



Bradford County Newsletter

Your Government Working for You!

Understanding the Current Clean and Green Law in Respect to Natural Gas Drilling

By: Debbie Kolodziej

What is Clean and Green?

Act 319, the Farmland and Forest Land Assessment Act, also known as Clean and Green is a preferential assessment program for land that is preserved for agricultural use, agricultural reserve, or forest reserve. The program was created as state law, which was passed by the state legislature and signed by the Governor of Pennsylvania in 1974. It was first instituted in Bradford County in 1979.

Land enrolled in Clean and Green is valued differently than other properties. It allows land to be assessed on the basis of use value instead of market value which results in a lesser assessment.

How does natural gas drilling affect Clean and Green?

Natural gas drilling is not a defined exception in Clean and Green law. It is not a use that is agriculturally related. Therefore it constitutes a change in use to the enrolled land. According to state law if an owner of enrolled land changes the use of the land to something other than agricultural use, agricultural reserve or forest reserve, that landowner shall be responsible for the payment of rollback taxes and interest for violating the entire parcel or covenant of the Clean and Green contract signed by the land owner.

What is the rollback penalty?

Rollback penalty is equal to the difference between the taxes paid in Clean and Green and the taxes that would have been paid if it were **not** in Clean and Green,

“There was previously a regulation that allowed for natural gas drilling...it was removed by the Department of Agriculture in 2001...it was removed because it had no legal basis...”

plus 6% interest per year. The rollback is calculated on the current year and the previous 6 years or from the date of enrollment in the program, not to exceed 7 years.

Where do the rollback taxes collected go?

The collected rollback taxes are divided between the county, the municipality and the school district where the land is assessed, based on each taxing body's tax rates.

Where does the interest collected go?

The Bradford County Treasurer distributes the interest collected to the county Agricultural Land Preservation Board. It is used to purchase agricultural conservation easements.

How does the property get rolled out and can I get the rest of the property back into Clean and Green?

The Assessment Office calculates the rollback tax and interest amount and mails a notice of these rollback taxes to the affected landowner upon learning of a change in use of the land. Any valuation change is made by the Assessment Office and an assessment change notice is mailed to the landowner. In the

case of a gas well site, the amount of land used for that purpose can no longer be preferentially assessed. It is valued at regular market value. The remaining acreage, if it still meets the requirements of the program, will continue to receive preferential assessment and can be automatically re-enrolled into the program.

Why is it important that Bradford County collects the rollback taxes?

Clean and Green is a state law. The law says that a change in use to something other than agricultural use, agricultural reserve or forest reserve or a change in use of enrolled land so that it otherwise fails to meet the requirements of the Act, will cause the landowner to be responsible for the payment of rollback tax and interest. As a municipal entity Bradford County has no legal choice but to follow the state law as it is written.

Current Issues with the Law

There are many complications when it comes to Clean and Green and drilling. There is debate about how to include drilling into Act 319. There have been hearings on this issue in Harrisburg as recently as July of 2008. However, no legislative progress has been made on the issue. Bradford County Commissioners have been lobbying state legislators to address all the complications of Act 319 and natural gas drilling.

There was previously a regulation that allowed for natural gas drilling on Clean and Green

Inside this issue:

Understanding the Current Clean and Green Law in Respect to Natural Gas Drilling	1
The District Attorney's Office	2
Victim Witness Services	2
Bradford County Housing and Rehabilitation Program	3
Deputy Sheriff's Memorial	3
Charity Basketball Game	4

“It is important to understand that Act 319, Clean and Green, is a state law and is not a county policy.”

land .

That section 137.66 was removed by the Department of Agriculture in 2001. According to the Department of Agriculture it was removed because “it had no legal basis in Act 319.”

In Conclusion

It is important to understand that Act 319, Clean and Green, is a state law and is not a county policy. Bradford County is required by the state of Pennsylvania to enforce the law as written to the best of its ability. Bradford County encourages anyone who does not agree with the current state law to contact their state legislators. View the full Clean and Green state regulations at the Department of Agriculture website...[Click Here.](#)

Update: The Bradford County District Attorney's Office

By: Dan Barrett

The District Attorney turns the arrested into the convicted but does not patrol the streets, run the prison or write the laws. However, all criminal cases move through the D.A.'s office.

Dan Barrett took office on January 7th, newly elected after thirty years as a lawyer, a career that included a term as D.A. in the 1980's. Twenty years of improvement in both the law and technology have made it possible to do more.

