

Jefferson County Farmland Protection Board

Board Meeting.....Monday, January 9, 2017

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

AGENDA

5:00 pmCall to Order and Opening Remarks * Action item

Introduction of Guests:

Approval of Minutes of Previous Meeting December 19, 2016*

Treasurer's Report *

Administrator's Report

Old Business:

- Schedule Policy Committee meeting to review and revise 2013 policies.

New Business:

- Consider for approval: Tree removal proposal on Lorber property. *

Committee Reports

- Easement Committee
- Finance Committee
- Fundraising and Public Relations Committee – Annual Report Mailing
- 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: Jefferson@wvfp.org Phone: (304) 724-1414

Jefferson County Farmland Protection Board

Board Meeting.....Monday, January 9, 2017

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

MEETING MINUTES DRAFT

5:15 pmCall to Order and Opening Remarks * Action item

- Meeting called to order by President Mr. Glenn.
- Quorum not yet present, started with Administrator's Report.
- Attending the meeting, having quorum (at 5:20pm) for any actions were, Mr. Ober, Mr. Quinn, Ms. McDonald, Ms. Tabb, and Ms. Wheeler. Absent – Mr. Kercheval, Mr. Reisenweber

Introduction of Guests:

- None

Approval of Minutes of Previous Meeting December 19, 2016*

- Minutes updated to correct name spellings, Mr. Glenn recusing himself, re-distributed.
- Hearing no objections, the minutes with above changes were approved by unanimous consent.

Treasurer's Report *

- Ms. Wheeler presented Treasurer's report in Mr. Reisenweber's absence
 - No questions.
 - Ms. McDonald moved to accept the Treasurer's Report as presented seconded by Mr. Ober. The motion passed unanimously

Administrator's Report

- No further additions from written report.

Old Business:

- Schedule Policy Committee meeting to review and revise 2013 policies.
 - Had a policy committee at one time, has dissolved over last couple years.
 - Discussed merging easement and policy committees into one, cut down on meetings and better use of related topics.
 - Ms. McDonald moved to merge committees seconded by Mr. Quinn. The motion passed 3 to 1.

New Business:

- Consider for approval: Tree removal proposal on Lorber property. *
 - Easement committee reviewed request from landowner, discussed options and makes the recommendation to the full board to accept.
 - Mr. Ober moved to accept landowner's proposal for tree management and removal, seconded by Ms. McDonald. The motion passed unanimously
 - Ms. Wheeler will review communication of approval with Mr. Glenn, then communicate approval.

Committee Reports

- Easement Committee – met on 1/9 before board meeting
- Finance Committee

- Fundraising and Public Relations Committee – Annual Report Mailing
- Personnel Committee/ Board Development
- Strategic Plan Committee

Announcements:

5:50 pm ----- Adjourn

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Jefferson County Farmland Protection Board

Balance Sheet

As of December 31, 2016

06/23/17

Accrual Basis

Dec 31, 16

ASSETS

Current Assets

Checking/Savings

BCT - ICS

2,584,804.52

BCT - Easement Acquisition Fund

24,581.85

Bank of Charles Town

175,846.20

BCT - Fundraising Account

1,006.23

BCT - Stewardship Account

12,607.63

Total Checking/Savings

2,798,846.43

Other Current Assets

Transfer Taxes Receivable

45,744.54

Legal Retainer

3,000.00

Total Other Current Assets

48,744.54

Total Current Assets

2,847,590.97

Fixed Assets

Computer Equipment

1,663.73

Total Fixed Assets

1,663.73

TOTAL ASSETS

2,849,254.70

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

132.50

Accounts Payable

Total Accounts Payable

132.50

Other Current Liabilities

Due to County Commission

32,464.60

Total Other Current Liabilities

32,464.60

Total Current Liabilities

32,597.10

Total Liabilities

32,597.10

Equity

Reserved for Encumbrances

1,317,104.26

Reserved for Farmland Protect.

