

Jefferson County Farmland Protection Board

Board Meeting.....Monday, June 12, 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: May 8, 2017 *

Treasurer's Report *

Administrator's Report

New Business:

- ✓- Consider for approval: Daniel Chittal (Willis Easement) proposal for new building construction (40 X 60 barn and 30 X 40 pavilion) *
- ✓- Consider for approval: That the Board revise its appraisal policy to require qualified applicants to submit a restricted use report to support the asking price in the county application, and that if the landowner accepts the NRCS funding commitment, the Board will pay for the required full Yellow Book appraisal. *
- Consider for approval: That the Board approve Sirna Appraisal bid for conservation easement appraisals as follows:
 - o Restricted Use Appraisal: \$1,500
 - o Restricted Use Appraisal conversion to Yellow Book Appraisal, no change of effective date: \$1,000
 - o Restricted Use Appraisal conversion to Yellow Book Appraisal, change of effective date: \$1,500
 - o Yellow Book Appraisal: \$2,500 *
- | - Consider for approval: That the Board request that NRCS modify the WV NRCS Deed template, to reinstate condemnation language. *
- Consider for approval: That the Board approve the application to the WV Agricultural Land Easement Authority for matching easement funding for property WW for a maximum value of \$5,000/acre, if supported by a qualifying appraisal.*
- Consider for approval: That the Board adopt and commit to implementing the Land Trust Alliance Standards and Practices as guidelines for the Board's operations.*
- Consider Board policy provisions for easements without a co-holder.
- Consider ALE Plan enforcement requirements, and expertise/resources required to monitor/enforce ALE terms

Committee Reports

- Easement Committee

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

7:00 pm ----- Adjourn

All Farmland Protection Board meetings are open to the public.
To address the Board, contact Elizabeth Wheeler to be placed on the agenda.
Email: Jefferson@wvfp.org Phone: (304) 724-1414

Jefferson County Farmland Protection Board

Board Meeting.....Monday, May 8, 2017

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MEETING MINUTES DRAFT

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

- Meeting called to order by President Mr. Glenn.
- Attending the meeting were, Mr. Ober, Mr. Quinn, Ms. McDonald, and Ms. Wheeler.
Absent – Mr. Reisenweber, Mr. Kercheval, Ms. Tabb

Introduction of Guests:

- None

Approval of Minutes of Previous Meeting: April 10, 2017 *

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

Treasurer's Report *

- Ms. Wheeler presented the Treasurer's report.
 - Mr. Ober moved to accept the Treasurer's Report as presented and the motion was seconded by Mr. McDonald. The motion passed unanimously.

Administrator's Report

- No further additions from written report.

Old Business:

- None.

New Business:

- Consider for approval: Easement/Policy Committee recommendations to correct minor errors and to clarify language in the following policies:
 - Standard 9: Ensuring Sound Transactions: Amendment approved by JCFPB December 2, 2014. *
 - Standard 10: Tax Benefits Approved by the JCFPB August 13, 2012. *
 - Standard 11: Monitoring and Enforcement Policy. Approved by JCFPB April 9, 2012.*
 - Standard 12: Conservation Easement Amendment Policy. Approved by JCFPB October 14, 2010 *
- Mr. Ober moved to accept the Easement/Policy Committee recommendations, seconded by Mr. Quinn. The motion passed unanimously.

- Consider for approval: Daniel Chittal (Willis Easement) proposal for new building construction (40 X 60 barn and 30 X 40 pavilion)*
 - o Proposal not received from Mr. Chittal, tabled for now.
- Accept Spring monitoring reports for Davidson, Hockman, Robinson, Knighten, Quinn, Renaud, Restiano-Schiavone, Rogers-Rissler, Saunders-Hockman, Scott, Smith-Payne, Stine, Twin Ridge, Walls, Washington. *
 - o Ms. McDonald moved to accept the Easement/Policy Committee recommendations, seconded by Mr. Ober. The motion passed unanimously.
- Review new WV NRCS Deed template *
 - o Discussed Ms. Wheeler needs to share the details and restrictions with landowners
 - o Many questions exist, and she is having difficulty getting answers from NRCS.
-
- Discuss and consider response to NRCS proposal to eliminate Single Point Cooperative Agreement *
 - o Ms. Wheeler explained single point funding through WV Authority and NRCS, and NRCS decision to cancel agreement
 - o Mr. Ober shared Easement Committee's recommendation that we request NRCS open discussions on the agreement and discuss both parties concerns and ideas before eliminating unilaterally.

