

Jefferson County Farmland Protection Board

Board Meeting - Monday, July 10, 2023 - 7:00 PM

JCDA Conference Room, 1948 Wiltshire Road, Kearneysville, WV

Minutes

* Action item

In Attendance: Mr. Berndt, Dr. Hetzel, Ms. Johnson, Dr. Stine, Ms. Wheeler, (Director)

- Absent: Mr. Banks, Ms. Tabb (JCC representative) Ms. Benites LM (JCDA representative)
- A quorum was met with at least four voting members present.

7:07 PMCall to Order and Opening Remarks

Introduction of Guests - none

Approval of Minutes of Previous Meeting (June 12, 2023) Dr. Stine moved to accept the minutes, seconded by Dr. Hetzel. The motion carried unanimously.

Approval of Treasurer's Report: (June 2023) Mr. Berndt moved to accept the Treasurer's Report, seconded by Dr. Stine. The motion carried unanimously.

Administrative Report (see attached)

New Business:

1. Consider for approval: Quarterly invoice of \$5,613.81 from Berkeley County Farmland Protection Board for 50% Stewardship Coordinator/Administrative Assistant salary and benefits. Dr. Stine moved to approve the payment of the invoice, seconded by Dr. Hetzel. The motion carried unanimously.

2. Consider for approval: Conrad Legal fee of \$1,250 for Safe Harbor amendment preparation for six easements. Dr. Stine moved to approve the payment of the invoice, seconded by Mr. Berndt. The motion carried unanimously.

3. Consider for approval: Sirna Appraisal fee for \$2,500 for Yellow Book appraisals for Property 2020-01 and Property 2023-04. Dr. Stine moved to approve the payment of the invoice, seconded by Mr. Berndt. The motion carried unanimously.

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.

Consider for approval: Deed of Amendment for Property 38. Dr. Hetzel moved to approve the deed of amendment, seconded by Dr. Stine. The motion carried unanimously.

Consider for approval: Deed of Amendment for Property 41. Mr. Berndt moved to approve the deed of amendment, seconded by Dr. Stine. The motion carried unanimously.

Consider for approval: Finance Committee recommendation for compensation adjustment for the Executive Director effective on July 1, 2023. Mr. Berndt moved to move into executive session to discuss a personnel matter (W.Va. Code § 6-9A-4), seconded by Dr. Hetzel. The motion carried unanimously. Ms. Wheeler left the room at 8:05pm.

Dr. Hetzel moved to reconvene the regular meeting, seconded by Mr. Berndt. Ms. Wheeler returned to the meeting at 8:20pm.

Dr. Stine moved to approve a compensation adjustment for Elizabeth Wheeler effective July 1, 2023 as follows: A 6 percent COLA increase and a 6 percent merit increase for a total of \$80,150.90 annual salary, seconded by Dr. Hetzel. The motion carried unanimously.

Public Comment

Closing Remarks

Adjourn. 8:30pm.

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Jefferson County Farmland Protection Board

Board Meeting Monday, June 12, 2023 7:00 PM

JCDA Board Room, 1948 Wiltshire Road, Kearneysville, WV 25443

Minutes

* Action item

7:05 PMCall to Order and Opening Remarks

- Board Attendees –, Mr. Banks, Mr. Berndt, Dr. Hetzel, Ms. Johnson, Dr. Stine, Ms. Benites LM (JCDA Director), Ms. Wheeler, (Director)
- Ms. Tabb (JCC representative) Absent with notice
- A quorum was met with at least four voting members present.

Introduction of Guests

Approval of Minutes of Previous Meeting (May 8, 2023) * Dr. Stine moved to accept the May 8, 2023 minutes, seconded by Dr. Hetzel. The motion carried unanimously.

Approval of Treasurer’s Report: (May 2023) * Mr. Banks moved to accept the May Financial Report, seconded by Mr. Berndt. The motion carried unanimously.

Administrative Report – The Director presented the Administrative Report (attached)

New Business:

1. Consider for approval: Recommendation by the Jefferson and Berkeley FPB Joint Oversight Committee for a compensation adjustment for Stewardship Coordinator/Administrative Assistant, effective on July 1, 2023. Mr. Banks moved to approve a 5% salary increase for Ms. Pearl, seconded by Dr. Stine. The motion carried unanimously.

2. Consider for approval: Finance Committee recommendation for compensation adjustment for the Executive Director effective on July 1, 2023. The item was tabled for the July meeting.

3. Consider for approval: FY 24 Draft Budget - Mr. Banks moved to approve the Draft FY24 Budget, seconded by Dr. Stine. The motion carried unanimously.

