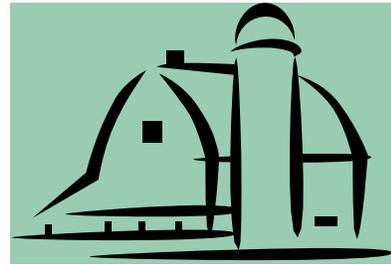


Greene County Farmland Preservation
19 South Washington Street, Suite 150
Waynesburg, PA 15370
724-852-5278



GREENE COUNTY FARMLAND PRESERVATION
MINUTES
FEBRUARY 19, 2014

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Chairman Bill Cree at 1:15 p.m. in the Mezzanine Conference Room, 19 South Washington Street, Waynesburg, Pennsylvania.

Board members present were Bill Cree, Chairman; Dave Shipman, Vice Chairman; Rick Thistlethwaite, Treasurer; Dick Belding, Director, and Jim Willis, Director.

Staff: Lisa Snider, District Manager; Laurel Rush, Ag Technician and Becky Salosky, Fiscal Officer

II. PUBLIC COMMENTS

There were no public comments.

III. APPROVAL OF MINUTES

A motion was made by Jim Willis to approve the minutes of the January 15, 2014 meeting. Dave Shipman seconded. (Motion Passed)

IV. TREASURER'S REPORT

Treasurer Thistlethwaite read the Treasurer's Report as follows:

FLP Board Fundraising Account - \$6,559.44
Ck # 132 – Voided (over 60 days) and reissued as **Check # 137**

Easement Funds – Dept. of Agriculture & County of Greene -
\$55,839.31

Ms. Rush noted that the 2014 State funds should be determined at today's PA Bureau of Farmland Preservation Board meeting.

A motion was made by Dick Belding to accept the treasurer's report. Jim Willis seconded. (Motion Passed)

V. CORRESPONDENCE

The following project review request, regarding the impact to Agricultural Security Areas (ASA) or agricultural easements, was brought before the GCFLP Board.

1. East Dunkard Water Authority – Water Facilities Improvement Project

This project, to improve existing facilities, includes 22 sites, 7 of which are located in townships with an approved ASA. Additional site maps will be requested.

VI. OLD BUSINESS

1. Agricultural Security Area (ASA) - Franklin, Cumberland and Greene Townships

Franklin Township – The Township continues to work to establish an ASA.

Cumberland Township – The Township has accepted the additional 19 acres of Mr. Richard Phillips in to the ASA and the addition has been recorded at the Greene County Register and Records Office.

Greene Township – The Township continues to work to add the parcel of Mr. Wilber Colvin in to the ASA.

2. GCFLP Program Considerations

- a. 52 Acre Subdivision
- b. Deed of Merger Requirement

This matter was tabled at the last GCFLP meeting held on January 15th, 2014, to allow time for Mr. Belding to review the information.

Since that time, Mr. Belding reviewed the information and offered the following. He feels that the addition of the Deed of Merger Requirement to the Greene County Farmland Preservation By-Laws would be burdensome to landowners; making it more difficult to preserve their property through the program.

After lengthy discussion, the Board agreed to keep the By-Laws as they are, with no changes. If a situation should arise, it could be discussed on an individual basis.

3. Annual Inspections (Scheduled for February 21, 2014)

- a. William Cree (108 acres) 11:00 a.m.
- b. Jim Willis (100 acres) 9:30 a.m.

Directors who wish to participate in the inspections should meet at the Willis farm.

VII. NEW BUSINESS

1. 2012 GCFLP Agricultural Easements

- a. Charles Harry, (162.043 acres) Morgan Township
The Easement was accepted by the PA Bureau of Farmland Preservation at their meeting held on December 12, 2013. Upon receipt of the check from the PA FLP Board, the closing will be scheduled.
 - 1) High rank & appraisal release letter (Completed)
 - 2) Title Search (Completed)
 - 3) Appraisal Report (Completed)
 - 4) Survey plot (Completed)
 - 5) Offer letter (Completed)
 - 6) Agreement of Sale (Completed)
 - 7) Closing (To Be Determined)

2. 2013 GCFLP Agricultural Easements *listed in ranking order*

- a. Jim Willis (53 acres) Cumberland Township – (on-hold)
Clear title still being pursued. Following a Title Search by Attorney Greg Hook, and as noted at the GCFLP meeting on December 15, 2010, there may be a problem with the surface coal rights, and that the James and Pearl Willis Living Trust most likely does not own those rights, as required by the program. As resolution to the coal rights issue, a Quiet Title or Quick Claim Deed could be pursued.