1,162,924.69

Net Income

336,628.65

Total Equity

2,816,657.60

TOTAL LIABILITIES & EQUITY

2,849,254.70

Jefferson County Farmland Protection Board
Profit & Loss
December 2016

	Dec 16
Ordinary Income/Expense	
Income	
Transfer Tax	45,744.54
NPS/CWPT/ABPP Grants	20.00
Interest/Dividends	1,526.85
Contributions Income	1,139.04
Total Income	48,430.43
Expense	
Grant Expense	649.15
Advertising & Marketing Expense	53.42
Postage and Delivery	-32.00
Printing and Reproduction	2,733.60
Professional Fees	
Computer Support	120.50
Consulting/Contract	90.00
Total Professional Fees	210.50
Salary & Benefits Expense	17,302.78
Supplies	169.14
Telephone	150.00
Travel & Ent	
Meals	50.00
Travel	122.58
Total Travel & Ent	172.58
Total Expense	21,409.17
Net Ordinary Income	27,021.26
Other Income/Expense	
Other Expense	
Current Year Encumbrances	
Easement Costs	
Appraisals	2,500.00
Total Easement Costs	2,500.00
Total Current Year Encumbrances	2,500.00
Total Other Expense	2,500.00
Net Other Income	-2,500.00
Net Income	24,521.26

Jefferson County Farmland Protection Board

6/23/2017 10:49 AM

Register: Bank of Charles Town

From 12/01/2016 through 12/31/2016

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
12/12/2016	3846	United Bankcard	Professional Fees:Com...	Wheeler P-Card	39.00	X		118,851.46
12/12/2016	3847	Sirna Appraisal	Current Year Encumbr...	Invoice #27502	2,500.00	X		116,351.46
12/12/2016	3848	Spirit of Jefferson	Advertising & Marketi...	Invoice #27502	53.42	X		116,298.04
12/12/2016	3849	Progressive Printing	-split-	Invoices 54748...	473.00	X		115,825.04
12/12/2016	3850	Elizabeth Wheeler	-split-	November Exp...	162.26	X		115,662.78
12/19/2016			Transfer Taxes Receiva...	Deposit		X	63,329.73	178,992.51
12/30/2016			-split-	Deposit		X	52.00	179,044.51
12/30/2016	3851	Nancy McKeithen	Printing and Reproduct...	Invoices 12021...	1,442.50	X		177,602.01
12/30/2016	3852	Progressive Printing	Printing and Reproduct...	Invoice No. 54...	1,291.10	X		176,310.91
12/30/2016	3853	Elizabeth Wheeler	-split-	December Exp...	193.79	X		176,117.12
12/30/2016	3854	United Bankcard	-split-	December P-card	311.82	X		175,805.30
12/30/2016	3857	United Bankcard	Professional Fees:Com...	P-Card Wheeler	39.00	X		175,766.30
12/31/2016			Interest/Dividends	Interest		X	79.90	175,846.20

Jefferson County Farmland Protection Board

Administrator's Monthly Report ...January 9, 2016~~7~~

Easement Progress:

- AAA: Title commitment sent to NRCS, awaiting response.
- ACEP/ALE applications submitted for WW: 80 ac, HHH: 278 ac, KK1: 142 ac, III: 243 ac, JJJ: 280 ac.
- Offers at appraised value accepted by owners of 219-acre EEE property (\$2700/acre) and 119-acre ZZ property (\$3,100/acre)

Easement Inquiries: 100 acres, Harpers Ferry District

Easement policy/ issues:

- The Easement Committee should meet to:
 - Review and approve the fall monitoring reports. Reports were submitted to NRCS December 31.
 - Review pending easement corrections: Shannon Donley, Sam Donley, Latterell, Restiano-Schiavone, Stine, Willis. Propose Easement Committee meeting with LTEP to review proposed actions.
 - Schedule Policy Committee to review and revise 2013 JCFPB policy documents, Forestry policy
 - Discuss proposed WV deed template. Draft West Virginia Deed Template will be considered by WVAFPB at January 18 meeting.

