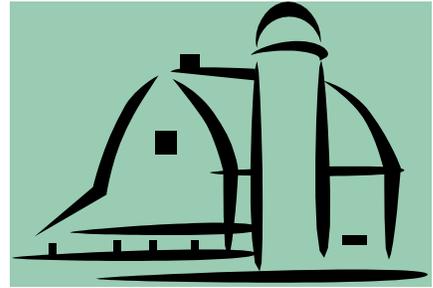


Greene County Farmland Preservation
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GREENE COUNTY FARMLAND PRESERVATION
MINUTES
MARCH 30, 2011

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Chairman Bill Cree at 1:30 PM in the Mezzanine Conference Room, 19 South Washington Street, Waynesburg, Pennsylvania. Those present were Bill Cree, Chairman; Dave Shipman, Vice Chairman; Rick Thistlethwaite, Treasurer; Archie Trader, Commissioner; Carl Biddle, Director; Corbly Orndorff, Director; Jim Willis, Director; Lisa Snider, District Manager, Greene County Conservation District; and Laurel Rush, Ag Technician, Greene County Conservation District.

II. REORGANIZATION

Lisa noted that the 2011 Officers were elected at the meeting held on October. **After discussion, a motion was made by Dave Shipman to hold the April through October meetings at 7:00 p.m. and the November through March meetings at 1:30 p.m. All meetings will be held on the third Wednesday of each month. Corbly Orndorff seconded. (Motion Passed).**

II. PUBLIC COMMENTS

There were no Public Comments.

III. APPROVAL OF MINUTES

A motion was made by Dave Shipman to approve the Minutes of the December 15, 2010 meeting. Corbly Orndorff seconded. (Motion Passed)

IV. TREASURER'S REPORT

Treasurer Rick Thistlethwaite presented the Treasurer's Report as follows:

Checking Account - \$3,974.25
Easement Funds - \$112,202.00, which includes the county and state contributions.

A motion was made by Jim Willis to accept the Treasurer's Report as presented. Carl Biddle seconded. (Motion Passed)

V. CORRESPONDENCE

There was no Correspondence discussed.

VI. OLD BUSINESS

Status of the James F. Willis and Pearl Willis Living Trust Easement

Lisa noted that since the December 15, 2010 meeting, Mr. Willis in consultation with his Attorney, Jeffrey Proden, decided to proceed with the Easement and the Title work.

Because there were discrepancies in correspondence, Laurel confirmed with Mr. Willis that the title of the Trust is the James F. Willis and Pearl Willis Living Trust.

- a. Title Search Results – As discussed at the December 15, 2010 meeting, clarification was needed regarding the Coal Rights and Attorney Proden has been working to resolve these issues.

Attorney Proden mailed information to Mr. Doug Wolfgang, Executive Director of the Bureau of Farmland Preservation, regarding his research of the Surface Coal Rights. Also included was information to address the concerns regarding the Life Estate and Inheritance Tax which Attorney Hook found in the Title Search.

Laurel distributed a copy of the letter which she discussed as follows. The Inheritance Tax Issue, has been addressed through the preparation and filing of an Inheritance Tax Return. The Life Estate has been resolved through the filing of an Inheritance Tax Return dated April 15, 1989.

The third issue, the Coal Rights, went back to the Estate of Oliver J. Price who died on July 13, 1929 at which time an Estate was opened. In 1932, the Estate of Mr. Price conveyed the property, which Mr. Willis applied for easement, to Mari Skakandi and it accepted and reserved all the Coal Seams, with the exception of the Pittsburgh Vein. Attorney Hook provided a copy of this Deed, to Mr. Proden

Attorney Proden further addressed questions regarding which coal seams are underlying the Willis Property and whether they are available for Surface Mining. He indicates that the Waynesburg Coal is the only Surface Mining Seam of coal on the property and the ownership is questionable.

To further address the ownership of the Waynesburg Coal Seam, the correspondence states "although in the Deed from the Price Estate to Mari

Skakandi he reserved all the coal, he would question the inclusion of the Waynesburg Coal within this reservation". Secondly, he points out that the Estate of Oliver Price in a Deed dated August 30, 1938 to Carrie Hileman, the Granddaughter of Mr. Price, conveyed the interest of the Freeport Coal, but did not mention any other Coal Seams. It is the feeling of Attorney Proden that "if the Price Family thought they had reserved the Waynesburg Coal, it should have or would have been included in that conveyance".

It is the conclusion of Attorney Proden that no records exist as to whether the Price Heirs actually intended the Waynesburg Coal to be reserved as stated in the Deed to Mari Skakandi. The letter continues and states that "in the 72 years since the transfer of the Freeport Coal, no attempt has been made to claim the Waynesburg Coal Rights to the property".

"Because of the inactivity by the Price Heirs, he suggested that an Affidavit of Ownership be filed by the Willis Trust claiming ownership of the Waynesburg Coal as a possible resolution".

Laurel said that the above information has been reviewed by Attorneys for the Bureau of Farmland Preservation and Mr. Wolfgang has indicated that we can proceed with this application, provided that an Affidavit is filed. This notification from Mr. Wolfgang was received via e-mail; however, a formal letter should be received in the near future.

