10
 Three Post-its are marked with the number 5
 Three Post-its are marked with the number 1
Post-its with the number 10 are placed on the three issues they think are most important
Post-its with the number 5 are placed on the next most important
Post-its with the number 1 are placed on the next most important
6. **Prioritize issues:** Add up the numbers for each issue and review in order
Those issues receiving the highest scores rank as most important issues.
List the issues as ranked: highest score = highest priority issue
7. Separate issues into goals and action items

Facilitator takes all flip chart notes, transcribes information into table format and prints out copies for next meeting (provides to members electronically). Goals are placed on flip charts leaving space below for listing of action items – bring to Meeting #2.

See Appendix G for Harwich Tables of Issues-Priorities

Meeting #2: Establish action items - Develop actions for each goal

Preparation:

- Facilitator places flip charts (with issues/goals in order of their priority) on wall prior to meeting
- Facilitator provides transcribed notes from Meeting #1 (table of issues/goals) to all members
- Facilitator explains process, purpose and value of Meeting #2

Steps: (All comments are recorded on flip charts)

1. **Brainstorm action items** for each goal. Use the same process as in Meeting #1 to establish action items for each goal
2. Tackle one goal at a time. Members identify action items that they think will address each goal - go around the room one by one until ideas are exhausted
3. Repeat with each goal
4. Review with group and place action items in logical order

5. Stand back and look at work plan that has just been developed!

Facilitator takes all flip charts – transcribes information into table format (becomes a work plan) and prints out copies for next meeting (provides to members electronically). Goals and action items are placed on flip charts; flip charts and work plan brought to Meeting #3.

See Appendix H for Harwich Work Plan

Meeting #3: Finish work plan and discuss

Steps:

1. Facilitator posts the final work plan on flip charts and provides handouts for each member
2. Review purpose, goals and actions
3. Discussion – remind members that this plan is a guide and should be updated as needed
4. Facilitator provides Chair and/or Secretary with an electronic version of the work plan (disk/CD)

Implementing the work plan

Remember, the workload of AgCom members can be lightened by organizing subcommittees to plan and take action, by utilizing “friends” who are interested in the AgCom and willing to volunteer, and by focusing on one or two issues at a time.

Recommendation from AgComs in southeastern Massachusetts:

Although your AgCom work plan may have many goals, focus your work on one or two at a time. Achieve small successes, tackle “doable” actions that will empower members, gain visibility for the AgCom and inspire the confidence of town residents. When those are done, move to the next action to get sense of empowerment. Understand that there will be two steps forward, one backward, resulting in overall success with steady effort.

The following section contains examples of goals that have commonly been identified as high priority by AgComs. Samples of actual actions planned to meet these goals are included. Also examples of potential actions items are offered.

Goal: Inventory agriculture in the community

Inventories are helpful to: improve your ability to articulate what agriculture looks like in your community, understand the people you serve, develop growth master planning efforts, prioritize farmland protection efforts and funding, contact farmers for needs surveys and social events, etc.

Actions:

Collect and record information

- Location of farms, farmland and farmers
- Owner/manager – contact information
- Types of businesses
- Type and quantify land use
- Is the farm “protected” in any way (conservation restrictions, Agricultural Preservation Restriction)?
- Is the land enrolled in Chapter 61 or 61A?
- Quantify economic value provided by farming

Resources for Information: Regional Planning Agencies, Open Space and Growth Master Plans, Assessors Maps and Data, Town Clerk, MASSGIS, USDA Natural Resources Conservation Service and Farm Service Agency, American Farmland Trust, US Census of Agriculture, Farm Bureau Federation, Massachusetts Department of Agricultural Resources, etc. Contact information is located in the Resource section.

Examples of uses for inventory information:

- Developing mailing lists
- Notifying farmers of specials programs/services
- Conducting farmers survey
- Developing public education flyers describing the value of ag in the community

See Appendix I for an example of the Dartmouth Farmer Survey

Goal: Town board relationship building

Understanding the mission and authorities of town boards is important to the success of an AgCom. AgCom members should become familiar with the politics of town government and meet the elected and appointed officials, as well as board members and staff. The AgCom’s ability to collaborate, educate, advocate, and negotiate hinges on its understanding of the individuals and groups that represent your town government.

Developing good working relationships with town boards is very important, will help the AgCom gain visibility for itself, for agriculture, and for the issues agriculture faces. These relationships will establish the foundation from which the AgCom can:

- Build trust and credibility
- Effectively communicate and educate
- Manage conflict
- Plan for needed changes in planning, zoning, health and finance that positively affect agriculture

“This is the single most important task, in my opinion, as neighbor problems are the number one reason farmers sell out. The neighbors complain to Boards, which MUST respond. Getting AgCom in this loop as early as possible is critical.” Barbara Hanley, Advisor, Westport AgCom

Actions:

Examples of town board relationship building

Town of Carver:

Agricultural Commission members volunteer to be AgCom “liaisons” to other town boards. Specifically liaisons are identified for the planning board, conservation commission and board of health. Liaisons agree to regularly attend meetings of their assigned board. At the first meeting the liaison introduces him/her self, states the charge of the AgCom, why the liaison is important and how they hope to improve communications between the boards. Note: A Selectman regularly attends AgCom meetings.

Examples of town board relationship building - continued

Town of Hatfield:

Hatfield is a very small town and within the circles of town government, board members typically know each other. Therefore, it has not been difficult to develop relationships with other boards, mainly through personal contacts and interactions. There are no formal processes for this interaction, per se. The zoning bylaws require that various development proposals requiring certain approvals be automatically referred to the AgCom for comment. The AgCom held a Farmer's Forum during the winter of 2004-2005 for the first time, which allowed farmers to meet in an open setting with members and officers from town offices and boards. The AgCom was present, so this allowed for additional interaction between the AgCom and other town boards. Most of the AgCom interactions are handled by phone calls, e-mails or face-to-face meetings in the Town Hall hallways with other board members and town office staff.

Town of Westport:

Soon after the AgCom was formed, it held a joint meeting with Massachusetts Department of Agricultural Resources legal counsel and special program staff for the town boards of health and conservation to demonstrate how many sides there are to issues and how important communication and documentation are.

The AgCom reminded town boards of its availability several times a year of, however the AgCom was not contacted until there was a problem. Frequently, by the time the AgCom was called in, damage was done with farmer relations, and the problem was harder to solve for the AgCom and for the agent.

More recently, the AgCom has made the point that with often overworked agents and boards the AgCom can save them staff time by getting involved early. This seems to have worked.

When the AgCom gets involved, they go straight to the science, and equip the agent with the knowledge of farm science-to help the agent go back and deal with the complaining public with confidence. When the farmer needs to adjust his/her methods, the AgCom supports that on-site education event and helps implement whenever possible.

Goal: Education

Education of the public, new residents, town boards, and youth has been identified as a priority by several AgComs. In general, the non-farm public is largely unaware of the people, businesses, and lifestyles associated with farming. If the residents of the community are made more aware of farmers and farming so that farmers and farms become more visible, they then begin to understand the issues related to retaining farm families, farmland, and businesses. With that knowledge and understanding, they are more likely to make informed decisions and take informed actions in support of agriculture.

Actions:

The following is an example of the Town of Carver’s plan for addressing agricultural education:

GOAL	ACTION
<p>Educate Residents of Community about: <u>Farming</u> <u>Normal farm practices</u> <u>Living near a farm</u></p>	<ol style="list-style-type: none"> 1. Develop Educational Materials (Utilize inventory data) <ol style="list-style-type: none"> a. Fact Sheet/Flyer: Living Near a Farm b. Fact Sheet/Flyer: Normal Farming Practices & exemptions c. Develop “Farming 101” Cable Programming for community <i>Seek Grant Funding to support development</i> 2. Distribute Materials & Provide Education <ol style="list-style-type: none"> a. Develop Distribution Plan b. Produce and Air Community Cable Programming c. Distribute Materials to Town Boards at their meetings d. Distribute Materials at Community events e. Post on Town Website f. Provide to legislators 3. Develop Educational Materials (Utilize inventory data) <ol style="list-style-type: none"> a. Fact Sheet/Flyer: Living Near a Farm b. Fact Sheet/Flyer: Normal Farming Practices & exemptions c. Develop “Farming 101” Cable Programming for community <i>Seek Grant Funding to support development</i> 4. Distribute Materials & Provide Education <ol style="list-style-type: none"> a. Develop Distribution Plan b. Produce and Air Community Cable Programming c. Distribute Materials to Town Boards at their meetings d. Distribute Materials at Community events e. Post on Town Website f. Provide to legislators
<p>Educate Residents of the Community about: <u>Cost of Community Services</u> <u>and the benefits provided by agriculture</u></p>	<ol style="list-style-type: none"> 1. Collect information (utilize inventory data) already available and organize data from communities like Carver. Contact American Farmland Trust 2. Develop a brochure 3. Distribute Material at community events: Old Home Days, Merchants Edaville Railroad, Town Website
<p>Educate school age children about farming</p>	<ol style="list-style-type: none"> 1. Develop/Format Farming “101” Video for CCAT targeted toward children 2. Provide opportunities for youth to work on farms 3. Develop Hands-On Projects & Programs for youth Contact Mike Paddock, Bristol Ag. HS, Scouts Bog-in-a-Cup, Seed germination Contact Ag in the Classroom – access Work Plans Connect to ongoing youth activities and investigate how AgCom can assist. 4. Organize and Conduct: Bog/Farm Tours, Farm Education Days, Provide for Seasonal Farm activities 5. Revitalize 4-H in Carver - Serve as supporters 6. Link to Universities, TV, Press and Legislators

The Hatfield Agricultural Advisory Committee is increasing the visibility of agriculture and educating the community about Hatfield's agricultural tradition by engaging in the arts.

Art Meets Agriculture in Hatfield

Students in the Hatfield schools have combined their artistic talents and agricultural heritage in a series of murals to be unveiled in a public ceremony Wednesday, May 25, at 4:30 p.m. The ceremony will be held at Symanski's tobacco barn on Elm Street, where the murals will be on display on throughout the summer. The Symanski barn is a prominent landmark in Hatfield, facing the town's main thoroughfare as traffic enters from Routes 5 and 10, and is often used to announce major events. The murals will stretch nearly 40 feet wide along the barn's side.

The senior art class at Hatfield's high school, Smith Academy, with help from students from other grades, this winter and spring designed and painted the nine 4' x 8' panels depicting Hatfield's rich agricultural heritage. The murals were created under the direction of Hatfield Agricultural Advisory Committee member Russell Powell and Smith Academy art teacher Julie Muellejans. Artist Ezra Parzybok of Florence, whose work was recently featured in the *New York Times*, was an advisor to the project.

A number of students, town officials and residents are expected at the unveiling, including members of the Hatfield Agricultural Advisory Committee, which sponsored the murals. "We think this is a great way to draw attention to Hatfield's agricultural tradition," says Robert Wagner, chair of the committee. "In addition to being beautiful to look at, the murals should remind people to slow down as they drive through town, and to take advantage of our wealth of fresh produce and other farm products."

The mural project received major funding from the Hatfield Cultural Council, with contributions from Supporting the Arts in Hatfield Schools, Hatfield Education Foundation, Rugg Lumber, Smithsonian Neighborhood Grill and Bar, Community Involved in Sustaining Agriculture, The Bank of Western Massachusetts-Hatfield Branch, the American Farmland Trust, and B.J. Richardson of the U.S. Dept. of Fish and Wildlife.

Goal: Conflict management/resolution

AgComs are commonly called upon to help answer questions and resolve conflict between farmers and neighbors, farmers and farmers, town staff and residents, etc. The intent of their involvement is to resolve potential conflict as early as possible.

Actions:

In the Town of Dartmouth an AgCom member has been designated as the contact person when issues arise and farmers, residents or town staff need to contact the AgCom. This contact person was supplied with a cell phone so as to be reached easily.

The following is an example of the protocol and documentation used when Dartmouth AgCom members are called to the field to respond to questions or conflicts.

**Dartmouth Agricultural Commission
Conflict Resolution Protocol**

Location where complaint originated:

- Review and attach complaint
- Contact farmer: _____ Date: _____
- Neighbor: _____ Date: _____
- Date of visit and findings:
- Comments from surrounding neighbors (if applicable, include dates of visit(s), phone call(s), etc. **This information shall remain confidential**):
- Agricultural Commission Recommendations:
- Discussion with collaborating Board (date and brief narrative):
- Agreed upon resolution to be signed and dated by the neighbor, the farmer and a representative from the Board and the Ag Comm (each shall receive a copy)

Goal: Develop local Right to Farm bylaw

The purpose of a local Right to Farm bylaw is to emphasize the right to farm accorded to all citizens of the Commonwealth. The bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the town by allowing agricultural uses and related activities to function with minimal conflict from abutters and town agencies. The bylaw does not give any new rights to farmers; rather it reiterates and emphasizes the state law. This model was developed by the Massachusetts Department of Agricultural Resources and the Massachusetts Farm Bureau Federation and has been approved by the Massachusetts Attorney General.

See Appendix J for model Right to Farm bylaw

Goal: Farmland Protection - Promote planning for agriculture

AgComs are increasingly working with planning and zoning boards to incorporate farming and farmland in local plans and policies. All too often agriculture is addressed only as an afterthought or only as a land use without consideration of the business needs of farms. AgComs can play an important role in increasing the profile of farms and farming in planning efforts and ensuring that local policies support both the business and land use needs of farms. Some examples of ways AgComs can help plan for agriculture include:

See Resource Section: American Farmland Trust provides assistance in planning for agriculture

Actions:

- **Participate in planning efforts to make sure that agriculture is included in your city or town master plan, community development plan, open space plan and other planning documents as both a land use and a business.** Inventory and identify the important agricultural resources that contribute to the viability of farm businesses **and then plan for their future!**
- **Consider using agricultural overlay zones** to enhance existing/underlying zoning districts. Ag overlay zones can include many different provisions, such as relaxed zoning restrictions for farm businesses, buffer requirements to protect farms from adjacent development or even AgCom review of site plans for new development to ensure that incompatible new uses won't cause conflicts with existing farm operations.
- **Review zoning and subdivision bylaws** to ensure that they encourage preservation of agricultural lands when development does occur and allow maximum flexibility for development to accommodate and not cause conflicts with neighboring farm uses. AgComs can provide site plan review for conservation subdivisions or "cluster developments" to ensure that preserved portions of these development projects remain available and accessible for continued agricultural use.
- **Consider and promote innovative techniques like "transfer of development rights"** to protect important agricultural areas. TDR bylaws allow developers to buy credits for transferable development rights by protecting farmland in a designated "sending area" and transferring those credits to a "receiving area" where they can be used to increase the density or intensity of development. This allows farmers to recoup the development value of their land while protecting their farms, without sacrificing opportunities for non-farm development and growth in the town. AgComs can ensure that TDR bylaws treat landowners fairly and are effective in protecting the most important agricultural lands.

Goal: Farmland Protection - funding mechanisms

AgComs understand that funds are necessary to protect and retain farmland for the future. Local funding matches are either encouraged or required by the state Agricultural Preservation Restriction (APR) Program or federal Farm or the Ranchland Protection Program (FRPP). Some AgComs have leveraged funds for farmland protection by working cooperatively with state agencies, local, regional and national land trusts, foundations, and non-profit organizations.

Actions:

- **Town of Dartmouth Proposition 2 1/2 Debt Exclusion Question**

ARTICLE 6 of the May 1998 Dartmouth Town Meeting

AGRICULTURAL PRESERVATION TRUST FUND

MOVED and duly seconded

That the Town establish and appropriate \$2,750,000 for an Agricultural Preservation Trust Fund for the purpose of preserving existing productive agricultural lands and supporting and revitalizing the Dartmouth agricultural industry. This Agricultural Preservation Trust Fund will provide the Town of Dartmouth with the means to exercise options which include:

- (1) Contributing to Agricultural Preservation Restrictions (purchase of development rights and preservation of agriculture rights).
- (2) Exercising the Town's Right of First Refusal under M.G.L. Chapter 61A on farmlands.
- (3) Activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in Dartmouth.

Management of the Agricultural Preservation Trust Fund shall be overseen by an Agricultural Preservation Trust Council. Said Council shall report to and recommend Fund expenditures to the Board of Selectmen and Finance Committee. Said Council shall consist of nine (9) members, appointed by the Agricultural Commission. Each member shall serve for a term of three years, each on a three-year staggered term.

- One member of the Agricultural Commission
- One member of the Planning Board
- One member of the Board of Selectmen
- One member of the Conservation Commission
- One member of the Finance Committee
- One member of the Capital Improvement Committee
- One member of the Dartmouth Natural Resources Trust
- Two Citizens-at-Large

Upon receipt of a recommendation from the Agricultural Preservation Trust Council, the Board of Selectmen and Finance Committee shall, by majority, vote each in its separate entity, to follow the Council's recommendation, modify it, or change it for reasons they shall so state. All actions must be determined through a public hearing process, notice to parties concerned, and in conformity with M.G.L. Chapter 39 Section 23B.

Said fund shall consist of the sum of \$2,750,000 appropriated by borrowing, funded through a bond issue that is placed before the voters of the Town of Dartmouth on November 3, 1998 at the State Election as a Proposition 2 1/2 Debt Exclusion Question. That to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow not in excess of \$2,750,000 under and pursuant to Chapter 44, Section 7 (3), as amended, or any other enabling authority, and to issue bonds or notes of the Town therefore; and provide further, that no sums shall be borrowed or expended hereunder until the Town has voted to exempt debt service on the borrowing hereby authorized from the limits of Chapter 59, Section 21C of M.G.L.

SO VOTED. Yes 163 No 18 12:00 P.M.

See Appendices K – N for Trust Council Operating Procedures and Farmland Scoring System.

- **Conservation Restrictions** (also known as conservation easements)

One way to protect property while retaining ownership is to donate a permanent conservation restriction to a conservation agency or nonprofit land trust. Owners retain full ownership and the ability to sell or convey the property, by deed or will, through gift or sale, to a family member or someone else. The sale or conveyance is subject to the terms of the conservation restriction document. This document becomes part of the deed to the property.

The term “conservation restriction” is used to refer to several types of permanent restrictions authorized by Massachusetts law (M.G.L. Chapter 184, Sections 31-33), including agricultural preservation restriction.

- **Agricultural Preservation Restrictions (APRs)**

- √ A program of the Massachusetts Department of Agricultural Resources
- √ Landowners are paid to restrict development and maintain in agricultural use
- √ An APR is a legal document that limits land uses and extinguishes right to develop or subdivide property
- √ Payment is based on appraised value
- √ Protects agricultural soils
- √ Protects agricultural viability and productivity
- √ Protects other conservation values (wildlife habitat, water quality, scenic landscapes, etc)

- **Farm Viability Enhancement Program**

- √ A program of the Massachusetts Department of Agricultural Resources
- √ Designed to improve the economic bottom line and environmental integrity of farms through the development and implementation of Farm Viability Plans.
- √ Farm plans are aimed at increasing on-farm income and recommending environmental and resource conservation methods.
- √ Any farmer who has developed a plan is eligible to participate in Phase II of the program which involves an agreement between the Department and the participant(s) where the owner of the property would provide an agricultural use covenant of the Department for a term of years. In exchange, the Department provides funding to implement certain portions of the Plan.

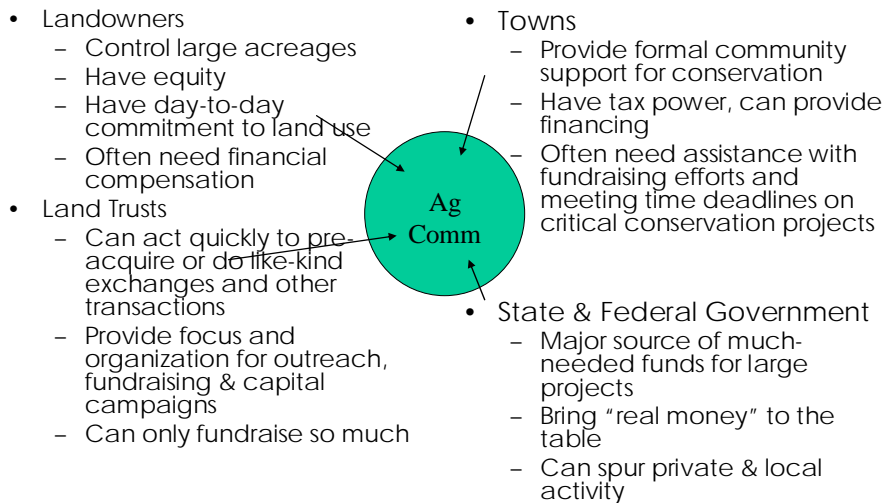
- **Community Preservation Act (CPA)**

- √ Voluntary, local option
- √ Local funding matched up to 1:1 by state
- √ Funds can be used for (Minimum of 10 percent required in each category)
 - Farmland and open space
 - Historic preservation
 - Affordable housing

Access to funds, through the municipality or its nonprofit partners, for the purpose of farmland protection provides the opportunity for a municipality to take advantage of state and federal farmland protection programs and the **local right of first refusal (ROFR)** on lands coming out of Chapter 61, 61A and 61B. ROFR is triggered by the proposed conversion of property through sale or development.

Goal: Farmland protection through building partnerships

Building Partnerships



Actions:

- **Organize a Farmland Protection/Agriculture Development Working Group**

Working groups are helpful to establish credibility for farmland protection efforts within town government and in community, develop “champions,” allies, supporters, and leaders. The group prepares plans to address funding, acquisition, planning, zoning, economic development and education issues.

Recommended Working Group members from:

- Finance committee and finance director
- Board of Selectmen
- Agricultural commission
- Capital improvements committee
- Planning board and town planner (or with cities, community development departments and boards)
- Conservation commission and conservation agent
- Community preservation committee
- Zoning board and enforcement officer
- Board of health and agent
- Animal control/animal welfare officer

The group develops strategies for farmland protection and economic development including:

- Fiscal planning for farmland protection and economic development
- Developing supportive relationships between boards, commissions and staff and among members.
- Developing processes that the Board of Selectmen will use to solicit recommendations from AgCom when town exercising Right of First Refusal on Ch. 61 lands.
- Developing Community Education Plans – Why farmland protection is important, how farms are selected for protection or projects for economic/business development (brochures, flyers, website, community cable TV)

Goal: Agricultural economic development

Actions:

- Organize farmers' markets
- Develop community kitchen
- Support agricultural business-to-business networks
- Conduct and coordinate labor searches
- Plan bulk purchases of agricultural supplies

Goal: Natural resource improvement

Actions:

- Connect farmers to technical and financial assistance providers
- Encourage the use of best management practices (BMPs) for natural resource improvement and environmental enhancement
- Consult with town boards like the conservation commission and provide education to farmers regarding the Wetlands Protection Act

Goal: Social events

Social events help to connect those in farming to each other. In the past it was common for farmers to socialize with each other through Grange functions and simply because they comprised the majority of the residents and businesses in our communities. Today it is different, and opportunities for farmers to socialize among themselves may be rare.