Administration:

- Audit process underway, information sent to Perry & Associates.

Fundraising/outreach:

- Mailing went out before 12/30/16. \$3,600 received to date.

Projects in process:

- ABPP Project: The Landowner's Guide is printed. Workshops scheduled for January 11, 17, 23.
- Program: need to schedule Commission approval of FY 17 Program (routine)
- RCPP – notification for the FY17 grant application: January 2017

Events/Meetings:

- ABPP Workshop dates: January 11, 17, 23.
- January 12 – 14 Future Harvest conference, Hyattsville, MD
- January 18: WV Association of Farmland Protection Boards, Moorefield.
- January 19: WV Agricultural Land Protection Authority meeting, Charleston

January 7, 2017

Jefferson County
Farmland Protection Board

Dear Board Members,

I, Anthony E. Lorber, as the landowner of a 108 acre parcel located on Earle Road, Kabletown District, Jefferson County designated Lot 2A of Blackie Davis 2-Lot Subdivision, and in accordance with the Conservation Easement on this property, do hereby request permission from the Jefferson County Farmland Protection Board to remove trees from the said property.

On December 30, 2016, Shawn Walker of Trees 101, LLC, a certified arborist, conducted a survey of the property to identify "trees of value" on the property. He identified 72 trees. His report states his methodology, identifies the species and size of the trees, and maps showing the location of each tree identified. That report is attached.

I am requesting permission to remove the following trees that are identified in this report for the sole purpose of making the land more productive for agriculture:

Trees numbered: 8, 11, 13, 14, 16, 28, 29, 30, 32, 33, 34, 35, and 48 through 64. Also, see attached tree list with "X" by trees to be removed.

Any trees that are NOT identified in this report are considered to have no value or are "trash trees." I am requesting permission to remove any or all of these trees.

Should this property be sold during the year 2017, I am requesting that permission for the above request be conveyed to the new landowners as well.

Sincerely,



Anthony E. Lorber

TREE ASSESSMENT - LORBER PROPERTY (Earle Rd, Charles Town, WV)

Tree List (Page 1 of 2)

Tree No.	Common Name	Botanical Name	Caliber (inches)
1	Black cherry	<i>Prunus serotina</i>	38
2	Black walnut	<i>Juglans nigra</i>	22
3	Black walnut	<i>Juglans nigra</i>	20
4	Bitternut hickory	<i>Carya cordiformis</i>	multi-stem
5	Sugar maple	<i>Acer saccharum</i>	12
6	Sugar maple	<i>Acer saccharum</i>	16
7	Bitternut hickory	<i>Carya cordiformis</i>	16
X 8	Black walnut	<i>Juglans nigra</i>	22
9	Hackberry	<i>Celtis occidentalis</i>	20
10	Black walnut	<i>Juglans nigra</i>	21
X 11	Hackberry	<i>Celtis occidentalis</i>	22
12	Black walnut	<i>Juglans nigra</i>	34
X 13	Black walnut	<i>Juglans nigra</i>	20
X 14	Black walnut	<i>Juglans nigra</i>	43
15	Hackberry	<i>Celtis occidentalis</i>	41
X 16	Black walnut	<i>Juglans nigra</i>	20
17	Black walnut	<i>Juglans nigra</i>	27
18	Hackberry	<i>Celtis occidentalis</i>	39
19	Hackberry	<i>Celtis occidentalis</i>	24
20	Hackberry	<i>Celtis occidentalis</i>	20
21	White oak	<i>Quercus alba</i>	20
22	Mockernut hickory	<i>Carya tomentosa</i>	20
23	Bitternut hickory	<i>Carya cordiformis</i>	16
24	Mockernut hickory	<i>Carya tomentosa</i>	17
25	Black oak	<i>Quercus velutina</i>	31
26	Black oak	<i>Quercus velutina</i>	32
27	Mockernut hickory	<i>Carya tomentosa</i>	16
X 28	Black walnut	<i>Juglans nigra</i>	29
X 29	Chinkapin oak	<i>Quercus muehlenbergii</i>	22
X 30	Hackberry	<i>Celtis occidentalis</i>	20
31	Hackberry	<i>Celtis occidentalis</i>	31
X 32	Hackberry	<i>Celtis occidentalis</i>	29
X 33	Black cherry	<i>Prunus serotina</i>	27
X 34	Red mulberry	<i>M. rubra</i>	39
X 35	Black walnut	<i>Juglans nigra</i>	28
36	Black oak	<i>Quercus velutina</i>	32
37	White oak	<i>Quercus alba</i>	19

