



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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County Commissioners:

Christian Y. Leinbach, Chair
Kevin S. Barnhardt
Michael S. Rivera

Board Members:

David L. Phillips, Chair
James R. Coker, Vice Chair
Robert E. Kopfer

Robert B. Ludgate, Sr., PE, PLS
Kimberly J. McGrath
Jeremy R. Meck

Steven C. Mohn
Clyde A. B. Myers
Louise A. Swartley

Ex Officio:

Robert C. Ziegenfus, Ph.D.

Minutes from the January 29, 2020 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, January 29, 2020 at 7:30 PM at the Berks County Agricultural Center. David Phillips, Chair, called the meeting to order. Board members present included James Coker, Robert Kopfer, Kimberly McGrath, Jeremy Meck, Steven Mohn, Clyde Myers, David Phillips and Louise Swartley. Also in attendance were Mark Sprow, Esq. Special Counsel for the Board; Tami Hildebrand, Executive Director; and Kimberly Fies and Amanda Burkard-Sell, staff.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. NEW BUSINESS

A. Welcome New Board Members

- D. Phillips skipped ahead in the agenda to welcome new Board member Kimberly McGrath, who is an Amity Township Supervisor and owns two (2) preserved farms, one of which is preserved through the ACE Program. All of the Board members introduced themselves.

III. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the December 18, 2019 meeting, as drafted. (J. Coker, R. Kopfer)

Discussion: None

Vote: Motion approved unanimously.

IV. STATUS OF RECOMMENDATION UPDATES

- The Board reviewed the previously distributed Status of Recommendations; there have been no changes since the list was previously distributed. T. Hildebrand noted that Docket #0336 had been given a 30-day extension of the offer due to the landowner's health issues. Hildebrand added that any additional extension would require action from the Board. C. Myers questioned as to whether all of the farms from the 2019 Selection had been selected. T. Hildebrand replied that funding had been exhausted by going down the list up to and including farm #27.

V. OLD BUSINESS

A. Five-year Outreach Activities Plan – Status of Projects

- C. Myers reported on the status of the “A Farm Forever” Sign Project. Myers added that he has begun to make follow-up calls to local farmers markets to solicit funds for the Project.
- C. Myers questioned as to whether the Board would prefer to offer signs to the newly settled farms or to the earliest settled farms during their next inspection. J. Coker expressed concern that landowners who had paid for their signs might be upset if others received theirs for free. Staff pointed out that the option to receive a sign without cost had always been available to the landowners and that several townships and companies have also donated to the Project. The Board discussed the funding that had been received for the Sign Project and the cost of the signs.

Motion: A motion was made to offer signs to new landowners after settlement and to the owners of the earliest settled farms at the time of inspection. (J. Coker, R. Kopfer)

Discussion: None

Vote: Motion carried unanimously.

B. Update to the Berks County 2030 Comprehensive Plan -Rural Conservation Discussion

- T. Hildebrand reminded the Board that ongoing discussions had been occurring with the Berks County Planning Commission regarding applications in Rural Conservation areas of the County’s Comprehensive Plan since September of 2017. Hildebrand added that most recently in June of 2019, the Board had sent a letter to the Planning Commission after members from both staffs had met to discuss the review criteria that the Planning Commission had used to determine which areas to change from Rural Conservation to Future Growth designations on the 2030 Comprehensive Plan. Hildebrand continued that the Board’s letter had supported the methodology utilized, with the exception of two (2) parcels in Centre Township.
- T. Hildebrand reported that the updates to the 2030 County Comprehensive Plan had been approved and adopted at the January 23, 2020 Commissioners meeting. Hildebrand clarified that the two (2) parcels that the Board had disagreed with had remained in Rural Conservation; other parcels designations in other areas of the County had changed to Future Growth, but the Board had not disagreed with those changes. Hildebrand added that the staff could now proceed with the 2020 LESA Ranking.

VI. NEW BUSINESS

A. Conveyance Report

- T. Hildebrand explained the conveyance report, which is a list of ownership transfers of preserved farms. Dockets #424.0, #618.0, #70.0, and #375.0.FD have transferred in compliance; Dockets #586.0, #660.0, and #249.1 have transferred incorrectly, but are in the process of correction. Atty. Sprow reported that Docket #586.0 will be corrected shortly. Dockets #535.0.FD and #260.0 had transferred incorrectly, but have since been corrected.

B. Setting of the 2020 Ag Conservation Easement Purchase Cap

- T. Hildebrand reminded the Board of its annual responsibilities which included setting the per acre cap for easement purchases in 2020; the cap has been \$2,500 per acre for the past several years.
- J. Coker stated that he supports leaving the cap at \$2,500, since there are still applicants to the ACE Program. T. Hildebrand added that 117 applicants comprising 8,216 acres will be ranked for the 2020 LESA Ranking; 25 of these applicants are new. Hildebrand added that this is a slight increase from 2019, when 108 applicants comprising just over 7,700 acres were ranked.

Motion: A motion was made to set the cap at \$2,500 per acre for agricultural conservation easement purchases in 2020. (J. Coker, R. Kopfer)

Discussion: T. Hildebrand reviewed, and the Board discussed the information provided detailing appraisal values and the easement values paid across the State.

Vote: Motion carried unanimously.

