

Jefferson County Farmland Protection Board
Board Meeting - Monday, May 20, 2024 - 7:00 PM

JCDA Conference Room, 1948 Wiltshire Road, Kearneysville, WV

Minutes

* Action item

In Attendance: Dr. Hetzel, Mr. Berndt, Ms. Tabb (County Commission liaison), Ms. Johnson, Dr. Stine, Ms. Wheeler, (Director) Absent with notice: Mr. Banks, Ms. Benites (JCDA representative)

- A quorum was met with at least four voting members present.

7:04 PMCall to Order and Opening Remarks

Introduction of Guests

Approval of Minutes of Previous Meeting (April 8, 2024) * Mr. Berndt moved to accept the minutes, seconded by Dr. Hetzel. The motion carried. Dr. Stine and Ms. Johnson abstained.

Approval of Treasurer's Report: (April 30, 2024) * Dr. Hetzel moved to accept the Treasurer's Report, seconded by Ms. Johnson. The motion carried unanimously.

Administrative Report (attached)

New Business:

1. **Consider for Approval: Survey Proposal from Keller Engineers for \$1,960 for Farmstead Area for Property 9.** Dr. Stine moved to approve the survey proposal, seconded by Mr. Berndt. The motion carried unanimously.
2. Consider for approval: Policy manual revisions: (This item postponed for the June meeting)
 - Personnel Policies
 - 6.1.3 Easement Funding Policy 2025 - 2029
 - 6.1.14 Funding Decisions for Local Applications at the Beginning of a Fiscal Year, NRCS Funding Decisions toward the End of the Fiscal Year
 - 6.7 Fundraising
 - 8.2.2 Policy on Property Currently Marketed for Sale
 - 8.2.4 Policy on Tied Scores
 - 8.4.6 Policy on Impervious Surfaces
 - 11.10 Contingency Plans for Backup Holder

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.

3. **Consider for Approval: Monitoring report for Property 56.** Mr. Berndt moved to approve the monitoring report, seconded by Ms. Johnson. The motion carried unanimously.
4. **Consider for Approval: Obtain credit card for the Board through Bank of Charles Town.** Dr. Stine moved to approve the BCT credit card, seconded by Mr. Berndt. A policy on spending limits and spending categories will be established. The motion carried unanimously.
5. **Consider for approval – application to WVALPA for matching funds for Property 2025-01 for \$596,668.00.** (This item tabled. The WVALPA clarified that it is considering applications made to NRCS for FY24 only.)
6. **Discuss current easement valuations and price cap policy.** The Board agreed that a survey of prices for agricultural lands over the last two years is needed to inform a decision about adjusting the price cap. Ms. Wheeler will investigate avenues to obtain this information.
7. **Public Comment:** Dr. Stine wishes to place the following items on the June agenda:
 - That the Board consider the concept of allowing multiple adjacent landowners to place jointly owned open space under an easement.
 - That the Farmland Protection Board identify priority lands including lands protecting streams for consideration for protection.
8. Closing Remarks
9. Adjourn 8:20pm

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 May 31, 2024

	May 31, 24	May 31, 23	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
BCT - CDAR	3,611,865.52	0.00	3,611,865.52
BCT - Operating x9741	142,782.64	148,146.37	-5,363.73
BCT - Stewardship Reserve x7390	115,579.38	111,766.24	3,813.14
BCT - Stewardship Account x7412	72,896.64	11,847.18	61,049.46
BCT - ICS x0740	1,213,488.87	3,187,141.08	-1,973,652.21
BCT - ICS EAF x2034	369,519.94	1,830,586.82	-1,461,066.88
Total Checking/Savings	5,526,132.99	5,289,487.69	236,645.30
Other Current Assets			
Transfer Taxes Receivable	187,270.60	95,472.30	91,798.30
Legal Retainer	3,000.00	3,000.00	0.00
Total Other Current Assets	190,270.60	98,472.30	91,798.30
Total Current Assets	5,716,403.59	5,387,959.99	328,443.60
Fixed Assets			
Furniture & Fixtures	4,502.00	0.00	4,502.00
Total Fixed Assets	4,502.00	0.00	4,502.00
TOTAL ASSETS	<u>5,720,905.59</u>	<u>5,387,959.99</u>	<u>332,945.60</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	675.00	0.00	675.00
Total Accounts Payable	675.00	0.00	675.00
Other Current Liabilities			
Due to Jefferson County Comm.	78,857.92	69,476.99	9,380.93
Total Other Current Liabilities	78,857.92	69,476.99	9,380.93
Total Current Liabilities	79,532.92	69,476.99	10,055.93
Total Liabilities	79,532.92	69,476.99	10,055.93
Equity			
Reserved for Encumbrances	2,311,174.00	1,807,408.00	503,766.00
Reserved for Farmland Protect.	3,596,492.03	1,864,053.44	1,732,438.59
Net Income	-266,293.36	1,647,021.56	-1,913,314.92
Total Equity	5,641,372.67	5,318,483.00	322,889.67
TOTAL LIABILITIES & EQUITY	<u>5,720,905.59</u>	<u>5,387,959.99</u>	<u>332,945.60</u>

