

Jefferson County Farmland Protection Board

Board Meeting - Monday, August 8, 2022 6:00 PM

Extension Service Meeting Room, 1948 Wiltshire Road

- Board Attendees –, Dr. Hetzel, Ms. Johnson, Mr. Perry, Dr. Stine, Mr. Kercheval, Ms. Tabb, Ms. Wheeler, (Director)
- A quorum was met with at least four voting members present.
- Absentees: Dennis Jarvis, (JCDA Representative) without notice.

* Action item

6:10 PMCall to Order and Opening Remarks

Introduction of Guests

Approval of Minutes of Previous Meeting (July 11, 2022) * Mr. Perry moved to approve the minutes; seconded by Dr. Stine; approved by unanimous consent.

Approval of Treasurer’s Report: * Mr. Perry moved to approve the financial report, seconded by Mr. Kercheval, approved by unanimous consent.

Administrator’s Report: Ms. Wheeler reviewed the report that she prepared forecasting the scenarios for acquisition of conservation easements to achieve the 20,000-acre goal set forth in the 2014 strategic plan.

New Business:

- Consider for approval: RFP Language for Board attorney. * Mr. Perry moved to approve the RFP with the following changes: include a scope of work and volume, bullet primary tasks. Seconded by Ms. Johnson, approved by unanimous consent.
- Consider for approval: Appoint Jane Tabb and Catharine Johnson to the Personnel Committee to oversee the process of replacing the outgoing Director. * Moved to approve by Mr. Perry, seconded by Ms. Johnson, approved by unanimous consent.
- Discuss schedule for in-person and zoom meetings. The board discussed pros and cons of different meeting venues and determined that the boards should meet in person at least once quarterly; that Zoom/conference calls should be sufficient for routine items that do not require extensive discussion. The board asked the Director to determine the appropriate meeting venue and consult with board members in advance.
- **Recognition of Nick Kercheval and Gavin Perry.** (see attached Resolutions.) Ms. Tabb delivered the highlights of the resolutions to Mr. Kercheval and Mr. Perry. Mr.

Kercheval remarked on his 10-years of service to the board (and witness to the arrival and departure of one county commissioner and three economic development officers) and his strong support of the mission. Mr. Perry remarked on his four years of service and his admiration for the program and its achievements.

Public Comment

Closing Remarks

Adjourn 7:35PM.

The Jefferson County Farmland Protection Board reserves the right to re-arrange items on the agenda if necessary to accommodate time constraints of the public or the Board.

Jefferson County Farmland Protection Board

Balance Sheet

As of August 31, 2022

09/09/22

Accrual Basis

	Aug 31, 22	Aug 31, 21	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
BCT - Operating x9741	146,150.70	147,162.20	-1,011.50
BCT - Stewardship Reserve x7390	111,250.84	1,053.23	110,197.61
BCT - Stewardship Account x7412	13,237.28	13,197.63	39.65
BCT - Easement Acq. Fund x7404	0.00	126,395.12	-126,395.12
BCT - ICS x740	3,534,584.74	2,328,714.52	1,205,870.22
BCT - ICS EAF x034	290,042.86	0.00	290,042.86
Total Checking/Savings	4,095,266.42	2,616,522.70	1,478,743.72
Other Current Assets			
Transfer Taxes Receivable	118,043.20	125,434.83	-7,391.63
Legal Retainer	3,000.00	3,000.00	0.00
Total Other Current Assets	121,043.20	128,434.83	-7,391.63
Total Current Assets	4,216,309.62	2,744,957.53	1,471,352.09
TOTAL ASSETS	4,216,309.62	2,744,957.53	1,471,352.09
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	963.05	0.00	963.05
Total Accounts Payable	963.05	0.00	963.05
Total Current Liabilities	963.05	0.00	963.05
Total Liabilities	963.05	0.00	963.05
Equity			
Reserved for Encumbrances	1,915,185.00	1,412,294.00	502,891.00
Reserved for Farmland Protect.	1,864,053.44	1,663,431.01	200,622.43
Net Income	436,108.13	-330,767.48	766,875.61
Total Equity	4,215,346.57	2,744,957.53	1,470,389.04
TOTAL LIABILITIES & EQUITY	4,216,309.62	2,744,957.53	1,471,352.09