C. Setting of the 2020 Ag Conservation Easement Purchase Interest Rate

- T. Hildebrand reminded the Board that historically the interest rate for installment payment easement purchases had been set at \$0.00, since funds for easement purchase provided by the County do not earn interest.

Motion: A motion was made to set the interest rate at \$0.00 for installment payment purchases in 2020. (J. Coker, R. Kopfer)

Discussion: The Board discussed the number of landowners that chose installment payments and the reasons behind that choice.

Vote: Motion carried unanimously.

VII. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand reported that at last week's Commissioners meeting, the County had certified a total of \$1,044,578 in funds to the State: \$1,000,000 from the general fund, plus \$44,057 in roll back penalties from Clean and Green; and \$521 from the percentage of sales of former Commissioner Scott's catsup.
- T. Hildebrand presented the following easement modifications that had been received:
 - Settlement #728 (Berger) – a request to remove two (2) sheds and construct a 2,500 square foot building, in the same area, to store larger ag equipment. This request meets the terms of the easement
 - Settlement #136 (Hoover) – a preliminary request to construct the allowed additional residential structure. The structure and its curtilage will encompass approximately 3,000 square feet, part of which is in the curtilage of the existing residence; the existing farm lane will be used for access. This request meets the terms of the easement, but will require submission and approval of official plans for final approval. K. Fies added that it will be stressed to the landowners that the driveway area cannot be expanded by adding a tree line, which will take additional agricultural land out of production.

- Settlement #1 (Kopfer) – a preliminary request for the permitted two (2) acre subdivision to construct the allowed additional residence for the landowner’s son. Since this is the first request since change to the guidelines with the adoption of Act 33, Hildebrand explained the process and the Board discussed the requirements. Staff clarified that these will be official subdivisions that will continue to be preserved and inspected. Hildebrand questioned as to how the Board would like to handle these types of requests. The Board discussed what would be required and at what stage the project should be reviewed by the Board.

Motion: A motion was made to have the staff review and grant a preliminary approval of the concept of the project for the permitted two (2) acre subdivisions, with final approval granted by the Board after receipt and review of an official sketch plan (C. Myers, L. Swartley)

Discussion: The Board clarified that if there are questions as to whether a project met the terms of the easement, it would be brought before the Board prior to any preliminary approval.

Vote: Motion carried. R. Kopfer abstained.

This request meets the terms of the easement; final approval will be contingent on the submission and approval of an official subdivision plan.

- Settlement #550 (Martin) – the permitted additional residence was discovered during the 2019 inspection after an initial inquiry had been made, but no formal request submitted. The residence and its curtilage, driveway, etc. encompass less than one acre and an existing mobile home had been removed. Despite the lack of approval, the construction does comply with the terms of the easement.
- Settlement #631 (Miller) – a request for preliminary approval of the permitted additional residence, which will occupy approximately 1.4 acres and has already been approved by the township. This request meets the terms of the easement; final approval will be contingent on submission and approval of an official sketch plan.
- Settlement #371 (Phillips) – a request to use an existing pole building for an excavation business, first to temporarily store equipment until it is moved to another location and then as a space to repair equipment. This request meets the terms of the guidelines as a Rural Enterprise.
- T. Hildebrand discussed the contents of the Board Packet, which included that the Statement of Financial Interest for Board members that were active in 2019 and is due to the Chief Clerk by May 1st; and, an updated Board member directory.
- T. Hildebrand informed the Board that the Berks Ag Resource Network will once again donate \$500 to the PA Farm Bureau’s Ag Literacy Week, so that BARN members and volunteers from the ag community can read to K-2 students in the Reading elementary schools. Hildebrand added that volunteer readers are needed.

- T. Hildebrand noted that this year's National Ag Day celebration will be held on Tuesday, March 24, 2020 with a twist on the National theme being "Food Brings Everyone to the Table – Berks County Style." Hildebrand added that the focus will be on highlighting the Ag Center offices and the guest speaker will be Bill Beam, a USDA Deputy Administrator of Farm Programs who owns on a preserved farm in Berks County and lives in Chester County.
- T. Hildebrand stressed the importance of responding to the upcoming 2020 Census, explaining that every person not counted is a loss of \$2,100.00 per year for Berks County for funding of federal programs, such as: Medicaid, Medicare, SNAP (Supplemental Nutritional Assistance Program), Highway Planning and Construction, Section 8 Housing, National School Lunch Program, Special Education Grants, State Children's Health Insurance (aka CHIP), and Head Start/Early Head Start Program, but also local programs, such as Cooperative Extensions. She encouraged Board members to speak with the organizations that they participate with about the importance of responding to the Census.
- T. Hildebrand alerted the Board to an ongoing issue with the need for updated aerial photography. Hildebrand explained that the GIS data from the County is four (4) years old and even Google Earth is at least two (2) years behind. Hildebrand continued that this made evaluating applications and potential issues difficult. The Board discussed the issue and possible solutions, including use of a drone through the Emergency Management Department and visiting the farm at the time of application.

EXECUTIVE SESSION - None

Motion: A motion was made to adjourn the meeting at 9:31 PM. (R. Kopfer, J. Coker)

Respectfully submitted,

Amanda K. Burkard-Sell
ACE Program Coordinator