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.

4. Consider for approval: Bank of Charles Town CDAR investments. Mr. Banks moved to approve the proposed CDAR investments, seconded by Dr. Stine. The motion carried unanimously.

5. Consider for approval: Panhandle Legal Proposal for Legal Services. Ms. Benites moved to approve the Proposal for Legal Services, seconded by Dr. Stine. The motion carried unanimously.

6. Consider for approval: Policy for Easement Funding 2024 – 2028. Mr. Berndt moved to approve the proposed Policy for Easement Funding, seconded by Dr. Hetzel. The motion carried unanimously.

7. Consider for approval: Acceptance of NRCS Certified Entity status. Dr. Stine moved to accept the NRCS offer for Certified Entity status, seconded by Mr. Berndt. The motion carried unanimously.

8. Consider for approval: Deed of Amendment for Property 42

Consider for approval: Deed of Amendment for Property 45

Consider for approval: Deed of Amendment for Property 48

Consider for approval: Deed of Amendment for Property 54

Mr. Berndt moved to approve the Deeds of Amendment for Properties 42, 45,48 and 54, seconded by Dr. Stine. The motion carried unanimously.

Public Comment

Closing Remarks

Adjourn. Dr. Stine moved to Adjourn, seconded by Mr. Banks. 8:24PM

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

07/10/23

Balance Sheet

Accrual Basis

As of June 30, 2023

	Jun 30, 23	Jun 30, 22
ASSETS		
Current Assets		
Checking/Savings		
BCT - CDAR	4,057,410.00	0.00
BCT - Operating x9741	99,016.02	143,565.86
BCT - Stewardship Reserve x7390	111,835.14	111,184.73
BCT - Stewardship Account x7412	11,852.53	13,230.53
BCT - Easement Acq. Fund x7404	0.00	5.54
BCT - ICS x0740	781,486.06	3,389,182.54
BCT - ICS EAF x2034	333,381.18	289,828.24
Total Checking/Savings	5,394,980.93	3,946,997.44
Other Current Assets		
Transfer Taxes Receivable	103,236.10	132,123.20
Legal Retainer	3,000.00	3,000.00
Total Other Current Assets	106,236.10	135,123.20
Total Current Assets	5,501,217.03	4,082,120.64
TOTAL ASSETS	5,501,217.03	4,082,120.64
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
Accounts Payable	0.00	1,177.72
Total Accounts Payable	0.00	1,177.72
Other Current Liabilities		
Due to Berkeley Co FPB	5,613.81	5,294.25
Due to Jefferson County Comm.	91,703.19	86,956.23
Total Other Current Liabilities	97,317.00	92,250.48
Total Current Liabilities	97,317.00	93,428.20
Total Liabilities	97,317.00	93,428.20
Equity		
Reserved for Encumbrances	1,807,408.00	2,124,639.00
Reserved for Farmland Protect.	1,864,053.44	1,663,431.01
Net Income	1,732,438.59	200,622.43
Total Equity	5,403,900.03	3,988,692.44
TOTAL LIABILITIES & EQUITY	5,501,217.03	4,082,120.64

Jefferson County Farmland Protection Board

07/10/23

Profit & Loss

Accrual Basis

June 2023

	Jun 23	Jun 22	\$ Change
Ordinary Income/Expense			
Income			
Transfer Tax	103,256.39	132,125.61	-28,869.22
Interest/Dividends	10,584.77	101.44	10,483.33
Contributions Income			
Individuals	664.67	785.00	-120.33
Total Contributions Income	664.67	785.00	-120.33
Total Income	114,505.83	133,012.05	-18,506.22
Expense			
Advertising & Marketing Expense	256.50	125.00	131.50
Bank Service Charges	25.00	25.00	0.00
Miscellaneous	53.99	53.99	0.00
Office Supplies	15.36	0.00	15.36
Postage and Delivery	3.72	1.36	2.36
Printing and Reproduction	0.00	267.31	-267.31
Professional Fees			
Accounting	675.00	675.00	0.00
Computer Support	0.00	27.50	-27.50
Total Professional Fees	675.00	702.50	-27.50
Salary & Benefits Expense	27,840.01	28,690.56	-850.55
Telephone	0.00	150.00	-150.00
Travel & Ent			
Travel	78.08	137.49	-59.41
Total Travel & Ent	78.08	137.49	-59.41
Utilities	141.14	0.00	141.14
Total Expense	29,088.80	30,153.21	-1,064.41
Net Ordinary Income	85,417.03	102,858.84	-17,441.81
Other Income/Expense			
Other Expense			
Current Year Encumbrances			
Easement Acquisition	0.00	503,154.00	-503,154.00
Easement Costs			
Surveys	0.00	6,175.00	-6,175.00
Total Easement Costs	0.00	6,175.00	-6,175.00
Total Current Year Encumbrances	0.00	509,329.00	-509,329.00
Total Other Expense	0.00	509,329.00	-509,329.00
Net Other Income	0.00	-509,329.00	509,329.00
Net Income	85,417.03	-406,470.16	491,887.19