Jefferson County Farmland Protection Board

Profit & Loss

July through August 2022

09/09/22

Accrual Basis

	Jul - Aug 22	Jul - Aug 21	\$ Change
Ordinary Income/Expense			
Income			
Transfer Tax	228,985.64	278,441.56	-49,455.92
Interest/Dividends	3,005.84	4,256.15	-1,250.31
Contributions Income			
Individuals	60.00	12.61	47.39
Contributions Income - Other	50.00	117.20	-67.20
Total Contributions Income	110.00	129.81	-19.81
Total Income	232,101.48	282,827.52	-50,726.04
Expense			
Advertising & Marketing Expense	234.06	479.82	-245.76
Bank Service Charges	50.00	0.00	50.00
Dues and Subscriptions	100.00	104.98	-4.98
Licenses and Permits	0.00	100.00	-100.00
Miscellaneous	107.98	0.00	107.98
Office Supplies	156.92	0.00	156.92
Postage and Delivery	166.00	136.60	29.40
Printing and Reproduction	0.00	304.39	-304.39
Professional Fees			
Accounting	1,350.00	525.00	825.00
Computer Support	100.00	78.00	22.00
Consulting/Contract	0.00	2,820.00	-2,820.00
Total Professional Fees	1,450.00	3,423.00	-1,973.00
Telephone	75.00	150.00	-75.00
Travel & Ent			
Travel	77.12	70.00	7.12
Travel & Ent - Other	0.00	129.99	-129.99
Total Travel & Ent	77.12	199.99	-122.87
Utilities	674.51	0.00	674.51
Total Expense	3,091.59	4,898.78	-1,807.19
Net Ordinary Income	229,009.89	277,928.74	-48,918.85
Other Income/Expense			
Other Expense			
Conservation Easement Procure	0.00	603,559.00	-603,559.00
Current Year Encumbrances			
Easement Acquisition	-209,454.00	0.00	-209,454.00
Easement Costs			
Baselines	2,355.76	1,158.75	1,197.01
Settlement Charges	0.00	3,978.47	-3,978.47
Total Easement Costs	2,355.76	5,137.22	-2,781.46
Total Current Year Encumbrances	-207,098.24	5,137.22	-212,235.46
Other Expenses	0.00	0.00	0.00
Total Other Expense	-207,098.24	608,696.22	-815,794.46
Net Other Income	207,098.24	-608,696.22	815,794.46
Net Income	436,108.13	-330,767.48	766,875.61

Jefferson County Farmland Protection Board

Administrative Monthly Report August 8, 2022

Easement Progress:

Property SD04 – Aspen Pool: The easement package was sent on 5/2/2022 to WVDACH and ABPP. ABT will provide \$10,000 towards the closing costs. Landowner is concerned about increase in value and resulting bargain sale amount, and considering withdrawal.

Property MD01 - Brown (311 ac)- NRCS review nearing completion, and NRCS Conservation Plan pending. When these are complete, closing can be scheduled. September?

Property SD01 – Hendricks (142 ac) - NRCS review nearing completion, and NRCS Conservation Plan pending. When these are complete, closing can be scheduled. September?

Property HFD02 – C & D Moler (93.5 ac) The survey is complete. The appraisal is being revised. Baseline draft prepared. Deed template prepared.

Property MD02 Kime (178.3 ac) Baseline draft and revised deed template provided to landowners. Rob Glenn assisted with language regarding retained development rights.

Property MD03 Lotze (45 ac) The baseline fieldwork done on June 25, baseline draft received. Deed template prepared. Landowner subsequently requested additional RoW, and P&Z required completion of permit for accessory dwelling. Project is on hold pending resolution of changes and permitting.

Property HFD01 RB Moler (175.53 ac) Initial project work is underway: The survey has been ordered, baseline placeholder confirmed, and appraisal ordered. The NRCS Parcel Cost Share Contract and other documents have been signed, and we will receive the cooperative agreement for this RCPP-funded project in September.

Existing Easements:

Property 31 - Morgan/Hewitt wetland disturbance update: Approval of the Board's revised Long Term Management Plan with WVDEP has been delayed pending the resolution of the disturbances in the adjacent wetland and the Morgan wetland. The fencing contractor is preparing an estimate for fence repair.

Property 13 – Ellis/Brown: ABPP is reviewing the landowner's request for permission to pave driveway because of rain washouts of gravel.

