

Jefferson County Farmland Protection Board

Board Meeting.....Monday, February 9, 2015

Jefferson County Public Services Building
Development Authority Conference Room
1948 Wiltshire Rd, Kearneysville, WV 25430

AGENDA

5:10pmCall to Order and Opening Remarks

* Action item

Introduction of Guests: Martin Burke, Landmarks Commission

Approval of Minutes of Previous Meeting (January 12, 2015)*

Approval of Minutes of Special Meeting (January 12, 2015)*

Treasurer's Report *

Administrator's Report

Unfinished Business

- Consider for approval: Memorandum of Understanding to clarify the original intent of the Rene and Shannon Donley Deed of Conservation Easement *
- Consider for approval: Memorandum of Understanding with LTEP for baseline preparation, stewardship fees, monitoring, and enforcement*

New Business:

- JCFPB Election of new officers *
- Martin Burke: projects of mutual interest

Committee Reports

- Easement Committee
- Finance Committee
- Fundraising and Public Relations Committee
- Personnel Committee/ Board Development
- Strategic Plan Committee

Announcements:

7:00 pm ----- Adjourn

All Farmland Protection Board meetings are open to the public.
To address the Board, contact Elizabeth McDonald to be placed on the agenda.
Email: FarmlandProtection@jcda.net Phone: (304) 724-1414

Jefferson County Farmland Protection Board

Board Meeting.....Monday, February 9, 2015

Jefferson County Public Services Building
Development Authority Conference Room
1948 Wiltshire Rd, Kearneysville, WV 25430

MEETING MINUTES DRAFT

5:05pmCall to Order and Opening Remarks

* Action item

- Meeting called to order by Mr. Kercheval. Attending the meeting were Ms. Tabb, Mr. Ober, Mr. Glenn, Mr. Quinn, Mr. Kercheval, Mr. Reisenweber, and Ms. Wheeler. Ms. McDonald joined a few minutes late.

Introduction of Guests: Martin Burke, Landmarks Commission

Approval of Minutes of Previous Meeting (January 12, 2015)*

- Minor typo correction to note Mr. Luttrell unavailable in the evening, not "morning"
- Hearing no objections the minutes were approved by unanimous consent.

Approval of Minutes of Special Meeting (January 12, 2015)*

- Hearing no objections the minutes were approved by unanimous consent.

Treasurer's Report *

- Ms. Reisenweber reviewed report.
- Noted that monthly tax receipt of \$52,160.81 needs to be reflected on Income Statement.
- Mr. Glenn moved to accept the Treasurer's Report subject to adding the tax receipts on income statement. Seconded by Mr. Quinn. The motion passed unanimously.

Administrator's Report

- Received administrator's report from Ms. Wheeler
 - No additions or discussions beyond written report.
 - Ms. McDonald reported that County Commission approved amendment of the bylaws to eliminate term limits for officers.

Unfinished Business

- Consider for approval: Memorandum of Understanding to clarify the original intent of the Rene and Shannon Donley Deed of Conservation Easement *
 - Mr. Glenn reviewed draft from Mr. Luttrell, an option to amend the conservation easement in the future to align with the original intent of easement. Corrected wording and exhibit language.
 - Mr. Reisenweber moved to have Ms. Wheeler and attorney additionally research residential exclusion issues in relation to this property as well, seconded by Mr. Glenn. The motion passed unanimously.
- Consider for approval: Memorandum of Understanding with LTEP for baseline preparation, stewardship fees, monitoring, and enforcement*
 - Reviewed MOU, specifically language around LTEP's handling of Stewardship fund pledge. Continues to be contradictory use of voluntary vs required language in MOU.

- Mr. Reisenweber moved to remove any language referencing voluntary, re-write to be required, and to record as such on the HUD. Mr. Glenn seconded. The motion passed unanimously.

