



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
1238 County Welfare Road, Suite #260
Leesport, PA 19533
(610) 378-1844 Fax (610) 378-7983
www.countyofberks.com/dept/deptofag

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.

Solicitor:

Mark R. Sprow, Esq.

Minutes from the February 26, 2020 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, February 26, 2020 at 7:32 PM at the Berks County Agricultural Center. David Phillips, Chair, called the meeting to order. Board members present included Robert Kopfer, Robert Ludgate, Sr., 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. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the January 29, 2020 meeting, as drafted. (R. Kopfer, L. Swartley)

Discussion: None

Vote: Motion approved unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- The Board reviewed the previously distributed Status of Recommendations. T. Hildebrand noted that Dockets #1904, #1909, #1910 and #1914 had been approved at the State Board of Farmland Preservation meeting last week. The landowner of Docket #0336 has now accepted the offer and it is the process of survey and title work.

IV. OLD BUSINESS

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

- C. Myers noted that there is nothing new to report; work on the sign project and *Reading Eagle* Berks County articles highlighting preserved farms are continuing.

B. County of Berks Appeal to the PA Department of Agriculture Update

- Mark Sprow, Esq. summarized the history of the appeal that the County of Berks had filed to the PA Department of Agriculture regarding the State Board of Farmland Preservation's denial of the proposed changes to the ACE Program criteria. T. Hildebrand reported that she, Sprow, and D. Phillips will meet with officials from the County, the County's Planning Commission, and the State Bureau of Farmland Preservation in an attempt to finally resolve the issue.

V. NEW BUSINESS**A. Conveyance Report**

- T. Hildebrand explained the Conveyance report, which was reviewed by the Board. Settlements #357.0, #749.0, #355.0, and #197.0 have transferred correctly; Settlements #660.0 and #249.1 have transferred incorrectly, but are in the process of being corrected and do not require Board action at this time. Settlement #586.0 had originally transferred incorrectly, but has since been corrected.

B. 2019 ACE Annual Inspection Report

- K. Fies presented a summary of the inspections that she had conducted in 2019. Fies reported that of the 350 farms inspected, 277 are compliant with the terms of the Easement, 68 had received recommendations for issues to be corrected which may require additional follow up, and five (5) had been notified of concerns and will be re-inspected in 2020. Fies added that the concerns noted on the five (5) farms were due to erosion issues.
- Fies also summarized the conveyances that had occurred in 2019. Fies noted that 53 property deeds had been reviewed for 47 farms. All but five (5) of the 53 had either transferred correctly or been corrected and the remaining five (5) should be corrected in 2020.

C. 2020 State Allocation of Funds

- T. Hildebrand highlighted the State's allocation of funds, which detailed the amount of funding contributed and received by each county, along with a copy of the portion of the Ag Security Area Law that explains the funding formula used by the State to determine each county's allocation. Hildebrand noted that Berks County's \$1,044,578 had been matched by the State with \$2,703,607 for a total of \$3,748,185 for easement purchases in 2020. Hildebrand added that accounting for the cap of \$2,500, this could potentially preserve an additional 1,500 acres.
- Hildebrand further explained the spreadsheet for the benefit of the newer Board members. Hildebrand added that due to recent changes in the law the realty transfer tax amount no longer includes preserved farms that were sold to a beginning farmer.
- The Board discussed the amount of funds received in relation to previous years and other counties.

D. 2020 Conservation District Awards – Request for Nominations

- T. Hildebrand informed the Board that the Berks County Conservation District had submitted its annual request for nominations for awards, which include: Erosion Control Contractor, Developer or Project of the Year; Erosion Control Plan Preparer of the Year; Conservation Service Individual or Organization of the Year; and Farmer of the Year. Hildebrand clarified that nominations are due by March 31, 2020 and awards will be presented at BCCD's annual banquet on June 8, 2020 at the Leesport Farmers Market. K. Fies added that several scholarships are also awarded at the banquet for students pursuing careers in the agricultural and natural resources fields.
- C. Myers volunteered to supply the supporting write-up for any nominations of preserved farm owners that the Board wished to make.

VI. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand reminded the Board that the Statement of Financial Interest is due to the County's Chief Clerk by May 1, 2020 for those Board members serving in 2019.
- T. Hildebrand highlighted an article from *Lancaster Farming* regarding potential increases to stormwater fees. Hildebrand added that the fee increase will apply to any project that involves impervious surface coverage and will be a topic of discussion at the Farm Bureau's Legislative Breakfast on March 27, 2020.
- T. Hildebrand informed the Board that Penn State Extension was hosting a Farm Energy Day on April 8, 2020. K. Fies suggested that the PA Department of Agriculture's flyers explaining how various State and Federal programs affect the allowance of solar panels be provided.
- T. Hildebrand discussed the Manufacturers Resource Center's "What's So Cool About Manufacturing?" video contest for seventh and eighth grade students across southcentral PA. Hildebrand explained that students visit manufacturing sites, including food processing facilities, and create videos about the sites. Hildebrand added that the videos can be viewed at www.whatssocool.org and that voting is currently open and will close on Friday, with the award's banquet held on March 3, 2020. Hildebrand continued that last year's banquet had been attended by approximately 1,200 people.

VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – None

EXECUTIVE SESSION

- T. Hildebrand and K. Fies discussed a recent article in the *Reading Eagle's* Berks Country featuring a preserved farm that received a grant through the Pennsylvania Dairy Investment Program. The Board discussed how the projects funded by these grants may conflict with the terms of the agricultural conservation easement.
- R. Ludgate suggested that the State create an advisory committee to help County Boards resolve some of these issues for projects that are questionable under the terms of the easement. The advisory committee could entertain appeals of County Boards' decisions. The Board agreed that as more and more farms come into the Program and change hands and the nature of agriculture changes, there will always be stewardship issues and projects that push the terms of the guidelines.

Motion: A motion was made to adjourn the meeting at 9:00 PM. (R. Kopfer, J. Meck)

Respectfully submitted,

Amanda K. Burkard-Sell
ACE Program Coordinator