Actions:

- **Farmers' dinner**

The Westport and Dartmouth AgCom hosts a Farmers Dinner in February of each year. The AgCom members plan the dinner, advisors and friends help prepare the meal and program. The purpose is simply to provide the opportunity for farmers to meet, greet, eat and have fun. The AgComs typically charge \$5 - \$7 for the dinner and the funds are used to support the work of the AgCom or donated to a worthy cause i.e., FFA, 4-H etc.

- **Community Farm Festivals**

Does the AgCom require a budget?

Resources (funds) and an operating budget are needed to do the work of the AgCom. Most town standing committees have a budget line item. Having town funds appropriated to the AgCom provides benefits other than financial. With a modest amount of town funding an AgCom can gain credibility with other town boards. The AgCom can use the work plan as the basis for its finance committee budget request. The work plan helps the town decide on the appropriate budget for the AgCom. AgCom budgets typically range from \$0 to \$1,000 per year.

Potential sources of funds to support AgCom work:

Funding Source Examples

Town of Rehoboth: Funds appropriated at Town Meeting. Support of Board of Selectmen and Finance Committee Improves visibility of ag and AgCom – provides opportunity for AgCom to report accomplishments at Town Meeting. Usually the line items for town committees are part of town operating budget.

Town of Westport: AgCom does not receive money from the town. The Westport Land Trust gives the AgCom \$1,000 about every two years for mailings and postage. The Farmer's Dinner makes money. The AgCom tracks this, so that if it goes to Town Meeting at a later date, it has support for its request.

Town of Carver: Sought and received grant funding for completing an inventory of ag and developing and printing 2 public education brochures. Town treasurer opened a gift account and contributions have been made to the AgCom for implementing its work plan.

Town of Dartmouth: First 10 years received no money through town budget process. Sought and received grant monies for specific tasks. Since 1988 the AgCom has received funds through town. First year \$500 now up to \$800 annually.

Town of Hatfield: The Hatfield AgCom does not receive funding from the town. The committee raises all of its funding through grant proposals and requests to individuals, organizations, businesses, etc. in town and in the region. We have not yet run any special fundraising events, but wouldn't rule that out in the future.

III. BUSINESS MEETINGS

A meeting occurs any time a quorum of AgCom members meets to discuss or consider any public business or policy over which they have an interest or advisory authority. Meetings are open to the public and therefore should take place in a location that is accessible to the public. AgComs should establish regular meeting times and locations as this helps achieve better attendance and participation.

Planning a meeting

Calling a meeting

AgComs must comply with the Massachusetts Open Meeting Law. The Massachusetts Open Meeting Law gives the public and the press the right to attend (though not necessarily the right to participate in) all committee meetings except those portions held in Executive Session. The Law requires that notice of meetings be publicly posted, that minutes be taken, and that executive sessions be held only in specific circumstances.

All meetings must be posted with the Office of the Town Clerk at least 48 hours in advance of the meeting. In accordance with the Open Meeting Law, this 48-hour requirement includes Saturdays, but not Sundays or legal holidays. The notice must include the date, time, and place of meeting.

In the event of an emergency, that is, a sudden, unexpected occurrence that requires immediate action by the commission, the notice may be posted for fewer than 48 hours. As soon as the emergency meeting is scheduled, notice must be posted. Check with the Selectmen's Office for instruction on how to handle emergencies.

On rare occasions, a gathering of the AgCom need not be posted, such as for on-site inspections of public projects. However, the decision not to post such a gathering should not be made without discussion with the Town Manager, Town Administrator, or City Mayor.

Whenever special meetings are called, or if the commission meets on an irregular basis, all members should be notified in writing or by telecommunication as to the date, time, and place scheduled for each meeting.

Chance or social meetings

The Open Meeting Law does not apply to "chance" or "social" meetings of members of the commission, even if matters relating to official business are discussed, so long as no final decision on such business is reached. However, the Law specifically states that chance or social meetings are not to be used to

circumvent the letter or spirit of the law by treating them as occasions to discuss or act on a matter within the commission's jurisdiction, control or advisory power.

Canceling a meeting

In the event that a meeting is canceled, a notice of cancellation should be posted with the Office of the Town Clerk, but is not legally required. As a matter of courtesy, however, the person responsible for reserving the meeting space should be notified so that the space can be released for another purpose, if necessary.

Arranging a location

Meetings should be held, whenever possible, in public places in the city or town. Contact your local Town or City Hall for available meeting locations. Suggested facilities include:

Town or City Hall	Community Center
Library	Public School

In the event a public venue is not available, private facilities such as restaurants, meeting halls and hotels may be used, so long as the meeting is open to all members of the public.

Conducting a meeting

The Massachusetts Open Meeting Law

Meetings should be conducted according to the Massachusetts Open Meeting Law. Massachusetts General Law Chapter 39, Section 23A-C, is designed to ensure that governmental activities are conducted in public except in very limited circumstances. The Open Meeting Law gives the public and the press the right to attend (though not necessarily the right to participate in) all committee meetings except those portions held in Executive Session. The law requires that notice of meetings be publicly posted, that minutes be taken, and that executive sessions be held only in specific circumstances.

A full copy of the Open Meeting Law is available online beginning at www.state.ma.us/legis/laws/mgl/39-23a.htm. See Appendix F for a descriptive paper.

A brief summary follows:

1. All meetings must be open to the public.
2. No private meetings may be held – private meetings include telephone conversations or electronic mail conversations which could be construed as deliberating toward a decision.
3. No final agreements may be reached at chance meetings. Chance meetings (including telephone or electronic meetings) may not be held to circumvent the requirements of the Open Meeting Law.

Open meetings may be taped or videotaped by anyone in attendance, so long as the person notifies the chair that the taping will occur.

Quorum

A majority of the voting members on any commission constitutes a quorum. The commission may deliberate or discuss issues in the absence of a quorum, but no vote or action can be taken unless a quorum is present.

Agenda

The chair typically prepares the meeting agenda. It is helpful to distribute the agenda to commission members in advance of the meeting.

Agenda Items

- Call to Order
- Approval of Minutes
- Old Business
- New Business
- Executive Session – if needed
- Adjournment

Minutes

Minutes must be kept for each meeting and filed with the Town Manager, Town Administrator or City Mayor. The Open Meeting Law requires maintenance of accurate records. Minutes should include the

time, date, place, members present or absent, and the action taken at each meeting. “Action taken” includes discussion or considerations of issues, even if no vote is taken or no determination is made with respect to any issue or subject considered. Word for word transcripts of the proceedings are not required.

Minutes
• Date
• Time
• Location
• Members Present
• Members Absent
• Action Taken

Minutes of meetings are public record from the moment they are made. They must be available to the public. State law does not require meeting minutes to be voted on, however many commissions do so after reviewing them. State law does require that each board and commission designate a clerk who is responsible for keeping the records. The Secretary of State has ruled that a hard copy, as opposed to an electronic version, must be retained.

Some commissions are provided with clerical assistance at each meeting, while others are not. Some will designate a single member as clerk or secretary. Others will rotate the responsibility among members.

Minutes from executive sessions may remain private as long as their publication would defeat the lawful purpose of the executive session, but not longer.

See Appendix O for a sample form for recording minutes.

Conducting a meeting

Most commissions conduct business using *Robert’s Rules of Order*. This publication is available at most libraries and bookstores. It is considered to be the best guide for conducting meetings according to proper parliamentary procedure.

Following proper parliamentary procedure ensures the protection of the rights of the minority, while allowing the majority to rule. The degree of adherence to *Robert’s Rules of Order* is largely dependent upon the number of commission members. Generally speaking, it is the chair that sets the pattern for rule observance.

Members of the community may attend commission meetings from time to time. However, the fact that the public can attend does not translate into an entitlement for members of the public to speak. Members of the audience may address the commission only with the permission of the chair.

It is the chair’s responsibility to assure that public participation in a meeting does not interfere with the commission accomplishing its business. A chair can ask that the public refrain from comment until the end of the meeting, or limit the time for public comment on any particular agenda item.

See Appendix E for *Robert's Rules of Order* Summary.

Disruption

In the event that an individual, or group of individuals, causes a disruption the chair has several options:

1. Call for a recess or break in the meeting to allow people to cool off
2. Adjourn the meeting and reconvene at a different time

If one or two people in particular are disruptive or insist upon speaking without permission of the chair, Massachusetts law provides that the chair may order the person or persons to leave the meeting. Unless the chair believes that the disruptive member(s) present a threat to the physical well being of the other members or the public, removal of the individual(s) by the police should be used only as a last resort.

Regulation of participation by public in open meetings can be found on-line at:
www.state.ma.us/legis/laws/mgl/39-23c.htm

Executive Session

Executive session may be called for a very limited set of circumstances, including discussions of disciplinary action, collective bargaining, etc.

In order to move to executive session, certain formalities must be met:

1. Boards must first convene in open session
2. A majority vote of the members present is needed to move into executive session
3. The vote of each member to move into executive session must be recorded on a roll call vote and included in the minutes of the meeting
4. All votes taken in executive session must be recorded on a roll call as well
5. The presiding officer must give the reason for the executive session before it is convened, and indicate whether or not the committee will reconvene after executive session. A common indication is "to return to open session only to adjourn".

Additionally, certain procedures must be followed when convening an executive session. If the commission desires to call for an executive session in order to discuss the discipline, character, criminal conduct, etc. of an individual, that individual must be given 48 hours advance notice and be given the opportunity to attend and the opportunity to request that the matter be heard in open session.

See Appendix F for the Massachusetts Open Meeting Law. Executive session requirements and its appropriate use are contained within.

The law governing executive sessions may be found online at www.state.ma.us/legis/laws/mgl/39-23b.htm. A copy is also available in most libraries.

IV. COMMUNICATIONS

Open meetings are the official place for members of the AgCom and the general public to communicate. This is where the give-and-take of opinion, advocacy and resolution occur.

Keeping communication open with other town boards, town staff and the general public helps to further the mission, goals and vision of the commission.

Communication with the public is also very important to generate awareness of the AgCom, of agriculture, and to encourage public participation.

Publicity and outreach

There are a multitude of ways to gain publicity for agriculture and the work and accomplishments of the AgCom. Community television, local and regional newspapers, town websites, and social events (Harvest and Farmers Dinners) are all potential outlets for sharing information concerning commission activities.

A summary highlighting the major accomplishments of the commission during the past year is also an excellent way to communicate with the citizens of your city or town.

The following is an example of an education and outreach plan used by the Town of Carver.

Carver Agricultural Commission Steering Committee EDUCATION/OUTREACH PLAN

PART I

RESEARCH: Agriculture in Carver

Conduct research and development of data on agriculture in Carver:

Research to include:

- a. **Contact** Dartmouth Ag Comm (about the process they used), Town Assessors, Town Planner, MASSGIS, SRPEDD, Census, AFT, NRCS, MDAR, Farm Bureau...
- b. **Collect** and **synthesize** data on: Land in agriculture, Land use, owners, operators, permanently protected, CRs, APRs etc., Ch.61 land use, Economic impact= Cost of community services, # jobs, multiplier effect
Benefits: open space, environment, historic and cultural

Develop Graphics and Database of Agriculture in Carver

DEVELOPMENT & PRINT: Agriculture in Carver

Draft Content and Format for 2 Brochures

Brochure #1: Agriculture in Carver's Community Values & Benefits

Brochure #2: "Living Near a Farm" Neighbor Relations & Right to Farm

PART II

EDUCATION

Goals:

1. Residents develop an awareness of agriculture's value (economic, environmental, cultural, historic, and social) to the Carver Community, rights of farmers...
2. Residents understand agriculture's value (economic, environmental, cultural, historic, and social) to the Carver Community, rights of farmers...
3. Residents' behaviors change and demonstrate actions that support agriculture's long-term existence in Carver as a necessary component of the Carver Community.

Develop and Implement a multi-media approach to educating residents of Carver:

1. **Mailing of: Agriculture in Carver's Community Values & Benefits To 4000 Carver households**
2. **Educate new residents and Realtors:**
 - Develop relationship with Carver Realtors:
 - Educate Realtors about agriculture in Carver – benefits, rights of farmers and provide them with Living Near a Farm brochure and information
 - Realtors agree to provide brochures to potential buyers and buyers of Carver Real Estate as part of a "Carver Welcome Good Neighbor Package"
3. **Educate Carver residents through television.**

Partner with Carver Community Access Television "Community/Town Hall" Programming" Information in both brochures shared with Town Planner and incorporated into broadcasts.

Includes:

 - Taping and broadcasting of topical issues from Ag Comm meetings
 - Ag Lecture Series
 - "Agriculture "101" for non-farming public
 - Benefits of Agriculture to the Carver Community
4. **Expert Speakers secured for Cable Programming from: Massachusetts Dept. of Agricultural Resources, American Farmland Trust, Legislators, USDA, Extension, Local Agricultural Commissions and Farmers...**
5. **Educate Town Elected and Appointed Officials and Town Staff**
 - Attend and Speak at Meetings, distribute Materials, notify of events, issues...
6. **Educate children and all residents**, including by participating in **Community events** – provide brochures, discuss events and issues
7. **Post information and events on Town Website**
8. **Educate state and U.S. legislators**
 - Attend Ag Day at State House - Meet with state and U.S. legislators-Make appointments and meet legislators in their local offices
 - Invite legislators to Events
 - Update legislators by emailing or sending them updates, newsletters, events schedules

V. PUBLIC RECORDS

Massachusetts law mandates the public disclosure of government records. All meeting minutes, notes, electronic mail, letters, memos, papers, maps, photographs, recorded tapes, financial statements, electronic data, etc. made or retrieved by the Commission to serve a public purpose are open to public view, unless the materials fall within one of the following nine exemptions:

1. Documents exempted from disclosure by law.
2. Documents related solely to internal personnel rules and practices, but only to the extent that the performance of town business or government requires such a withholding.
3. Personnel and medical files; materials relating to a specifically named individual, the disclosure of which may constitute an invasion of privacy.
4. Inter- or intra-agency memos or letters relating to policy decisions being developed (does not apply to complete factual studies or reports).
5. Notebooks and other materials prepared by employees which are personal to them and not maintained as part of the files of the governmental unit.
6. Investigatory materials necessarily compiled out of public view by law enforcement officials, the disclosure of which would probably prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.
7. Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality. Does not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit.
8. Proposals and bids to enter into any contract or agreement until the time for opening bids or receipt of bids has passed.
9. Appraisals of real property to be acquired until (1) an agreement is entered into, or (2) three years have elapsed since making the appraisal.

In addition to being available to the public, public records must be retained by an official “custodian” in accordance with a specific retention schedule that depends on the nature of the record.

The current law, Massachusetts General Laws Chapter 4 Section 7 and Chapter 66 Section 10, parallels the federal Freedom of Information Act. Laws may be found online at:

www.state.ma.us/legis/laws/mgl/4-7.htm and

www.state.ma.us/legis/laws/mgl/66-10.htm

Further codification is in the Code Of Massachusetts Regulations, 950CMR 32, available online at

www.state.ma.us/sec/pre/prelaw/law950.htm

A copy is also available in most libraries.

Public access to records

A request for access to records may be made by anyone, including the press, verbally or in writing. A written request is required only when there is substantial doubt as to whether the record requested is public. A keeper of a public record may not insist that the requestor reveal the purpose of the request. If Commission members have any doubt as to whether a record should be released, they should contact Town Counsel.

All public record requests must be honored within 10 days (either to produce the record or to deny the request). Denial of public record requests should be made in writing. All requests for personnel or personal information should be forwarded to the Town Manager, Town Administrator or City Mayor. In no event should personnel information be given out by the Commission in response to a public records request.

An extensive Guide to the Massachusetts Public Records Law with frequently asked questions published by the Secretary of the Commonwealth is available online at:

www.state.ma.us/sec/pre/prelaw/lawover.htm and
www.state.ma.us/sec/pre/prelaw/lawfaq.htm

A copy is also available in most libraries.

Confidentiality

AgCom members should not publish, or make known, in any manner or to any extent not authorized by law, any information relating to town business which is not public record.

VI. BOARD MEMBER RESPONSIBILITIES

Conflict of interest

A “municipal employee” includes all paid employees, all unpaid officials and all board members. Massachusetts General Laws, Chapter 268A sets forth the basic ethical standards of conduct for municipal employees.

The appearance of a conflict can be created when a board member’s personal interests or relationships overlap with his or her public obligations. In summary, board members are prohibited from:

- Requesting or accepting gifts in return for official acts;
- Participating in any matter in which the member, the member’s family, or the member’s business has an interest;
- Having an interest in a contract made with the city or town (with limited exception);
- Working as a city or town employee in any position under the supervision of the commission the individual is currently serving on, or for 60 days after the individual leaves the commission;
- Receiving compensation from, or acting as an agent for, any business or individual with regard to any particular item with which they are currently involved, or were involved, during the previous year;
- Engaging in any activity which would impair their judgment on city or town business;
- Using their position for financial gain; and
- Acting as agent or attorney for anyone on any item in which they directly participated as a former commission member, and from appearing as agent or attorney before a city or town board for two years on any matter which was under their official responsibility as an AgCom member.

The Massachusetts Conflict of Interest Law summary should be given to all new AgCom members when they are sworn in.

See Appendix P for a copy of the Massachusetts Conflict of Interest Law. Also provided is a brief summary from the State Ethics Commission.

Detailed information on the Conflict of Interest Law published by the State Ethics Commission is available online at: www.state.ma.us/ethics

Massachusetts General Law Chapter 268a, Section 20 is online at: www.state.ma.us/legis/laws/mgl/268a-20htm

Setting fees

Massachusetts General Law Chapter 40, Section 22F allows a commission that issues a license, permit, certificate, or provides a service to fix a reasonable fee of charges for the work performed.

Some committees are regularly responsible for establishing fees for specific services, such as inspections and permits. An AgCom may or may not have cause to set fees for services. The Town Manager, Administrator, or Mayor's office will be able to provide the commission with the needed guidance as to when fees would be appropriate, and if so, what the recommended fee would be.

As with all service fees, the revenue generated is incorporated into the town budget, and so is subject to approval by voters at Town Meeting.

Discrimination

Putting biases aside is one of the most important responsibilities that a commission member has. Each town has its own statement regarding discrimination. Check with your town clerk to obtain a copy.

Indemnification

Commission members, as public officials, are indemnified against liability for any act or omission except for intentional violations of civil rights, in accordance with Massachusetts General Laws Chapter 258, Section 13. Your local Town or City Counsel can provide you with the specifics.

VII. USE OF TOWN COUNSEL

Town Counsel should review by-law proposals. The Board of Selectmen or City Council generates the procedure for this review, which will vary from town to town. If questions relating to specific agricultural laws arise and your local town counsel needs assistance, the Massachusetts Farm Bureau Federation and Massachusetts Department of Agricultural Resources may be able to provide advice.

Massachusetts Department of Agricultural Resources:

www.mass.gov/agr

617 626 1700

Massachusetts Farm Bureau Federation:

www.massfarmbureau.com

(508) 881 4766

VIII. RESOURCES

Massachusetts Department of Agricultural Resources

Kent Lage
251 Causeway Street, Suite #500
Boston, MA 02114
Phone: (617) 626-1702
Kent.Lage@state.ma.us
www.mass.gov/agr/AgCom

See Appendix Q for a complete listing of all MDAR programs and services.

Pilgrim Resource Conservation and Development

Irene Winkler
15 Cranberry Highway
West Wareham, MA 02576
Phone: (508) 295-1317
Fax: (508) 291-2368
irene.winkler@ma.usda.gov
www.pilgrimrcd.org

Community Involved in Sustainable Agriculture (CISA)

Annie Cheatham
One Sugarloaf Street
South Deerfield, MA 01373
Phone: (413) 665-7100
Fax: (413) 665-7101
annie@buylocalfood.com
www.buylocalfood.com

American Farmland Trust

Cris Coffin
New England Field Office
1 Short Street, Suite 2
Northampton, MA 01060-3952
Phone: (413) 586-9330 x29
Fax: (413) 586-9332
ccoffin@farmland.org
www.farmland.org/northeast/staff.htm

Massachusetts Farm Bureau Federation

Carl DeMatteo
466 Chestnut Street
Ashland, MA 01721
Phone: (508) 881-4766
Fax: (508) 881-4768
cdematteo@massfarmbureau.com
www.massfarmbureau.com

Berkshire Grown

22 Railroad Street, #6
Great Barrington, MA 01230
Mailing Address:
PO Box 983
Great Barrington, MA 01230
Phone: (413) 528 0041
Fax: (413) 528-6241
www.berkshiregrown.org

New England Small Farm Institute

275 Jackson St.
Belchertown, MA 01007
Phone: (413) 323-4531
Fax: (413) 323-9594
www.smallfarm.org

Southeastern Massachusetts Agricultural Partnership (SEMAP)

P.O. Box 569
East Wareham, MA 02538
Phone: (508) 295-2212 ext. 50
www.umassd.edu/semaph

Massachusetts Municipal Association

60 Temple Street
Boston, MA 02111
Phone: (617) 426-7272
Fax: (617) 426-1314
www.mma.org

Massachusetts Office for Commonwealth Development

100 Cambridge Street, Suite 1010
Boston, MA 02114
Phone: (617) 573-1380
Fax: (617) 573-1399
www.mass.gov/ocd

**United States Department of Agriculture
Natural Resources Conservation Service**
www.ma.nrcs.usda.gov

Barnstable

270 Communications Way, Unit 1G
Hyannis, MA 02601
Phone: (508) 771-6476
Fax: (508) 771-6509

Greenfield

55 Federal Street
Hayburne Building, Room 290
Greenfield, MA 01301-2546
Phone: (413) 772-0384 Ext.3
Fax: (413) 774-4949

Hadley

195 Russell Street, Suite B6
Hadley, MA 01035
Phone: (413) 585-1000, Ext. 3
Fax: (413) 586-8648

Holden

The Medical Arts Center Building
52 Boyden Road, Room 10
Holden, MA 01520-2587
Phone: (508) 829-4477 Ext. 3
Fax: (508) 829-9508

Pittsfield

78 Center Street, Suite 206
Pittsfield, MA 01201-6171
Phone: (413) 443-1776, Ext. 3
Fax: (413) 499-4169

Westford

319 Littleton Road, Suite 205
Westford, MA 01886-4133
Phone: (978) 692-1904 Ext. 3
Fax: (978) 392-1305

West Wareham

15 Cranberry Highway
West Wareham, MA 02576-1504
Phone: (508) 295-5151 Ext 2
Fax: (508) 291-2368

Berkshire-Pioneer RC&D

433 West Street, Suite #8
Amherst, MA 01002
Phone: (413) 256-1607
Fax: (413) 253-5542
<http://members.aol.com/berkpiorcd>

Patriot RC&D

319 Littleton Road, Suite 302
Westford, MA 01886-4133
Phone: (978) 692-1904
Fax: (978) 392-1305
www.patriotrcd.org

Pilgrim RC&D

15 Cranberry Highway
West Wareham, MA 02576-1504
Phone: (508) 295-1317 Ext 130
Fax: (508) 291-2368
www.pilgrimrcd.org

Massachusetts Regional Planning Agencies

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201
Pittsfield, MA 01201-6629
Phone: (413) 442-1521
Fax: (413) 442-1523
www.berkshireplanning.org

Cape Cod Commission

3225 Main Street, P.O. Box 226
Barnstable, MA 02630-0226
Phone: (508) 362-3828
Fax: (508) 362-3136
www.capecodcommission.org

Central Massachusetts Regional Planning Commission

35 Harvard Street
Worcester, MA 01609-2801
Phone: (508) 756-7717
www.cmrpc.org

Franklin Regional Council of Governments

425 Main Street
Greenfield, MA 01301
Phone: (413) 774-3167
Fax: (413) 774-3169
www.frcog.org

Martha's Vineyard Commission

P.O. Box 1447
Oak Bluffs MA 02557
Phone: (508) 693-3453
Fax: (508) 693-7894
www.mvcommission.actwin.com

Merrimack Valley Planning Commission

160 Main Street, Haverhill MA 01830
Phone: (978) 374-0519
Fax: (978) 372-4890
www.mvpc.org

Metropolitan Area Planning Council

60 Temple Street
Boston, MA 02111
Phone: (617) 451-2770
Fax: (617) 482-7185
www.mapc.org

Montachusets Regional Planning Commission

R1427 Water Street
Fitchburg, MA 01420
Phone: (978) 345-7376
Fax: (978) 348-2490
www.mrpc.org

Nantucket Planning and Economic Development Commission

4 North Water Street
Nantucket, MA 02554
Phone: (508) 228-7237
Fax: (508) 228-7236
www.nantucket-ma.gov/departments/npedc.html

Northern Middlesex Council of Governments

Gallagher Terminal
115 Thorndike Street, Floor 3B
Lowell, MA 01852-3308
Phone: (978) 454-8021
Fax: (978) 454-8023
www.nmcog.org

Old Colony Planning Council

70 School Street
Brockton, MA 02301
Phone: (508) 583-1833
Fax: (508) 559-8768
www.ocpcrpa.org

Pioneer Valley Planning Commission

26 Central Street, Suite 34
West Springfield, MA 01089-2787
Phone: (413) 781-6045
Fax: (413) 732-2593
www.pvpc.org

Southeastern Regional Planning and Economic Development District

88 Broadway
Taunton, MA 02780
Phone: (508) 824-1367
Fax: (508) 823-1803
www.srpedd.org

Appendix A - Sample Agricultural Commission Warrant Articles

Dartmouth

(Established in 1988)

1999 Warrant Article

AGRICULTURAL COMMISSION

The Selectmen shall appoint a citizen's committee to be called the AGRICULTURAL DEVELOPMENT COMMISSION, to be comprised of nine members, serving staggered terms of three years each. Said members shall not concurrently serve as members of any elected or appointed Town board or commission. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Dartmouth, and to promote agricultural-based economic opportunities in the Town.

