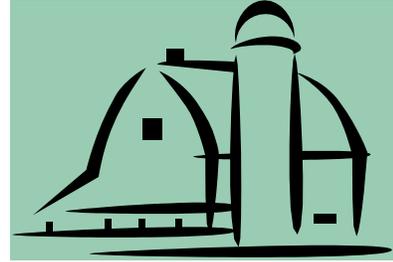


Greene County Farmland Preservation
Fort Jackson Building, Mezzanine
19 South Washington Street
Waynesburg, PA 15370
724-852-5278



GREENE COUNTY FARMLAND PRESERVATION BOARD
MINUTES
FEBRUARY 24, 2010

I. CALL TO ORDER

The meeting was called to order by Chairman Cree at 7:12 p.m. at the Mezzanine Conference Room, 19 South Washington Street, Waynesburg, Pennsylvania. Directors present were William Cree III, Chairman; Dave Shipman, Vice Chairman; Rick Thistlethwaite, Treasurer; Carl Biddle, Director; Corbly Orndoff, Director; and Jim Willis, Director. Guests and staff in attendance in alphabetical order were Cheryl Cowen, County Solicitor; Laurel Rush, Ag Technician; Lisa Snider, Conservation District Manager; Archie Trader, County Commissioner and Scott York, York Realty (via telephone for a portion of the meeting).

II. REORGANIZATION

Election of Officers

A motion was made by Jim Willis to retain the same officers as last year. Archie Trader seconded. (Motion Passed)

Meeting Dates and Times

With the exception of this meeting, Chairman Cree said that the meetings will be held the third Wednesday of every month at 6:00 p.m.

III. PUBLIC COMMENTS

No public comments were received.

IV. REPORTS FROM COOPERATING AGENCIES AND GUESTS

There were no reports.

V. STAFF REPORTS

Lisa stated that her monthly report was included with the mailed meeting notices. She said that Laurel returned on February 1st and they have been working together on the program.

VI. APPROVAL OF MINUTES

Lisa noted that two corrections are needed in the minutes of the January 25th meeting. Under Item I, Call to Order, Mr. Shipman's name was listed twice and Mr. Willis's name was omitted. Also, the name of Glodenna Halstead was misspelled. **A motion was made by Dave Shipman to approve the minutes with the noted changes. Rick Thistlethwaite seconded. (Motion Passed)**

VII. TREASURER'S REPORT

Treasurer Thistlethwaite read the report as follows:

Opening Balance	\$	974.25
*Correction	\$	-50.00
Deposits (Conservation District)	\$	5,000.00
Withdrawals	\$	0.00
Closing Balance	\$	5,924.25

Lisa distributed a financial report and explained that it includes receivables, expenditures, and a table of the funds available (including those from the PA Department of Agriculture). She said that it also includes the remaining balance for the purchase of easements. Future updates will be made and mailed along with the meeting notices. **A motion was made by Archie Trader to accept the Treasurer's Report as read. Jim Willis seconded. (Motion Passed)**

VIII. CORRESPONDENCE

Lisa announced that the Pennsylvania Farmland Preservation Spring Conference will be held in the Martinsburg area of Blair County on May 19th and 20th. A registration form is not yet available.

Also received was a list of the state allocations for each county and a summary of the Agricultural Conservation Easements as of February 18th.

IX. OLD BUSINESS

Petery Farm Status

County Commissioners – Lisa reported that at the February 11th County Commissioners meeting, Commissioner Trader was appointed to the Farmland Preservation Board and Mr. Cree was re-appointed as the Chairman for 2010. Also at this meeting, they took action on the Petery Easement authorizing the Farmland Preservation Board to recommend that the County and the Commonwealth jointly enter into a Sales Agreement for the purchase of the agricultural conservation easement for Robert and Susan Petery contingent on the County Solicitor's review. They also authorized Solicitor Cowen to sign all the necessary documents excluding the final Sales Agreement, which the Commissioners will most likely sign.

Greene County Conservation District Agenda – Lisa distributed a memo (attached) from the Conservation District Board to the Farmland Preservation Board regarding the \$5,000.00 loan. She presented the minutes from the January 26th meeting where the Conservation District board approved a loan of \$5,000.00 to open a checking account for the costs associated with the Petery and Milesky easements. The memo asks that at the end of each purchase easement, a budget outline is provided for review. It states that at the end of the anticipated next easement, "it is our hope that you will be able to secure funding to assist your program in the future."

A motion was made by Dave Shipman to acknowledge the memo from the Conservation District. Rick Thistlethwaite seconded. (Motion Passed with one abstention by Archie Trader).

Petery Quit Claim Deed that Addresses Surface Coal Rights – Cheryl explained that she reviewed a copy of the deed and sent it on to Greg Hook who is representing the Greene County Farmland Preservation Board. This was the one problem Mr. Hook found during the title search, but now has been resolved.