Committee Reports

- Easement Committee – none other than presented in this meeting
- Finance Committee
- Fundraising and Public Relations Committee
- Personnel Committee/ Board Development
- Strategic Plan Committee

5:48 pm ----- Adjourn

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Balance Sheet

As of May 31, 2017

	May 31, 17
ASSETS	
Current Assets	
Checking/Savings	
BCT - ICS	2,742,052.80
BCT - Easement Acquisition Fund	29,546.80
Bank of Charles Town	240,609.50
BCT - Fundraising Account	1,008.93
BCT - Stewardship Account	12,641.57
Total Checking/Savings	3,025,859.60
Other Current Assets	
Transfer Taxes Receivable	87,325.69
Legal Retainer	3,000.00
Total Other Current Assets	90,325.69
Total Current Assets	3,116,185.29
Fixed Assets	
Computer Equipment	1,663.73
Total Fixed Assets	1,663.73
TOTAL ASSETS	3,117,849.02
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to County Commission	49,415.77
Total Other Current Liabilities	49,415.77
Total Current Liabilities	49,415.77
Total Liabilities	49,415.77
Equity	
Reserved for Encumbrances	1,317,104.26
Reserved for Farmland Protect.	1,162,924.69
Net Income	588,404.30
Total Equity	3,068,433.25
TOTAL LIABILITIES & EQUITY	3,117,849.02

Profit & Loss

May 2017

	May 17
Ordinary Income/Expense	
Income	
Transfer Tax	87,325.69
NPS/CWPT/ABPP Grants	10,847.75
Interest/Dividends	1,649.13
Contributions Income	214.04
Total Income	100,036.61
Expense	
Postage and Delivery	10.99
Professional Fees	
Computer Support	39.00
Consulting/Contract	405.41
Total Professional Fees	444.41
Supplies	44.59
Telephone	75.00
Travel & Ent	
Travel	37.45
Total Travel & Ent	37.45
Total Expense	612.44
Net Ordinary Income	99,424.17
Net Income	<u>99,424.17</u>

Jefferson County Farmland Protection Board

6/12/2017 3:20 PM

Register: Bank of Charles Town

From 05/01/2017 through 05/31/2017

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
05/03/2017			Transfer Taxes Receiva...	Deposit		X	56,389.74	230,262.05
05/03/2017			NPS/CWPT/ABPP Gr...	Deposit		X	10,847.75	241,109.80
05/08/2017	3877	Elizabeth Wheeler	-split-	April Expense ...	123.44	X		240,986.36
05/08/2017	3878	W.B. Mason Co., Inc.	Supplies	Invoice 143413...	44.59	X		240,941.77
05/08/2017	3879	United Bankcard	Professional Fees:Com...	P-Card Wheeler	39.00	X		240,902.77
05/25/2017	3880	Torri Martin	Professional Fees:Cons...	Invoice #002	405.41			240,497.36
05/31/2017			Interest/Dividends	Interest		X	112.14	240,609.50

Jefferson County Farmland Protection Board

Administrator's Monthly Report ...June 12, 2017

Easement Progress:

- AAA: All materials provided to NRCS, County Planning and Zoning and the Prosecuting Attorney Nathan Cochran. The formal request for approval to the County Commission is scheduled for June 29. The cooperative agreement expires August 31, 2017.
- ZZ and EEE surveys are complete, baselines have been ordered, I met with landowners to discuss process, stewardship provisions.
- NRCS pick for 2017 ACEP ALE: JJJ (278 acres) 2014-15 RCPP picks: HHH (278 acres), III (243 acres)

Easement Inquiries/Issues:

- Morgan Property sale is pending July 1.

Easement policy/ issues:

- WV Association addressing concerns about individual cooperative agreements, deed templates
- The WV Agricultural Land Protection Authority's 2017 applications due June 19.

Easement Monitoring:

- Spring monitoring visits: Hammond and Olcott completed, reports pending from Potomac Conservancy

Administration:

- Sign MOU with LTEP
- BCT is automating sweep process between checking account and the ICS account, so that \$200K in the checking account is maintained. This eliminates need to request fund transfers to maintain account below \$250K.

Fundraising/outreach:

- Need to start planning for AAA PR and possible event

Projects in process:

- ABPP Project: Project completed, balance of grant funding received.

Events/Meetings:

- July 18: WVAFPB Seneca Rocks.