Mission: Preserve, revitalize and sustain the Dartmouth Agricultural Industry and its lands: encourage the pursuit of agriculture, promote agricultural-based economic opportunities, protect farmland.

Hadley

(Established in 2004)

Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the Town both as a business and a resource, the preservation of farmland, the promotion of agricultural-based economic opportunities, and the expression of planning needs and the visibility of farming in Hadley.

The Commission shall consist of seven members appointed by the Select board. At least four of the members shall be actively engaged in agriculture. They shall serve staggered terms of three years each. Up to five voting alternates may also be appointed by the Board, each for a one-year term. Vacancies shall be filled by the Board.

Hatfield

(Established in 2001)

AGRICULTURAL ADVISORY COMMISSION

An Agricultural Advisory Commission shall be established to address and represent agricultural issues and interests in the Town. The Board of Selectmen shall appoint a five-member commission comprised of one representative of the Hatfield Land Trust Preservation Advisory Committee and four at-large citizen representatives. At least three of the members of the commission shall be engaged in the business of farming or related agricultural industries. The duties and responsibilities of the commission shall include, but not be limited to:

1. Advising the Hatfield Land Trust Preservation Advisory Committee on transactions and acquisitions involving agricultural lands in town;
2. Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and Historic Commission on projects and activities involving agricultural lands in town;

3. Engaging in projects and activities to promote the business of farming activities and traditions, and farmland protection in town including educational programs and community events;
4. Reporting on its projects and activities on an annual basis with the Town Report.

Middleborough

(Established in 2002)

AGRICULTURAL COMMISSION

To see if the Town will vote to establish an Agricultural Commission to represent the Middleborough farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Middleborough, and shall promote agricultural-based economic opportunities in Town. The Commission will consist of seven members from the active farming community of Middleborough appointed by the Board of Selectmen. The Commission shall consist of a minimum of four member who are primarily engaged in farming and another three members who are interested in farming. Three members for a term of three years, two members for a term of two years, and three years thereafter, and two members for a term of one year, and three years thereafter. Up to five alternates may also be appointed by the Board of Selectmen, each for one year terms, and/or take another action thereto. The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendations of the Commission.

1. Appointing Authority: Board of Selectmen
2. Establish number of members of Commission: seven
3. Establish terms of service: see article
4. Establish whether members must be Town residents: No, do not need to be a resident
5. Method of filling vacancies: see article
6. Purpose of the Commission:

Mission: To represent the Middleborough farming community. Shall serve as facilitators for encouraging the pursuit of agriculture in Middleborough and promote agricultural-based economic opportunities in town.

Rehoboth

(Established in 2003)

AGRICULTURAL COMMISSION

To see if the Town will vote to establish an Agricultural Commission to represent the Rehoboth farming community. Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Rehoboth; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of seven members appointed by the Board of Selectmen. The Commission will consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Rehoboth and another three who are

interested in farming. Three members for a term of three years; two members for a term of two years and three thereafter; and two members for a one year term, and three years thereafter.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on recommendations of the Commission.

1. Appointing Authority: Board of Selectmen
2. Establish number of members of Commission: 7 plus 5 alternates
3. Establish terms of service: staggered, see article
4. Establish whether members must be Town residents: No
5. Method for filling vacancies: Board of Selectmen
6. Purpose of the Commission: To represent the Rehoboth farming Community
7. Guiding Principles for Commission Appointment: Members should: represent Town geographically, represent the diversity and scale of agricultural businesses, represent the diversity of the Town's population, encourage next generation farmers. The overall intent is to be inclusive not exclusive.

Mission: Promote agricultural-based economic opportunities; preserve, revitalize and sustain the Rehoboth agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

Rowley

(Established in 2004)

AGRICULTURAL COMMISSION

To see if the town will vote to establish an Agricultural Commission. Said Commission shall serve as facilitator and advocate for encouraging the pursuit of farming and agriculture in Rowley, shall promote agricultural-based economic opportunities in the Town, and shall work with Town officials and boards to promote and protect agricultural interests.

The Commission shall consist of seven members appointed by the Board of Selectmen. Three members for a term of three years; two members for a term of two years, and three thereafter; and two members for a one-year term, and three years thereafter. Up to five alternates may also be appointed by the Board of Selectmen, each for one-year terms.

Whatley

(Established in 2004)

To see if the Town will vote to establish an Agricultural Commission to represent the Whatley farming community. Said Commission shall be established to address and represent agricultural issues and interests in the Town. The Board of Selectmen shall appoint a five member commission: Two members for a three year term; two members for a term of two years, and three years thereafter, and one member for a term of one year and three years thereafter. Any vacancy shall be filled by the appointing authority based on recommendations of the Commission, for the unexpired term of the vacancy. At least three members of the Commission shall be engaged in the business of farming or related agricultural industries. The duties and responsibilities of the Commission shall include, but not be limited to:

Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions, involving agricultural lands in town.
Engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in town, including programs and community events.
Reporting on its projects and activities on an annual basis within the town report.

Or take any other action relative thereto.

Westport

(Established in 2001)

AGRICULTURAL COMMISSION

To see if the town will vote to establish an Agricultural Commission to represent the Westport farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the town of Westport, and shall promote agricultural-based economic opportunities in the Town. The Commission will consist of seven members from the active farming community of Westport, appointed by the Board of Selectmen. Three members for a term of three years; two members for a term of two years, and three thereafter; and two members for a one-year term, and three years thereafter. Up to five alternates may also be appointed by the Board of Selectmen, each for one-year terms, and/or take any other action relative thereto.

Town Hall: 508.636.1000

Appendix B – City of Pittsfield Ordinance Example

The City of Pittsfield is an example of a community that is considering AgCom formation. It has set up an AgCom steering committee that meets regularly. AgComs in cities are created through passage of an ordinance. Developed by the steering committee, the proposed language goes to the Mayor, who takes it to the City Council for the required two readings (two votes on separate occasions). Draft ordinance language is also reviewed by the Community Development Board and the Community Development Director. This review is a courtesy, rather than a requirement. The Mayor is the AgCom member appointing and reappointing authority. The terms of service on the AgCom are outlined in the ordinance.

Appendix C - Carver Ag Comm Steering Committee Education Plan

Goal: Get people out to Town Meeting & Educate in the Process

ACTION LIST

ACTION	WHO	START DATE	END DATE
I. What is Town Meeting Date? II. What is deadline for submitting Warrant Articles to Board of Selectmen?			
Develop Contact List and Plan 1. Ask for Town Meeting attendance roster			
2. Get Final Proposed Warrant Article out to Ag Comm. St. Comm members and Selectman and/or Town Administrator			
3. Attend Board of Selectmen's Meeting: a. Present Proposed Agricultural Commission Warrant Article b. Ask when article will be finalized and # assigned			
4. Estimated Date for Article # Assignment			
5. Mailing List: Compile list for flyer mailing(s) & phone calls a. Ag Comm Informational Meeting Mailing List b. Ag Comm Informational Meeting Attendance List c. Town Meeting attendees			
6. Develop Flyer & Post Card: Revise Rehoboth Ag Comm Flyer for Carver & Plan Post Card a. Plan to go to Town meeting and vote for article # b. REMINDER Post Card- vote for article # at town meeting			
7. Print # _____ of flyers. (For mailings and handouts)			
8. Mail Flyers to farmers and those on town meeting attendance list (includes town officials)			
9. Mail handwritten postcards - Reminder Vote Yes on Article # _ signed by steering committee member			
10. Phone Calls: Script message and ask a. Develop Call List b. Steering Committee members – Call assignments			

<p>11. Media: Newspapers</p> <ul style="list-style-type: none"> a. Contact Local Newspaper Reporters (writer) for interview/articles with Steering Committee Members and residents (Info Meeting speakers) b. Contact residents who spoke in favor of Ag Comm at Info Meeting (for interviews) 			
<p>12. Media: Cable</p> <ul style="list-style-type: none"> a. Record 5 – 10 minute piece: Warrant Article, Purpose, b. Benefits come out to vote at town meeting... <p>Show airs weekly interviews (interview steering committee members/residents – air several times prior to Town Meeting)</p>			
<p>13. Creating Ag Comm Q&A Handout: Copy several hundred Handouts and Use for Phone calls</p>			
<p>14. Attend candidate Nights at 4 Mobile Home Parks</p>			
<p>15. Attend March 10 Ag Day at the State House</p>			
<p>16. Contact legislators to attend</p>			
<p>17. Attend Town Meeting – Handout Flyers Spokesperson from the Ag Comm Steering Committee prepared to address questions at Town Meeting if necessary</p>			

Appendix D - A Toolkit for Organizing a Town Agricultural Commission

The CD will provide you with all the tools you need for organizing an agricultural commission in your town. It contains sample documents that you can customize for your own use. It is provided by the Pilgrim Resource Conservation and Development Area Council, Inc. through a grant from the Society for Promoting Massachusetts Agriculture. Copies can be obtained by contacting:

Pilgrim RC&D
15 Cranberry Highway
West Wareham, MA 02576
Phone: (508) 295-1317
Email: irene.winkler@ma.usda.gov
www.pilgrimrcd.org

Table of Contents:

1. Exploratory meeting invitation
2. Exploratory meeting news release
3. Exploratory meeting agenda
4. Town Planner talking points
5. 1st Steering Committee meeting agenda
6. 1st Steering Committee meeting notes
7. Steering Committee timeline
8. 2nd Steering Committee meeting agenda
9. Planning Board meeting talking points
10. Ag Commission warrant articles
11. Member selection criteria
12. News release soliciting membership
13. Ag Commission action register
14. 1st Commission meeting guidelines
15. Ag Commission work plans
16. "Support Warrant Article" flyers
17. Ag Commission Brochure
18. Ag Commission presentation

Appendix E - Robert's Rules of Order Summary

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, *Robert's Rules of Order Newly Revised* is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order
2. Roll call of members present
3. Reading of minutes of last meeting
4. Officer's reports
5. Committee reports
6. Special orders --- Important business previously designated for consideration at this meeting
7. Unfinished business
8. New business
9. Announcements
10. Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order
2. Second motions
3. Debate motions
4. Vote on motions

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. **Obtaining the floor**
 - a. Wait until the last speaker has finished
 - b. Rise and address the Chair by saying, "Mr./Mdm Chair, or Mr./Mdm. President."
 - c. Wait until the Chair recognizes you
2. **Make Your Motion**
 - a. Speak in a clear and concise manner
 - b. Always state a motion affirmatively. Say, "I move that we..." rather than, "I move that we do not..."
 - c. Avoid personalities and stay on your subject
3. **Wait for Someone to Second Your Motion**
4. **Another member will second your motion or the Chair will call for a second**
5. **If there is no second to your motion it is lost**
6. **The Chair States Your Motion**
 - a. The Chair will say, "it has been moved and seconded that we..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once the chair presents your motion to the membership it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. **Expanding on Your Motion**
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chair.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chair.

8. Putting the Question to the Membership

- a. The Chair asks, "Are you ready to vote on the question?"
- b. If there is no more discussion, a vote is taken.
- c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. By Voice -- The Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. By Roll Call -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
3. By General Consent -- When a motion is not likely to be opposed, the Chair says, "if there is no objection..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the chair so desires. Members raise their hands or stand.
5. By Ballot -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

PARLIAMENTARY WORDS AND TERMS

Abstain – not voting one way or the other

Adjourn – ending the meeting

Adopt – to okay or accept

Agenda – an outline of items to address at a meeting

Amendment – adding on to a motion, usually to improve it, enlarge its intent, or to make it more understandable

Appeal the decision of the Chair – to question the Chairperson's decision and ask the group to change it

Appoint – to place someone in a job or position

By-laws – the rules a group has agreed to follow and the goals of the organization

Caucus – getting together outside the regular meeting to decide on plans, position, policy and/or people to nominate

Chair – the position held by the meeting's leader

Committee – a group that reviews and reports on a special task given to them by the larger membership. A committee may recommend actions to be taken based upon its findings.

General Consent – approval by the group. If even one member objects, a vote must be taken.

Majority opinion – the decision of more than half the voting members

Minority opinion – the position held by less than half of the voting members

Minutes – official record of a meeting

Motion – a member's proposal for action

Nominate – to recommend a person for election to office

Pending – still up in the air and undecided

Personal privilege – calling attention to something having to do with the well being of the people at the meeting, such as asking to have a window opened

Point of Information – asking for more information before making a decision

Point of Order – correcting a mistake that is against the rules of the organization

Pro Tem – temporary

Proxy – permission given, usually in writing, by one member for another member to vote in his or her name

Orders of the Day – calling for the group to get back to the agenda or the main business of the meeting

Question – a motion that is under discussion with a vote to be taken on it

Recess – taking a short break

Rescind – to take back or withdraw

Resolution – usually a policy statement being suggested to the group for approval

Second – support for a motion. Before a group can handle a proposal, it must know that two people want to have it discussed.

Standing Committee – a committee that goes year round such as a program planning committee

Suspending of the Rules – discussing something without sticking to the rules of the meeting

Veto – to turn “thumbs down” on a motion or idea

Appendix F - Massachusetts Open Meeting Law

I. Who is subject to the Law?

The Law applies to all "governmental bodies" which are defined as "every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority." Mass. Gen. L. ch. 39, § 23A.

- A. The Law does not apply to individual public officers such as mayors or chiefs of police and their assistants.
- B. A governmental body cannot circumvent the Law by delegating public business to a subcommittee. That is, subcommittees are equally subject to the Law as are full committees.
- C. Subcommittees appointed by any governmental body are covered by the Law. As long as a body however constituted, is carrying out delegated functions or responsibilities of the parent body, the convening must be open to the public. Nigro v. Conservation Commission of Canton, 17 Mass. App. Ct. 433 (1984).

II. What is a "meeting" for purposes of the Law?

A "meeting" is defined as "any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered." Mass. Gen. L. ch. 39, § 23A.

- 1. "Deliberation" is defined as "a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction." Mass. Gen. L. ch. 39, § 23A.
- 2. A "quorum" is defined as "a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body." Mass. Gen. L. ch. 39, § 23A.
- 3. The Law does not apply to "chance" or "social" meetings of a governmental body or members of the body at which matters relating to official business are discussed, so long as no final decision on such business is reached. However, such meetings cannot be used to circumvent the letter and spirit of the Law

Example: Two days after a so-called chance or social meeting at which members of a school committee discussed the closing of a school, the school committee convened in an open meeting and without discussion ratified a determination about the closing that had been reached at the earlier "chance" meeting. The facts suggest that the chance or social meeting may have been used to circumvent the requirements of the Law.

4. Where members of a town board meet to discuss public business in private even where the members do not intend to vote on, or make a final decision on issues, this action constitutes a "meeting" under the Law. Thus, if there is a simple "exchange of views" by a simple majority of the members of a board on a public issue, then the board must comply with the requirements of the Law. Gerstein v. Superintendent Search Screening Committee, 405 Mass. 465 (1989); District Attorney for the Plymouth District v. Board of Selectmen of Middleborough, 395 Mass. 629 (1985).
5. Discussion by telephone among members of a governmental body on an issue of public business within the jurisdiction of the body is a violation of the Law.

III. Procedures required by the Law

A. Notice requirements

1. The Law provides that:
"Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town." Mass. Gen. L. ch. 39, § 23B.
2. A governmental body may comply with the notice requirements by filing and posting in advance a printed schedule of its future meetings, so long as the day of the week, the time and place of each such meeting is listed, and so long as the governmental body does in fact meet at the regularly scheduled time and place.
3. A governmental body does not satisfy the notice requirement by posting notice indicating a range of times within which the board may meet.
4. The notice requirements do not apply to "emergency" meetings. An emergency is defined as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action." The emergency in question must be one that relates directly to the functions and responsibilities of the governmental body convening the meeting.
5. In the event that it becomes necessary to adjourn or extend a meeting to another time, the Law's notice requirements apply to the adjourned or extended meeting. Accordingly, it is necessary to adjourn the meeting to a date that will permit the governmental body to cause notice to be filed and posted at least forty-eight hours in advance unless the circumstances require the adjourned meeting to be an emergency meeting.

B. Minutes of Meetings

1. The Law requires every governmental body to maintain accurate records of its open meetings, setting forth the time, date, place, members present or absent and action taken at each meeting.

2. "Action taken" includes discussion or consideration of issues, even if no vote is taken or no determination is made with respect to any issue or subject considered.
3. No verbatim transcript of the proceedings is required.
4. The records or minutes of every meeting are public records from the moment they are made. As public records, meeting records or minutes must be made available to the public at reasonable times and in a reasonable place. The governmental body must permit the records to be copied, although it may charge a reasonable copying fee.
5. The minutes of an executive session are also public records. Executive session minutes may be withheld from public inspection as long as publication of the minutes would defeat the lawful purposes of the executive session. Once the need for secrecy has passed, the records must be released.

C. Conduct of Meetings

1. All meetings of a governmental body are open to the public and any person shall be permitted to attend such meetings unless the governmental body (a) validly decides to hold executive session for one of the nine purposes outlined in the Law and (b) follows the prescribed procedures for holding such an executive session.
2. In order to enter into executive session, the governmental body must first convene an open meeting. In order to convene an open meeting, there must be a quorum present. A majority of the members of the governmental body must vote to go into executive session. This has been interpreted to mean a majority of the members present, rather than a majority of the members voting.

Example: *On a five member board with two members abstaining from a vote, if two members vote to enter into an executive session and one member votes against entering into executive session, the motion fails and an executive session would be in violation of the statute.*

3. The vote of each member must be recorded on a roll call vote and entered into the minutes of the meeting.
4. The presiding officer must cite the purpose for the executive session and whether the governmental body will reconvene in open meeting after the executive session is completed.
5. Except when a meeting is held in executive session, any person in attendance may record the meeting with a tape recorder or any other method of sonic reproduction, so long as no active interference with the conduct of the meeting arises as a result of the recording.

IV. Executive Session

- A. Definition. The Law defines an executive session as "any meeting of a governmental body which is closed to certain persons for deliberation on certain matters."
- B. Procedure for entering into Executive Session. The Law provides that:
"[n]o executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session, and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session." Mass. Gen. L. ch. 39, § 23B.
- C. Exceptions. The Law provides nine purposes or exceptions to holding a meeting in executive session. Where there is an express exception to a statute, it comprises the only limitation on the operation of the statute and no other exceptions will be implied. District Attorney for the Plymouth District v. Board of Selectmen of Middleborough, 395 Mass. 629 (1985).

1. **Exception One** - To discuss the "reputation, character, physical condition or mental health rather than professional competence" of a particular individual. This exception is designed to protect individuals' rights and reputation. Thus, where a governmental body is considering applicants for a professional job position, the applicant's professional competence cannot be discussed in an executive session based on this exception. This exception is designed to enable a public body to engage in candid discussion about the character and reputation of an individual who is the subject of potential action by that public body.

If the public body wishes to discuss an individual's character and reputation, the individual is entitled to the following rights:

- a. The right to be present during discussions or considerations that involve him or her;
 - b. The right to have counsel present to advise the individual, but not to participate actively in the executive session;
 - c. To speak in his/her own behalf;
 - d. To receive written notice at least forty-eight hours in advance of the proposed executive session; and
 - e. To request that the meeting be open rather than closed.
2. **Exception Two** - "To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session."

As with the first exception, this exception is designed to balance individuals' privacy rights with the public's right of access. The Law provides an individual whose discipline or dismissal is to be discussed with the same rights listed in Exception One, above.