Greg Hook's representation as counsel for review of the following items:

- 1). Appraisal – Lisa reported that the appraisal has been completed by York Reality and she distributed copies of it and a summary. Mr. York participated in the meeting via conference call. He said that he was asked to define the difference in value between restricting the use of the land to farmland without subdivision, and the highest and best use of the land for the 93.94 acre parcel. To do this they determined the conservation easement is intended to protect the property from development or subdividing it in to smaller pieces, what its value would be if it is broken up into smaller parcels, consider the terrain, building sites, available utilities, market appeal/demand, etc. He said that the report begins with an overall evaluation and a summary of what the property is worth which is \$263,000 including the house and other buildings. The report also includes an overview of the property, a description, property features, contributing value of the house and outbuildings. He values the land about \$1,200 an acre. If the land were in smaller tracts (probably no more than four due to the terrain and lack of public utilities in the area), the highest value of the land worth is about \$1,700 an acre. That is a \$500 difference per acre. Then they take the \$500 and apply it to the existing 93.94 acres with an increase of approximately \$47,000 for the value of the easement. Mr. York asked for questions and said that if anything further is needed he can be reached by e-mail and he would be happy to make any changes needed. Before ending the call the board thanked him.

The board agreed that he did a good job and Lisa said that Laurel reviewed the checklist of the state requirements, and he addressed everything. She also said that this is a copy of the final draft which appraises the easement at \$500 per acre. It will be sent to the state.

A motion was made by Archie Trader to accept and pay for the York Reality appraisal. Jim Willis seconded. (Motion Passed)

- 2). Offer Letter – Lisa distributed a draft copy of the Offer Letter for the Petery's that was reviewed by Greg Hook. The amount should be whatever the acres are multiplied by the easement value. So the correct amount is \$46,970. The board stressed that it had to be the exact amount as the appraisal.

A motion was made by Corbly Orndoff to prepare the Offer Purchase Letter and present it to the Petery's with the noted change of \$46,970.00. Dave Shipman seconded. (Motion Passed)

Lisa noted that a request for a W-9 form is included in the draft Offer Letter and that this is needed for the encumbrance package to be sent to the state for approval.

Solicitor Cowen reported that Mrs. Petery has requested a waiver from the PA Farmland Preservation guidelines so that the appraisal and offer would be sent by certified mail rather than presented and discussed at a meeting with a Greene County Farmland Preservation representative. Lisa indicated that she had requested a waiver, from the Bureau's Executive Director, Doug Wolfgang, but she has not yet received an answer. The board thought that since the guidelines require that a meeting be held, that it should be done. Lisa said that the 30 day period for the Petery's response would not start until the Offer Letter is received.

Solicitor Cowen also reported that a Sales Agreement was drafted, per the program guidelines, with the language added to include the County's participation. She explained that the Sales Agreement, template provided by the state, was such that the Farmland Preservation Board could enter into agreements and bind the County to purchase property. Solicitor Cowen noted that all of the next steps are pending the appraisal and it's acceptance by the Petery's. It appears that the state would contribute \$42,703 and the County would pick up the remainder of the \$46,970 however, Lisa noted that the closing costs, etc. need to be determined to know the full costs.

- 3). Agreement of Sale – Solicitor Cowen explained the changes that she recommends as follows: the template agreement stated that “upon the recommendation of the Farmland Preservation Board” and she changed it to reflect that the FLP Board is not the entity to purchase the conservation

easement. She thought that the original agreement was set up as if all the money was coming from the Commonwealth and not considering the contribution of the County. She changed this to state that the County has to approve it, as well as the Commonwealth. She thought that about 8 paragraphs were changed to include the county.

After discussion, a motion was made by Jim Willis to approve the Agreement of Sale pending the review of those involved. Dave Shipman seconded. (Motion Passed)

4). Survey Closure – Lisa gave an update on the Petery's Boundary Survey Closure and that Miles Davin had completed the document and it was given to Greg Hook last Friday. To date, she has not heard from Attorney Hook.

A motion was made by Dave Shipman to approve the survey closure, title commitment, deed easement, and title policy contingent upon the review and approval of County Solicitor Cheryl Cowen and Attorney Greg Hook. Rick Thistlethwaite seconded. (Motion Passed)

The costs of Cheryl Cowen's representation as County Solicitor was covered under the above motion.

