

Draft Minutes: FLPB, 10/14/03

Election of officers for 2003-2004: Roger Dailey was elected President; Janet Stine, Vice-President; Jane Tabb, Treasurer; Peter Fricke, Secretary.

- Mr. Dailey thanked the past officers, Shannon Donley, Jane Peters, and Jack Quinn, for their hard work and efforts in behalf of the Board.

Timetable for model easement: Mr. Fricke reported that he hoped to have this completed by December.

Shared office space with Land Trust: Tabled for future discussion.

Old Business

Status of current easements:

- **Olcott easement:** Mr. Dailey noted that the proposed easement action had been terminated at the request of Mr. Olcott. Mr. Olcott had hoped to complete all actions on the easement with the Board and NRCS within this calendar year, but this had not proved possible. Mr. Donley noted that the Olcott easement work by the Board had not been in vain; much had been learned by all concerned.
- **Latterell easement:** Mrs. Stine reported that there had been a meeting with the Latterells in September. The negotiations are proceeding; details on land use and other issues were incorporated into a new draft easement that had been circulated to Board members. A further meeting was proposed for October 23, 2003 to review the draft with the Latterells. It was noted that the closing must take place before September 4, 2004, thus the final appraisal should be in place by July 4 (60 days before closing). It was also noted that the survey and baseline studies need to be undertaken shortly, and completed before trees leaf out again.
- **Stine easement:** Mr. Dailey noted that a Board liaison needs to be appointed before January.

Civil War Trust resolution of March 4, 2003: Mr. Dailey invited the Board to review the language of the resolution. He noted that there appeared to be a possible incompatibility between the roles of the Board as holder of Civil War Trust easements and holder of easements under the provisions of the Farmland Protection Act. The issues identified were:

- The present language of the resolution did not provide for the right of the Board to refuse to be a holder of Civil War Trust easements in Jefferson County;
- Civil War Trust easements did not have to meet the NRCS minimum standards for agricultural land; and
- Civil War Trust easements did not have to meet the Board's eligibility requirements of farmland protection, but rather protection of Civil War viewsheds.

There was considerable discussion of the issues. Mr. Quinn stated a concern that any changes could adversely affect the three easements currently in the approval process. It was also noted that since Civil War Trust easements were easements without any cost to the County or to the Board, changes were not necessary. Mr. Dailey introduced a “strawman” amendment document for consideration of the Board. After some editing, Mr. Dailey proposed, and Mrs. Stine seconded, a motion to amend the resolution as follows (changes highlighted):

Resolution Effective October 14, 2003

The Jefferson County Farmland Protection Board, being a “Holder” as defined under West Virginia Code §20-12-1 *et al.*, is empowered to hold perpetual conservation and preservation easements in Jefferson County, WV. The Jefferson County Farmland Protection Board was created by the Jefferson County Commission pursuant to West Virginia Code §8-24-72 through §8-24-84 (The Voluntary Farmland Protection Act) to function as a county governmental entity in the acquisition of conservation and preservation easements. The Jefferson County Farmland Protection Board has an approved Farmland Protection Program.

The Jefferson County Farmland Protection Board recognizes that the campaign of the Civil War Preservation Trust and the Land Trust of the Eastern Panhandle in offering compensation for perpetual conservation easements on qualifying properties in Jefferson County that have a significant historical connection to Civil War battles, advances and retreats, furthers its mission of farmland protection in the county.

THEREFORE, The Jefferson County Farmland Protection Board agrees to be the pass-through grantee recipient for funding and a Holder on any and all properties in Jefferson County, WV recommended by the Civil War Preservation Trust, in compliance with the eligibility requirements of the Jefferson County Farmland Protection board, and approved for funding by the National Park Service, along with other potential Holders, including the Land Trust of the Eastern Panhandle and the Eastern Panhandle Conservation District. Funds to be paid to awarded landowners desiring payout under an installment purchase arrangement shall be transferred to the Land Trust of the Eastern Panhandle.

The Jefferson County Farmland Protection Board reserves the right to refuse to be a Holder on any property recommended by the Civil War Preservation Trust and approved for funding by the National Park Service that is not in accordance with eligibility requirements set forth in the Jefferson County Farmland Protection Program:

- The property is used or usable for agriculture, horticulture or grazing; is a wetlands; or is woodlands that is part of or appurtenant to the property or held in common ownership
- No commercial or industrial structures shall be located on the property
- Clear title to the property must be established

- The property shall not have any current or past uses that would render the establishment of a conservation easement inconsistent with the intent of the program
- The property shall not currently be under a deed of conservation easement

Such refusal shall be by a majority vote of the board at any regular or special meeting where such consideration is included on the agenda in accordance with the Jefferson County Farmland Protection Board Bylaws.

The motion was approved by majority vote of the Board:

Roger Dailey	YES
Janet Stine	YES
Peter Fricke	YES
Shannon Donley	YES
Jack Quinn	NO
Jane Peters	YES
Jane Tabb	Non-voting Commissioner

Next meetings of the Board: Mr. Dailey noted that the holiday months were fast approaching, and suggested that the Board meet only once a month in November and December. After consideration, it was **agreed** that the Board would meet on **October 27, November 10, and December 8, 2003**. The normal schedule of two meetings a month would resume in January, 2004.

Proposed cooperative agreements with the Land Trust of the Eastern

Panhandle: There was a discussion of the proposal presented to the Board by Mrs. Padon, Land Trust, in July. Issues that were identified as needing further discussion were:

- The roles of the Trustees
- Contracting for services

Mrs. Padon agreed to review these issues further and seek clarification.

Timing of notification to landowners: Mrs. Stine asked when landowners should be notified that their offer had been formally accepted, and asked that notification be in writing. It was agreed that the time of formal notification that any offer had been accepted should be after the Board had both the approval of the NRCS and the County Commission for farmland protection easements. For Civil War Trust easements, formal notification would be after the Board agreed to be holder of the easement and had been advised of the distribution of funds by Civil War Trust. For both forms of easements it was agreed that it was the duty of the Board to provide written notification to the landowner

Board housekeeping items: The following items were noted as matters to be resolved:

- Was the Board exempt from filing IRS Form 99 (Mrs. Padon, Mrs. Tabb)
- Budget for 2004? (Mr. Dailey, Mrs. Tabb and Mrs. Padon)
- Easement work timeline (Mr. Fricke)

- Monitoring Board's phone line? (Mr. Donley agreed to continue)
- Letter to County Commission advising them of Board elections (Mr. Fricke)
- Report to the County Commission on Board's work in 2002-2003 (Mr. Dailey, Mr. Donley, Mrs. Tabb)

Motion to Adjourn: Mr. Fricke moved, and Mrs. Peters seconded, adjournment of the meeting. The motion was accepted without dissent. The meeting adjourned at 9:35 pm