3. **Exception Three** - "To discuss strategy relating to collective bargaining or to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel."
 - a. To determine whether a governmental body may discuss collective bargaining or litigation strategy in executive session, the test is whether the discussion is directly related to the governmental body's collective bargaining position in ongoing or imminent negotiations. If challenged, the governmental body must show that an open meeting might have a "detrimental effect" on its bargaining or litigating position.
 - b. For purposes of the Law, "collective bargaining sessions" include not only the bargaining sessions but also any grievance hearings that are called for under the terms of a collective bargaining agreement.
4. **Exception Four** - "To discuss the deployment of security personnel or devices. "
5. **Exception Five** - "To investigate charges of criminal misconduct or to discuss the filing of criminal complaints."

General complaints or charges against individuals are governed by the second exception to the open meeting law. Governmental bodies must carefully distinguish between instances which are covered by exception two rather than exception five.

Example: A school committee meets to discuss the discipline of a student who has assaulted another student. If the committee is meeting to discuss exclusion of the student without intending to explore a criminal option, the school committee should not use exception five to go into executive session.

6. **Exception Six** - "To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation."

This exception recognizes that public discussion of negotiations might increase the eventual price paid by the government. As with the collective bargaining and litigation exception, the governmental body must show that an open meeting might have an adverse impact on the body's negotiating position with a third party.

7. **Exception Seven** - "To comply with the provisions of any general or special law or federal grant-in-aid requirements."

Certain statutes or the conditions in certain federal grants require that particular issues be discussed in executive session. This exception is intended to prevent the Law from disqualifying cities and towns from obtaining such grants if the terms of the grant require confidentiality.
8. **Exception Eight** - "To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting,

including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening."

a. In order to enter into executive session under exception eight, the subcommittee must satisfy two requirements: first, the subcommittee must demonstrate that an open meeting will have a detrimental effect in obtaining qualified applicants. This can be accomplished in one of two ways: the subcommittee may go into executive session if an applicant indicates his/her preference that the meeting not be held in open session or if the subcommittee speaks with the candidates and asks them whether they object to holding the meeting in open session. Second, the subcommittee must demonstrate that applicants to be interviewed in executive session have not already "passed a prior preliminary screening." This means that once the subcommittee has completed its screening, which may include more than one step and may or may not include interviews, and has voted to recommend a candidate or candidates to the full committee, the process may not be repeated in executive session by the full committee. Gerstein v. Superintendent Search Screening Committee, 405 Mass. 465 (1989).

b. However, where a superintendent appoints a selection committee for a new high school principal to assist him in nominating candidates, courts have determined that the Law does not apply because the selection committee is not a "governmental body" within the meaning of the Law. The court determined that the Law did not extend to committees which were not appointed by a "governmental body" and not otherwise constituted pursuant to statute, ordinance or by-law. Connelly v. School Committee of Hanover, 409 Mass. 232 (1991). Note: Connelly should not be broadly construed. If the facts in Connelly were altered slightly, the result might well be different.

9. **Exception Nine** - "To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section. "

This exception, passed in December, 1994, exempts mediation sessions from the Open Meeting Law's requirements provided that the decision to enter into mediation is made in open session and that the governmental body does not take any action concerning the issue or issues submitted to mediation until it has deliberated and approved such action in an open meeting.

V. **Enforcement**

A. "The district attorney of the county in which the violation occurred shall enforce the provisions of this section."

B. **Legal proceedings**

1. Three or more registered voters, as well as the Attorney General or the District Attorney may bring suit to enforce the Law by filing a complaint in Superior Court or the Supreme Judicial Court alleging a violation of the Law by any governmental body. Such a suit is to be heard within ten (10) days. The body charged with violating the Law has the burden of proving that the violation alleged did not occur by a preponderance of the evidence.
2. Typically, the District Attorney's office receives a complaint and the matter is referred to an Assistant District Attorney. The complainant is asked to reduce the complaint into written form. The District Attorney makes a preliminary evaluation of the legal and factual basis for the complaint. If the allegations would constitute a violation of the Law, the ADA will inquire in writing to the governmental body asking that the body provide the DA's office with a response indicating the body's version of the facts and its view concerning the legality of the disputed actions.

C. **Remedies**

1. Upon proof in a suit that a governmental body or any of its members have violated any provision of the Law, a court may enter an order requiring compliance with the Law at future meetings.
2. The court may also enter an order invalidating any action taken at any meeting in which the Law was violated.
Note: A governmental body which violates the Law may cure its violation by holding a subsequent meeting which complies with the Law if the meeting is held prior to the commencement of an action. Benevolent & Protective Order of Elks, Lodge No. 65 v. City Council of Lawrence, 403 Mass. 563 (1988).
3. The court may require that records of any meeting held under the Law be made public unless it is determined that secrecy of the records should be maintained.
4. Under a new amendment, civil fines can be instituted against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

Appendix G – Harwich Table of Issues - Priorities

Table #1: 24 Issues

NUMBER	SCORE	ISSUE
1	7	Zoning Laws, Wetland Laws: Define Wetlands and Ag Exemptions
2	40	Stable Permit Application (Draft Exists) BOS Charge Commission to Finalize)
3		Equine: MGL How fits into Ag, State Res, Town Regs
4	30	How are Equine Operations regulated State and Town
5	20	Define Agriculture for Town and Ag Use for Town (How same or different from Federal and State Definitions)
6	8	Educate non-farm Residents – What A is, Neighbor Relations – Living Near a Farm, Exemptions...
7	5	Research existing Best Management Practices i.e., # animal units per acre, nutrient management...
8	16	Work with Town Boards: Educate: Ag, Ag use, exemptions...
9	5	Research Harwich Zoning Change (formerly entire town zoned ag – How was it changed, how does change affect ag, grandfathered? Property transfers?)
10	15	Educate Public about Trespassing Laws (how police???)
11	5	Conservation Commission Continuing Education regarding ag, ag exemptions...
12	20	Develop Good Working Relationships with Town Boards (Con Com, BOS, BOH... and staff)
13	15	Inventory Lands, land use, and owners, protected unprotected (private and town-owned)
14	25	Review and Draft Harwich Right to Farm By Law (*abutter notification)
15	10	Educate ourselves (Ag Comm) about Ag definitions, how they apply in different situations, exemptions, ...
16	2	Encourage agriculture retention and development in Harwich - Educate public about benefits of agriculture in Town and be proactive
17	2	Be more engaged in planning and execution of Cranberry Festival (date change, cranberries define Harwich historic character, Market ag as historic character, use to secure funds)
18		Develop "Circle of Friends" Residents involvement with Ag Comm activities
19	2	Survey farmer/grower Needs
20	5	Understand where to get technical assistance regarding waste/manure related issues
21	10	Connect (Ag Comm and farmers) to technical assistance/resources, people and organizations re: BMPs, waster management, conservation planning...
22	6	Improve Communication via Web: Navigate Federal, state, Regional services (GIS, planning, regulations, model bylaws)
23	2	Improve Towns ability to exercise right of first refusal when P&S signed on Ch 61 land (understand process used now, recommend process that engages ag comm.)
24	1	Develop working relationship with Harwich Conservation Trust

Table #2: Issues Scored and Ranked

RANK	SCORE	ISSUE
#1	75	(Combine #2, #3, #4, #7) Develop and Finalize Stable Permit Application (Draft Exists) BOS Charge Commission to Finalize) Equine: MGL How fits into Ag, State Res, Town Regs How are Equine Operations regulated State and Town Research existing Best Management Practices i.e., # animal units per acre, nutrient management...
#2	36	(Combines #8, #12) Develop Strong Working Relationships with Town Boards (ag comm. charge, roles, responsibilities...)
#3	25	Review and Draft Harwich Right to Farm By Law (*abutter notification) Prepare for Town Meeting
#4	20	Define agriculture and agricultural use for Town
#5	23	Public Education (Combines #6, #10) A. Educate non-farm Residents – What A is, Neighbor Relations – Living Near a Farm, Exemptions... B. Educate Public about Trespassing Laws (how police???)
#6a	15	Inventory Lands, land use, and owners, protected unprotected (private and town-owned)
#6b	15	Town Board Education (Combines #11, 15) A. Educate Ag Comm (re: ag definitions, Ch.61, laws, regs affecting ag and ag use...Fed, state and local) B. Educate Town Boards - Definition of Ag, how applies in town and in relation to Board activities and decision-making, ag exemptions Con Comm, BOH, BOS, Planning and staff
#6c	15	(Combine #20, #21) Understand where to get technical assistance regarding waste/manure related issues Connect (Ag Comm and farmers) to technical assistance/resources , people and organizations re: BMPs, waster management, conservation planning...
#7	12	(Combines #1, #9) Understand Zoning Laws, Wetland Laws affecting agricultural use: Define Wetlands and Ag Exemptions Research Harwich Zoning Change (formerly entire town zoned ag – How was it changed, how does change affect ag, grandfathered? Property transfers?)
#8	6	Improve Communication via Web: Navigate Federal, state, Regional services (GIS, planning, regulations, model bylaws)
#9	4	(Combines #16, #17) Encourage agriculture retention and development in Harwich - Educate public about benefits of agriculture in Town and be proactive Be more engaged in planning and execution of Cranberry Festival (date change, cranberries define Harwich historic character, Market ag as historic character, use to secure funds)
#10a	2	Survey Harwich farmer/grower Needs
#10b	2	Improve Towns ability to exercise right of first refusal when P&S signed on Ch 61 land (understand process used now, recommend process that engages ag comm.)
#11	1	Develop working relationship with Harwich Conservation Trust Develop “Circle of Friends” Residents involvement with Ag Comm activities

Appendix H - Work Plan Samples

Recommended Plan of Work For: CARVER AGRICULTURAL COMMISSION

Mission: To represent the Town of Carver’s agricultural community and interests; facilitate and encourage the pursuit of agriculture in Carver; promote agricultural-based economic opportunities in the town; act as mediators, advocates, educators, and/or negotiators; act in an advisory capacity on farming issues for established town committees and departments; pursue all initiatives appropriate to creating a sustainable agricultural community; and encourage the pursuit of agriculture as a career opportunity and lifestyle.

GOAL	ACTIONS	WHO	WHEN
A. Develop Inventory of Agriculture in Carver	<ol style="list-style-type: none"> 1. Research available data: <ol style="list-style-type: none"> a. Contact Dartmouth Ag Comm (about the process they used), Assessors, office, MASSGIS, SRPEDD, Census, MA Dept. of Agricultural Resources, Farm Bureau... b. Collect and synthesize data on: <ul style="list-style-type: none"> Land in agriculture Land use Owners, operators Permanently protected, CRs, APRs etc. Ch.61 land use Economic impact= Cost of community services, jobs, multiplier effect Benefits: open space, environment, historic and cultural 2. Develop a Working Map and Database of Agriculture in Carver 3. Update regularly 		
B. Educate Residents of the Community about: <u>Cost of Community Services</u> and the benefits provided by agriculture	<ol style="list-style-type: none"> 1. Collect information (utilize inventory data) already available and organize data from communities like Carver. Contact American Farmland Trust 2. Develop a brochure 3. Distribute Materials at Community Events: Post on Town Website, Old Home Days, Merchants, Edaville Railroad 		
C. Educate school age children about farming	<ol style="list-style-type: none"> 1. Develop/Format Farming “101” Video for CCAT targeted toward children 2. Provide opportunities for youth to work on farms 3. Develop Hands-On Projects & Programs for youth <ul style="list-style-type: none"> Contact Mike Paddock Bog-in-a-Cup Seed germination Contact ag in the Classroom – access Work Plans Contact-Connect to Bristol Ag. HS Connect with Scouts Connect to ongoing youth activities and investigate how ag comm. can assist. 		

GOAL	ACTIONS	WHO	WHEN
C. Continued	<p>4. Organize and Conduct:</p> <ul style="list-style-type: none"> a. Bog/Farm Tours b. Farm Education Days c. Provide for Seasonal Farm activities <p>5. Revitalize 4-H in Carver</p> <ul style="list-style-type: none"> a. Serve as supporters <p>Link to Universities, TV, Press and Legislators</p>		
D. Develop Strategies for Farmland Protection	<p>Using Information from Inventory of Agriculture:</p> <ol style="list-style-type: none"> 1. Work with Town Departments and Boards to strategize for passage of Community Preservation Act (CPA) in FY '07 (town meeting '06) 2. Work with American Farmland Trust (AFT) to develop presentation for all town boards, departments and citizens re: farmland protection methods and tools... 3. Participate in making recommendations as the town pursues its right of first refusal on Ch. 61 land with P&S. 4. Serve as a catalysts for preservation of working farms/landscapes 		
E. Conflict Resolution	<p>Work to resolve conflicts at earliest stages between:</p> <ul style="list-style-type: none"> Neighbors and farmers Residents (community) and farmers Town boards and farmers Farmers and farmers Residents (community) and ag industry (issues relate to helicopter use, noise, pumps, pesticide use, manure, odors...) <p>Identify ag comm member(s) to call when questions arise</p> <ol style="list-style-type: none"> 1. Contact Dartmouth and Westport for their procedures 2. Develop Fact Sheet : Neighbor to Neighbor explain right to farm, exemptions, normal farming practices 3. Receive training in Conflict Resolution-Facilitation to resolve conflicts at earliest stages 4. .Provide Conflict resolution facilitation when called upon (ag-related issues) Provide education to public on Normal farming practices (cable, fact sheets and flyers) 		
F. Public Relations & Communication	<ol style="list-style-type: none"> 1. Coordinate information about and publicize agricultural related activities/events (farm markets, cranberry products etc) <ul style="list-style-type: none"> a. Promote agriculture at established functions (community events, harvest festivals...) 2. Develop a Website 3. Advocate/Educate Legislators 4. Develop/distribute and air quarterly cable programming and seasonal newsletters 		

GOAL	ACTIONS	WHO	WHEN
G. Serve as a Support System for Growers/farmers	1. Serve as an Advocate		
H. Provide for Suitable Incomes for Local Agriculture to Survive	1. Provide education on agricultural economics 2. Conduct ag economic surveys 3. Serve as a clearinghouse for ag economic information by commodity (national and regional)		
I. Advocate for Farming at Town Hall, State and Federal Levels (agencies and legislators)	1. Ag Commission members also serve on boards 2. Recommend Warrant Articles that are supportive of agriculture 3. Participate in Ag Day at the Sate House and in Legislator education		
J. Communication: Develop Working Relationships with Town Dept's, Boards and staff	1. Attend Board Meetings 2. Request notification when Boards are addressing issues affecting agriculture (ag comm.= advisory) Provide agricultural expertise to all Boards and Officials		
K. Serve as a Clearinghouse for Everything Agriculture	1. Provide evaluation of Town Warrant Articles 2. Provide agricultural expertise to all Boards and Officials		
L. Develop Resources: Advisors and Friends Engage in all aspects of Work Plan Implementation	1. Reach out and engage people to help the Ag Comm implement the Work Plan a. Legal b. Legislative c. Engineering d. Financial e. Boards f. Writing g. Advisors		
M. Investigate Need for Local Right to Farm Bylaw	1. Over time, evaluate Need		
N. Survey/Inventory Farmers Issues/Needs/Priorities	1. Access surveys done by Dartmouth and Westport 2. Draft questionnaire for Carver Farmers 3. Send/Distribute to farmers 4. Synthesize information and use in Work Plan Development and Work Plan implementation		
P. Grant Writing	1. Search for Grant Opportunities and Apply for Grants to Fund: a. Education Projects b. Videos c. Flyers, Fact Sheets, Brochures d. Quarterly Newsletter e. Website f. Farmer Questionnaires...		

**Recommended Plan of Work
For: HARWICH AGRICULTURAL COMMISSION**

Mission: To represent the Town of Harwich’s agricultural community and interests; facilitate and encourage the pursuit of agriculture in Harwich; promote agricultural-based opportunities; act as mediators, advocates, educators and/or negotiators in an advisory capacity on farming issues for established town committees and departments; work for the preservation of agricultural lands currently owned by the Town; and pursue all initiatives appropriate to creating a sustainable agricultural community.

GOAL	ACTIONS	WHO	WHEN
A. Develop & Finalize Stable Permit Application	<ol style="list-style-type: none"> 1. Organize Stable Permit Application Sub Committee 2. Collect existing/current applications/process info/resource materials <ol style="list-style-type: none"> a. Contact Harwich BOH- Obtain latest application/draft application b. Contact Doug Kirk: Middleboro Ag Comm 508 923 6245 c. Contact Leo Cakounes: County Model Application 508 364 1512 or d. Contact Bill Clark, Extension 508 375 6701 (County Model) e. Interview Existing stable Owners And others in Equine 3. Research BOH and Zoning regs relative to paddocks, fencing, structures, setbacks... 4. Draft Harwich Stable Permit Application 5. Review Draft with: MDAR General Counsel, MA Farm Bureau, BOH, Others? 6. Revise accordingly 7. Conduct Public Hearing: Prepare for Public Education Event, Fully describe intent, Describe ag in the town, describe the equine industry in town, need for application revision, benefits, research supporting the information requirements in the application 8. Further Revisions? 9. Stable Permit Application Adoption by BOH 		
B. Develop Strong Working Relationships with Town Boards	<ol style="list-style-type: none"> 1. Develop an Agricultural Commission Fact Sheet (Mission, Members, Work Plan etc.) 2. Access Town Board Meeting Rosters and Membership bring to Meeting 3. At March 16th meeting secure ag comm. member volunteers to attend board meetings (get on agenda) 4a. Prepare presentation language so that each member is delivering the same message (who you are, benefits of communication, how best to communicate among boards and members) 4b. Prepare examples of ag related situations where the ag comms involvement would be beneficial, describe best ways to communicate...) 5. Assign Ag Comm liaison for each Board/Committee 6. Begin Meeting attendance in April BOH, Planning, Board, Con. Comm., Assessors, Building, ZB of Appeals, BOS ... 		

GOAL	ACTIONS	WHO	WHEN
<p>C. Inventory Ag Lands, Use, Owners</p>	<ol style="list-style-type: none"> 1. Contact Ag Comms that have done this to find out how they collected information, where they got the information, what was the final form of the information (maps, data base...)and how they have been able to use the information 2. Benefits of Inventory: Use to develop Public Relations Strategy Ag Comm knowledgeable about those they serve, understand who is involved in agriculture, where they are, types of agriculture, acreages, economic benefits. Information can be used to survey ag operators about needs, issues, to mail/email newsletters, have them access websites, resources ...communication and technical transfer... 3. Complete Inventory 4. Develop Method for regular updates 5. Data valuable during Development of Town Right to Farm By Law and in Public Education Strategy for Right to Farm ByLaw Town Meeting vote. 		
<p>D. Pass Town Right to Farm ByLaw at 2006 Town Meeting</p>	<ol style="list-style-type: none"> 1. Collect existing Right to arm ByLaws (Dartmouth, others?...) and State Model Right to Farm ByLaw. 2. Compare, review, discuss, deliberate in detail 3. Draft ByLaw for Harwich 4. Develop and Implement Public Education Strategy draw on contacts from inventory, discussions with town boards...Identify benefits to the town, why people should care. What you want them to vote for. 5. Get placed on Town Warrant 6. Present at Town Meeting 		
<p>E. Develop a Public Relations/ Education Strategy</p>	<ol style="list-style-type: none"> 1. Draw on Elements of Public Relations/Education Efforts with Town Boards and Right to farm to develop strategies for: <ol style="list-style-type: none"> a. Enhancing Farm-Neighbor Relations b. Addressing Trespassing Issues c. Others... 		

Appendix I - Dartmouth Farmer Survey

SECTION I

- Are you a farmer _____ a landowner _____ or both?
- Where is your farm located? _____
- How long have you been farming? _____
- Do you plan to continue farming? _____
- How many people (including family) do you employ? Full Time _____ Part Time _____
- Is off-farm employment necessary for your economic survival? _____
- Is your farm (or any portion of the farm) leased to anyone? (Y/N) _____
- If yes, please list name and address _____

- What is the acreage of your top three crops, in terms of acres planted?

Crop	Acreage
Crop #1 _____	
Crop #2 _____	
Crop #3 _____	

- What is your total farm acreage? _____

- Check any of the following that may be a problem or concern to you:

_____ Hiring help
_____ Trespassing/vandalism
_____ Pilfering/theft
_____ Availability of fertilizers/pesticides
_____ Availability of machinery/parts
_____ Availability of veterinary services
_____ Complaints from neighbors concerning farming operations
_____ Arbitrary or redundant regulations affecting farm operations
_____ Marketing farm product
_____ Accessing technical assistance
_____ Other issues (explain)

- Since the passage of our local Right-to-Farm Bylaw in 2002, have you experienced improvements in dealing with Town Boards? (e.g. building permits, neighbor complaints)

Y/N _____

SECTION II – LABOR ISSUES

During our 1999 survey, the #1 problem facing farmers was hiring labor.

- Do you have difficulty hiring labor? (Y/N)

- If yes, what type? (Check all that apply)

_____ Full Time

_____ Part Time

_____ Occasional

_____ Seasonal

_____ Skilled (describe) _____

_____ Unskilled (describe) _____

- If hiring labor continues to be a primary concern, would you be interested in attending an informational meeting on? (Check all that apply)

_____ Insurance

_____ The benefits of using an employment agency

_____ Sharing labor

_____ Developing a labor pool

_____ Other (explain) _____

SECTION III – LAND ISSUES

- What land issues/topics can the Dartmouth Agricultural Commission assist you with? (Check)

_____ APR

_____ 61A

_____ Conservation Restriction

_____ Estate Planning

_____ Conservation Plan

_____ NRCS/FSA Cost Share Programs

_____ MDAR Farm Viability Program

- If you have already applied or participated in the Farm Viability Program, explain what worked for you and what did not.

- Check other farmland issues that are of concern to you:

soil quality

water quality

wildlife habitat improvement

wildlife encroachment

other _____

SECTION IV – AGRICULTURAL ECONOMIC DEVELOPMENT

- How do you market your farm products? (Check)

Farmstand

Farmer's Market

Cooperative Marketing

Individual Sales at Farm

Pick-Your-Own

Direct Sales to Stores

Direct Sales to Restaurants

Community Supported Ag

Wholesale

Other

Not applicable

- Are there other markets that you would like to explore? (Check)

Farmstand

Farmer's Market

Cooperative Marketing

Individual Sales at Farm

Pick-Your-Own

Direct Sales to Stores

Direct Sales to Restaurants

Community Supported Ag

Wholesale

Other

Not applicable

- What marketing methods have changed for you since our 1999 survey? _____

- If you are considering developing a value-added product, what kind of information or assistance would be most helpful? (Check)

brochures/manuals

smokehouse

seminars/workshops

slaughterhouse

collaboration with other farmers

product development assistance

What was your experience with MDAR? (Explain)

Did you go to the right organization? _____ Y/N

If yes, did you get the assistance you needed when you needed it? _____

• What information can UMA Ext make available to you? (Check)

- | | |
|---|--|
| <input type="checkbox"/> Crop production methods | <input type="checkbox"/> Crop budgets |
| <input type="checkbox"/> Diversification | <input type="checkbox"/> Fertilizer/pesticide info |
| <input type="checkbox"/> New/niche crops | <input type="checkbox"/> Food handling safety |
| <input type="checkbox"/> Organic production/certification | <input type="checkbox"/> one-on-one assistance |
| <input type="checkbox"/> other _____ | |

What was your experience with UMA Ext? (Explain)

Did you go to the right organization? _____ Y/N

If yes, did you get the assistance you needed when you needed it? _____

• What information can SEMAP make available to you? (Check)

- Business training
- Access to grants (SARE)
- Web page listing of events and conferences
- Business to business marketing assistance
- other _____

What was your experience with SEMAP? (Explain)

Did you go to the right organization? _____ Y/N

If yes, did you get the assistance you needed when you needed it? _____

- How can the Ag Comm help?