Albert Ondrey and Francis Rineer, the Assistant D. A.'s are both diligent and experienced. Al Ondrey, is the chair of the Criminal Justice Advisory Board, an interagency panel and also serves on the directors of the Treatment Court, an intensive program for alcohol and drug abusers. Francis Rineer, handles juvenile court matters. All three lawyers handle all matters, and all three have prosecuted multiple jury trials this year. The support staff is led by Barb Brokaw, 12 years, Sue Gore, 7 years, and



Dan Barrett

Nora Clark, 2 years. Greg Hostettler, is the county detective, the only lawman who works directly for the D.A. Greg is a former Troy Police Chief and a veteran of Afghanistan. The state and local police work in cooperation with the DA's office but not under the office. Francine Griffin is the advocate and assistant for victims and witnesses, a position funded by state grants. Francine received the Governor's Pathfinder

Award for Victim Services in 2005.

In the first year one priority of the office was to establish a vigorous trial program, and that has been accomplished. Judge Smith has allowed the court time for trials and the D.A.'s office has sought to make use of it. Many young troopers and local police had their first Jury trials this year.

Trials take a lot of time and energy, but the benefits are seen through the entire caseload. Police learn from the process and defendants begin to recognize that they will be convicted. Most important is the sentencing and the discretion of the Judge isn't restricted after a verdict.

The caseload is heavier than ever with about seven hundred new adult cases a year, and over a hundred juvenile cases. Major efforts were made to keep the cases moving. Space for storage was an issue so a

ton of old files (yes, approx. 2000 pounds) went to the landfill. The office standardized case reports and forms to reduce the amount of typing. Although none of these sound major, the office is striving for as much productivity as possible with limited time and resources.

The D.A.'s Office has also joined forces with the Area Agency on Aging to set up a program to enhance efforts to protect senior citizens from physical and financial exploitation.

County Victim Services Seeks to Empower Victims with Knowledge and a Voice in the System

By: Francine Griffin

The Bradford County Victim Witness Coordinator is located in the District Attorney's Office. The office brings over 30 years experience in the civil arena and established the Victim Services as a user-friendly service to crime victims. The coordinator identifies victims in each case that are bound over to the Court of Common Pleas from the District Justice Offices and reviews the juvenile charging sheets for the same purpose. The office systematically keeps victims informed, to the extent they request, and navigates them through the Criminal Justice System and Juvenile Justice System, including asserting

restitution claims and making oral victim impact statements. The office established the Victim Impact Panels in Bradford County in 2000 wherein all DUI offenders are sentenced to attend. The offenders are given the opportunity to hear first-hand from victims of drunk drivers how their lives and those of their loved ones have been impacted by drunk drivers. In 2007 the initiation of the Victims of Juvenile Offenders (VOJO) Restitution Fund in the County to assist victims in attaining their pre-crime economic status began. In 2008 the office launched the SAVIN program which offers anyone



Francine Griffin

the opportunity to learn of a defendant's incarceration status within county correctional facilities. SAVIN has made it possible for anyone, anywhere, to be notified if a

prisoner has been released. SAVIN also allows a crime victim or witness to check if the suspect or convict is still in prison. This is a free and anonymous service. Many sentencing orders require the defendant to attend a Victim Impact Panel, a quarterly program. This office organizes the panels, through them, victims can make the criminals aware of the long term harm they cause.

Bradford County Housing Rehabilitation Program

By: Tammy Merritt

The Housing Rehabilitation Program is designed to provide financial assistance to eligible Low to Moderate income, single family, owner-occupied homeowners with the rehabilitation of their homes.

Bradford County currently utilizes three funding sources: HOME, CDBG (Community Development Block Grant), and Act 137. The HOME grant is a competitive federal grant that our office applied for through DCED in 2005 and awarded in the amount of \$500,000. The Bradford County Commissioners usually allocate \$30,000 of CDBG Funds a year to fund housing rehabilitation efforts. The Act 137 program is a \$13.00 fee collected upon filing deeds and mortgages by Bradford County Register and Recorder Office. In 2007 we completed 23 projects.

There are two different types of Housing Rehabilitation, emergency and full. Emergency rehab is only for emergencies such as, but not limited to, no heat, roof leaking into home, and broken hot water heater. When doing a full rehabilitation, the home is brought up to HUD (Housing and Urban Development) standards. Eligible activities include, but are not limited to, removal of health and safety hazards, energy conservation, weatherization, elimination of

building code violations, and preservation of property. Ineligible activities include, but are not limited to, cosmetic, interior/exterior decorating, and additions. There are currently waiting lists for both kinds of rehabilitation programs.

The full waiting list has a waiting time from 2-6 years. The Emergency waiting list depends on the severity of the projects.

Bradford County residents who are income eligible, single-family, owner-occupants (with name on the title or deed), with taxes paid up to date, and retain homeowners insurance, may qualify for housing rehabilitation grants up to \$20,000 or half of the fair market value of their home. If \$5,000 or more is spent on the home a five-year lien is placed on the home in the amount of the grant. The lien on the property is reduced by 20% each year. Bradford County Housing Inspector performs site inspections on all projects. A work order is done that includes all work to be completed on the project. All projects are bid out, with the lowest bidder winning, unless the homeowner wants to pay the difference for the higher bidding contractor. All bidders are contractors that have signed up with and approved by Bradford County Rehabilitation Program.

