



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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www.countyofberks.com/dept/deptofag

County Commissioners:

Christian Y. Leinbach, Chair
Kevin S. Barnhardt
Mark C. Scott, Esq.

Board Members:

David L. Phillips, Chair
James R. Coker, Vice Chair
Wilson M. Balthaser

Robert E. Kopfer
Robert B. Ludgate, Sr., PE, PLS
Jeremy R. Meck

Steven C. Mohn
Clyde A. B. Myers

Ex Officio:

Robert C. Ziegenfus, Ph.D.

Minutes from the January 30, 2019 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, January 30, 2019 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, Jeremy Meck, Steven Mohn, Clyde Myers, and David Phillips. Also in attendance were Mark Sprow, Esq. Special Counsel for the Board; Tami Hildebrand, Executive Director; Kimberly Fies, ACE Program Technician.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. NEW BUSINESS

A. Welcome New Board Members

- D. Phillips skipped ahead in the agenda to welcome the new members of the Board: Jeremy Meck and Steven Mohn. All of the Board members introduced themselves.

III. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the November 28, 2018 meeting, as drafted. (J. Coker, R. Kopfer)

Discussion: K. Fies requested a change to the minutes to clarify an item from the Executive Directors report, removing the term “geothermal” from the acknowledged modification to the Rural Enterprise request, since that is no longer a component of the request.

Vote: Amended; Motion approved unanimously.

IV. STATUS OF RECOMMENDATION UPDATES

- The Board reviewed the previously distributed Status of Recommendations. Docket #1107 has been moved from preparation for recommendation to the State Board on February 21, 2019 to April 11, 2019, since the landowner was unavailable to sign the necessary Agreement of Sale for the February meeting.

V. OLD BUSINESS

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

- C. Myers reported on the status of the Farm Forever Sign Project. A draft of the previously discussed letter to the owners of preserved farms was presented. The Board discussed the statistics of the ACE Program and the need to clarify Berks County’s ranking in the State and Nation. Myers further explained the goals of the

letter, which would be: to promote the Program, to remind the landowners of some of their responsibilities as preserved farm owners, and to inform them of the Farm Forever Sign Project and gauge landowner interest in obtaining a sign. Myers requested feedback from the Board on the letter.

- J. Coker and D. Phillips informed the Board that they have heard that several landowners would not be interested in having a sign on their farm.
- C. Myers reported that he had received an updated bid from Heffner's for the signs; the price had increased slightly. Myers added that since the funding that had been received was close to the amount needed and there is a possibility to obtain some funding from the County, he would take the next step and sign the contract for 300 signs.
- C. Myers added that he would like to follow up with Townships to determine whether or not they are planning to provide funding. Board members reported the following:
 - D. Phillips: Center – No; Penn – No; he will follow up with the remaining three townships
 - J. Coker: Oley – Probably, but nothing definite; two townships have already sent funds; he will follow up
 - R. Kopfer: Richmond – No; Maxatawny – probably will not; he will follow up with the remaining townships
 - Myers will follow up with those townships that had been assigned to Board members who were no longer on the Board.
- C. Myers informed the Board that another preserved farm article, which was on the Ehst farm in Washington Township, had been in the *Reading Eagle* Berks Country today.
- K. Fies reported that she had discussed the Sign Project with landowners during her inspections. While some landowners had initially said no, once the purpose behind the project was explained – to promote the ACE Program and the benefits that it provides to the community, the landowners were more receptive. D. Phillips added that farmers may be hesitant to put up a sign because others might view the sign in terms of the money that the landowner had received to participate in the ACE Program. J. Coker suggested that the subject of how the money is reinvested in the farm and community would be a good topic for an article in Berks Country.
- C. Myers added that an application had been submitted to the Berks County Community Foundation for a grant of \$2,500.00.

B. Update to Proposed Review Criteria for ACE Program Applications in Rural Conservation Areas of the Comprehensive Plan

- T. Hildebrand reminded the Board that the State Board of Farmland Preservation had not approved the revised review criteria for applications to the ACE Program that are in Rural Conservation Areas of the Comprehensive Plan. Hildebrand added that the County Commissioners had requested that the subcommittee meetings between the Board and the Planning Commission be reconvened. A subcommittee meeting is scheduled for February 6, 2019.
- T. Hildebrand continued that the County Commissioners have appealed the State Board's decision to deny the review criteria. A copy of the appeal was provided to the subcommittee members. Hildebrand has not received any report from either the State or County as to the response to the Appeal. At the Board's request, Attorney Sprow clarified that the appeal was to the Secretary of Agriculture and argued that the State Board did not follow proper procedure in its decision to deny the proposed criteria.

- The Board discussed the criteria and the basis for the State Board's denial. D. Phillips requested clarification as the reason for the State's denial, since the proposal needs to be renegotiated by the subcommittee. T. Hildebrand will request further information from Bureau Director, Doug Wolfgang. C. Myers questioned as to why the areas in question cannot be made Future Growth in the Comprehensive Plan. The Board discussed the concern with the having the review criteria fluctuate from year to year and needing consistency.
- The Board discussed the funding support from the County and whether the criteria issue needs to be resolved to maintain the support of the County Commissioners.