_____ availability of a Town van for long distance transportation to workshops, conferences, seminars, etc.

_____ copies of the Town Zoning Bylaws as they apply to agriculture

_____ copies of the Right to Farm Bylaw

_____ copies of the Board of Health Livestock and Piggery Regulations

_____ computer assistance for farmers at one of our local libraries (one evening/wk?)

_____ other _____

- If the Ag Comm were to organize any of the following, would you be interested or participate?

(Check)

_____ a monthly farmers coffee (at a convenient time and location)

_____ an Open Farm Day (in order to bring visibility to our farms and highlight the benefits they bring to the community)

_____ a Town Farmstand and Farm Business Map (possible collaboration with DHS Art Dept. on design and layout)

_____ other _____

Optional Information (If you would like us to contact you with the results of this survey or for any other reason.)

Name _____

Address _____

Phone # _____

E-mail _____

Appendix J – Model Right to Farm Bylaw

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of [Farm-Town] restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of [Farm-Town] by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;

- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of [Farm-Town]. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of [Farm-Town], the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 5 Resolution of Disputes

[Applicable only in communities that have Agricultural Commissions.]

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of [Farm- Town] hereby declares the provisions of this By-law to be severable.

APPENDIX K – Dartmouth Trust Council Operating Procedures



AGRICULTURAL PRESERVATION TRUST COUNCIL

of the

TOWN OF DARTMOUTH

OPERATING PROCEDURES FOR

PURCHASE OF FARMLAND DEVELOPMENT RIGHTS

**Town of Dartmouth
400 Slocum Road
Dartmouth, MA 02747**

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OPERATING PROCEDURES OF THE AGRICULTURAL
PRESERVATION TRUST COUNCIL

1.00 **AUTHORITY AND PURPOSE**

1.01 Article Language

ARTICLE 6 of the May 1998 Town Meeting

AGRICULTURAL PRESERVATION TRUST FUND

MOVED and duly seconded

That the Town establish and appropriate \$2,750,000 for an Agricultural Preservation Trust Fund for the purpose of preserving existing productive agricultural lands and supporting and revitalizing the Dartmouth agricultural industry. This Agricultural Preservation Trust Fund will provide the Town of Dartmouth with the means to exercise options which include:

- (1) Contributing to Agricultural Preservation Restrictions (purchase of development rights and preservation of agriculture rights).

- (2) Exercising the Town's Right of First Refusal under M.G.L. Chapter 61A on farmlands.

- (3) Activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in Dartmouth.

Management of the Agricultural Preservation Trust Fund shall be overseen by an Agricultural

Preservation Trust Council. Said Council shall report to and recommend Fund expenditures to the Board of Selectmen and Finance Committee. Said Council shall consist of nine (9) members, appointed by the Agricultural Commission. Each member shall serve for a term of three years, each on a three-year staggered term.

One member of the Agricultural Commission

One member of the Planning Board

One member of the Board of Selectmen

One member of the Conservation Commission

One member of the Finance Committee

One member of the Capital Improvement Committee

One member of the Dartmouth Natural Resources Trust

Two Citizens-at-Large

Upon receipt of a recommendation from the Agricultural Preservation Trust Council, the Board of Selectmen and Finance Committee shall, by majority, vote each in its separate entity, to follow the Council's recommendation, modify it, or change it for reasons they shall so state. All actions must be determined through a public hearing process, notice to parties concerned, and in conformity with M.G.L. Chapter 39 Section 23B.

Said fund shall consist of the sum of \$2,750,000 appropriated by borrowing, funded through a bond issue that is placed before the voters of the Town of Dartmouth on November 3, 1998 at the State Election as a Proposition 2 1/2 Debt Exclusion Question. That to meet this appropriation,

the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow not in excess of \$2,750,000 under and pursuant to Chapter 44, Section 7 (3), as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor; and provide further, that no sums shall be borrowed or expended hereunder until the Town has voted to exempt debt service on the borrowing hereby authorized from the limits of Chapter 59, Section 21C of M.G.L.

SO VOTED. Yes 163 No 18 12:00 P.M.

1.02 **PURPOSE**

This establishes the operating procedures of the Council for administering the Agricultural Preservation Trust Fund.

2.00 **MEETINGS**

2.01 Regular Meetings

Regularly scheduled meetings of the Council shall be held on the 2nd and 4th Wednesday of each month.

2.02 Special Meetings

The Chairperson may call special meetings or cancel regular meetings at any time upon 48 hours public notice.

2.03 Notice of Meetings

Notices of meetings and agendas will be posted at the Clerk's Office at the Dartmouth Town Hall.

2.04 Open Meetings

All Council meetings and records shall be consistent with the statute

(M.G.L., Chapter 39, Section 23-B) requiring open meetings.

3.00 **ALLOCATION OF FUNDS**

3.01 Allocation Process

Upon receipt of a recommendation from the Agricultural Preservation Trust Council, the Board of Selectmen and Finance Committee shall, by majority, vote each in its separate entity, to follow the Councils recommendation, modify it or change it state. All actions must be determined through a public hearing process, notice to parties concerned, and in conformity M.G.L. Chapter 39 Section 23-B.

4.00 **APPLICATION PROCEDURES FOR EACH PROPERTY**

4.01 Application Forms

The form that shall qualify a landowner for consideration shall be the form designated Application to Sell Development Rights to Farmland and approved by the Council.

4.02 Availability of Application Forms

Application forms shall be made available to individuals and organizations on request from the Town Clerk's Office.

4.03 Filing of Applications

Applications shall be filed with the Agricultural Preservation Trust Council through the Town Clerk's Office, 400 Slocum Road, Dartmouth, MA, 02747, open Monday - Friday, 8:30-4:30, (508/999-0700) or such other address as the Council designates in the application form instructions. Applications shall be accepted by the Council any business day during regular working hours and shall be date stamped upon receipt.

4.04 Application Acceptance

A Council representative shall review each application as it is received.

Applications found to be complete will be referred to the Council for evaluation as described in Section 5 of this document. Applications found to be incomplete will be returned to the applicant with a statement as to the deficiencies noted and a notice that the applicant can correct these and resubmit the application within 14 days.

4.05 Application Review

The Council shall act on all applications in a timely manner, and in no case shall the Council take more than 60 days after accepting the application to inform a landowner of its decision. Those whose applications have been disqualified shall receive a letter approved by the Council advising them of the action and reasons for disqualification.

4.06 Additional Information

Within 7 days of Council's action on the application, the Council will mail the owner a consent form that is to be signed by the owner permitting the Council the Council and/or its staff to inspect or appraise the property. The Council may require additional information including a letter of intent signed by the owner outlining the parameters of the transaction. These forms must be returned to the Council within 14 days of receipt.

5.00 **EVALUATION AND SELECTION PROCEDURES**

5.01 Basis of Evaluation: Data

The completed application, in addition to other information assembled by the Council and/or Dartmouth Agricultural Commission shall form the basis of the Council's decision.

5.02 Communication with Applicants

After an application is received and accepted as complete, by the Council, all communications between the Council and the applicant will be through the Chairperson or Council representative. All site visits shall be arranged with the landowner on a date suitable to the majority of the Council.

5.03 Evaluation of Criteria

Each Application shall receive a numerical rating of the criteria adopted by the Council as Scoring & Rating Procedure. The instrument of that rating shall be the Scoring Sheet approved by the Council for this purpose.

5.04 Rating: Primary Criteria

After the individual Council Members rate all of the applications and the Dartmouth Agricultural Commission makes its recommendations to the Council, the Council, by vote, shall set a minimum rating score.

5.05 Evaluation of Secondary Criteria

The Council allows for further consideration of an application based on unique conditions as determined by the Council.

5.06 Selection of Applications for Negotiation

In selecting the applications for negotiation, the Council shall, by vote, consider the combined score as well as geographic diversity, mix of farm types, and cost of

development rights. All applications not so selected shall, with the owner's permission, be carried over to be re-evaluated in the next round. All applicants will receive a letter approved by the Council notifying them of this determination.

6.00 **PURCHASE OF DEVELOPMENT RIGHTS**

6.01 Negotiating Committees

The Chairperson of the Council shall appoint a sub-committee to negotiate with each applicant selected in accordance with Section 5.08. Each sub-committee shall consist of at least three members, membership will include: At least one member from the Council, one member from the Dartmouth Agricultural Commission and may include a State or Federal Representative as necessary and appropriate.

6.02 Negotiations

The Committee shall meet with the owner(s) of the property under consideration, or with the authorized representative of the owner(s), and shall attempt to formulate an agreement to complete the transaction contemplated by the Letter of Intent as amended by mutual agreement. The Committee shall insure that such agreement accomplishes the purposes of Article 6 of the May 1998 Town

Meeting

and that it incorporates any provisions or considerations specified by the Council. As part of these negotiations, the Council shall determine that title to the land under consideration is in fact held by the applicant, and shall identify any mortgages, liens, or other encumbrances attached to the land and the amount of

taxes due and unpaid, if any. A deed, purchase and sales agreement and a standard covenant with such additions or amendments as are appropriate to the land and to the proposed transaction in question shall be the instrument of agreement.

6.03 Cost of Acquisition of Development Rights or Acquisition of Property Rights

The Committee shall attempt to negotiate a mutually agreeable price and/or other consideration to be exchanged for the proposed transaction. This consideration shall be made a part of the purchase and sales agreement. No agreement shall be concluded or accepted by the Committee until the value of the proposed transaction has been determined by appraisal.

6.04 Conclusion of Negotiations

If the Committee and the applicant reach a purchase and sales agreement, a proposed deed and covenant shall be prepared and submitted to the Council for approval. If an agreement cannot be concluded, the Committee shall report to the Council.

6.05 Final Approval by the Council

The Council shall review each proposed agreement, and shall approve or disapprove each by majority vote. Those agreements that are approved by the Council shall be transmitted to the Finance Committee, Board of Selectmen and the Dartmouth Town Meeting in conformity with M.G.L. Chapter 39, Section 23B.

6.06 Completion of Purchase

Upon approval by the Dartmouth Town Meeting, the deed and covenant shall be executed by the Chairman of the Council, or by another member of the Council designated by the Chairman, and by the owner or authorized representative. The deed and covenant shall be recorded in the Bristol County Registry of Deeds,

New

Bedford, MA.

7.00 **NONDISCRIMINATION**

7.01 Establishment of Policy

All operations and decisions of the Council are governed by the policies set forth in the Town of Dartmouth Anti-discrimination Plan.

7.02 Statement of Policy

The Council shall not discriminate against, or in favor of, any person on grounds of sex, race, color, national origin, physical or mental handicap, or political affiliation.

Michael Gagne for
Board of Selectmen

Notice given on:

Hearing held on:

Effective:

Appendix L – Dartmouth Trust Council Evaluation Criteria

AGRICULTURAL PRESERVATION TRUST COUNCIL

of the

Town of Dartmouth

CRITERIA FOR
EVALUATION OF FARM LAND
FOR THE PURCHASE OF DEVELOPMENT RIGHTS

TOWN OF DARTMOUTH
400 Slocum Road
Dartmouth, MA 02747

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CRITERIA AND PROCEDURES FOR EVALUATION
OF FARM LAND FOR
PURCHASE OF DEVELOPMENT RIGHTS

1.00 **AUTHORITY AND PURPOSE**

1.01 Article Language

ARTICLE 6 of the May 1998 Town Meeting

AGRICULTURAL PRESERVATION TRUST FUND

MOVED and duly seconded

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- (1) Contributing to Agricultural Preservation Restrictions (purchase of development rights and preservation of agriculture rights).
- (2) Exercising the Town’s Right of First Refusal under M.G.L. Chapter 61A on farmlands.
- (3) Activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in Dartmouth.

Management of the Agricultural Preservation Trust Fund shall be overseen by an Agricultural Preservation Trust Council. Said Council shall report to and recommend Fund expenditures to the Board of Selectmen and Finance Committee. Said Council shall consist of nine (9) members, appointed by the Agricultural Commission. Each member shall serve for a term of three years, each on a three- year staggered term.

- One member of the Agricultural Commission
- One member of the Planning Board
- One member of the Board of Selectmen
- One member of the Conservation Commission
- One member of the Finance Committee
- One member of the Capital Improvement Committee
- One member of the Dartmouth Natural Resources Trust
- Two Citizens-at-Large

Upon receipt of a recommendation from the Agricultural Preservation Trust Council, the Board of Selectmen and Finance Committee shall, by majority, vote each in its separate entity, to follow the Council's recommendation, modify it, or change it for reasons they shall so state. All actions must be determined through a public hearing process, notice to parties concerned, and in conformity with M.G.L. Chapter 39 Section 23B.

Said fund shall consist of the sum of \$2,750,000 appropriated by borrowing, funded through a bond issue that is placed before the voters of the Town of Dartmouth on November 3, 1998 at the State Election as a Proposition 2 1/2 Debt Exclusion Question. That to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow not in excess of \$2,750,000 under and pursuant to Chapter 44, Section 7 (3), as amended, or any other enabling authority, and to issue bonds or notes of the Town therefore; and provide further, that no sums shall be borrowed or expended hereunder until the Town has voted to exempt debt service on the borrowing hereby authorized from the limits of Chapter 59, Section

21C of M.G.L.

SO VOTED. Yes 163 No 18 12:00 P.M.

1.02 Purpose

This sets forth the criteria and procedures used by the Agricultural Preservation Trust Council to evaluate farmland and to determine whether to purchase the development rights for the property. The Council intends to preserve those farms that are active and will continue to be farmed, or land that may be idle but will be returned to farm use.

2.00 **DEFINITIONS**

2.01 Council

The Agricultural Preservation Trust Council, as defined in Section 1.01.

2.02 Inventory

The inventory is presented on a map entitled “Important Farmlands” prepared by the U.S. Department of Agriculture, Soil Conservation Service, at a scale of 1 inch equal 8,333 feet. The map sheet is Bristol County Massachusetts Southern Part. (June 1994)

2.03 Soil survey

Information on soils presented in a document entitled “Soil Survey of Bristol County Mass. Southern Part., published by the United States Department of Agriculture, Soil Conservation Service, in Cooperation with the Massachusetts Agricultural Experiment Station, issued in October, 1981.

3.00 **ESTABLISHING CRITERIA**

3.01 Purpose of Criteria

Criteria will be established by the Agricultural Preservation Trust Council and will meet the purpose of (Article 6). The fund was established for the purpose of (1) “preserving existing productive agricultural lands”, and (2) “supporting and revitalizing the Dartmouth agricultural industry.”

3.02 Criteria

The Council developed and adopted the following criteria for the evaluation of farm land for purchase of development rights. The criteria are:

PRIMARY CRITERIA

- (1) Soil quality,
- (2) Development pressure,
- (3) Economic importance,

SECONDARY CRITERIA

- (4) Proximity to permanently protected land
- (5) Preservation of open space, and aesthetic, historic values, & water quality protection
- (6) Soil management
- (7) Cost

3.03 Application of Criteria

Procedures for nomination of parcels or areas for consideration of purchase of development rights are set forth in the Council’s Operating Procedures. The Council will utilize the data presented in the application form together with such other data as it deems necessary, to evaluate each nomination received in terms of the criteria established herein. The information to be considered in determining how each nominated parcel satisfies each criterion is described in the following sections.

4.00 **CRITERION: SOIL QUALITY**

4.01 Significance of Soil Quality

Soil Quality is a very important consideration when evaluating parcels for purchase of development rights. The productivity of farmland is strongly dependent on the physical characteristics of the soil. The best soils for most farming enterprises are nearly level, deep, well drained, supply adequate moisture, are stone and rock free, and seldom flood. Some soils, however are too wet, droughty, erodible, stony, rocky, or flood-prone for any viable agricultural use. Between these two extremes are soils of intermediate value for farming. The intermediate quality soils require more intensive management for crop production, and require additional labor and financial inputs when compared to the best soils. The best soils also offer more flexibility in the choice of crops that can be grown. This flexibility enhances the long term economic viability of a farm. Specialty crops, such as apples, grapes, cranberries, etc. require special consideration. Soils best suited for these crops can differ markedly from the ideal soils for row crops.

4.02 Procedure

The Council evaluates the soil quality on applicant farms by using a soil evaluation system developed by the United States Department of Agriculture. Under this system all land on a farm is identified on the soil maps included in the Soil Survey of Bristol County Southern Part.

All soil types identified in the Soil Survey have been assigned to one five Agricultural Groups, and each group has an assigned “Relative Agricultural Value”.

The Relative Agricultural Value of each soil has been calculated based on the

following factors:

1. The average yield of a selected indicator crop that can be expected from the soil,
2. The amount of soil erosion control practices, irrigation, or other important soil management activities required to achieve or maintain acceptable yields from the soil,
3. Placement of soil in the USDA Prime and Important Farmland classification system. The Council will adjust upward the Relative Agricultural Value of those soils that have had permanent soil management features installed and maintained. The value of soils having needed soil erosion control, irrigation, or other management features already installed are adjusted upward to reflect the positive impact of the improvements. Poorly drained soils are assumed to be undrained. If already drained, the Council will adjust their values upward as shown in Appendix A.

After making any needed adjustments to the Relative Agricultural Values on the applicant's property, the Council then evaluates overall soil quality of the land by tabulating the acreage of each soil type and its Relative Agricultural Value.

Appendix "A" lists the five Agricultural Groups, their respective Relative Agricultural Value, and the soils included in each group.

4.03 Evaluation of Soils for Specialty Crops

Because of the unique climatic and soil needs for crops such as apples, peaches, grapes, blueberries, cranberries, etc., lands used for these crops must be evaluated

differently than if they were to be used for row crops, hay, or pasture. In general, lands that have a history of successfully producing commercial quantities of a specialty crop are judged by the Council to be suitable for future production of that crop.

For land where specialty crops have not been grown in the past, but are being proposed, the Council will consider the following factors:

Climate - for most fruits -

- a. Lands with wide temperature fluctuations in the winter or temperatures lower than -20 degrees F. should be avoided.
- b. Sloping lands with good air drainage are desirable. Valley floors and other flat lands that collect cold air on still nights are to be avoided.
- c. Windy locations are undesirable.
- d. Slopes with north or east exposures are desirable.
- e. Proximity to large, deep water bodies is desirable due to the moderating effect on air temperature.

Soils - for most fruits -

- a. Well-drained sandy loam soils are best.
- b. Apples, pears, and grapes can be grown on slopes up to 20-30%, with the use of permanent sod to reduce soil erosion. Stone fruit should be grown on lesser slopes.

4.04 Specific Soil Information Considered in Evaluating Parcels:

- 1) Is the parcel or area designated in the prime and statewide importance

inventory?

- 2) How many acres of soil in each relative value category exist on parcel(s) being offered for purchase of development rights ?
- 3) Have corrective measures been installed to overcome soil related problems? Has an irrigation system been installed on droughty soils? are needed erosion control measures in place? Are adjustments needed in relative values to reflect these improvements?
- 4) Is the farm producing specialty crops that require special consideration in evaluating the soil and other physical resources? If so, what is the potential for continuing production of that specialty crop?

5.00 **DEVELOPMENT PRESSURE**

5.01 Procedure

Land considered for purchase of development rights is evaluated as to whether development pressure on the land is **high, moderate, or low**. This ranking is determined by the characteristics of the land, its location, and the farm operator (if any). The information that is appraised by the Council for each of these characteristics is described in the sections following.

5.02 Characteristics of the Land

Some land that is suitable for agriculture is also well adapted for urban or other non-agricultural uses. Indicators are:

- a) Soils capable of supporting more intensive development such as shallow

excavations, dwellings with or without basements, small commercial buildings, or local roads.

- b) Favorable topographic features such as gentle slopes (up to 8 percent) and absence of wetlands or poorly drained areas.
- c) Prior subdivision of the land into residential lots or other parcels designed to accommodate more intensive development. The plot may be approved and recorded, or may have been prepared in anticipation of conversion to urban use but not yet officially approved or recorded. Conversely, rescission of a previously-approved subdivision or vacation of streets that had been accepted but never constructed may indicate absence of development pressure or an intent to continue farming.
- d) Amenities sought by developers or occupants such as shorelines of water bodies, scenic views, protection of nearby areas through public or private-conservation ownership, or other special features that are attractive to development.

5.03 Characteristics of the Location

Some areas or communities are more prone to development than others.

Indicators may include:

- a) Existing Development Pressure
- b) Community policies favoring growth and development as expressed in comprehensive or land use plans or other documents dealing with

management of growth, or actions such as investments in land or facilities in order to create sites for industrial or commercial development.

- c) Increases in population or employment within the municipality or area over a recent period; and particularly increases at rates greater than those for the state or region.
- d) Zoning of the land under consideration or the surrounding area for housing at urban or suburban densities, or for industrial, commercial, or other non-rural uses.
- e) Water supply available to support more intensive development by means of a public system (existing or planned) or a major groundwater aquifer.
- f) Sewage disposal available to support more intensive development by means of a public system (existing or planned) or by soils suitable for on-site disposal.
- g) Accessibility to transportation facilities or services such as arterial or collector roads or a bus route.
- h) Proximity to urban growth as indicated by changes in land use from rural to urban within the preceding five years and within a one-mile radius.

5.04 Characteristics of the Operator

Agricultural land may be subjected to pressure for development by the circumstances of the landowner(s) or of the farming operation. These may or may not be within the ability of an individual or a family to control. The factors considered in Section 6.02 should also be viewed as indicators of impending

development (Reasons which may cause the discontinuation of farming on the land (health, retirement, estate planning...)).

5.05 Information Requirements:

The following questions and sources of information can be used by the Council in evaluating parcels or areas in terms of these characteristics:

1a) Is the soil suitable for urban-level development?

Source: -Soil Survey of Bristol County South . Rating of “Slight” or “Moderate” restrictions for urban development.

1b) Has the land been subdivided? If so, when was the plat recorded?

Sources: -Town records
-Town planning board

1c) Are there any amenities that promote development?

Sources: -Coalition for Buzzards Bay
Bay Lands Center
-Town planning board
-Field survey

2a) What are the policies and attitudes of the community toward urban growth in general and specifically for the proposed site?