Greene County Farmland Preservation Board's Checking Account – Lisa reported that she visited First Federal and found that in order to open a regular checking account with an interest rate of .25%, a minimum of \$250 is needed. A Tri Checking account (three checks per month) would probably result in more fees than interest gained. Chairman Cree expressed concern regarding charges if the balance falls below the \$250 and maybe other banks should be considered. Mr. Trader said that the board could approve the establishment of an account with the signatures of the Chairman or Treasurer and Donna Huffman, of the Controllers Office, regardless of what bank is chosen. Lisa said that perhaps this issue could be resolved with the help of the Conservation District Board that in the event the FLP Board account falls below the minimum, The GCCD would provide a loan to the Farmland Preservation Board. Mr. Trader asked how there would be enough money to keep an account open. Laurel said that it's the intent to have more applications and therefore more application fees. She also, said that while we only receive 1 or 2 applications, some counties get many more

which provides more working capital. Chairman Cree said that some counties receive funds from their county. Commissioner Trader said that the board could make a request to the County for funding and he suggested that an additional \$5,000 be requested (enough to cover the administrative costs of an easement).

A motion was made by Dave Shipman to open a checking account at First Federal Savings and Loan. Rick Thistlewaite seconded. (Motion Passed)

Additionally, the board decided to allow the Chairman and/or the Treasurer to sign the checks and have Donna Huffman be the second signature.

Request to Gene Lee, County Chief Clerk – Lisa reported that she has drafted a memo to Gene Lee to request the use of the County's EIN Number. **A motion was made by Dave Shipman to request permission for use of the County's EIN Number. Carl Biddle seconded. (Motion Passed)**

William Milesky Easement – Lisa reported that the rankings are completed for the property. The property is located in Center Township and is approximately 500 acres containing 4 parcels that have all been ranked separately. Mr. Milesky had submitted a \$50.00 application fee and he needs to make a decision if it is for the entire farm, a certain parcel, all the parcels, etc. Laurel reported that all four of the parcels qualify under the soil requirements and 3 of the 4 parcels meet the cropland requirement. He would have the option of converting that fourth parcel into cropland or couple it with another parcel containing more cropland. Three parcels could stand alone based on the soils and percentage of cropland.

Glodenna Halstead of Greene Township – Laurel reported that she had an appointment with Ms. Halstead to discuss an agricultural security area but it was cancelled due to the snow.

John Spaulding – Laurel explained that he applied in 2007, however, after his farm did not receive a high ranking, he requested that his application be carried over to the second year (2008) for consideration. During that time, the problem with the Washington Township Agricultural Security Area (ASA) was discovered. In June or July of last year, he wanted to withdraw his application and that he wasn't sure that the Wash. Twp. ASA would ever get formed. Spaulding stated that he also said that while he supported the program, he was not interested in participating in the program so his application is inactive. She said that was one

of the events that lead to the reopening of the application period in Fall, 2008. She said that Lisa and she had discussed Mr. Spaulding again. He said that the Washington Township ASA has been recently completely approved and she has not heard from him. After discussion, the board felt that Mr. Spaulding should be contacted before the others are during the regular application period of 2010.

Washington Township Agricultural Security Area Participants – Since this matter was discussed at the last meeting, Lisa said that Laurel had gathered the information for property owners in the Washington Township Agricultural Security Area. She asked the board if it was their wish to have a letter drafted to be mailed to these landowners later in the year. Before a motion was made, Laurel asked if they would like to send a letter to everyone or just those with properties of qualifying size. She has both the acreage and the soils information and knows whether or not they qualify. Laurel asked the board to consider if letters should be sent to individuals who do not qualify. Lisa said that a letter could be drafted to remind those in the Agricultural Security Area that the application period will be at the end of the year and what is needed to qualify. **A motion was made Archie Trader to send out a letter to everyone in the Washington Township Agricultural Security Area. Rick Thistlethwaite seconded. (Motion Passed)**

X. NEW BUSINESS

Pennsylvania Farmland Preservation Association 2010 Annual Dues – **A motion was made by Archie Trader to pay the dues of \$50 for a voting member. Jim Willis seconded. (Motion Passed)**

Cree Annual Inspection – Lisa and Laurel recently made a visit to the property to make the annual inspection. All transmittal letters, including the correspondence to the Pennsylvania Farmland Bureau, which requires the signature of Chairman Cree, were mailed, along with the annual report and the inspection report as presented tonight. Lisa said that everything has been done in accordance with the Farmland Preservation Program. Laurel said that they made a few recommendations such as having the Implementation Plan updated in the Conservation Plan through the NRCS office. Lisa said that due to the snow cover, they requested in the letter, to complete another inspection in about 6 months.

XI. NEXT REGULAR MEETING

The next regular meeting will be held on March 17th at 6:00 p.m.

XII. ADJOURNMENT

On a motion by Jim Willis, the meeting was declared adjourned at 8:40 p.m. Dave Shipman seconded. (Motion Passed)

Transcribed from Meeting Tape By,

Rebecca K. Salosky
Fiscal Officer