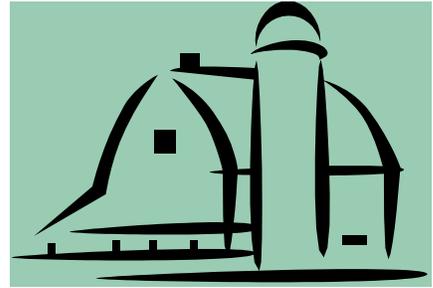


Greene County Farmland Preservation
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GREENE COUNTY FARMLAND PRESERVATION
MINUTES
SEPTEMBER 8, 2011

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Chairman Bill Cree at 11:15 a.m. in the Mezzanine Conference Room, 19 South Washington Street, Waynesburg, Pennsylvania. Those present were Bill Cree, Chairman; Dave Shipman, Vice Chairman; Carl Biddle, Director; Corbly Orndorff, Director; Jim Willis, Director; Lisa Snider, District Manager, Greene County Conservation District; Laurel Rush, Ag Technician, Greene County Conservation District, and Becky Salosky, Fiscal Officer, Greene County Conservation District.

II. PUBLIC COMMENTS

There were no Public Comments.

III. APPROVAL OF MINUTES

The possibility of partnering with the Cooperative Extension Service at the 4-H Livestock Auction was discussed at the last meeting. Mr. Shipman checked with Penn State Cooperative Extension and they do not have a problem with someone donating the sale of an animal to the Greene County Farmland Preservation (GCFLP) Program.

A motion was made by Carl Biddle to approve the Minutes of the March 30, 2011 meeting. Dave Shipman seconded. (Motion Passed)

IV. TREASURER'S REPORT

In the absence of Treasurer Thistlethwaite, Ms. Snider presented the Treasurer's Report as follows:

General Fund/ GCCD Account - \$3,974.25

FLP Board Fundraising Account - \$387.85

Easement Allocation - \$29,648.00 (county) and \$82,554.00 (State), For a total of \$112,202.00

Ms. Snider noted that the FLP Board Fundraising Account was established with donations from the Farm Bureau and John Kit Carson.

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

V. CORRESPONDENCE

The Pennsylvania Farmland Preservation Association (PFPA) Fall Conference will be held October 4th and 5th at Powder Mill Nature Reserve in Westmoreland County. The registration deadline is September 23rd and the \$50.00 fee includes all meals. Ms. Rush is interested in attending the conference on the 5th only.

A motion was made by Carl Biddle to approve the attendance of Ms. Rush and pay the \$50 registration fee. Dave Shipman seconded. (Motion Passed).

VI. OLD BUSINESS

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

(This is a review of the documents required for the encumbering packet)

- a. Title Search Results – As discussed at the March 30, 2011 meeting, an Affidavit of Ownership was prepared and filed by Attorney Proden on behalf of the Willis Living Trust in regards to the surface coal rights. Prior to recording a copy was forwarded to the PA Bureau of Farmland Preservation for their review and approval. They responded with a letter from the Bureau's Director, Doug Wolfgang, indicating that their General Counsel's opinion is that "there does not appear to be any obvious third party rights to surface mine on the Willis Trust Farm based on deeds presented to us". However, Attorney Hook requested that we obtain a written legal opinion from the Bureau's Attorney because he will need that if he is certifying title. We have made this request and are waiting for their response.

EXCERPT FROM MARCH 30, 2011 MEETING MINUTES

(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 said that this information has been reviewed by the Attorneys for the PA Bureau of Farmland Preservation and Mr. Wolfgang has indicated that the Board may proceed with this application, provided that an Affidavit is filed by the Willis Living Trust. This notification from Mr. Wolfgang was received via e-mail; however, a formal letter is to be received in the near future.

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

All documentation to prove a clear title must meet the approval of the PA Bureau of Farmland Preservation and be provided to the Greene County Farmland Preservation (GCFP) Board prior to authorization of the offer letter.)