Sources: -Community plan
-Tax policies and rates
-Town planning board and other local officials
-Citizens and interest groups

2b) How has population and employment changed in the Town and the

surrounding area?

Sources: -Town planning board or commission

2c) How is the land zoned? Have there been any recent changes?

Sources: -Town planning board or commission

2d) Are public or private water sources available to support development?

Sources: Town planning board
Town Department of Public Works

2e) Can sewage be adequately treated and disposed of by a public system or on-site methods?

Sources: Board of Health
Department of Public Works
Conservation Commission
Soil Survey of Bristol County South

2f) Are transportation facilities available or planned that would support urban use?

Sources: Southeastern Regional Planning and Economic
Development District (SRPEDD)
Department of Public Works
Planning Board
Southeast Regional Transit Authority

2g) Has urban development occurred within a one-mile radius of the land within the past five years?

Sources: Aerial photographs - USDA-FSA; Planning Office (GIS)
Town records

Town planning board

Field survey

6.00 **ECONOMIC IMPORTANCE**

6.01 Procedure

Land considered for purchase of development rights should be evaluated as to whether the parcel is of high, medium, or low economic importance to farming in the Town. The following sections describe factors used in determining economic importance.

6.02 Current Status of the Land

The land under consideration should be actively employed in agriculture. While purchase of development rights does not ensure the land will in the future be farmed, present land utilization is indicative of the likely trend.

- a) Actively farmed lands should be rated higher than idled lands.
- b) If the land is idle, applicants must demonstrate to the Council that the land will be employed in agriculture.

6.03 Economic Viability

Land which represents a viable economic unit should be rated higher than a parcel which offers only part-time opportunities. Small parcels which as rental property contribute to the viability of a full-time farm operation should be rated higher than those that contribute to the viability of a part time farm operation.

6.04 Information Requirements

Information needed to evaluate the economic importance of land in terms of these

characteristics is outlined in the following questions:

- 1) Is the land presently employed in agricultural activities?
 - a) If not, what is the most recent year in which the land was farmed?
 - b) Do you have plans to farm the land in near future? Please explain.
- 2) If actively farmed: what crops are presently grown? (please list crops and approximate acreages).
- 3) If idle, what crops were most recently grown?
- 4) If idle, what future agricultural activities are committed? Indicate likely crops or activities and when they will be initiated.
- 5) The estimated gross farm income from the land being considered in this application is: \$_____.
- 6) Is any of the land included in the farm application leased from others?
- 7) Is any land owned by the applicant leased to others? If so, for what purpose?

7.00 **PROXIMITY TO PERMANENTLY PROTECTED LAND**

7.01 Significance

Clustering of agricultural parcels will help develop a block of farms which can support each other and reduce conflicts with incompatible uses.

8.00 **PRESERVATION OF OPEN SPACE, AESTHETIC, HISTORIC VALUES, AND WATER QUALITY PROTECTION**

8.01 Significance

The purchase of development rights to farmland may also provide opportunities to

encourage the preservation of important open spaces, aesthetic, historic values and water quality protection. These attributes of a parcel may support its selection for inclusion in the program.

8.02 Evaluation of Capability for Preservation

The Council will evaluate the land in terms of its physical and cultural characteristics, and its environment or context. The factors considered may include, but are not limited to, the following:

- a) Historic or archeological districts, buildings, or sites, and lands associated therewith.
- b) Features identified in the MA Natural Heritage Program, or similar inventories or programs
- c) Vegetation type and quality
- d) Areas subject to flooding
- e) Wetlands and forest lands
- f) Wildlife and marine life habitat
- g) Recreation, conservation, or management lands owned by a public or private agency and dedicated to these purposes.
- h) Major open spaces identified in Town plans
- I) Scenic views and particularly well kept grounds and structures
- j) National Register of Historic Places
- k) Wellhead protection area, groundwater recharge area, tributary to streams, rivers, coastal embayment, fisheries habitat.

8.03 Information Requirements

The environmental inventories, aerial photographs, town plans and advice from agencies and public interest groups will be supplemented by field inspection where necessary.

9.00 **SOIL MANAGEMENT**

9.01 Significance of Soil Management

The Council recognizes the need for long term soil stewardship and management of the lands for which it holds the development rights. Without such wise management of types of soil the land's ability to produce agricultural crops will be jeopardized.

9.02 Evaluation of Soil Management

In those situations where management of the soil after the sale of development rights will rest with the same person prior to the sale, the Council examines the past history of soil management. The past record of soil management should provide a measure of the farm operator's commitment to the land and reflect the future level of soil stewardship that can be expected. In situations where the responsibility for management of the soil is expected to change hands in the foreseeable future, the past history of soil management is not necessarily a valid indicator of future performance. Under these circumstances, the Council will place higher priority on those parcels where the current owner or future owner/operator can assure that the land will be properly managed.

9.03 Information Requirements

Information needed to evaluate soil management practices includes the following:

- 1) Where responsibility for soil management will remain with the same person after the sale of development rights-
 - a) What conservation practices have been applied on the land? If none, does the landowner/manager think any are needed? Does the Bristol County Conservation District think any are needed?

Is the landowner/manager interested in developing and implementing a conservation plan?
 - b) Has the landowner/manager been doing a good, fair, or poor job of conserving the soil?
 - c) What soil management and conservation activities does the landowner/manager plan to install if the Council purchases the development rights to the parcel?

- 2) Where responsibility for soil management will be changing shortly after the sale of developments rights:
 - a) If ownership of the land is to change in the near future, is the current owner willing to take steps to assure that the new owner will properly care for the soil? If so, what steps?
 - b) If ownership is not going to change, but a different farmer is to lease or rent the land, what steps is the owner willing to take in assuring proper care for the soil?
 - c) What permanent measures have been made to the land?

9.04 Evaluation

Parcels located contiguous or near to permanently protected land will be scored higher than those which are isolated.

9.05 Information Resources

Dartmouth Farmland Map, Dartmouth GIS in cooperation with
Dartmouth Agricultural Commission

10.00 **COST**

10.01 Significance

The Council recognizes the responsibility to use public funds in a prudent manner the achieves the objectives of the Article.

10.02 Evaluation of Cost

The Council has a limited amount of funds with which to purchase development rights. Consequently the Council will use its authority to negotiate with those offering to sell development rights to farmland, in order to obtain the best available land at the lowest reasonable cost.

In deciding whether to accept an offer, the Council will compare the cost of acquisition of the development rights for each parcel under consideration to the capability of each parcel to achieve the objectives of the Article. This comparison will be made in context of all other applications under consideration at the same time.

10.03 Information Requirements

The information needed to comply with this section includes the evaluation of the land under all other criteria, the value of the land for agricultural and development purposes, and the prices at which development rights are offered.

11.00 MATCHING FUNDS

Maximum consideration will be given to those applications with additional sources of “matching funds”. Bonus points will be added to applicants score.

12.00 CRITERIA MODIFICATION

12.01 Modification of Primary and Secondary Criteria may occur upon majority decision of Council.

Appendix M – Dartmouth Farmland Scoring System

PRIMARY CRITERIA

1. SOIL QUALITY (Section 4.00) (Maximum = 10) **SCORE** _____

Inventory
Agricultural Value Group
Relative Agricultural Value
Special Considerations
Specialty Crops

2. DEVELOPMENT PRESSURE (Section 5.00) (Maximum = 10) **SCORE** _____

- a) **Existing Development Pressure**
- b) **Reasons Exist which may cause the discontinuation of farming on the land (health, retirement, estate planning...)**
(Application question #12)
- c) **Soils capable of supporting development**
(such as shallow excavations, dwellings with or without basements, small commercial buildings, or local roads)
- d) **Prior subdivision** (of the land into residential lots or other parcels designed to accommodate more intensive development. The plot may be approved and recorded, or may have been prepared in anticipation of conversion to urban use but not yet officially approved or recorded. Conversely, rescision of a previously-approved subdivision or vacation of streets that had been accepted but never constructed may indicate absence of development pressure or an intent to continue farming.)
- e) **Amenities sought by developers or occupants** (such as shorelines of water bodies, scenic views, protection of nearby areas through public or private-conservation ownership, or other special features that are attractive to development.)
- f) **Characteristics of the Location** (some areas or communities are more prone to development than others.)
- g) **Community policies favoring growth and development** (as expressed in comprehensive or land use plans or other documents dealing with management of growth, or actions such as investments in land or facilities in order to create sites for industrial or commercial development)
- h) **Zoning of the land** under consideration or the surrounding area for housing at urban or suburban densities, or for industrial, commercial, or other non-rural uses.
- i) **Water supply available** to support more intensive development by means of a public system (existing or planned) or a major groundwater aquifer.
- j) **Sewage disposal available** to support more intensive development by means of a public system (existing or planned) or by soils suitable for on-site disposal.
- k) **Accessibility to transportation facilities or services** (such as arterial or collector roads or a bus route.)

- l) **Proximity to urban growth** (as indicated by changes in land use from rural to urban within the preceding five years and within a one-mile radius.)

3. ECONOMIC IMPORTANCE (Maximum = 10) **SCORE**_____

(Section 6.00)

- a) **Current Status of the Land**
Is the land actively employed in agriculture?
Is the land leased to others and actively farmed?
Is idle land committed to any future agricultural use?
- b) **Current Economic Viability**
Land which represents a viable economic unit should be rated higher than a parcel which offers only part-time opportunities. Small parcels which as rental property contribute to the viability of a full-time farm operation should be rated higher than other “part-time parcels”.
- c) **Future Economic Viability**
Provides maximum flexibility for survival as a farm in the future- What is the potential for alternative agricultural uses on the farm?

SECONDARY CRITERIA

4. PROXIMITY TO PERMANENTLY PROTECTED LAND (Section 9.00) **SCORE**_____

- a) Clustering of agricultural parcels will help develop a block of farms which can support each other and reduce conflicts with incompatible uses.
- b) Parcels located contiguous or near to permanently protected land?
(DNRT, Audobon, State Fisheries and Wildlife, Town Park or Forest)

5. PRESERVATION OF OPEN SPACE, AESTHETIC, HISTORIC VALUES, & WATER QUALITY PROTECTION (Section 8.00) **SCORE**_____

- a) Will the purchase of development rights to farm land provide opportunities to encourage the preservation of important open spaces, aesthetic, and historic values.
- b) Historic or archeological districts, buildings, or sites, and lands associated with land?
- c) Is land on a scenic road?
- d) Does land have scenic view values?
- e) Does parcel abut coastline?
- f) Farmland preservation contributes to protection of ground and surface water resources, stream, rivers, coastal embayments, fisheries habitat...

6. SOIL MANAGEMENT (Section 7.00) **SCORE**_____

- a) Are soil and water conservation practices currently employed on the land?
- b) Are practices needed?
- c) Is the applicant interested in developing and implementing a soil and water conservation plan?

****MAXIMUM Consideration will be given to those applications with additional sources of “matching funds” BONUS _____**

TOTAL SCORE _____

SCORING SHEET

I. PRIMARY CRITERIA

1. SOIL QUALITY **SCORE** _____
 (Maximum = 10)

2. DEVELOPMENT PRESSURE **SCORE** _____
 (Maximum = 10)

3. ECONOMIC IMPORTANCE **SCORE** _____
 (Maximum = 10)

I. SUBTOTAL SCORE _____

II. SECONDARY CRITERIA

4. PROXIMITY TO PERMANENTLY PROTECTED LAND **SCORE** _____

5. PRESERVATION OF OPEN SPACE, AESTHETIC, HISTORIC VALUES, & WATER QUALITY PROTECTION **SCORE** _____

6. SOIL MANAGEMENT **SCORE** _____

II. SUBTOTAL SCORE _____

I. & II. TOTAL SCORE _____

<u>Degree to which a Primary Criterion is satisfied</u>	Each <u>Criterion</u>
High	8 - 10
Moderate	4 - 7
Low	1 - 3
None or not Applicable	-0-

<u>Degree to which a Secondary Criterion is satisfied</u>	Each <u>Criterion</u>
High	-3-
Moderate	-2-
Low	-1-
None or not Applicable	-0-

Appendix N – Dartmouth Soil Quality Criteria

APPLICATION FOR _____

Total Acreage Offered _____

I. FARMED LAND - _____ Acres

<u>Relative Agricultural Value</u>	<u>Acres</u>	<u>% of Parcel</u>
100		
75		
50		
25		
0		
	Subtotal= _____	_____

II. NON FARMED - Forestland, Idle land, and Wetland

<u>Relative Agricultural Value</u>	<u>Acres</u>	<u>% of Parcel</u>
100		
75		
50		
25		
0		
	Subtotal= _____	_____

III. Houses, Barns and Yard Areas

<u>Relative Agricultural Value</u>	<u>Acres</u>	<u>% of Parcel</u>
100		
75		
50		
25		
0		
	Subtotal= _____	_____

GRAND TOTAL= _____ Acres 100%

APPLICANT: _____

FILE NO.: _____

I. SOIL QUALITY

Acres of Land per Soil Group

1 (100)* 2 (75)* 3 (50)* 4 (25)* 5 (0)*

Land Type

Farmed Land

**Woodland &
Wetland**

***(Relative Agricultural Value of Soil Group)**

Total Acreage _____

Appendix O - Sample Meeting Minutes

Name of Committee: _____

Meeting Date: _____ **Time:** _____

Meeting Location: _____

Members Present: _____

Members Absent: _____

1. Topic:

Vote:

2. Topic:

Vote:

3. Topic:

Vote:

4. Topic:

Vote:

Appendix P – Massachusetts Conflict of Interest Law Summary

(Provide to all newly sworn in commission members)

The conflict of interest law (Chapter 268A of the General Laws) covers all municipal employees, whether elected or appointed, full or part-time, paid or unpaid. The law also regulates the activities of former employees and partners of current and former employees.

“Special Municipal Employee” Designation

Some municipal employees can be designated as special municipal employees by the city council, board of selectmen, or board of aldermen. For these individuals, the law applies less restrictively.

You may be designated as a special municipal employee if you are not a mayor, an alderman, a city councilor, or a selectman in a town with a population in excess of 5,000, provided:

- you are not paid; or
- you hold a part-time position which allows you to engage in other employment during normal working hours; or
- you were not paid by the municipality for more than 800 hours during the preceding 365 days.

All employees holding the same office or position must be treated equally—having the same classification as “special municipal employee.”

ACTIVITIES RESTRICTED OR PROHIBITED BY THE CONFLICT LAW

ACTIONS ON THE JOB (Section 19)

The law recognizes that your financial interest and those of your partners or close relatives could influence the way you do your job. To discourage “self-dealing”, the law prohibits you from participating in a particular matter in which you or any of the following have a financial interest: your immediate family; your partner(s); a business organization in which you serve as an officer, director, trustee, partner or employee (including a non-profit organization); and any person or organization with whom you are negotiating or have any arrangement concerning prospective employment.

A “particular matter” is defined as an activity involving decision making or judgment and refers to specific projects and proceedings rather than general issues. If such a matter comes up, you would be allowed to participate in it only if your appointing official makes a written determination that your interest is not so substantial as to affect the integrity of your services. This exemption is not available to elected officials.

MUNICIPAL CONTRACTS (Section 20)

Section 20 prevents you from using your position to benefit from municipal contracts and to avoid the public perception that municipal employees have an “inside track” on municipal contracts. In general, as a municipal employee, you are prohibited from having a direct or indirect financial interest in a contract made by any agency of your same municipality. This section of the law also prohibits an employee from holding more than one paid position in the same town or city.

However, there are a number of exceptions to this general prohibition which you can take advantage of as long as certain specific conditions set out in the statute are met; there are also exceptions for special municipal employees. We suggest you call the Commission or contact your city solicitor or town counsel for specific advice on Section 20.

ACCEPTING GIFTS (Section 3)

Extra payments, gifts or privileges offered because of (but not necessarily to influence) your official actions are prohibited. In other words, it is illegal to accept anything of “substantial value” beyond your salary in return for performing work that you were hired or elected to perform, even if given by a private party simply out of gratitude for a job well done. The courts and the Commission have deemed “substantial value” to be \$50 or more, in most cases.

In addition, Section 2 of the conflict law prohibits the most obvious kinds of corruption: cases where you were offered payment to perform official duties (or not to perform them) in a certain way. The law imposes civil and criminal penalties, not only on employees who seek to receive payoffs or kickbacks, but also on private parties who offer or pay them.

OUTSIDE ACTIVITIES (Section 17)

The law limits what you may do for someone other than the municipality which employs you—in other words what you may do on the side. This section is designed to protect the municipal employee and municipality from the problems resulting when people “serve two masters”.

While you are a municipal employee, you cannot be compensated by anyone else in relation to any “particular matter” in which any agency of the same municipality is a party or has a direct and substantial interest. Similarly, you cannot act as agent or attorney for anyone in such matters, even if you are not paid. (This section of the law also applies less restrictively to special municipal employees.)

STANDARDS OF CONDUCT (Section 23)

The Standards provide a general code of ethics for all public employees. Essentially, the conflict law prohibits you from using or attempting to use your official position to secure an unwarranted privilege or from giving a reasonable basis for the impression that you can be improperly influenced in the performance of your official duties. The law also prohibits you from disclosing confidential information obtained on the job and from accepting outside employment that will impair your independence of judgment in the exercise of your official duties.

FORMER MUNICIPAL EMPLOYEES (Section 18)

The conflict law aims to prevent the “revolving door syndrome”. It prohibits former employees from deriving unfair advantage by improperly using friendships and associations formed or confidential information obtained while serving the government. The law is not designed to prevent you from using general expertise developed while a municipal employee. Rather, it focuses on particular matters you worked on while a municipal employee.

If you participated in a particular matter as a municipal employee, you can never become involved in that same particular matter after you leave municipal service, except on behalf of the municipality. (This same restriction applies to the partners of former municipal employees for one year.)

If you had official responsibility for a particular matter in your municipal position even if you did not actually participate in it, you may not appear personally before any municipal agency on behalf of a private party in connection with that matter for one year after leaving government.

The law also restricts the activities of partners of current municipal employees. Partners may not act as agent or attorney for anyone other than the city or town in connection with particular matters in which the municipal employee participates or has official responsibility for.

Advisory Opinions

This summary presents a brief overview of the conflict law and suggests activities that you, as a municipal employee, must avoid. It is not a comprehensive review. You may call the State Ethics Commission’s Legal Division at 727-0060 for individualized advice on the conflict law, as well as seek an advisory opinion from your city solicitor or town counsel. If you have a question about your own activities, you are urged to request an opinion from your local counsel or directly from the Commission prior to engaging in the activity in question.

Appendix Q - Massachusetts Department of Agricultural Resources Program Directory

DIVISION OF AGRICULTURAL DEVELOPMENT

Overview

The Division of Agricultural Development works to foster the sustainability of Massachusetts' agriculture through innovative programs while serving the needs of consumers by providing information on local foods and agricultural products.

Agricultural Business Training Program (ABTP)

This program responds to the increasing demand from farmers, lenders, regulators, and municipal officials for better opportunities for agricultural operators to master basic business planning principles. The Massachusetts agricultural climate favors farmers who develop and can articulate cohesive and sustainable plans for their future, including:

- Maintaining and actively using as a management tool basic financial tracking tools for their business operations, both current and planned
- Identifying and reaching markets that earn them better net returns
- Defining and providing a living wage for themselves and their employees that keeps them on the land and fits their family needs
- Supporting loans and/or personal investment over time through careful financial planning and monitoring
- Working effectively as partners with the municipalities and counties in which they are located
- Achieving compliance with regulatory issues both current and anticipated

ABTP uses several training approaches to help farmers understand their financial situations, plan their operations, track performance and project the effects of anticipated changes:

1) Chief among these is a 10-session, nationally recognized NxLevel@ training course for agricultural entrepreneurs entitled "Tilling the Soil of Opportunity". Taught by nationally certified instructors, "Tilling the Soil" includes additional MDAR-sponsored technical assistance on issues of particular significance to a given farm participant. Class size is limited to 12 agricultural businesses.

More than 130 farms have completed this business planning program so far, with regional classes scheduled in the winter months wherever demand is sufficient.

2) New for 2005 will be a year-long farm cluster mentoring program designed to help each farm create and utilize a management team. Meetings monthly in a guided group setting will be interspersed with individual on-farm meetings of the individual business team (owners, bankers, insurers, accountants, partners, key employees, etc.). The ABTP Instructor will attend all these sessions and meetings to become fully conversant in what would help the farm most – and how the farms can be of help to each other. The format allows for confidential information to be retained in the separate farm team meetings, while utilizing the excellent examples in the peer

group sessions of what is making a difference, what works, and what can be improved. Begins in January 2005.

3) ABTP is partnering with the New England Small Farm Institute and various local partners to establish statewide delivery of the acclaimed 4-session “Exploring Your Small Farm Dream” (Explorer). This course is for people considering farming as a new pursuit, or shifting from hobby level to a farming practice that is sustainable and contributes positively to family income and lifestyle.

All courses are rotated around the Commonwealth, located where there is anticipated demand and an active local host partner. Costs, after substantial underwriting by MDAR and partners, range from \$150-\$500 per business.

Contact: Rick Chandler (413) 577-0459 or rchandler@umext.umass.edu

Agricultural Environmental Enhancement Program (AEEP)

The purpose of the Agricultural Environmental Enhancement Program (AEEP) is to assist Massachusetts’ farmers in addressing areas on their farms that impact or could impact the natural resources of the Commonwealth. Specific concerns are air and water resources. In the past AEEP focused on providing an incentive for farmers to adopt water quality and water conservation best management practices. In Fiscal Year 2005 AEEP included incentives to help farmers contribute to climate protection efforts. Actions that improve energy efficiency and/or reduce greenhouse gas emissions on farms were also considered for funding.

Contact: Susan Phinney (617) 626-1772 or Susan.Phinney@state.ma.us

Agro-Environmental Technology Grant Program

The Agro-Environmental Technology Grant Program (Agro Tech) addresses agriculture related environmental concerns and agricultural research and development needs and opportunities. Each year the Department receives funding, it considers projects that have practical commercial application involving new or alternative technologies, practices or organizational arrangements that will stimulate expanded agricultural development, economic activity and employment growth. Public and private agencies and organizations, business and industry, educational institutions and local governments in Massachusetts can submit proposals. Individuals may apply if a specific commodity group, growers’ association or industry endorses the project. Up to \$50,000 per project is available. Awards are allotted on a matching basis. This program was not funded in Fiscal Years 2004 or 2005.

Contact: Susan Phinney (617) 626-1772 or Susan.Phinney@state.ma.us

Agricultural Composting Program

The composting program encourages farmers to compost their organic waste materials and residues. The Department offers regulatory guidance for existing and new composting operations. The program registers agricultural composting operations, which are then exempt from DEP site assignment, and which allows farms to receive compostable materials from off the farm.