Tree List (Page 1 of 2)

Tree No.	Common Name	Botanical Name	Diameter (inches)
38	White oak	<i>Quercus alba</i>	25
39	Hackberry	<i>Celtis occidentalis</i>	24
40	Black walnut	<i>Juglans nigra</i>	25
41	Hackberry	<i>Celtis occidentalis</i>	21
42	White oak	<i>Quercus alba</i>	25
43	White oak	<i>Quercus alba</i>	17
44	Black walnut	<i>Juglans nigra</i>	20
45	Mockernut hickory	<i>Carya tomentosa</i>	17
46	Red oak	<i>Quercus rubra</i>	33
47	Hackberry	<i>Celtis occidentalis</i>	20
X 48	Black walnut	<i>Juglans nigra</i>	22
X 49	Hackberry	<i>Celtis occidentalis</i>	20
X 50	Black walnut	<i>Juglans nigra</i>	26
X 51	Black walnut	<i>Juglans nigra</i>	21
X 52	Black cherry	<i>Prunus serotina</i>	31
X 53	Black walnut	<i>Juglans nigra</i>	24
X 54	Black walnut	<i>Juglans nigra</i>	28
X 55	Hackberry	<i>Celtis occidentalis</i>	22
X 56	Black walnut	<i>Juglans nigra</i>	24
X 57	Black oak	<i>Quercus velutina</i>	34
X 58	White oak	<i>Quercus alba</i>	15
X 59	Mockernut hickory	<i>Carya tomentosa</i>	multi-stem
X 60	White oak	<i>Quercus alba</i>	22
X 61	Black cherry	<i>Prunus serotina</i>	26
X 62	Black walnut	<i>Juglans nigra</i>	25
X 63	Black walnut	<i>Juglans nigra</i>	25
X 64	Black walnut	<i>Juglans nigra</i>	27
65	Black walnut	<i>Juglans nigra</i>	25
66	Hackberry	<i>Celtis occidentalis</i>	20
67	Hackberry	<i>Celtis occidentalis</i>	23
68	White oak	<i>Quercus alba</i>	34
69	Mockernut hickory	<i>Carya tomentosa</i>	12
70	White oak	<i>Quercus alba</i>	20
71	Sugar Maple	<i>Acer saccharum</i>	15
72	Hackberry	<i>Celtis occidentalis</i>	20

TOTAL BY SPECIES

black walnut: 23	hickories (2 species): 9	red mulberry: 1
hackberry: 17	black cherry: 3	
oaks (four species): 15	sugar maple: 3	



TREES 101, LLC
Shawn Walker
PO Box 1843
Shepherdstown, WV 25443
304-876-3140

January 2, 2017

TO: Mr. Tony Lorber
23570 570th Ave
Litchfield, MN 55355
320-248-6863

RE: Tree Assessment – Lorber Property (Earle Rd, Charles Town, WV)

Dear Mr. Lorber,

Thank you for the opportunity to provide this tree assessment. It is a privilege to participate in the process of preserving historic farmland in West Virginia's Jefferson County.