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The
Land Trust
of the Eastern Panhandle

June 7, 2017

Elizabeth Wheeler
Jefferson County Farmland Protection Board
PO Box 731
Charles Town, WV 25414

Dear Liz:

To confirm our telephone conversation last month, the Land Trust board on May 15 voted not to co-hold the Buckles (Gap View) conservation easement as long as the provision remains that would allow the NRCS to recover its legal costs from grantees if it enforces after deciding the grantees' enforcement is insufficient. While the FPB may be able to assume such a risk, the Land Trust cannot.

If the NRCS would accept that this provision does not apply to a Third Party Holder, we could explore that route. There is no time to try to work this out with the Buckles easement, given the time pressure that you are under. I would like to try a draft for future easements defining the role of a Third Party Holder, even though it is not clear, given the NRCS emails last month, whether it will accept that the provision does not apply to such an entity. The entity would have to have enforcement rights to make the case to landowners about the utility of having a Third Party Holder, but then it will be more difficult to make the argument to NRCS that it should not be able to recover its enforcement costs against a Third Party Holder with rights of enforcement.

Let me know if you agree that we should try the Third Party Holder route.

Sincerely yours,



Grant Smith
President



United States Department of Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505

Phone: (304) 284-7540
Fax: (855) 857-6448

June 1, 2017

Elizabeth McDonald, Chairwoman
Jefferson County Farmland Protection Board
PO Box 731
Charlestown, WV 25414

Dear Ms. McDonald,

I'm writing to update you regarding an administrative change to the Agricultural Conservation Easement Program (ACEP) in West Virginia. The current acquisition model, which is based on all counties participating through a single-point cooperative agreement, will convert to a one based on individual agreements with each county.

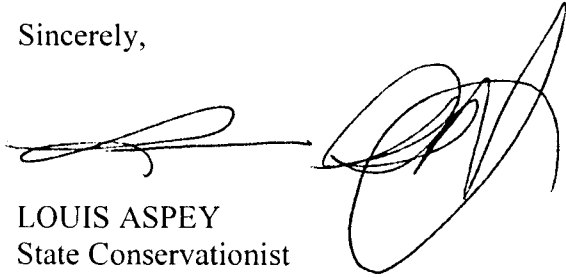
The single-point concept was developed in response to the 2008 Farm Bill as a way to improve easement acquisition efficiency under the Farm and Ranch Land Protection Program (FRPP). It is important to note FRPP was replaced by ACEP under the 2014 Farm Bill, and many of the strategic advantages inherent to the single-point agreement no longer exist. These include:

- **Time constraints:** While numerous substitute parcels may be added to a single-point cooperative agreement, this advantage is significantly diminished under ACEP because the new program offers less time to close an attachment comprised of funded parcels and their substitutes.
- **Parcel substitution:** Although the single-point agreement is meant to enable more flexibility in funding substitute parcels, ACEP is a program that, conversely, provides less flexibility than FRPP. Specifically, there is now a one-to-one substitution ration which means I cannot substitute two smaller parcels if a larger one withdraws.
- **Funding expiration:** Similar to other programs under the 2008 Farm Bill, FRPP appropriations expired at the end of the fiscal year in which they were allocated. This limitation was removed under the 2014 Farm Bill and unexpended funds are now available in subsequent years.

Shifting to a county-based agreement strategy reflects the changes above and better positions us for success. The current single-point cooperative agreements will remain in effect until they expire. During the intervening period, I would like to work with you to transition to an individual agreement.

We have enjoyed a long and successful partnership protecting important farmland in West Virginia, and I am committed to continuing our efforts to secure quality easements in Jefferson County. Please feel free to contact me if you have any questions or wish to discuss this issue further.

Sincerely,

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a large, stylized loop and a vertical stroke.

LOUIS ASPEY
State Conservationist

cc: Elizabeth Wheeler, President, West Virginia Association of Farmland Protection Boards
Bob Baird, Chairman, West Virginia Agricultural Land Protection Authority
Lavonne Paden, Executive Director, West Virginia Agricultural Land Protection Authority



P. O. Box 731 • Charles Town, WV 25414

304.724.1414 • farmlandprotection@jcda.net

Board Resolution

WHEREAS, the Jefferson County Farmland Protection Board has reviewed Land Trust Standards and Practices (“the Standards”) first published by the Land Trust Alliance in 1989, and with the most recent revision effective February 3, 2017; and,

WHEREAS, the Jefferson County Farmland Protection Board agrees that the Standards are the ethical and technical guidelines for the responsible operation of a land trust;

NOW, THEREFORE BE IT RESOLVED THAT the Members of the Jefferson County Farmland Protection Board hereby adopt and commit to implementing the Standards as guidelines for the organization’s operations.

June 12, 2017