Contact: William Blanchard (617) 626-1709 or William.Blanchard@state.ma.us

Emergency Food Assistance Program - MEFAP

In response to severe federal cutbacks and to hunger studies showing inadequate resources for an increasing number of families, the state legislature has provided at least \$6.28 million for emergency food in each of the last 5 years. To benefit the Commonwealth's food and agriculture industry, preference is given to state-based vendors and local farms to supply that food. Massachusetts grown products purchased include eggs, fruits and vegetables. The Greater Boston Food Bank contracts to purchase and distribute food through the state's four largest food banks. These four food banks then distribute the foods to pantries, shelters and kitchens statewide.

Contact: Craig Richov (617) 626-1725 or Craig.Richov@state.ma.us

Bureau Of Land Use

Agriculture Preservation Restriction Program (APR)

The Agricultural Preservation Restriction (APR) program, established by the legislature in 1977 and administered by MDAR's Bureau of Land Use, is the cornerstone of the state's farmland protection efforts. The program's main goal is the preservation of agricultural lands comprised of "prime" and "state important" soils. Since its first acquisition in 1980, the program has invested over \$143 million in protecting nearly 55,516 acres of agricultural land in 148 cities and towns across the Commonwealth as of July 2004. The Open Space Bond Bill and Federal Farm and Ranch Lands Protection Program provide funds for the APR Program. The APR Program is nationally recognized as a model program.

Under the APR Program, the Commonwealth purchases from farmers the non-agricultural value of agricultural lands in exchange for a permanent deed restriction, which precludes any future use of the property that will have a negative impact on its agricultural viability. The farmer receives the difference between the land's agricultural value and its fair market value. The farmer retains incidence of ownership over the land and can sell it or will it to heirs with limitations on non-agricultural uses of the land. The terms of the restriction require that the farm remain in agriculture in perpetuity, even if conveyed to someone else.

Contact: Ronald Hall (617) 626-1704 or Ronald.Hall@state.ma.us

Or Staff Members:

Chris Chisholm (617) 626-1751 or Chris.Chisholm@state.ma.us

Michele Padula (617) 626-1758 or Michele.Padula@state.ma.us

Carol Szocik (617) 626-1718 or Carol.Szocik@state.ma.us

Barbara Hopson (413) 577-1681 or Barbara.Hopson@state.ma.us

Richard Chandler (413) 577-0459 or rhandler@umext.umass.edu

Farm Viability Enhancement Program (FVEP)

The Farm Viability Enhancement Program assists farmers in improving the economic bottom line and environmental integrity of their operations through the development and implementation of business plans tailored to their situations. The program has three phases:

Phase I - a farmer will work with a planning team to develop a plan to increase on-farm income and preserve the farm's environmental resources. These comprehensive farm plans suggest ways for farmers to increase their on-farm income through such methods as improved management practices, diversification, direct marketing, value-added initiatives and agri-tourism. In addition, the Plans make recommendations concerning environmental and resource conservation concerns on participating farms.

Phase II - up to \$20,000, \$40,000 or \$60,000 per farm may be available to implement selected elements of the plan in exchange for a 5 or 10-year agricultural covenant that restricts land use on the farm to agricultural uses only.

Phase III - a reporting phase after completion of the changes recommended in the plan. The Cranberry Viability Program is an alternative program available to the State's cranberry growers and is administered similarly to the FVEP.

Contact: Craig Richov (617) 626-1725 or Craig.Richov@state.ma.us

Environmental Review Program

The Environmental Review Program examines development proposals, which may affect farmland or agricultural land in Massachusetts. The program tracks all Massachusetts Environmental Policy Act (MEPA) cases and provides detailed analyses, discussion and comments for approximately 60 cases annually. Some MEPA cases invoke the provisions of Executive Order 193, which requires avoidance or mitigation when state or federal/state funds are used to convert any farmland to another use. The Program also advocates for agriculture in land use planning activities.

Contact: Barbara Hopson 413-577-1681 Barbara.Hopson@state.ma.us

The Farmland Assessment Act (Chapter 61A)

Introduced in 1973, the Farmland Assessment Act (Chapter 61 A) established a lower property valuation and tax rate for working farms in the Commonwealth. Prior to that, because of the high value of land, too many farmers were unable to afford the taxes on their property, forcing many to sell their farms. The Chapter 61 A Program has allowed many farmers who would otherwise have been forced out of business, to stay in farming.

Contact: Barbara Hopson 413-577-1681 Barbara.Hopson@state.ma.us

State-owned Farmland Program

Since 1974, the Bureau of Land Use has been making vacant public lands available to established commercial farmers as well as new entry farmers. These lands are used to augment privately owned agricultural land.

Approximately 550 acres of farmland are currently protected under Article 97 of the Massachusetts Constitution as conservation land. The Department is pursuing permanent protection on additional state-owned land using several strategies including APRs and legislative transfers.

The State-Owned Farmland Program works closely with other state agencies, as well as private entities, to develop land use plans that incorporate agricultural land and development. Additionally, nearly 1,400 acres of land under the program are managed according to best management practices, which include IPM, cover cropping, and erosion control techniques. All state-owned farmland under this program conforms to the Clean State Initiative.

Contact: Barbara Hopson (413) 577-1681 or Barbara.Hopson@state.ma.us

Geographic Information Systems (GIS)

MDAR's GIS program works in collaboration with existing department programs in the development of an up-to-date database containing pertinent information of the status of agriculture in the Commonwealth. Data is displayed using thematic mapping to create numerous land use scenarios such as protected agricultural land, agricultural land use in proximity to proposed development projects, and active agricultural land near surface and groundwater resources. DAR and MassGIS have digital soils data for all the counties in Massachusetts. This information represents the official digital version of Natural Resources Conservation Service data.

Contact: Barbara Hopson (413) 577-1681 or Barbara.Hopson@state.ma.us

Bureau Of Markets

The Bureau of Markets promotes the viability and sustainability of Massachusetts' food and agricultural businesses through marketing and educational activities. We encourage consumers to buy Massachusetts food and agricultural products, assist farmers in wholesale marketing, institutional wholesale marketing, assist farmers' in establishing direct marketing through farmers' markets and roadside stands, foster economic development for the farm community and specialty food industry, and assist in foreign export programs. The Bureau administers the Federal-State Market Improvement Program (FSMIP), a USDA grant program fostering innovation in marketing for agriculture. The Bureau also creates a number of publications.

Contact: Mary Jordan (617) 626-1750 or Mary.Jordan@state.ma.us

Aquaculture Program

Aquaculture Resource Library and Technical Assistance Referrals

Contact: Scott Soares (617) 626-1730 or Scott.Soares@state.ma.us

Aquaculture Curriculum Guidance Document

Produced as a result of funding provided by the USDA Northeast Regional Aquaculture Center, this publication provides educators with references to commercially available and free aquaculture curriculum resources. The Guide also provides summaries and reviews of a number of curricula in effort to simplify educator's efforts to source aquaculture curricula that are relevant to their circumstances. Available electronically.

Aquaculture Operation Description Form

A two-page fill-in-the-blanks form designed to provide assistance to prospective aquaculturalists toward the identification of permits that may be required for any Aquaculture facility proposed for operation in Massachusetts. A completed operation description form provides a useful starting point for the determination of permits and regulations applicable to the proposed activity. Completed Aquaculture Operation Description Forms are used by the Department's Aquaculture Development Program to facilitate the permitting process. Available electronically.

Aquaculture Permit Guidance Document

A compilation of Federal and Massachusetts permits and regulations for activities associated with activities that may be associated with any form of Aquaculture proposed for Massachusetts. The Guide was developed in an effort to facilitate the permitting of Aquaculture in the Commonwealth. Available electronically.

Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts

Developed through an industry lead process by the Southeastern Massachusetts Aquaculture Center in cooperation with the Massachusetts Department of Agricultural Resources and reviewed assistance by a myriad of public, state and federal organizations, shellfish culture BMPs were created in effort to identify practices that are environmentally responsible as well as economically sound. Available electronically.

Agri- Tourism

Agricultural tourism merges the world of travel with experiences of farming and our food and fiber production. The Bureau of Markets, in cooperation with University of Massachusetts Extension and Massachusetts Office of Travel and Tourism (MOTT), holds agri-tourism seminars to teach farmers about tourism as a means for expanding and diversifying their operations. The Department participates in eco-tourism activities with Sister Environmental State Agencies: Department of Recreation and Conservation as well as with the Department of Fisheries and Wildlife.

Contact: Richard Leblanc (617) 626-1759 or Rick.Leblanc@state.ma.us

Agricultural Directional Signage Program

The Ag-Signage Program, in cooperation with the Massachusetts Highway Department, allows for the placement of directional signs along state roadways for farms located off those roadways.

Contact: Richard Leblanc at (617) 626-1759 or Rick.Lebblanc@state.ma.us

CSA's and Pick Your Own Farms - PYO/Roadside Farmstands

Community Supported Agriculture (CSA's) give the public an opportunity to invest in a farm's operation and to then to receive a bountiful harvest of products that same year. PYO and roadside farmstands gives people the chance to experience a farm and select the freshest produce and other farm products available.

Contact: Richard Leblanc at (617) 626-1759 or Rick.Lebblanc@state.ma.us

Commercial Kitchens

The Department works closely with commercial kitchens in the state that provide licensed shared-use production facilities for farm and food businesses. The Western Massachusetts Food Processing Center in Greenfield, Nuestra Culinary Ventures in Boston and Nuestra Raices in Holyoke offer a commercial production space, cold and dry storage space, and a packaging area, as well as business assistance. The centers allow farm and food companies to rent the facility on a time-share basis instead of investing in expensive equipment, and has the potential to generate new revenues for agriculture and specialty food producers. There are other kitchens and shared-use production projects in development.

Contact Bonita Oehlke (617) 626-1753 or Bonita.Oehlke@state.ma.us

Commodity Group Assistance

The Bureau of Markets works closely with more than twenty commodity groups such as Massachusetts Fruit Growers Association and New England Vegetable and Berry Growers Association, and provides assistance to them in their marketing efforts. Staff members regularly attend commodity group meetings, speak at industry conferences, and generally serve in an outreach role to farmers. The Bureau also co-organizes Agriculture Day at the State House with the Massachusetts Agricultural Promotion Board (MAPB), an organization that represents many of the state's commodity groups.

Contact: Mary Jordan (617) 626-1850 or Mary.Jordan@state.ma.us

Farmer/Chefs Programs

The Department acts as a resource to both farmers and chefs in order to provide locally grown and produced foods to the restaurant industry.

Contact: David Webber (617) 626-1754 or David.Webber@state.ma.us

Farmers' Market Coupon Program

The Bureau administers the Farmers' Market Coupon Program, a federal/state program that provides coupons redeemable for produce exclusively at farmers' markets. Coupons are available through the Women, Infants and Children Program (WIC) and to low-income elders through the Elder Nutrition Programs. This program provides fresh, nutritious, local fruits and vegetables to those at nutritional risk, while supporting local farm sales at farmers' markets.

Contact: David Webber (617) 626-1754 or David.Webber@state.ma.us

Farmers' Market Program

Approximately 100 farmers' markets now operate in cities and towns across Massachusetts. The Department provides technical assistance to individuals or groups trying to start a farmers' market, helps farmers find appropriate farmers' markets to participate in, and promotes farmers' markets through the publication of consumer listings (See Publications List), news releases, and other promotional activities such as Massachusetts Farmers' Market Week.

Contact: David Webber (617) 626-1754 or David.Webber@state.ma.us

Festivals and Events - Consumer Outreach

In an effort to increase awareness about local agriculture, the Bureau of Markets attends participates in a number of consumer events. Some of these events include: Earth Day, The Quabbin Valley Annual Garlic Festival, the Massachusetts Marketplace event as well as regional 'Buy Local' Campaign events. At these events, the Bureau distributes thousands of brochures and sell "Massachusetts Grown...and Fresher!" merchandise items. Both the brochures and the merchandise help reinforce the Department "Buy Local" message" to consumers.

Contact: Rick LeBlanc (617) 626-1759 or Rick.Lebblanc@state.ma.us

International Market Development

The Department works with growers and food processors to assist in the development and expansion of international markets through technical assistance, referrals and regional marketing efforts. As a part of this process, the Department coordinates market research and promotion efforts with at least six other governmental agencies and an extensive group of agricultural trade officers abroad. Offerings include the Market Access Program, which allows producers to offset promotional costs in export markets by 50 percent. First time exhibitors to national trade shows with international buyers in attendance can apply for the 50% reimbursement program, based on eligible expenses. The Department is a member of Food Export USA Northeast for export marketing www.foodexportusa.org. The Department has worked recently with international buyers for low-cost, low-risk opportunities at domestic trade shows, as well with the horticultural sector to Japan.

Contact: Bonita Oehlke (617) 626-1753 or Bonita.Oehlke@state.ma.us

Massachusetts Marketplace

The Annual Massachusetts Marketplace event is held in August at the Elm Bank Reservation Dover. Co-sponsored with the Massachusetts Horticultural Society, this one-day event educates the public on the importance of the food and agricultural sector. The second day is open to the public with annual attendance of approximately 3,000 people. The Marketplace turns into a festival/ fair atmosphere with activities and interests for all ages. There are all types of children's activities, educational displays as well as the Marketplace Trade Show.

Contact: Bonita Oehlke (617) 626-1753 or Bonita.Oehlke@state.ma.us

Marketing Massachusetts at Trade Shows

The Department coordinates a pavilion at the Summer Fancy Food Show as well as encourages food entrepreneurs to visit to understand aspects of the business including competition and marketing. First time exhibitors to national trade shows are eligible for a 50% reimbursement program, based on eligible expenses.

Contact: Bonita Oehlke (617) 626-1753 or Bonita.Oehlke@state.ma.us

"Massachusetts Grown...and Fresher!" and "Mass Made with Pride" Campaigns

The Bureau uses the two slogans "Massachusetts Grown...and Fresher!" and "Mass Made with Pride" to promote food and agriculture in Massachusetts in its promotional efforts. The logos help consumers identify Massachusetts grown and produced products. We offer point-of-purchase (POP) materials free of charge to all Massachusetts ag-related businesses that use these slogans to promote their products. POP materials currently available include price cards, posters, shelf talkers, and stickers.

Contact: Rick LeBlanc (617) 626-1759 or Rick.LeBlanc@state.ma.us

Boston Public Market

This project aims to assist in the establishment of a year-round public market in Boston. The Department initiated the project in 1996 by securing a grant from the U. S. Department of Agriculture for a feasibility study. Since then the Boston Public Market Association has been formed which is a not for profit, 501c3 organization. The Association is currently evaluating sites and plans to open a seasonal market in the summer of 2005.

Contact: David Webber (617) 626-1754 or David.Webber@state.ma.us

Regional "Buy Local" Campaign Initiatives

The Department supports the regional 'Buy Local' campaigns coordinated by local/regional partnerships to sustain the agricultural industry and its environment within their respective regions. The Departments provides resource information on marketing, promotions as well as opportunities to collaborate on other agricultural initiatives. The four regional 'Buy Local' Campaigns currently being implemented: "Berkshire Grown" – coordinated by the Berkshire Food & Land Council, "Local Hero" – coordinated by

CISA, Community Involved in Sustaining Agriculture, “Southeastern Massachusetts Buy Local” – coordinated by SEMAP, Southeastern Massachusetts Agricultural Partnership and “Essex Buy Local” – coordinated by the Essex County Conservation District. Each campaign provides members with information on marketing, promotion and production information. They also provide consumers with information on purchasing products within their respective region.

Contact: Mary Jordan (617) 626-1750 or Mary.Jordan@state.ma.us

Value-Added Food Processing Development and Promotion – How to Get Started

The Department provides referrals and contacts for technical and business assistance for starting or expanding a new food business including web-based information, specific referrals, educational seminars, and projects with a variety of organizations and collaborators as well as trade show organizers. Contacts range in areas from production development, food safety and marketing as well as trade associations.

The Departments’ *Massachusetts Food Processors Resource Manual, A practical guide for specialty food and start-up food processors*, is available on Department website:

www.MASS.GOV/AGR.gov/agr/markets/specfood/food_processor_resource_manual.htm

The Department promotes a collaboratively developed site promoting web-based resources for starting out:

<http://www.umass.edu/umext/nutrition/nefe/nefe/index.html>

There is also information for working with other regional institutions for information for new food businesses:

<http://www.nysaes.cornell.edu/necfe/>

Wholesale Programs

The "Green Book: A Directory of Massachusetts Wholesale Growers" is a list wholesale growers and is distributed to supermarkets, distributors, restaurants, roadside stand operations, and wholesalers (See Publications). The Department Staff meets with buyers from supermarket chains to educate them about the availability of local products. Buyers are given samples of "Massachusetts Grown...and Fresher!" point-of-purchase materials, copies of the Green Book and other pertinent information about Massachusetts wholesale growers. Joint-promotional efforts are encouraged with the supermarket industry and often include product sampling and other consumer outreach efforts. In addition, the Department participates in the Harvest New England Logo Identification Program that labels products produced in New England under one logo – ‘Harvest New England’.

The School Foodservice Program strongly encourages foodservice directors to provide as much local products on their menu as possible. The Department provides resource material including farmer contact information as well as educational material to inform those involved in the school foodservice as well as students and parents on the benefits on consuming local products. The Department collaborates with the Massachusetts Department of Education, the Massachusetts School Foodservice Association, and individual schools to participate in joint activities promoting the benefits and opportunities of consuming local products with the School Foodservice Program.

Contact: Rick LeBlanc (617) 626-1759 or Rick.Leblanc@state.ma.us

Bureau of Fairs

There are more than 50 agricultural fairs operating in Massachusetts. The Program staff provides resource information to the administrators of these fairs. The ‘Agricultural Fairs Listing’ is published annually by the Department to provide the public with information on dates, locations and activities for each of the agricultural fairs. The Program staff participates in the Massachusetts Fair Association meetings as well as supports the Massachusetts 4-H program activities at various fairs across the state and at National Competitions. The Staff also oversees the inspection of fairs when appropriate, conducts workshops, seminars and training sessions. The Program staff also manages the Massachusetts State Exposition Building located on the grounds of the Eastern States Exposition, West Springfield.

Contact Mary Jordan, Director of Agricultural Development, (617) 626-1750 or Mary.Jordan@state.ma.us

Or Ellen Hart, Administrative Assistant (617) 626-1742 or Ellen.Hart@state.ma.us

Fair Awards (if funding is available) - DAR makes awards to these types of fairs:

Major Fairs

- Sponsored and conducted by an agricultural or horticultural society incorporated under Massachusetts law
- Fair must operate at least three days annually
- Inspected and approved by the Department of Agricultural Resources
- A majority of competitive exhibits as listed in Chapter 128, Section 2, Paragraph F of the MGL

Community Fairs

- Sponsored and conducted by an organized agricultural or horticultural society in operation for at least one day for a period of five hours
- Must be inspected by the Department of Agricultural Resources. Shall include competitive exhibits

Livestock Shows

- Specific breed shows
- In operation for at least one day for a period of five hours
- Inspected and approved by the Department of Agricultural Resources

Grange Fairs

- Sponsored and conducted by a local grange organization. In operation for at least one day for a period of five hours
- Must be inspected by the Department of Agricultural Resources. Shall include competitive exhibits.

Youth Fairs

- Sponsored and conducted by a youth organization group. In operation for at least one day for a period of five hours
- Must be inspected by the Department of Agricultural Resources. Shall include competitive exhibits

Massachusetts Building on the Avenue of States at the Eastern States Exposition (the Big E), West Springfield

The mission of the Massachusetts Building is to promote Massachusetts agriculture, commerce and tourism to a crowd of approximately 1 million during the 17 day fair. The building is located along the Avenue of States that houses a replica of each original State House in New England. Booth space is offered to Massachusetts corporations as well as to non-profits organizations located in Massachusetts. For an application or for further information:

Contact Mary Jordan at (617) 626-1750 or Mary.Jordan@state.ma.us

The following publications are available by calling 617-626-1700:

Ag in the Classroom Newsletter

This regular publication promotes programs and activities and notifies readers of upcoming events.

Agricultural Fairs

Agricultural fairs are a traditional American celebration of the harvest and showcase the important role of farms in communities across our Commonwealth. This listing offers dates, times, locations and attractions at the major agricultural fairs, the community fairs, the youth fairs, the livestock fairs and the Grange fairs held across the Bay State.

Agri- Tourism Directory – “Down on the Farm” Directory

This popular directory contains information on farms geared to accommodating tourists and local visitors, tour groups and school groups. These farms offer a wide variety of activities and events including farm tours, hay rides, hiking trails, picnic facilities, and bed and breakfast accommodations.

APR Newsletter

This newsletter is a quarterly report to APR owners and interested parties.

Chef's Choice Brochures

This series of brochures showcases Massachusetts' fresh produce and helps consumers choose, store and prepare fresh local products. Each brochure features recipes provided by Bay State chefs, which feature local products.

- Chefs Choice: Recipes Celebrating Massachusetts Apples
- Chefs Choice: Recipes Celebrating Massachusetts Cranberries
- Chef's Choice: Recipes Celebrating Massachusetts Tomatoes
- Chefs Choice: Recipes Celebrating Massachusetts Sweet Corn

Does Farmland Protection Pay?

This is a study and comparison of the costs to deliver community services by different land uses in three Massachusetts towns by American Farmland Trust.

Farm and Market Report

This is a monthly newsletter that covers all Department programs and news. The Farm and Market Report lists important upcoming dates and offers a free classified ad section for farmers and the agricultural industry. Distributed through the Department's website and through email.

DIVISION OF ANIMAL HEALTH, BIO-SECURITY & DAIRY SERVICES

Overview

The objective of the Division of Animal Health, Bio-Security & Dairy Services is to ensure a healthy environment for the Commonwealth's animal population and, hence, the Commonwealth's consumers. Ensuring this healthy environment requires careful inspection and monitoring to enforce the laws and regulations.

Bureau of Dairying

The objective of this bureau is to monitor the milk production, hauling, distribution, pricing, and marketing with the goal of assuring a safe, high quality supply of milk at fair prices for consumers, processors and dairy farmers such that orderly markets are maintained.

Dairy Farm Inspection

The overall goal of the Dairy Farm Inspection program is to help assure a safe, healthy supply of milk to processors, and ultimately, consumers. Many factors influence the quality and quantity of milk produced by a dairy farm. Bacteriological counts produced through testing of milk samples helps determine the quality of milk. When the counts exceed regulatory standards, a dairy farmer is required to return to compliance in a timely fashion. The Bureau of Dairying licenses every bovine dairy farm in the state in accordance with Chapter 94. The Bureau also inspects, samples and evaluates goat milk facilities. The Dairy Farm Inspection Program also helps dairy farmers comply with Appendix N requirements of the Pasteurized Milk Ordinance.