You will find included in this document:

- 1) A brief overview of the assessment (below).
- 2) Maps indicating the species and location of trees selected for protection. The first map provides a large scale view of the trees and their location. This is followed by smaller scale maps with the property broken into three sections (eastern, central, western – in that order) that indicate the trees and their assigned number that corresponds to the list provided at the end of this document.
- 3) A numbered list of all trees (common and botanical names) and their size (DSH, diameter at standard height, measured at 4.5 feet above soil grade).

PURPOSE

The purpose of this assessment was to conduct a comprehensive survey of all trees on the 108 acre Earle Road property in order to develop a list and map indicating trees that should be protected during any future modifications to the landscape. Specifically, this is a reference for Mr. Lorber, the Jefferson County Farmland Protection Board (JCFPB) and others working with them to preserve the historic character of the land and prevent undue removal of valuable trees, but it may be used for other purposes related to tree protection and preservation.

METHODOLOGY

Several considerations went into determining whether a tree had 'value' and was worthy of protection. Ultimately trees meeting the following criteria were chosen:

- 1) Trees species native to the region that were found to be in fair to good condition.
- 2) Trees species of high ecological, historical or other value that are less frequently found on farmland in the region were selected if they had a diameter of 12 inches or greater (in this case, oak, hickory, sugar maple and cherry).
- 3) Trees frequently found on farmland in the region were selected only if they had a diameter of 20 inches or greater (in this case, black walnut, hackberry and native red mulberry).

A tree by tree survey was conducted with stops made at potential candidates in order to verify species, assess condition and measure diameter (using a calibrated measuring tape that provides diameter readings). I was on the property to conduct this survey on December 30, 2016, and January 1, 2017.

GENERAL FINDINGS

A total of 72 trees were selected for protection. The proportional representation is approximately as follows: black walnut 32%, hackberry 23%, oak (four species) 21%, hickory (two species) 13%, black cherry 6%, sugar maple 4%, red mulberry 1.4%. As the numbers suggest, black walnut and hackberry (together comprising 40 of the 72 trees selected) dominate the population, readily making themselves at home on rocky outcroppings, fencelines and other marginal patches. Looking at the map, it is clear this is the type of land occupied by the majority of the trees.

Note on southern boundary: It was unclear whether the property extended all the way to Undergrace Lane running along the south of the property. In consultation with Mr. Lorber it was decided to go to the full extent and include trees directly abutting the lane. Once the lane comes to an end along the western section of the property there are numerous large trees occupying the fenceline but they appear to be outside of the property boundary and therefore were not included in the survey.

Please let me know if you have any questions or if I can help in any other way.

Sincerely,



James Shawn Walker
Trees 101, LLC

ISA Certified Arborist #NY-5360
Tree Risk Assessment Qualified
MD Licensed Tree Expert #1926

7. **Residential Dwellings.** The Grantors may construct one single residential dwelling and appurtenant outbuildings including, but not limited to, garages, workshops, sheds, gazebos, guest quarters, etc. within a two acre building envelope (the "Homesite Area") as indicated in Exhibit B. This requirement shall not be construed in such a manner so as to require that the septic drainfield be entirely located within the Homesite Area. Rather, the well and septic system shall be located in accordance with the terms of paragraph 7(a). No other single residential dwellings shall be constructed or placed on the Protected Property.

(a) The Retained Development Right may be constructed anywhere within the Homesite Area described in Exhibit B. In addition, Grantors reserve the following rights:

1) To construct associated structures, such as garage and shed, provided that the residential structure and such associated structures are located completely within the Homesite Area in Exhibit B. Grantors shall attempt to locate well and septic within the Homesite area if, in Grantors' sole discretion, such location is practicable. Grantors shall make reasonable efforts to minimize disturbance to trees and vegetation for installation of the septic system; and

2) To construct and maintain reasonable access to the Homesite Area and to permit installation of utilities such as electricity, telephone and computer lines, sewer and water, to the permitted uses and structures on the Protected Property.