While pursuing a resolution to the coal rights, a boundary dispute occurred and efforts were made to resolve it began.

Ms. Rush read a letter received on February 12th, 2014, from the Willis' Attorney, Jeffery Proden. The letter states that the Quiet Title action that Mr. Willis pursued against Maddie B. Morgan, as a trustee of the Maddie B. Morgan Revocable Living Trust, in regards to a boundary line dispute was successful and the Honorable Judge William Nalitz ruled in favor of Mr. Willis. The Morgan Trust does have a 30 day appeal period, however; following the hearing, they orally agreed not to proceed with an appeal.

The letter continues and states that following the 30 day appeal period, Attorney Proden can begin instituting the Quiet Title action regarding the coal rights issue.

A copy of Judge Nalitz's decision and a copy of stamped plot showing the official acreage from Registered Surveyor, Miles Davin, were provided.

- b. Jim Willis (30 acres) Cumberland Township
- 1) High rank & appraisal release letter (Completed)
 - 2) Title Search – The surface coal issue and clear title is being pursued.

Ms. Rush presented an invoice of \$878.75 from Hook and Hook for the services Attorney Greg Hook rendered for the Title Search.

A motion was made by Dave Shipman to approve the payment of \$878.75 to Hook and Hook. Dick Belding seconded. (Motion Passed)

At the last GCFLP meeting on January 15th, 2014, it was suggested that the owner of the surface coal may be found through the Greene County Assessment Office. Following this meeting, Mr. Willis visited the Greene County Assessment Office and, with the assistance of Mr. John Frazier Greene County Chief Assessor, found that the property taxes are being paid by CONSOL. With the assistance of Attorney Jeffrey Proden, he may speak to CONSOL regarding this matter.

- c. Richard Phillips (127.4 acres) Cumberland Township
- 1) High rank & appraisal release letter (Completed) - Since title issues were found in the top two ranked properties (the 53 acre and 30 acre properties of James Willis), action was taken at the last GCFLP meeting on January 15th, 2014, to move forward with the third ranked property (127.4 acres of Richard Phillips), in accordance with GCFLP By-Laws.
 - 2) Title Search - In the original Easement application, Mr. Phillips offered 107 acres; and then later, an additional 19 acres for a total of approximately 127 acres). The additional acreage improved his ranking score, making it the third ranked property under the 2013 rankings.

Ms. Rush presented the findings of the preliminary Title Search of these properties, conducted by Attorney Greg Hook, as well as a copy of the deed for both properties, as follows. It initially appears that the surface coal rights of the 107 acres are owned by Mr. Phillips. However, it appears that the 19 acres are not, they are deeded to Goldie Hixon.

The exclusion of the 19 acres, due to the issues with the surface coal rights, may change the ranking order of

the Phillips property and was brought forward for Board discussion.

After lengthy discussion, a motion was made by Dave Shipman to re-rank the 2013 Easement applications with the Phillips property at 107 acres. Rick Thistlethwaite seconded. (Motion Passed)

A motion was made by Dave Shipman to notify Mr. Phillips of the coal rights issue and allow him 30 days to decide how he wishes to proceed regarding the 19 acres. Rick Thistlethwaite seconded. (Motion Passed)

- 3) Appraisal Report
- 4) Survey plot
- 5) Offer letter
- 6) Agreement of Sale

3. PFPA Dues and Spring Conference

A motion was made by Dick Belding to pay the 2014 dues as a Voting Member at a cost of \$50. Dave Shipman seconded. (Motion Passed)

4. National Farmland Preservation Conference – Hershey, PA

The conference, with an early registration fee of \$149, will be held May 12-13, 2014. In addition to the registration fee, expenses would also be incurred for mileage, two days lodging, and meals.

A motion was made by Dave Shipman to approve Ms. Rush's attendance of this conference. Dick Belding seconded. (Motion Passed)

VIII. OUTREACH

IX. DISCUSSION OF STAFF REPORTS

X. NEXT MEETING

The next meeting is scheduled to be held on **March 19, 2014 at 1:00 p.m.**

XI. ADJOURNMENT

With no further business to discuss, a motion was made by Dave Shipman to adjourn the meeting at 2:05 p.m. Jim Willis seconded. (Motion Passed)