New Business:

- JCFPB Election of new officers *
 - Board held nominations, and voted on officer elections. Results:
 - President – Liz McDonald
 - Vice President – Nick Kercheval
 - Treasurer – John Reisenweber
 - Secretary – Russ Quinn

- Martin Burke: projects of mutual interest
 - Mr. Burke gave overview of Landmarks Commission history and future plans for easement expansion in Jefferson County. Discussed concerns of ability to hold and defend easements on landmarks.
 - Reviewed Jefferson County map of landmark properties with agricultural values of interest, and joint opportunities to protect properties.

Committee Reports

- Easement Committee – no report
- Finance Committee – no report
- Fundraising and Public Relations Committee– no report
- Personnel Committee/ Board Development– no report
- Strategic Plan Committee– no report

Announcements:

6:45 pm ----- Adjourn

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12:33 PM

02/09/15

Accrual Basis

Jefferson County Farmland Protection Board
Balance Sheet
As of January 31, 2015

	<u>Jan 31, 15</u>
ASSETS	
Current Assets	
Checking/Savings	
BCT - ICS	1,461,070.50
BCT - Easement Acquisition Fund	16,239.63
Bank of Charles Town	163,254.42
BCT - Fundraising Account	800.49
BCT - Stewardship Account	12,523.72
Total Checking/Savings	<u>1,653,888.76</u>
Other Current Assets	
Legal Retainer	3,000.00
Total Other Current Assets	<u>3,000.00</u>
Total Current Assets	<u>1,656,888.76</u>
TOTAL ASSETS	<u>1,656,888.76</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to County Commission	33,952.38
Total Other Current Liabilities	<u>33,952.38</u>
Total Current Liabilities	<u>33,952.38</u>
Total Liabilities	33,952.38
Equity	
Reserved for Encumbrances	685,999.26
Reserved for Farmland Protect.	1,343,661.39
Net Income	-406,724.27
Total Equity	<u>1,622,936.38</u>
TOTAL LIABILITIES & EQUITY	<u>1,656,888.76</u>

Jefferson County Farmland Protection Board
Profit & Loss
January 2015

	<u>Jan 15</u>
Ordinary Income/Expense	
Income	
Interest/Dividends	813.73
Contributions Income	2,660.00
Total Income	<u>3,473.73</u>
Expense	
Advertising & Marketing Expense	550.00
Interest Expense	8.30
Printing and Reproduction	764.00
Professional Fees	
Accounting	525.00
Total Professional Fees	<u>525.00</u>
Telephone	75.00
Travel & Ent	
Meals	38.00
Travel	34.16
Total Travel & Ent	<u>72.16</u>
Total Expense	<u>1,994.46</u>
Net Ordinary Income	1,479.27
Other Income/Expense	
Other Expense	
Current Year Encumbrances	
Easement Costs	
Land Trust of EP - Monitoring	4,600.00
Total Easement Costs	<u>4,600.00</u>
Total Current Year Encumbrances	<u>4,600.00</u>
Total Other Expense	<u>4,600.00</u>
Net Other Income	<u>-4,600.00</u>
Net Income	<u><u>-3,120.73</u></u>

Jefferson County Farmland Protection Board

2/9/2015 12:33 PM

Register: Bank of Charles Town
 From 01/01/2015 through 01/31/2015
 Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
01/02/2015			BCT - Fundraising Acc...	Funds Transfer ...	5.00	X		216,319.84
01/06/2015	3691	Elizabeth Wheeler	-split-	December Exp...	147.16	X		216,172.68
01/06/2015	3692	Progressive Printing	Printing and Reproduct...	Invoice No. 41...	764.00	X		215,408.68
01/06/2015	3693	Benita Keller	Advertising & Marketi...	Elmwood Farm...	300.00	X		215,108.68
01/06/2015	3694	Ours Lawyer Lewis ...	Professional Fees:Acco...	Invoice No. 14-...	525.00	X		214,583.68
01/15/2015	3695	Land Trust of Easter...	Current Year Encumbr...	Monitoring con...	4,600.00	X		209,983.68
01/15/2015	3696	McKeithen & Associ...	Advertising & Marketi...	#010115	250.00	X		209,733.68
01/16/2015			Accounts Receivable	Deposit		X	1,267.00	211,000.68
01/16/2015			BCT - ICS	Funds Transfer	100,000.00	X		111,000.68
01/21/2015			Transfer Taxes Receiva...	Deposit		X	52,160.81	163,161.49
01/31/2015			Interest/Dividends	Interest		X	92.93	163,254.42

Jefferson County Farmland Protection Board

Administrator's Monthly Report February 9, 2015

Easement Progress:

- AAA: Chris Luttrell reviewing deed language with landowner's attorney David DeJarnett. Gapview Farm has been included in the Shenandoah Junction growth area, but this has not been finalized.