- b. Agreement of Sale – The Agreement of Sale and the addendum was approved by the Greene County Commissioners at the August 25, 2011 Commissioners Meeting. Also, the Commissioners authorized County Solicitor Cheryl Cowen to review and sign all the necessary paperwork to complete the easement encumbrance. The County will own 16 percent of the Easement and the State 84 percent (based on the funding provided)
- c. Appraisal – The appraisal has been completed and payment has been made. A copy of the appraisal was provided to Mr. Willis in January.
- d. Easement Offer Letter – The Offer Letter was mailed June 24, 2011 and will be discussed under New Business.
- e. Survey – The survey plot has been completed and payment has been made.
- f. Title Commitment – To be completed by Attorney Greg Hook.
- g. Deed of Easement – To be completed at the Closing.
- h. Title Policy – To be completed at the Closing.
- i. W-9 Form – Will be obtained as part of the offer acceptance.
- j. Percent Ownership – Will be obtained as part of the offer acceptance.
- k. Farm Summary – Completed and ready for signature.
- l. Conservation Plan – Has been signed by Suzy Petery of NRCS and will be presented for approval at the next meeting of the Greene County Conservation District (GCCD). (not a required piece for encumbering)

VII. NEW BUSINESS

- a. By-Law Changes – This item was moved forward on the Agenda to allow time for Director, Corbly Orndorff to arrive. In accordance with the Bylaws, it was decided to keep the meeting time at 10:30 a.m. Director, Charles Day will try to participate by conference call, provided that approval is granted by his employer. Further discussion of the Bylaws will be held at the reorganization meeting.

Mr. Orndorff joined the meeting at this time.

- b. Offer Letter Extension Requests – Chairman Cree read the letter from Mr. James F. Willis requesting a 60 day extension. The Offer Letter from the Farmland Preservation Board was date June 24, 2011 and since the offer is only valid for 30 days, an extension is needed.

A motion was made by Dave Shipman to approve the extension through September 24th, 2011. Carl Biddle seconded. (Motion Passed with one abstention - Jim Willis)

- c. Offer Confirmation – Verbally, James F. Willis acknowledged his acceptance of the Offer as presented in the Offer Letter. ***A motion was made by Corbly Orndorff to acknowledge receipt of Mr. Willis' acceptance. Dave Shipman seconded. (Motion Passed with one abstention – Jim Willis)***
- d. Encumbering Packet Approval – Several documents, (ie. the Agreement of Sale and the farm summary) will require the signature of the Chairman and/or Vice Chairman prior to being submitted to the state.

A motion was made by Corbly Orndorff to authorize the preparation of the necessary documents, with the guidance of Attorney Hook and Ms. Rush. Carl Biddle seconded. (Motion Passed with one abstention – Jim Willis).

- e. Campaign for Applications – Plans are to begin this process early, by advertising as soon as possible. Per an e-mail from the PA Bureau of Farmland Preservation, approximately \$36,000 of program funds must be encumbered by the end of 2011. Ms. Rush noted that this should not be a problem since much of it would be used for the Willis Easement. After funding determinations are made by the PA Bureau of Farmland Preservation and the Greene County Farmland Preservation Board, we should be ready to open an application period next spring.

One application is pending from James F. Willis for another tract of land which ranked 2nd under the program's criteria. The Halstead's, located along Laurel Run, Greene Township, have expressed an interest and submitted an application for review, but did not include the \$50 fee.

Due to the Willis Easement utilizing most of the funding, the FLP Board at their March meeting, voted to suspend the 2011 application period. Notification of the suspension was mailed to all the landowners located in an approved Agricultural Security Area. When an application period is opened, they will need to be notified.

A motion was made by Dave Shipman to open an application period for 2012. Carl Biddle seconded. (Motion Passed)

VIII. DISCUSSION OF STAFF REPORTS

Laurel Rush – Ms. Rush noted that the Inheritance Tax Return for the James F. Willis and Pearl Willis Living Trust Easement has been accepted by the State and will be included in the "Encumbrance Package".

It was estimated that if all goes as planned, the closing on the James F. Willis and Pearl Willis Living Trust Easement could be early next year.

The next Regular Meeting will be in December unless business arises that requires board attention.

IX. ADJOURNMENT

With no further business to discuss, a motion was made by Dave Shipman to adjourn the meeting at 11:45 a.m. Carl Biddle seconded. (Motion Passed)

Respectfully submitted,

Rebecca K. Salosky
Fiscal Officer