This information was forwarded to Attorney Proden and he responded through an e-mail stating that he is working to prepare an Affidavit and finalize the other issues.

All documentation provided must meet the approval of the Bureau of Farmland Preservation.

- b. Agreement of Sale – Laurel noted that a standard Agreement of Sale has been prepared as well as an Addendum by County Solicitor Cheryl Cowen on behalf of the County. State approval of the addendum is needed.
- c. Appraisal - As requested at the December meeting, a copy of the appraisal was provided to Mr. Willis in January after York Reality made the changes requested by the Board. Final payment has been made.
- d. Easement Offer Letter – Laurel said that once confirmation is received to clear the Title, an Offer Letter can be sent to Mr. Willis. **A motion was made by Corbly Orndorff that once confirmation is received, to revise the dates on the offer letter and send to Mr. Willis. Rick Thistlethwaite seconded. (Motion Passed with one abstention, Jim Willis, since he is the owner of the property).**

- e. Survey – The Survey has been completed and payment has been made.
- f. Title Commitment - Once a formal offer is made, Attorney Hook can begin his work on the Title Commitment. He may also need copies of the documents that clear the Title. **A motion was made by Rick Thistlethwaite to provide all necessary documentation to Attorney Hook. Dave Shipman seconded. (Motion Passed with one abstention, Jim Willis, since he is the owner of the property).**
- g. Deed of Easement – Cannot be completed until the Closing.
- h. Title Policy – Cannot be completed until after the Closing.
- i. W-9 Form – Will be included with the Offer Letter, provided that the offer is accepted.
- j. Percent Ownership – This will also be included with the Offer Letter, provided that the offer is accepted.
- k. Farm Summary – Is sent as part of the Encumbering Package.
- l. Conservation Plan – It is also sent as part of the Encumbering Package.
- m. Time Frame – In order to meet the deadline for the April meeting of the Greene County Farmland Preservation Board and the June 16th meeting of the Bureau of Farmland Preservation Board, authorization was requested to notify Mr. Willis of the deadline for the completion of the Title work. **After discussion, a motion was made by to Dave Shipman to authorize that a letter be drafted with a deadline of April 11, 2011. Rick Thistlethwaite seconded. (Motion Passed with one abstention, Jim Willis, since he is the owner of the property).**

Mr. Biddle asked who is preparing the Title Commitment and Title Insurance. Mrs. Rush indicated that Attorney Greg Hook will be doing the Title Commitment; however, we will have to find a company to prepare the Title Policy.

VII. NEW BUSINESS

- a. Payment of the Pennsylvania Farmland Preservation Association (PFPA) Dues for 2011 was discussed. Last year, \$50.00 was paid as a Voting Member. Laurel noted that the Spring Meeting will be held on May 18th in Harrisburg.

Funding to pay for various administrative costs such as the dues was discussed as well as the loan of \$10,000 from the Greene County Conservation District.

Many options were discussed, Mr. Shipman and Mr. Orndorff agreed to approach the Extension Board with an idea to allow a buyer at the 4-H market auction to

donate an animal back to be sold to benefit the Greene County Farmland Preservation Program. It was also suggested that prior to the sale a notice be sent to buyers outlining their options. In the future Mr. Shipman and Mr. Trader offered to raise animals to be sold exclusively for the purpose of raising funds.

A letter to buyers will be drafted for review at the April meeting.

Due to the financial situation, a motion was made by Corbly Orndorff to forego this year's membership to the PFFA. Jim Willis seconded. A vote was called and failed. (Motion Failed).

Laurel expressed concern regarding about our receipt of information if we do not pay a membership. Mr. Shipman and Mr. Cree donated \$25 for the Contributing Member Fee. **A motion was made by Dave Shipman to pay the \$25 for a contributing member. Rick Thistlethwaite seconded. (Motion Passed)**

- b. Since the Willis Easement will utilize 2010-2011 funds, as per Doug Wolfgang, Executive Director of the Farmland Preservation Bureau explanation, the application period for the 2011 (April 15th-June15th) must be suspended.

Consequently, a motion was made by Carl Biddle to suspend the 2011 application period. Dave Shipman seconded. (Motion Passed).

Notification of the application suspension will mailed to those on the waiting list, participants in Agricultural Security Areas (ASA), and will be placed in the newspaper. The State Board will be notified of the county board's intent to suspend 2011 applications.

VIII. DISCUSSION OF STAFF REPORTS

Laurel noted that she and Chairman Cree will be attending tonight's Cooperative Extension/Farm Bureau Banquet to discuss ASA's and the Farmland Preservation Program.

IX. NEXT REGULAR MEETING

The next Regular Meeting will be determined and will be based on the receipt of the necessary information.

X. ADJOURNMENT

With no further business to discuss, a motion was made by Dave Shipman to adjourn the meeting at 2:30 p.m. Rick Thistlethwaite seconded. (Motion Passed)

Respectfully submitted,

Rebecca K. Salosky
Fiscal Officer