Property 3 – Latterell: Mr. Latterell's POA Janet Morger authorized her son Allan Peterson to call me to ask questions about the terms of the easement. The family is considering putting the property up for sale. I have requested an expedited NRCS review of the deed of correction we drafted.

Easement Applications:

Four inquiries received to date. One bargain sale application received for 154 acres. Another applicant is in progress.

Administration:

Easement FY23 Application Cycle Advertising: Additional FaceBook advertising boost on 7/25/22

Legal Counsel: I am working with Berkeley County Farmland Protection Board's Director to find legal counsel in addition to the closing services provided by Conrad Legal Corporation.

Comcast: Service was off on 7/25, so we worked at home. Service was off 7/26 in the morning but restored.

Personnel:

Personnel Committee: A draft plan for the director search has been prepared.

Board Member candidates: I spoke with five possible candidates for the farmer and citizen positions. One (farmer) is planning to apply, and a citizen candidate is very interested.

Financial: no individual donations were received.

Events:

August 10: Active shooter training, provided for all county employees.

August 19: National Association of Wetland Managers (NAWM) field Visit to the Morgan Property & Harewood.

Board Training opportunity: August 29 is the deadline for hotel reservations at WV Association of Farmland Protection Boards conference at Canaan Valley Resort, from Wednesday 28 through Friday 30 September. Topics include Succession and Sustainability, Stewardship issues and the law, Legislative issues. I will be presenting at several workshops.

Projects in process:

Easement correction/amendment review: NRCS agreed to accept five deeds of correction for review – (NRCS-funded only easements). Grant Smith with LTEP is furthering all deeds of correction for battlefield easements with the ABPP office.

Procedures manual: The Procedures Manual has been drafted. A continuation of operations plan is next.

Strategic Plan Update: Prepared easement cost projections and began review and annotation of the Plan.

Stewardship Coordinator/Administrative Assistant Activity Report: July 2022**Administrative Tasks**

- Filed paperwork.
- Backed up OneDrive to external hard drive at the end of the month.
- Updated list of missing easement documents after receiving documents from LTEP.

Stewardship Tasks

- Generated inquiry maps and soil maps for new inquiries.
- Began project: comparing current conditions reports to baselines for new impervious surfaces and creating individual reports for properties with changes to take into the field on monitoring visits.
- Continued project: compiling GIS layer sources.
- Created monitoring group maps for fall monitoring to help plan the schedule.
- Generated contours map for the Ellis driveway issue.
- Updated various GIS data, including shapefiles and map layouts for reading clarity.
- Created new Survey123 survey for initial property visits and updated the current IPV template to reflect all updates.
- Attended the WV Association of Farmland Protection Boards at Seneca Rocks on 13 July.
- Created new Survey123 survey for initial property visits and updated the current IPV template to reflect all updates.
- Attended the WV Association of Farmland Protection Boards at Seneca Rocks on 13 July.

Request for Proposal and Qualifications

Legal Services

Issuer:	Berkeley County Farmland Protection Board (BCFPB) and Jefferson County Farmland Protection Board (JCFPB)
Date:	9 August 2022
Deadline:	Submissions must be confirmed received via email or in person by noon EDT on Friday 9 September 2022
Solicitation:	Request for proposal and qualifications for legal services, general business matters, personnel matters, and legal advisement to the BCFPB and JCFPB. Legal services shall include review and editing of deeds for conservation easements, acquisition of title policy for such properties, and other related legal matters. The successful entrant should also be prepared to advise on personnel matters as well as those involving litigation related to conservation defense. The BCFPB and JCFPB currently maintain conservation defense insurance through Terrafirma REG LLC. Delivery of title-related documents and draft policy MUST be delivered within 60 days of order, unless clear and substantial impediments are identified. Closing related documents MUST be recorded in the appropriate courthouse on the day of closing. Term of Contract: Contract will be for a three (3) year period beginning October 1, 2022 through September 30, 2025.
Qualifications:	<p>The following information shall be submitted with the proposal:</p> <ul style="list-style-type: none"> • An outline of previous applicable experience (including ALTA owners policy, DOJ and other applicable federal title policy experience). • The name, professional qualifications, and specific, relevant experience of the individual (s) assigned. • The Firm or individual’s professional affiliations. • The cost per hour for legal services-itemized if necessary. • Any other relevant fees.
Awarding:	Award for legal services shall be made based on experience, composition of staff, professional qualifications, performance, and cost. The cost is one criterion utilized; however, the award is NOT determined solely by cost.
Termination:	The BCFPB and JCFPB separately reserves the right, by written notice, to terminate, in whole or part, any such bid award when (1) necessary or convenient, due to legal, financial, or operational conditions within the BCFPB or JCFPB or (2) because of failure of the successful bidder to fulfill contract obligations in regard to quality of work, timeliness of deliverables, or other conditions found to be unsatisfactory by the BCFPB or JCFPB.