Jefferson County Farmland Protection Board

Profit & Loss

06/13/24

July 2023 through May 2024

Accrual Basis

	Jul '23 - May 24	Jul '22 - May 23	\$ Change
Ordinary Income/Expense			
Income			
WV DEP Grant	60,732.75	0.00	60,732.75
Transfer Tax	1,345,288.42	1,106,178.38	239,110.04
Grants	492,097.00	0.00	492,097.00
Interest/Dividends	208,311.65	47,713.16	160,598.49
Contributions Income			
Corporations	0.00	81.60	-81.60
Individuals	21,949.53	1,536,311.08	-1,514,361.55
Contributions Income - Other	0.00	1,194.55	-1,194.55
Total Contributions Income	21,949.53	1,537,587.23	-1,515,637.70
Miscellaneous Income	2.00	165.00	-163.00
Total Income	2,128,381.35	2,691,643.77	-563,262.42
Expense			
Advertising & Marketing Expense	5,842.95	2,024.88	3,818.07
Bank Service Charges	315.00	295.00	20.00
Conferences Education Training	982.27	0.00	982.27
Dues and Subscriptions	1,329.00	450.00	879.00
Interest Expense	-0.10	0.00	-0.10
Licenses and Permits	0.00	250.00	-250.00
Miscellaneous	1,432.75	921.25	511.50
Office Supplies	419.68	973.72	-554.04
Postage and Delivery	388.73	263.43	125.30
Printing and Reproduction	0.00	3,540.57	-3,540.57
Professional Fees			
Accounting	7,425.00	7,425.00	0.00
Audit	5,940.00	5,400.00	540.00
Computer Support	100.00	100.00	0.00
Consulting/Contract	0.00	3,660.00	-3,660.00
Legal Fees	1,375.00	0.00	1,375.00
Terra Firma Insurance	3,596.00	3,528.00	68.00
Professional Fees - Other	1,152.50	0.00	1,152.50
Total Professional Fees	19,588.50	20,113.00	-524.50
Salary & Benefits Expense	96,655.15	86,403.92	10,251.23
Supplies	0.00	77.51	-77.51
Telephone	825.00	525.00	300.00
Travel & Ent			
Meals	0.00	200.78	-200.78
Travel	1,509.93	975.46	534.47
Travel & Ent - Other	0.00	210.25	-210.25
Total Travel & Ent	1,509.93	1,386.49	123.44
Utilities	1,620.26	1,861.74	-241.48
Total Expense	130,909.12	119,086.51	11,822.61
Net Ordinary Income	1,997,472.23	2,572,557.26	-575,085.03
Other Income/Expense			
Other Income			
Other Income	3,542.12	0.00	3,542.12
Prior Years Encumbrances			
Easement Acquisition	0.00	0.00	0.00
Total Prior Years Encumbrances	0.00	0.00	0.00
Total Other Income	3,542.12	0.00	3,542.12
Other Expense			
Conservation Easement Procure	1,722,468.00	0.00	1,722,468.00
Current Year Encumbrances			
Easement Acquisition	503,766.00	889,994.00	-386,228.00

Jefferson County Farmland Protection Board

Profit & Loss

July 2023 through May 2024

Accrual Basis

	Jul '23 - May 24	Jul '22 - May 23	\$ Change
Easement Costs			
Environmental Assessment	5,100.00	0.00	5,100.00
Easement Administration	2,662.46	3,813.43	-1,150.97
Baselines	0.00	3,235.76	-3,235.76
Title Search/Appraisal Reimb.	0.00	0.00	0.00
Surveys	13,293.00	5,250.00	8,043.00
Appraisals	8,000.00	0.00	8,000.00
Legal Fees	3,030.25	23,261.00	-20,230.75
Settlement Charges	8,888.00	8,441.00	447.00
Other	0.00	-8,459.49	8,459.49
Total Easement Costs	40,973.71	35,541.70	5,432.01
Current Year Encumbrances - Other	100.00	0.00	100.00
Total Current Year Encumbrances	544,839.71	925,535.70	-380,695.99
Total Other Expense	2,267,307.71	925,535.70	1,341,772.01
Net Other Income	-2,263,765.59	-925,535.70	-1,338,229.89
Net Income	-266,293.36	1,647,021.56	-1,913,314.92

Jefferson County Farmland Protection Board

Administrative Monthly Report ... May 20, 2024

Easement Progress:

Easements completed to date: 58 properties, 6,846 acres.

