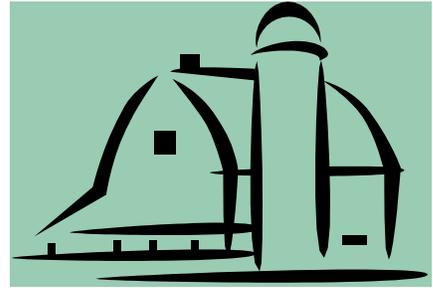


Greene County Farmland Preservation
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GREENE COUNTY FARMLAND PRESERVATION
MINUTES
NOVEMBER 16, 2011

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Vice Chairman Dave Shipman at 6:05 p.m. in the Mezzanine Conference Room, 19 South Washington Street, Waynesburg, Pennsylvania. Those present were Dave Shipman, Vice Chairman; Rick Thistlethwaite, Treasurer; Charles Day, Secretary; Corbly Orndorff, Director; Jim Willis, Director; Lisa Snider, District Manager, Greene County Conservation District; and Laurel Rush, Ag Technician, Greene County Conservation District.

Chairman Bill Cree arrived later in the meeting.
Attorney Hook was not present.

II. PUBLIC COMMENTS

There were no Public Comments.

III. APPROVAL OF MINUTES

A motion was made by Corbly Orndorff to approve the Minutes of the October 20th, 2011 meeting. Rick Thistlethwaite seconded. (Motion Passed)

IV. TREASURER'S REPORT

Treasurer Thistlethwaite presented the Treasurer's Report as follows:
General GCCD FLP Account - \$3,974.25
FLP Board Fundraising Account - \$687.92
Easement Funds – Dept. of Agriculture & County of Greene - \$112,202.00

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

V. CORRESPONDENCE

- a. Information regarding the federal 2012 Farm and Ranch Lands Protection Program Roll-Out has been received from the Natural Resources Conservation Service (NRCS). In the past, Laurel Rush has informed Agricultural Security Area participants, however no Greene County landowners have participated in the program; due to the restrictive eligibility requirements.
- b. Ms. Rush distributed information regarding the PA Farmland Preservation Association Policy Platform (attached) for information and review.

VI. OLD BUSINESS

James F. Willis and Pearl Willis Living Trust Easement 101 acres (Parcel #2)

- a. Title Search Results – At the October 20th, 2011 meeting, the FLP board agreed that significant effort and time would be needed to continue to pursue an easement for the Willis' highest ranked application. Therefore at that meeting approval was granted to move forward exploring the 2nd ranked farm to determine if a clear title could be obtained for a different parcel of the Willis Trust.

On November 2nd Ms. Rush received the title search results on the 101 acre parcel from Attorney Greg Hook. This parcel is owned by the James F. and Pearl Willis Living Trust. He noted the following issues are to be resolved before the title insurance policy can be issued. The Board reviewed Attorney Hook's correspondence, dated October 31, 2011, relating to the title search of the James F. and Pearl Willis Living Trust 101 acre parcel (see attached). In Attorney Hook's correspondence the following issues discussed were as noted.

- The potential inheritance tax implication, due to the death of Mrs. Willis.
- The various gas leases and rights-of-way conveyed both individually and as Trustees, over the past ten years.
- The subsurface coal that has been accepted and reserved from this property is subject to the Pittsburgh Coal Deed.
- The certification of the Agricultural Security Area.

Attorney Hook's opinion of the language regarding the coal rights was as stated, "not to be an exception and reservation of other coal, but merely reserving the right to mine through such coal". It is noted that this does not disqualify the parcel from eligibility for an easement with PA Farmland Preservation Program.

After speaking with Attorney Hook, Greene County Solicitor, Cheryl Cowen provided the following clarification through an e-mail that was received on November 5th (attached). Stating the following, "He (Attorney Hook) assures me (Attorney Cowen) that he will certify title and that is good enough for me. If you want to start the process on this tract go ahead. Just keep me apprised of the steps".

Ms. Rush noted that the inheritance tax and the creation of an Agricultural Security Area have been resolved. The gas leases and rights-of-way are allowed under the Farmland Preservation Program, but further detail from Attorney Hook will be obtained concerning the gas leases and rights-of-way.

Vice Chairman Shipman stated his confidence in the title search results and that this could move forward. Action concerning this application will be taken into consideration under New Business by the Board.

VII. NEW BUSINESS

James F. Willis and Pearl Willis Living Trust Easement 101 acres (Parcel #2)

- a. Title Search – Per the outcome of the report above, regarding the Willis' 2nd application and the results of Attorney Hook's title search, the Board considered one parcel, (101 acres) of the three parcels from the original September 17, 2010 FLP application.

A motion was made by Rick Thistlethwaite to accept the results of the title search for which Attorney Hook indicated to us and Greene County Solicitor Cowen that he will certify title. Corbly Orndorff seconded. (Motion Passed with one abstention – Jim Willis)

Chairman Cree arrived at 6:20 p.m. and was apprised of the actions.