Mailing Address: Jefferson County Farmland Protection Board, P.O. Box 731 Charles Town WV 25414

Physical Address: Jefferson County Farmland Protection Board, 1948 Wiltshire Road, Suite 2, Kearneysville WV 25430

Phone: (304) 728-3380 **eMail:** jefferson@wvfp.org

Website: wvfp.org/jefferson



RESOLUTION OF THE BOARD OF DIRECTORS OF THE
JEFFERSON COUNTY FARMLAND PROTECTION BOARD FOR
THE RETIREMENT OF J. NICHOLAS KERCHEVAL

WHEREAS, Nick Kercheval has served as a member of the Board of Directors of the Jefferson County Farmland Protection Board since August 31, 2012;

WHEREAS, Nick will retire from the Board on August 8, 2022;

WHEREAS, Nick has been an invaluable member of the Board, serving in various leadership capacities for the Board including serving as the Vice-President of the Board and serving as a member of the Easement Committee and Personnel Committee;

WHEREAS, during Nick's tenure, the Board has closed 15 farmland conservation easements preserving over 2,500 acres of precious farmland in perpetuity;

WHEREAS, over his 10 years of service on the Board, Nick has distinguished himself with his knowledge of farming and land conservation;

WHEREAS, Nick's voluntary contribution of countless hours of service to the Board exemplifies the spirit of voluntary citizen participation in civic affairs that benefit the lives and well-being of the residents of Jefferson County, West Virginia; and

NOW THEREFORE, BE IT RESOLVED, that the Board hereby expresses its gratitude to Nick for his service on the Board, for his sound advice and valued counsel and for all that he has contributed to the Board and to the preservation of farmland in Jefferson County, West Virginia; and

FURTHER RESOLVED, that the Board wishes Nick continued success in all his endeavors and expresses our hope for his continued health, happiness and prosperity; and

FURTHER RESOLVED, that a copy of this resolution be presented to Nick as a token of our respect.

Adopted by unanimous consent of the Board of Directors of the Jefferson County
Farmland Protection Board this 8^h day of August, 2022.



**RESOLUTION OF THE BOARD OF DIRECTORS OF THE JEFFERSON COUNTY
FARMLAND PROTECTION BOARD FOR THE RETIREMENT OF GAVIN A. PERRY**

WHEREAS, Gavin Perry has served as a member of the Board of Directors of the Jefferson County Farmland Protection Board since October 4, 2018;

WHEREAS, Gavin will retire from the Board on August 8, 2022;

WHEREAS, Gavin has been an invaluable member of the Board, serving in various leadership capacities for the Board including serving as the Secretary of the Board and serving as a member of the Easement Committee;

WHEREAS, during Gavin's tenure, the Board has closed 8 farmland conservation easements preserving over 1,300 acres of precious farmland in perpetuity;

WHEREAS, over his 4 years of service on the Board, Gavin has distinguished himself with his knowledge of farming and land conservation;

WHEREAS, Gavin's voluntary contribution of countless hours of service to the Board exemplifies the spirit of voluntary citizen participation in civic affairs that benefit the lives and well-being of the residents of Jefferson County, West Virginia; and

NOW THEREFORE, BE IT RESOLVED, that the Board hereby expresses its gratitude to Gavin for his service on the Board, for his sound advice and valued counsel and for all that he has contributed to the Board and to the preservation of farmland in Jefferson County, West Virginia; and

FURTHER RESOLVED, that the Board wishes Gavin continued success in all his endeavors and expresses our hope for his continued health, happiness and prosperity; and

FURTHER RESOLVED, that a copy of this resolution be presented to Gavin as a token of our respect.

Adopted by unanimous consent of the Board of Directors of the Jefferson County
Farmland Protection Board this 8th day of August, 2022.