Contact: Brad Mitchell (617) 626-1771 or Brad.Mitchell@state.ma.us

Mastitis Program

The Mastitis Program offers assistance to dairy farmers by providing laboratory analysis of milk samples to identify problem areas in their herds to reduce the overall impact of mastitis on their herds and ultimately, on the quality of milk they produce.

Contact: Bill Gillmeister (617) 626-1811 or Bill.Gillmeister@state.ma.us

Hauler-Sampler Program

The Hauler-Sampler Program establishes a training and registration program for milk hauler- samplers. Milk haulers are required to take milk samples. These milk samples are tested for milk component contents (i.e., butterfat, protein, and other milk solids) as well as to gather quality information such as bacterial counts and to determine the presence of antibiotics. The Bureau maintains a hauler-sampler program to inform and train haulers on proper sampling techniques and the importance of sampling in the quality and profitability of a dairy farm.

Contact: Cathy Kaszowski (617) 626-1812 or Cathy.Kaszowski@state.ma.us

Laboratory Equipment Inspection and Certification

In the process of sampling milk, the equipment used must be regularly maintained to assure accuracy. The Bureau works with laboratories to certify the equipment used in testing milk.

Contact: Cathy Kaszowski (617) 626-1812 or Cathy.Kaszowski@state.ma.us

Tanker Inspection

Milk from throughout the region is hauled from the dairy farm to Massachusetts' processors in tanker trucks. A high quality milk product requires these tankers to be properly maintained. To assure this proper maintenance, all milk tankers must be inspected, and the Bureau of Dairying performs these inspections.

Contact: Cathy Kaszowski (617) 626-1812 or Cathy.Kaszowski@state.ma.us

Dairy Policy

Aside from the regulations for milk safety, milk and dairy product markets are highly regulated. Milk prices to the farmer are the focal point. The objective of these policies is to offer stability in the market.

Contact: Brad Mitchell (617) 626-1771 or Brad.Mitchell@state.ma.us

Bureau of Milk Marketing

The Division's objective is to monitor the milk production, hauling, distribution, pricing, and marketing with the goal of assuring a safe, high quality supply of milk at fair prices for consumers, processors and dairy farmers such that orderly markets are maintained.

Producer Security Fund

In the 1983 Acts, Chapter 706, the Legislature established the Milk Producers' Security Fund. This fund was established to protect dairy farmers from milk dealers who default on payments for milk already received. The Fund consists of dairy farmer contributions collected through assessments on dairy farmers.

Contact: Robin Rice (617) 626-1794 or Robin.Rice@state.ma.us

Milk Receiver's License and Security

Massachusetts General Laws, Chapter 94 sections 42a and 42b require, with several exceptions, any person to be licensed by the Commissioner and to maintain proper security to protect dairy farms against default on the part of those who have purchased milk from milk producers. This security or bonding is complementary to the Milk Producers Security Fund described above.

Contact: John Nunes (617) 626-1813 or John.Nunes@state.ma.us

Milk Production and Distribution

The quantity of milk produced in Massachusetts, New England, and, indeed, throughout the country is critical in determining milk prices and the availability of fresh milk for market. Tracking milk production is, therefore, important not only in developing farm price expectations, but is also imperative for dairy policy analysis and recommendations.

Contact: Bill Gillmeister (617) 626-1811 or Bill.Gillmeister@state.ma.us

Milk Pricing

Milk prices are critical tools for making business decisions for dairy farmers and for making recommendations to policy makers. Milk pricing is also highly regulated and monitoring the regulatory developments is a constant challenge. Changes to the regulations can have quite a significant impact on industry profitability.

Contact: Bill Gillmeister (617) 626-1811 or Bill.Gillmeister@state.ma.us

Prohibited Transactions

The Massachusetts General Laws specify Certain Prohibited Transactions with milk in section 14 of Chapter 94A. The primary objective of this in combination with other Chapters and sections is to maintain orderly markets. Turn-of-the-century price wars, unfair trade practices by milk dealers all conspired to create disorderly, even destructive market competition. Prohibited transactions include selling milk below cost, price discrimination, and other forms of anti-competitive behaviors which lends easily to damaging affects on consumer prices and farmers.

Contact: Bill Gillmeister (617) 626-1811 or Bill.Gillmeister@state.ma.us

Milk Dealer's License

The Massachusetts General Laws, chapter 94A section 5 requires all milk dealers, as defined in section 1 of the same chapter, to be licensed. All licensed, out-of-state milk processors must obtain a milk pasteurization permit and all milk processing facilities must have a milk plant permit. The Bureau of Milk Marketing is responsible for maintaining such records.

Contact: Robin Rice (617) 626-1794 or Robin.Rice@state.ma.us

Bureau of Animal Health

The Bureau of Animal Health, within the Department of Food and Agriculture, help to prevent the spread of contagious disease in domestic animals by enforcing laws, regulations and orders relative to the inspection, examination, quarantine and care of animals affected with or exposed to contagious disease.

Contact: Brad Mitchell (617) 626-1771 or Brad.Mitchell@state.ma.us

Retired Greyhound Care and Adoption Council

The nine-member Council, chaired by DAR Commissioner, encourages and assists in the adoption of greyhounds that were bred for racing in Massachusetts and never raced or greyhounds that have raced in Massachusetts and reached the end of their racing careers. The Adoption program is authorized under M.G.L. Chapter 10, Sections 64 and 65 and distributes grants to assist in greyhound adoption, providing information to assist in transition the dogs from racing to domestic life and providing information about veterinary and other forms of greyhound care

Contact: Patricia Cabral (617) 626-1786 or Patricia.Cabral@state.ma.us

Pet Shops

Currently, there are approximately 200 licensed pet shops in Massachusetts. All pet shops must be licensed by the Department in order to sell animals (not fish). The license requirements are in place to protect the health of the animals, as well as that of the visiting public and the employees who work in these shops.

Contact: Esther Wegman (617) 626-1795 or Esther.Wegma@state.ma.us

Rabies Program

Although bat-strain rabies has been known to exist in Massachusetts since the 1960's, a small bat population in the state and infrequent exposures limited the need for widespread awareness and control. The raccoon rabies epidemic beginning in 1992 posed new problems for public health officials. Since raccoons are so prevalent in rural and suburban areas, the potential for a large number of human and domestic animal exposures grew. Rabies is a viral disease that can affect all mammals, including humans. The virus attacks the central nervous system and can be secreted in saliva. Because rabies affects people as well as animals, control of this disease has become a top priority for the Bureau of Animal Health. With the cooperation of the Department of Public Health and the Division of Fisheries and Wildlife, every angle of potential rabies exposures gets covered in order to prevent further rabies infections.

Contact: Mike Cahill (617) 626-1794 or Mike.Cahill@state.ma.us

Animal Shipment

Each state in the nation has its own unique regulations to ensure that animals entering their state are free of infectious and contagious disease. Animals entering Massachusetts from other states must comply with our own import requirements outlined in statute, regulation and Animal Health programs to reduce the possibility of introducing contagious disease to our domestic animal population. Animals leaving Massachusetts must comply with the regulations set by the state of destination. A list of these import requirements is available from DAR.

Contact: Sandy Pepe (617) 626-1797 or Sandy.Pepe@state.ma.us

Reportable Diseases

There are diseases that are of extreme importance to the Bureau of Animal Health. They may be Foreign Animal Diseases which we currently do not have in this state; diseases which have serious public health consequences; or diseases that we have either previously eradicated from Massachusetts or are very close to eradicating. Veterinary practitioners are required to report suspect or positive cases of these diseases to the Bureau of Animal Health promptly.

An accredited practicing veterinarian is usually the first professional to have contact with a disease that may be of a reportable nature. It is important that such diseases be reported as soon as possible to the appropriate State/Federal Veterinarians, or their agencies, so that the appropriate required actions may be taken to accomplish the following:

- a. Assist the practitioner in achieving a definite diagnosis
- b. Performance of any required additional tests to confirm diagnosis
- c. Institution of regulatory actions to limit spread of the disease
- d. Recommendations made to eliminate the disease if possible

The following is a list of the individual State/Federal personnel to whom reports should be made. The mode of reporting should be that which provides the most rapid notification consistent with the seriousness of the suspected disease. For example, immediate telephonic reporting is required in such suspected diseases as Foot and Mouth Disease, Rabies, Pseudorabies, TB, etc. Written reports would be acceptable for such diseases as Brucellosis, Actinomycosis, Mange, etc. Reporting may be done to the following locations:

Bureau of Animal Health
251 Causeway St., Suite 500
Boston, MA 02114
(617) 626-1795 or 626-1791

USDA-APHIS, Veterinary Services
136 Providence-Worcester Rd., Suite 20
Sutton, MA 01590
(508) 865-1421 or 865-1422

Reports may also be made to USDA-APHIS-YS veterinarians in the different areas of the state.

Contact: Esther Wegman (617) 626-1795 or Esther.Wegman@state.ma.us

Poultry Program

The Poultry Program covers production and movement of poultry and poultry products In Massachusetts. Certified inspectors for the state of Massachusetts perform inspection and testing. Programs include Salmonella, Avian Influenza, Mycoplasma testing and Egg and flock inspections. The objective of this program is to promote poultry by providing information for all poultry producers and to make disease-free poultry available to everyone from large farms to backyard flocks.

Contact: Edward Hageman (617) 626-1796 or Edward.Hegmann@state.ma.us

Town Animal Inspectors

Each city and town is required by law to appoint, through this Bureau at least one Animal Inspector. This is a high priority position dealing with animal and health and welfare. The Animal Inspector conducts the annual livestock census, educates the public on rabies control, quarantines domestic animals that have bitten someone or been exposed to a rabid animal, and checks on cattle that have been imported into the state.

Contact: Auzinda Tavares (617) 626-1792 or Auzinda.Tavares@state.ma.us

Bureau of Equine Activities

This division is responsible for the following:

- 1) Testing and licensing of new riding instructor applicants
- 2) Licensing of riding instructors under Chapter 128, 2A
- 3) Licensing of riding stables/riding schools
- 4) Licensing of equine dealer/transporters
- 5) Inspection of all public riding facilities
- 6) Registration of stallions and foals eligible to the Massachusetts Thoroughbred Breeding Program

Contact: Sandy Pepe (617) 626-1797 or Sandy.Pepe@state.ma.us

DIVISION OF REGULATORY & CONSUMER SERVICES

Bureau of Farm Products and Plant Industries

Native Law

If the word "native" is used in labeling or advertisements, the STATE of origin must appear immediately after the word "native". Example: "Native Massachusetts Corn".

Pet Food and Commercial Feeds

All pet food and commercial feed must be registered with the Department annually (January 1st of each year). Registration fee is \$50.00 per product. There is no tonnage fee on feed.

The following feeds are exempt from registration: customer formula feeds; raw meat; hay; straw; stover; silages; cobs; husks; hulls when under ground and not intermixed with other materials and not adulterated. For registration and labeling requirements:

Contact: Bob Rondeau (617) 626-1804 or Robert.Rondeau@state.ma.us

Commercial Fertilizer and Lime

All fertilizer products (non-farm use) and lime products must be registered annually (January 1st of each year). The registration fee is \$100.00 per product. Commercial fertilizer manufacturers (for farm-use) are required to be licensed annually at a fee of \$125.00. An inspection fee of 15 cents per ton is required bi-annually (January 1st and July 1st of each year). A minimum of \$5.00 shall be paid to the Department. All soil conditioners are required to be registered whereby that it changes the structure of the soil, which promotes plant growth. All lime materials must also be registered at \$100.00 per product. For registration and labeling requirements:

Contact: Bob Rondeau (617) 626-1804 or Robert.Rondeau@state.ma.us

Fertilizer samples that are tested for the guaranteed analysis of Nitrogen, Phosphorous, and Potassium that are found to be deficient are penalized with a fine.

Massachusetts Seed Law

All agricultural, turf, lawn, vegetable, flower, tree and shrub seeds must comply with the Massachusetts Seed Law and the Federal Seed Act. For a copy of the seed law:

Contact: Bob Rondeau (617) 626-1804 or Robert.Rondeau@state.ma.us

Apple Certification Program

Apples being shipped to California; Arizona, Nevada, Utah, and New Mexico must be certified to have been in a Massachusetts storage facility for a period of at least 40 days with the temperature at 32 degrees F. or less. For further information:

Contact Howard Vinton (617) 626-1803 or Howard.Vinton@state.ma.us

Massachusetts Apple Report

The Department publishes the "Massachusetts Apple Report" on a weekly basis during the marketing season - September to June. The report covers wholesale and F. O.B. prices on all of the important varieties including McIntosh, which has been very helpful to growers, shippers, and buyers. Storage holdings and movement of fruit and market conditions are also reported. The subscription price is \$6.50 per year which is payable to the Massachusetts Fruit Growers Association. For further information:

Contact: Howard Vinton (617) 626-1803 or Howard.Vinton@state.ma.us

Licensing and Certification

Agents are persons who buy and offer nursery stock for resale. There is an application process. Once applications are filled out completely and returned to the Farm Products and Plants Industries, with a fee of \$70.00, an Agent's license will be issued. Agent's licenses must be renewed annually. For information regarding agent's licenses and/or to request an application, see the contact information below.

Nursery growers are persons who grown their own nursery stock. Applications for renewal are sent out annually. The fee structure is based on acreage:

- Less than one acre \$30.00;
- 1-5 acres \$90;
- 6-25 acres \$120.00;
- 26-100 acres \$75.00;
- Over 100 acres \$105.00;
- Greenhouses (not in a nursery) \$45.00

All nurseries and greenhouses are inspected annually between the months of June and October. Based on inspection reports and the receipt of applications with the appropriate fee, a "Growers Certificate" is issued. For information about obtaining a growers' certificate, becoming a grower, or to request an application:

Contact: Phillis Michalewich (617) 626-1801 or Phillis.Michalewich@state.ma.us

Exporting Nursery Stock

All nursery stock leaving Massachusetts is required to be accompanied by a certificate of inspection or a phytosanitary certificate. Based on individual state/country regulations and/or quarantines, nursery stock must be certified "free from" certain plant pests and diseases, i.e. japanese beetle in the western part of U.S. and a lot of countries, gypsy moth in areas outside the gypsy moth regulated areas. If plant material does not conform to state/country requirements, certificates must not be issued. People moving to some states, wishing to take their houseplants with them, require houseplant certification. For further information on exporting nursery stock, moving house plants and/or to schedule an inspection:

Contact: Phillis Michalewich (617) 626-1801 or Phyllis.Michalewich@state.ma.us

Or Al Carl (617) 626-1802 or Al.Carl@state.ma.us

Cooperative work with USDA/ APH IS/PPQ

Post Entry Quarantine

Some nursery stock brought into Massachusetts from foreign countries requires import permits and a 2-year quarantine inspection process. PPQ (Plant Protection and Quarantine) form 526 must be filled out and approved prior to receivership of foreign plant material. For information regarding the importation of foreign plant material:

Contact: Phillis Michalewich (617) 626-1801 or Phyllis.Michalewich@state.ma.us

Plant Industry Regulations

330 CMR 9:00-9:04: its purpose being to prevent the spread of white pine blister rust, *crionartium ribicola*, a disease affecting white pine trees. Black currants are prohibited from the Commonwealth. This includes any black currant "plant, root, seed, or cutting". The town regulates all other currants and gooseberries. Control area permits are issued to persons, growers, who are shipping into the Commonwealth if they are in compliance with this regulation. A copy of this regulation can be found on the department web site: www.massDAR.org or:

Contact: Brad Mitchell (617) 626-1771 or Brad.Mitchell@state.ma.us

Plant Industries Publication

DIRECTORY OF CERTIFIED NURSERIES & GREENHOUSES and LICENSED AGENTS - This is a listing of all licensed growers and agents in the Commonwealth. This Directory is edited regularly, may be found on the department website at www.mass.gov/AGR or:

Contact: Phillis Michalewich (617) 626-1801 or Phyllis.Michale@state.ma.us

Western Office at Amherst, MA

The Amherst office is a USDA, APHIS, PPQ office with the Department performing all the duties. Federal Phytosanitary Certificates are issued for plants and plant materials for export. State Phytosanitary Certificates are issued for plants and plant materials for interstate travel as required. Application permits are signed-off for laboratory work in cooperation with the USDA, APHIS, PPQ office in Boston.

Inspections of nurseries, fruit and vegetables are done through this office.

- Fertilizer, feed, and maple syrup samplings are done for the testing of the guaranteed analysis and lead content in maple syrup.
- Controlled Atmosphere storage rooms are inspected and certified to conform to the regulations.

- Apiary inspections of beehives are made throughout the Commonwealth for Varroa Mite and the American Foul Brood.

Contact: AI Carl and Ellen Krause (413) 253-2414 Fax: 413-253-0518

Pesticide Bureau

The Pesticide Bureau is responsible for regulating pesticides. (All of the current pesticide regulations can be downloaded from www.MASS.GOV/AGR). The Pesticide Bureau also acts as support staff for the Pesticide Board. The major functions of the Bureau are broken down into specific programs.

Applicator Exams, Licensing & Certification

There are four different types of credentials the state issues to eligible users. The specific credential depends on the classification of the pesticide and individual uses and where it is used. Exams are held at scheduled times throughout the year to assess knowledge of pesticide safety, use and regulations.

Contact: Lee Corte-Real (617) 626-1776 or Lee.Corte-Real@state.ma.us

Enforcement

The Pesticide Bureau must enforce the Massachusetts Pesticide Control Act and the regulations 333CMR. In addition, the Department is designated by the USEPA as the state lead agency of the federal pesticide statute (FIFRA).

Contact Mike McLean (617) 626-1781 or Michael.McClean@state.ma.us

Integrated Pest Management (IPM)

IPM is an ecologically based approach to pest control that links together several related components, including monitoring and scouting, biological controls, mechanical and/or other cultural practices. The Massachusetts IPM Council promotes IPM practices and advances IPM education within urban and other settings.

Contact: Mark Buffone (617) 626-1777 or Mark.Buffone@state.ma.us

IPM Environmental Justice

Environmental Justice is the meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The Department implements and oversees these activities to ensure protection for those underserved populations in Massachusetts as related to reducing risk and reliance on pesticides through the use of Integrated Pest Management (IPM).

Contact: Trevor Battle (617) 626-1775 or Trevor.Battle@state.ma.us

Product Registration

In order to be able to distribute, purchase, or use a pesticide in Massachusetts, the product is subject to a two-tiered registration process. Before the state is able to consider registering a pesticide the product must first be registered with the United States Environmental Protection Agency (USEPA). To download an Application Form for registration of a pesticide product in Massachusetts check the DAR website, www.MASS.GOV/AGR

Contact: Lee Corte-Real (617) 626-1778 or Lee.Corte-Real@state.ma.us

Public Drinking Water Supply Protection

DAR oversees regulations regarding groundwater source protection for sources of public drinking water supplies from non-point source pesticide contamination. The purpose of these regulations is to prevent non-point source contamination of public drinking water supply wells from pesticides products on the Ground Water Protection List (See Publications list).

Contact: Gerard Kenned (617) 626-1773 or Gerard@Kennedy@state.ma.us

Ground Water Sampling

Contact: Taryn Lascola (617) 626-1779 or Taryn.LaScola@state.ma.us

Rights of Way Management

A right of way is any roadway or thoroughfare on which public passage is made and any corridor of land over which facilities such as railroads, pipelines, power-lines, conduits, channels, or communication lines are located. The Rights of Way Management regulations ([333 CMR 11](#)) were designed to minimize any potential harmful effects of herbicides used for vegetation control IPM approach to vegetation control and aims to protect private wells and environmentally sensitive areas. Forms to register private wells with the ROW program can be [downloaded](#) using [Adobe Acrobat](#).

Contact: Mike McClean (617) 626-1782 or Michael.McClean@state.ma.us

Toxicology

Provides informational assistance to the public, industry, non-government groups, and other government agencies. We are not a clearinghouse of available data but welcome calls and questions related to pesticides and, their use. Informational kits and brochures providing assistance and describing Pesticide Bureau programs are available upon request.

Contact: Steve Antunes-Key (617) 626-1784 or Steve.Antunes.Keyon@state.ma.us

Waste Collection Programs, Storage and Disposal

The Pesticide Bureau's strategy to manage waste generated through pesticide use involves the coordination of a statewide pesticide waste collection and a container recycling program. To date the Bureau has facilitated the removal of almost *100,000* pounds of waste pesticides from the environment.

The Bureau has also published a series of guidelines for the mixing, loading, and storage of pesticides.

Contact: Gerard Kennedy (617) 626-1773 or Gerard.Kennedy@state.ma.us

Children and Families Protection Act

There is a new law entitled "An Act to Protect Children and Families From Harmful Pesticides". The Act, which is being implemented by the Massachusetts Department of Food and Agriculture, affects all private and public schools, day care centers and school age child care programs.

Contact Mark Buffone (617) 626-1777 or Mark.Buffone@state.ma.us

The State Reclamation and Mosquito Control Board

The State Reclamation and Mosquito Board oversees and sets policy for the Commonwealth's nine mosquito control districts. The Board membership is composed of a representative of the Department of Food and Agriculture (DAR), the Department of Environmental Protection (DEP) and the Department of Environmental Management (DEM). The chairman is the DAR representative. There are nine districts covering 140 communities across the Commonwealth.

Contact: Mark Buffone, Chairman of the Board (617) 626-1777 or Mark.Buffone@state.ma.us

Or Donna Mitchell, Secretary of the Board (617) 626-1715 or donna.mitchell@state.ma.us

The following publications are available on-line at www.MASS.GOV/AGR, or by calling 617-626-1700.

Ground Water Protection List/Groundwater Protection Regulations - Towns with Zone II Areas:

A list of pesticides that pose a risk to groundwater based upon their toxicity and chemical characteristics and have been restricted.

Homeowner's Guide to Environmentally Sound Lawn Care

A resource manual that shows homeowners how to maintain a healthy lawn in a way that minimizes the need for insecticides, herbicides, and fungicides.

Integrated Pest Management (IPM) in State Buildings

A brochure that provides guidance to pesticide applicators on how to go about the process of accessing and retrieving the necessary information and documents to become a pre-qualified contractor for the Commonwealth.

Integrated Pest Management (IPM) Kit for Building Managers

A kit designed to introduce building managers to the concept of IPM and to provide them with the knowledge to implement IPM programs in their buildings.

Lawn care for Pesticide Applicators

A consumer information sheet that answers commonly asked questions about pesticides and provides advice on safety measures.

Personal Protective Equipment Guide - Coveralls, Gloves, and Other Skin Protection

Personal Protective Equipment Guide Respirators Pesticide Enforcement

A brochure describing the enforcement role of the Pesticide Bureau and outlining procedures for filing complaints.

Pesticides and Food, what you and your family need to know

Pesticide Storage and Handling Practices for Homes

Pesticides and our Endangered Species Protect Yourself from Pesticides

A brochure, available in Spanish and English, that serves as a reminder of important pesticide safety steps.