- b. High Rank and Appraisal Release Letter – Ms. Rush explained that the James F. and Pearl Willis Living Trust originally submitted two applications that were evaluated and accepted by the FLP Board at their October 5, 2010 meeting, one for the 53 acre parcel and a second for 130 acres which included the 101 acre parcel currently being explored to become an easement with the program. Both were ranked on the LESA (Land Evaluation and Site Assessment System) scale, with the 53 acre parcel ranking first with a score of 67.56. The 101 acre parcel was ranked and remained second with a LESA score of 46.61. Through the easement process it was found that the title for the 53 acre parcel could not clear without significant research into surface coal right issues. Under the advice of Attorney Hook the Board was urged to proceed with a parcel that has been ranked and provides a clear title. The original second application of the Willis Living Trust dated September 17, 2011 included three parcels for a total of 130 acres. The second application was modified by Mr. Willis on behalf of the Willis Living Trust to rank only the 101 acre parcel. Attorney Hook recommended that the Board consider the second ranked parcel for agricultural easement.

Dave Shipman made a motion to accept the LESA ranking as modified for the Willis application of 101 acres. Rick Thistlethwaite seconded. (Motion Passed with one abstention – Jim Willis)

On a motion by Charles Day, authorization was granted to Ms. Rush to notify Mr. Willis that we plan to move forward with the 101 acre parcel by requesting permission to conduct an appraisal and the payment of the \$2,000 appraisal fee. Corbly Orndorff seconded. (Motion Passed with one abstention – Jim Willis)

It was noted that Mr. Willis abstained from all further actions pertaining to his property.

- c. Appraisal Report – Ms. Rush contacted three appraisers; Scott York, David Vogel of McMurray, and Brian Pedrick of Lebanon County. Due to his is workload, Mr. Pedrick declined to bid. David Vogel of McMurray submitted a bid of \$2,800 which was high due to his travel distance. Scott York indicated that he would complete the work in the required time period (December 12th-16th) and submitted a bid of \$1,800.

A motion was made by Dave Shipman to accept the bid of Scott York of York Realty, to complete the appraisal per the contract stipulations. Charles Day seconded. (Motion Passed)

Chairman Cree's signature was obtained on the bid contract. Ms. Snider requested that the signature page be changed from the Greene County Conservation District to the Greene County Farmland Preservation Board because they are taking action.

- d. Survey Plot –In the past, a legal description was provided to Surveyor Miles Davin to plot the parcel per the description in the deed, to ensure that it is within the allowable closure. This previously cost \$50. If the parcel meets closure within the allowable error, a survey will not be needed.

A motion was made by Corbly Orndorff to authorize Ms. Rush to contact Mr. Davin to proceed with the deed description plot for approximately \$50. Charles Day seconded. (Motion Passed)

- e. Offer Letter – Since an offer cannot be made until the appraisal is complete, this item was included on the agenda for discussion only. Speaking hypothetically, if the parcel is appraised at \$1,600 an acre, the same as the 53 acre parcel, the FLP Board would not have adequate funds to purchase the easement. As part of the ranking, and as authorized by Mr. Willis, he explained that he is willing to consider up to 20 percent below the appraised easement value. Ms. Rush noted that failure to encumber a farm by the end of the year would result in the loss of \$36,339 of 2010 program funds.

Ms. Snider noted that after speaking with Doug Wolfgang, Director, Bureau of Farmland Preservation, to inform him of our intentions to try to encumber another parcel that he indicated that the Title Search, Appraisal Report, Offer Letter, and Agreement of Sale are essential elements for encumbering.

- f. Agreement of Sale – Can be prepared upon receipt of the appraisal.

Ms. Snider noted that the new parcel of 101 acres and the County's standard addendum would need to be brought to the Greene County Commissioners next public meeting. Previously, the Commissioners approved the 53 acre parcel with the Addendum. Solicitor Cowen will be made aware of the need prior to the next meeting.

VIII. DISCUSSION OF STAFF REPORTS

Laurel Rush – Since Chairman Cree arrived later in the meeting, she provided him with the PA Farmland Preservation Association Policy Platform (attached) at this time. Also, she feels that it would benefit the FLP Board to become a voting member of the Association. To become a voting member requires a \$50 membership which will be considered at a future meeting.

Lisa Snider – She noted that at the Greene County Conservation District meeting held on November 15th, 2011, the GCCD Board agreed to work with the FLP Board to ensure that the necessary funds, if needed, to encumber the James F. and Pearl Willis Living Trust parcel of 101 acres are available.

IX. NEXT REGULAR MEETING

The next Regular Meeting will be December 13th, 2011 at 5:30 p.m. at the Thistlethwaite Winery. Chairman Cree noted that spouses are welcome.

X. ADJOURNMENT

With no further business to discuss, a motion was made by Dave Shipman to adjourn the meeting at 6:47 p.m. Rick Thistlethwaite seconded. (Motion Passed)

Transcribed from recorder by,

Rebecca K. Salosky
Fiscal Officer