Easement Inquiries:

- 1/30/2015: 65 acres near Appalachian Trail.

Easement policy/ issues:

- Olcott: Chris Luttrell willing to meet Olcott w/ me & Potomac Conservancy staff. The objective will be to obtain Olcott's proposal for what he wants to do, and if it is acceptable, incorporate in an amendment to the deed that clearly defines the allowed activities. Next step: schedule the meeting.
- Residential parcels, retained development rights, exceptions: Possible issues w/ easements with residential parcels. Some easements have farmstead area with residence, others residential parcel & retained development right. According to Authority director, state code requires that residential parcel be recorded as a separate parcel at the time of closing. Berkeley and other counties observe this practice.

Working example: Mark Schiavone (48-acre easement, 3-acre exclusion) concerned about RoW if retained development right exercised; his easement established w/ farmstead containing the residence, which cannot be conveyed separately. Contemplating creating RoW to farmstead. He or future owner will have difficulty securing a loan on property with present deed.

Propose to meet with Authority director Lavonne Paden & attorneys involved in creating farmland protection legislation, & Chris Luttrell to discuss how to address this.

Communications/Outreach:

- ABPP workshops promoted through Extension newsletters
- January 13: Appointed president of the WV Association of Farmland Protection Boards for 1-year term. Will attend quarterly Authority meetings as well as Association meetings.
- WV Coalition of Land Trusts Policy Group: participating in effort to work on introducing bill for a conservation tax credit study.
- Website almost completed for official launch.

Administration:

- January 21: Deposited December transfer tax: \$52,160.81
- (still) Compiling list of Board's affiliations with other boards and organizations.

Projects in process:

- Identify Professional community for farmland protection outreach & education. Working with LTEP on presentation to Chamber of Commerce.
- RCPP Grant award: \$1.15MM for 2 years. RCPP project funded; committee preparing ranking criteria, guidelines, timetable. Easements will be subject to county rate caps to be determined by a NRCS-approved appraiser – there will be a cost for this to each county. See attached match schedule.
- ABPP: Working on Landowner Guide, scheduling all four workshops in June.

Events:

Feb 24: RCPP meeting, Martinburg USDA Center

March 6: Forum For Rural Innovation, Winchester

Webinars:

- Feb 12: Dealing With Technical, Minor and Moderate Violations 2 – 3:30
- March 3: Income & Estate Tax issues for donations of easements 2 – 3:30
- March 19: Creating a Communications Strategy To Raise Friends & Money 2 – 3:30
- June 2: Building Better E-News and Print Newsletters 2 – 3:30

Committees:

Strategic Plan Committee:

1. Next Quarterly review: need to schedule (Liz, Liz, Jane)

Fundraising/PR Committee (Rob, Russ, Liz):

Easement Committee Items:

1. Develop Conservation Plan
2. Policy issue: forestry - review WV Ag Land Protection Authority's proposed policy
3. Service issues: addressing landowner needs for comprehensive planning for sustainable operations, succession, etc to support successful easements
4. New Farmbill rules –regional market rate caps, eminent domain challenges and defense.

(c) Exclusion for single residential dwelling. -- On request to a county farmland protection board or the authority, an owner may exclude two acres per each single residential dwelling, which existed at the time of the sale of the easement, from the easement prohibitions on residential development. A land survey and recordation identifying each single residential dwelling shall be provided at the expense of the owner. However, before any exclusion is granted, an owner shall agree with the county farmland protection board or the authority not to subdivide further for residential purposes any acreage allowed to be excluded. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.