Homeowners gross yearly income at or below very low income will be eligible to receive a 100% grant. Homeowners whose income falls between the Very Low and Low-Moderate Income guidelines shall pay a portion of the rehabilitation contract known as a "co-pay" based upon the scale below:

2008 Section 8 Income Limitations		
Family		
Size	Very Low	Low-Moderate
1	\$18,050	\$28,850
2	\$20,600	\$32,950
3	\$23,200	\$37,100
4	\$25,750	\$41,200
5	\$27,800	\$44,500
6	\$29,850	\$47,800
7	\$31,950	\$51,100
8	\$34,000	\$54,400

Homeowners with questions or to be placed on waiting list may call 570-268-4193. If you are an interested contractor please call 570-268-4193 to obtain our contractor application.



Deputy Sheriff's Memorial

By: Ken Foss

Just around the corner is 2009 and March 31st will be remembered as the day that five years prior, in 2004, Deputy Sheriff Mike Vankuren and Deputy Sheriff Chris Burgert were tragically shot and killed in the line of duty while attempting to arrest an individual on a warrant.

In the spring of 2007 a group of Bradford County Deputy Sheriffs

formed a committee to design and raise funds to build and dedicate a monument to honor our fallen brothers. So far, some of the fundraisers have included a golf tournament held at Tomasso's and sponsored by "The Barge"; a Valentines dinner dance, sales of cactus plants, pumpkins, decals, discount coupon cards, and miniature memorial badges (the same as Deputy Sheriffs currently wear as tie tacs). Numerous other individuals and organizations have also either donated or held fundraisers to benefit this memorial project.

The Bradford County Maintenance Department has expressed a desire to be involved in this memorial project, and will be preparing the base and grounds on which the memorial will be placed. It has been the goal to have this project completed in the spring of 2009. Look to future issues of the Bradford County Newsletter for more updates and a picture of what the actual monument will look like. Donations can be sent to: **THE "DEPUTY MEMORIAL FUND" 301 MAIN STREET, TOWANDA, PA 18848**

ELECTION DAY

NOVEMBER 4, 2008

Remember to Vote!

Elections Bureau / Voter Registration

Bradford County Courthouse

Towanda, PA 18848

Phone: 570-265-1717

1-888-270-VOTE

The Bradford County Correctional Facility to hold Charity Basketball Game

By: Don Stewart, Warden

A charity basketball game between Bradford County employees and Susquehanna County employees will be held on November 29, 2008 at 6:00pm. The game will be at the Northeast Bradford School Gymnasium. All proceeds will benefit the Toys for Tots program. The entry fee is a new toy or a \$5.00 donation. All proceeds and toys will be split between the Wysox Kiwanis Club and the Susquehanna Interfaith. All the toys and money will be distributed locally to benefit the Toys for Tots program of which the two organizations participate.

Players will be participating from many departments, in both counties, including the Correctional Facility, Probation department, District Court, Sheriffs department, and the Bradford County Manor.

There will be concessions and raffles at the game.

Please come and support this effort and your county employees!

We Need Your Help!

We would like to remind all the recipients of this monthly E-mail newsletter to help us add to our growing list of subscribers. We encourage all of our readers to pass the newsletter on to friends and family. Keeping you informed is one of our responsibilities as public officials and we would like to share the issues we are facing with as many residents as possible. We currently have 853 subscriptions to the County Newsletter. We are asking for your help to break over 1000 by the end of the year. Thanks.

[Sign Up Here!](#)

County Government

Accounting	265-1723	Library	297-2436
Assessment	265-1714	Correctional Facility	297-5047
Auditor	265-1716	911 Center	265-9101
Bradford County Human Services	265-1760	Conservation District	265-5539
Bradford County Manor	297-4111	Coroner	297-0720
Collections	265-1746	District Justice (Troy)	297-3880
Commissioners	265-1727	District Justice (Towanda)	268-5057
Courts	265-1707	District Justice (Wysox)	265-9393
District Attorney	265-1712	District Justice (Athens)	888-6324
Domestic Relations	265-1718	Emergency Management Agency	265-5022
Elections	265-1717		
Hearing Master	265-1711		
Jury Commissioners	265-1732		
Maintenance	265-1719		
Information Technology	265-1720		
Personnel	265-1722		
Probation	265-1706		
Prothonotary	265-1705		
Public Defender	265-1713		
Register & Recorder	265-1702		
Sheriff	265-1701		
Treasurer	265-1700		
Veterans Affairs	265-1704		
Victim Witness	265-1759		
Penn State Agricultural Extension	265-2896		
Area Agency on Aging	265-6121		
Airport	265-4900		

Bradford County Court House
301 Main St.
Towanda, PA 18848

Phone: 570-265-1727

Fax: 570-265-1729

www.bradfordcountypa.org

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