C. Report and Ratify Vote Regarding 20189 ACE Program Funding

- D. Phillips questioned as to whether it was possible to ratify the previously approved motion conducted via email and telephone to certify the \$1 million from the County, plus interest from rollback taxes from the Clean and Green Program, and any donations received, since some of the Board members who approved it were no longer on the Board. Attorney Sprow suggested that a new motion be made.

Motion: A motion was made to request the \$1 million from the County, plus interest from the rollback taxes from the Clean and Green Program and donations and certify the funds to the State Bureau of Farmland Preservation. (C. Myers, R. Kopfer)

Discussion: None

Vote: Motion carried unanimously.

- T. Hildebrand reported that in addition to the \$1 million, \$42,575.00 in interest from the rollback taxes and the \$10,000.00 donation from the Whitten family, totaling \$1,527,757.00 had been certified to the State Board of Farmland Preservation after the County Commissioners meeting. Hildebrand added that at the meeting, Commissioner Scott had presented a donation for over \$500 from his catsup business, which will be certified to the State in 2020. The Board discussed that unfortunately Scott has ended his catsup business.

D. Report and Ratify Vote Regarding Conservation Plan for Donated Agricultural Conservation Easement

- The Board discussed the previously conducted vote to acknowledge the conservation plan for DO#4-2018, which had been conducted via email and telephone. K. Fies had reviewed the plan, the Board had acknowledged it via email and phone call and the farm had gone to settlement.

Motion: A motion was made to ratify the vote acknowledging the conservation plan for DO#4-2018. (J. Coker, R. Kopfer)

Discussion: None.

Vote: Motion carried unanimously.

VI. NEW BUSINESS

A. Nomination of 2019 Vice Chair

- The Board discussed nominations for Vice Chair and the position itself. J. Coker volunteered to serve as the Vice Chair

Motion: A motion was made to nominate James Coker as Vice Chair for 2019. (R. Kopfer, C. Myers)

Discussion: None.

Vote: Motion carried unanimously.

- James Coker is the Vice Chair for 2019
- The Board discussed the need for a replacement member for Victoria Kintzer. T. Hildebrand reported that Commissioner Scott has not yet appointed anyone and that the appointment would be for a general member. Hildebrand added that a Board member directory was distributed in the Board packet.
- T. Hildebrand reported that a revised Board meeting calendar for 2019 was also distributed in the Board packet. The date for the November meeting was changed, since it had been previously scheduled for the night before Thanksgiving.

B. Setting of the per acre cap for 2019 Ag Conservation Easement Purchases

- T. Hildebrand reminded the Board that their annual responsibilities included setting the per acre cap and interest rate for installment payments.
- T. Hildebrand discussed the background information provided in the Board packet which included easement appraisal values from 2018 for farms both greater than and less than 50 acres. Hildebrand also provided information from three Counties: Lebanon, Lehigh and Schuylkill, on their respective caps and easement values; the previous year's data for Chester, Lancaster and Montgomery was used, since they did not provide updated figures. Hildebrand also provided 60 month cd interest rates, as well as the State's average appraised easement value, which was \$2,597 for 185 farms totaling 14,696 acres.

Motion: A motion was made to continue setting the cap at \$2,500 per acre, based on the appraisal values from 2018 and the amount of funding. (J. Coker, R. Kopfer)

Discussion: The Board discussed the figures provided and the implication of raising the cap in terms of the number of acres that could be preserved and whether or not the cap affects the number of applicants.

Vote: Motion carried unanimously.

C. Setting the Interest Rate for Installment Purchases for 2019 Ag Conservation Easement Purchases

- J. Coker reminded the Board that the County's funding does not earn any interest, and subsequently, no interest had been offered for installment payment easement purchases for several years.

Motion: A motion was made to set the interest rate at \$0.00 for installment payment purchases in 2019 (J. Coker, R. Kopfer)

Discussion: The Board discussed the number of landowners that chose to installment payments and the reasons behind that choice. The Board also discussed whether paying interest would affect the number of applicants to the Program.

Vote: Motion carried unanimously.

D. Conveyance Report

- T. Hildebrand reviewed the Conveyance report. There is one outstanding deed issue that will be resolved when the property is transferred from the Bank to the new owners

VII. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand acknowledged receipt of a subdivision request that was received for Settlement #249.0 (Ney), which was received after the Board meeting deadline.
- T. Hildebrand acknowledged receipt of a request to construct the allowed additional residence on Settlement #613.0. Tentative approval will be granted by the Staff pending submission of the official sketch plan.
- T. Hildebrand discussed the contents of the Board Packet, most of which had been reviewed during the meeting. Totals from after the October and December State Board of Farmland Preservation meetings were included in the Packet.
- The Board made several corrections to the Board member directory that was provided in the Packet.
- T. Hildebrand added that the Statement of Financial Interest was included only for Board members that were active in 2018, is due to the Chief Clerk by May 1st.

EXECUTIVE SESSION

Motion: A motion was made to acknowledge the conservation plan submitted for Docket #1111 based on the recommendation from Staff. (C. Myers, J. Coker)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to require a designation of curtilage agreed to by the Staff and the landowner(s) as part of the settlement process for easement purchases moving forward. (C. Myers, J. Coker)

Discussion:

Vote: Motion carried unanimously.

Motion: A motion was made to adjourn the meeting at 9:22 pm. (R. Kopfer, J. Coker)

Respectfully submitted,

Signature on file.

Amanda K. Burkard-Sell
ACE Program Coordinator