Jefferson County Farmland Protection Board

Administrative Monthly Report June 12, 2023

Easement Progress:

Property 2020-02 – C & D Moler (93.5 ac) The survey is complete. NRCS approved the revised appraisal. Baseline draft prepared. Deed template prepared.

Property 2020-04 RB Moler (175.53 ac) Initial project work is underway: The draft survey has been prepared. Issues of road identification and access are being addressed with NRCS. Baseline placeholder confirmed, and appraisal ordered.

Existing Easements:

Property 13 – Ellis/Brown: ABPP approved the proposed amendment. LTEP is organizing final documents for a closing.

Property 3 – Latterell: The Deed of Correction. NRCS responded on 4/6, asking for two documents. I submitted the documents on 4/7. I sent a query about the status of the project on 5/4, 5/25.

Protected properties for sale: Borden Farm (278 ac. \$1.8MM), Renaud (73 ac) has taken the property off the market.

Easement FY23 Applications:

Property 2023-01 (156 acres) – The Board had approved a \$750K bargain sale purchase for the property in November 2022. The landowner verbally notified me on 4/17 that the application is withdrawn. Subsequently the owner has decided to continue with the easement.

Property 2023-5 (100 acres) – The landowner applied in January for a bargain sale of \$600K. An application for matching funds was submitted to the WV Agricultural Land Protection Authority. Award announcements are expected in July.

NRCS announced matching funding approval of Property 2023-05 (161-acres, \$472,500) and Property 2023-02 (43 acres, \$140,726)

ABPP announced funding approval of Property 2023-03 (149 acres, \$486,234)

Outreach/Publicity: DC News Now will air a short video interview of me about the grant we received for the Shepherdstown Battlefield property.

New Inquiry: 53 acres, Kearneysville District

Administration:

NRCS delays: There is no movement on existing easements in the pipeline or additional 4 deeds of correction submitted in November 2022.

NRCS Certified Entity Invitation: The potential benefits are an accelerated easement process; the disadvantages are that JCFPB bears all costs for Phase 1 and appraisal review, and increased staff time for compliance with due diligence requirements. NRCS retains the right to challenge the easement if substantial mistakes are found after closing. JCFPB can elect to decline certified entity status for projects if desired.

Safe Harbor Deed Amendments:

NRCS will provide expedited reviews of deed amendments that correct impermissible language regarding boundary line adjustments. This affects six landowners who made bargain sales. Amendment packages are due to NRCS on June 30.

Financial: May 9 – June 12: Individual gifts: \$11,015

The WVDEP is due to provide \$37,340.50 for the endowment and \$17,000 for fencing repairs for the Morgan easement wetland.

Legal: Panhandle Legal submitted a proposal to serve as counsel for legal issues outside of easement closings such as deed of easement preparation when content deviates from template, violations, encroachment.

Personnel: The Joint Oversight Committee recommends a 5% raise for Rebecca Pearl, the Stewardship Coordinator/Administrative Assistant.

Projects in process/pending:

Procedures manual: The Procedures Manual and Continuation of Operations Plan have been drafted.

Policy Review: The revised draft policy manual is almost complete, pending Board review of new material and formatting and final editing.

Stewardship Coordinator/Administrative Assistant

Activity Report for May 2023

Administrative Tasks

- Filed paperwork.
- Backed up OneDrive to external hard drive at the end of the month.
- Refiled and organized files and survey plats in the office and the archive.

Stewardship Tasks

- Created cover letters for monitoring reports and memo about new ag use building exemptions, and mailed out all spring 2023 reports to property owners and co-holders.
- Updated EIS with all monitoring visits and reports.
- Updated impervious surfaces catalog, recording measurements of new structures as needed on monitoring visits.
- Continued creating Current Conditions Reports and updated with new Methodology section; all drafts are completed and ready for review.
- Calculated riparian buffers and stream frontage for all easement properties with updated Chesapeake Bay Land Cover data.
- Compiled list of donation values for WVALPA.
- Created GIS data and maps for new inquiries.