(b) The Grantors have the right to maintain, repair, enlarge or replace the single residential dwelling as they so desire.

(c) Notwithstanding the above, the single residential dwelling may house one or more families or occupants.

(d) Development rights which have been extinguished through this Easement shall not be transferred to any other properties pursuant to a transfer of development rights program.

8. **Subdivision.** It is the intention of the Grantors to protect the open space values of the Protected Property. Accordingly, subdivision of land shall not be permitted.

9. **Removal of Natural Resources.** Ditching, draining, diking, filling, excavating, removal of topsoil or sand, gravel or rock on the Protected Property is prohibited, except when such activities are conducted in order to carry out activities permitted under this Easement, are in accordance with a conservation plan, do not exceed one (1) acre in total area and are restored within a reasonable time period. The exploration, development, mining or extraction of minerals, oil, gas or any other hydrocarbon substance from the Protected Property is prohibited.

10. **Commercial Forestry.** There shall be no commercial forestry on the Protected Property. The harvesting of timber, either existing naturally on the Protected Property or grown for commercial purposes, for trade or profit shall be prohibited. The growing of Christmas trees, orchards and nursery stock; or the removal, sale and renewal of such, shall not be deemed to be commercial forestry or harvesting of timber. In addition, ornamental plants and woodland products grown for human consumption are not considered commercial forestry or harvesting of

timber. Nothing in this paragraph shall prohibit the right to cut and remove dead trees, to cut emergency fire breaks, to cut and remove storm damaged trees that cannot be saved or that pose a danger to people or vehicles, to cut firewood or fence posts for use of Grantors, or to control invasive, exotic species. Diseased or insect-infected trees may be removed subject to a written evaluation by a qualified forester and approval of the Grantees.

11. **Non-Commercial Forestry.** Removal, destruction and cutting of trees, shrubs, and other woodland resources is prohibited without written approval from the Board. The following exceptions do not require written approval from the Board:

(a) Non-commercial forestry activities which shall include the following: agriculturally related low-impact timber harvest including management of the forest for wildlife and forest health that are conducted in accordance with a Forest Stewardship Plan that is prepared or reviewed by a licensed, registered West Virginia forester and is updated no less than every ten (10) years and is approved by the Grantee; growing and sale of Christmas trees, orchard products and nursery stock; growing and sale of ornamental plants and woodland products grown for human use, purchase or consumption. Commercial timber harvest shall be prohibited.

(b) To the extent necessary for application of sound disease or insect control practices and removal of non-native invasive species;

(c) To control or prevent fire, damage to improvements, and the endangerment of life;

(d) To gather non-living firewood.

12. **Other Construction.** Except for the single residential dwelling and appurtenances allowable under *Terms, Conditions and Restrictions—Residential Dwellings*, the agricultural structures allowable under *Terms, Conditions and Restrictions—Agricultural Uses of the Land*, there shall be no constructing or placing of any buildings; manufactured homes; swimming pools or other recreational facilities; commercial lighting or any other temporary or permanent structure or facility on the Protected Property.

13. **Signs.** Except for no trespassing signs, for-sale signs, signs identifying this Easement, and signs to advertise an on-site activity or business, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 15 square feet.

14. **Hazardous Wastes.** There shall be no storage or dumping of garbage, hazardous substance or toxic waste, nor any placement of underground storage tanks for the storage or collection of Hazardous Wastes in, on or under the Protected Property.

15. **Alterations to topography.** There shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils, except as necessary to facilitate construction of the residential dwelling and any appurtenances allowable under *Terms, Conditions and Restrictions herein*.

16. **Utilities.** The Grantors shall not sell, lease or grant an easement covering any portion of the Protected Property where such sale, lease or easement is for the purpose of construction