Property 2020-02 – C & D Moler (93.5 ac) NRCS approved the survey, revised appraisal and deed. Baseline draft prepared. NRCS renewed the contract on March 1, 2024. On May 15, Jane Tabb and I met with the owners about their wish to reduce their offer to 60 acres. They decided to withdraw the application and may re-apply next year. (Funds uncommitted: \$201,450) Project expenses: \$9,900 (approx.)

Property 2020-04 RB Moler (175.53 ac) NRCS approved the draft survey. The Phase 1 identified a buried tank, which the landowner has removed. Baseline fieldwork done November 16, draft reviewed Dec. 6.

Property 2023-02 (43.3 ac) The WVDEP made an initial visit to the property in April for the EPA approved “characterization study” to establish the current baseline of residues on the property.

Property 2024-02 (100 acres) Shepherdstown (County-funded) – Survey complete, Title work complete, baseline complete, deed and plat under P&Z review. During baseline fieldwork, we discovered an encroachment on the Easement Property along the eastern property line on the parcel south of French Road involving a short stretch of wooden fence, mowed lawn, and planted trees. The landowner’s neighbor agreed to a legal agreement. The landowner’s attorney wants the area surveyed.

FY24 Easement Applications:

Property 2024-03 (120 acres) Middleway District – Title work and survey ordered.

Property 2024-04 (157 acres) Kabletown District – Title work ordered, applications (\$250K each) submitted to Outdoor Heritage Conservation Fund and National Fish and Wildlife Foundation. NRCS sent a “tentative selection” notice for the easement (\$1,012,500). I am confirming the NRCS process for including the additional funders in the parcel contract.

Property 2025-01 (183 acres) Summit Point: The landowner is amenable to our submitting the application to WV ALPA for matching funds. Price: \$596,668 (\$6,500/ acre). The appraised value is \$9,700/acre.

Easement Inquiries:

February 22: Kabletown, 120 acres (re-application)

April 24: Shepherdstown, 200 acres

Existing Easements:

Property 3 – Latterell: No new communication regarding the Cave Conservancy’s formal agreement to manage the Moler Cave on the property.

Property 4 – Sam Donley: No change. The landowner is contemplating subdivision options. P&Z still needs to confirm the development rights.

Property 9 – Renaud: A review of the 2006 plat showed that the surveyor marked the farmstead area but did not document bearings and distances. I propose JCFPB pay for a survey (quote of \$1,960) to memorialize this area.

Property 40: JCFPB and LTEP Board members discussed the trespass issue with NRCS on May 10. NRCS' position is that the landowner would have to request to modify the easement to allow accommodation of small changes in the right of way. This would be subject to Board approval and the NRCS review and approval process. NRCS subsequently said that modification to allow a trespass is not permitted.

Property 56: We observed an apparent trespass from a neighboring property in the form of a section of cleared fence line and lawn extended across the property line. A Terrafirma placeholder was filed.

Administration:

Financial:

April 9 – May 20 - Individual gifts: \$815

Transfer tax: \$ 119,378.60

2025 Budget: The Finance Committee will review the budget for discussion at the June Board meeting.

Other:

Advertisement for the Director position was posted March 9 in local papers also online on multiple job sites and networked in the conservation community. Seven responses received. The posting was renewed April 10. The Personnel Committee will interview one prospect on Thursday May 23.

The Joint Oversight Committee will evaluate the Stewardship/Administrative Assistant staff position on May 22 and make recommendations to be discussed at the June meeting.

Projects in process/pending:

Easement Committee to do list:

- County deed template to incorporate IRS language.
- Discuss proposed fiber optic easement language.

Stewardship Coordinator/Administrative Assistant

Activity Report for April 2024

Administrative Tasks

- Filed paperwork.
- Backed up OneDrive to external hard drive at the end of the month.

Stewardship Tasks

- Attended monitoring visits for Groups E, F, and G, and created all maps and monitoring reports.
- Created summary sheet of spring 2024 monitoring visits.
- Completed final processing of all spring 2024 monitoring reports and cover letters and mailed to property owners.
- Sent out final monitoring reports to all co-holders.
- Updated EIS and Survey123 with new property owner contact information.
- Began project: updating the monitoring report template to include maximum impervious surface and current impervious surface figures, ALE plan requirements, and information on residential areas.
- Began project: creating new fields in EIS for NRCS ID numbers, ALE plan requirements, and subdivision rights.
- Attended meeting at Property 40 on 3 April.