



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.

Solicitor:

Mark R. Sprow, Esq.

Minutes from the April 29, 2020 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, April 29, 2020 at 7:35 PM via virtual platform “**GoToMeeting**.” David Phillips, Chair, called the meeting to order. Board members present included James Coker, 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, ACE Program participant, Terri Cremia.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the February 26, 2020 meeting, as drafted. (R. Ludgate, R. Kopfer)

Discussion: None

Vote: Motion approved; J. Coker abstained.

III. STATUS OF RECOMMENDATION UPDATES

- The Board reviewed the previously distributed Status of Recommendations. T. Hildebrand reported that there were no changes to this report since its distribution on April 17th;
- Hildebrand reported that HB1822 passed in the House but has not yet passed in the Senate. If passed, this Bill would place temporary restrictions on special funds and that no Department, Commission, Agency, Office or Authority of the Governor has the authority to enter into any contracts which would require expenditure of money from the following special funds, such as: Agricultural Conservation Easement Purchases Funds, Conservation District Funds, Environmental Stewardship Funds, etc. If this Bill passes, it could affect farms recommended for approval by the State Board at its June 11th meeting. As to not alarm or confuse landowners listed under Status of Recommendations sections D., E., and F., Hildebrand will not contact them unless the Bill passes.
- All agreements from the February meeting have been fully executed (signed by the PA Secretary of Agriculture and Comptroller) and are awaiting settlement.

IV. OLD BUSINESS

- A. County of Berks Appeal to the PA Department of Agriculture – ACE Program Guidelines and ACE Program Active Application Status Form

- On Friday, February 28, 2020, BCALPB County Planning Commission Executive Director, David Hunter and its Solicitor, Chad Schnee, met with Board Chair Phillips, Solicitor Sprow, and Executive Director Hildebrand, and PDA Bureau of Farmland Preservation Executive Director, Douglas Wolfgang, PDA Counsels Dwight Smith, and Susan Despot to discuss the status of County of Berks' pending Appeal to the State Board of Farmland Preservation. (Attached.)
 - It was agreed upon by all parties that, on a quarterly basis, the Board's Staff will provide the Planning Commission's GIS Analyst with a list of new, eligible applications to review for Comprehensive Plan compliance, pending projects and development plans that may render applications as ineligible.
 - It was also agreed upon by all parties that Hildebrand will provide Hunter and Schnee with verbiage regarding applicant's decision to be re-ranked annually, selected or not. This verbiage will be reviewed by the Commissioners and the Planning Commission Board. Prior to Hildebrand providing it to Hunter and Schnee on April 14th, Phillips and Sprow reviewed and approved it; the verbiage was distributed to the Board on April 17th.

Motion: A motion was made to approve the ACE Program Application Status Form as written with the exception of a correction provided by T. Hildebrand before it is forwarded for activity. (R. Ludgate, J. Coker)

Discussion: None

Vote: Motion approved unanimously.

V. NEW BUSINESS

A. Proposed change to ACE Program guidelines – LESA ranking Environmental Qualities factor

- Hildebrand will circulate verbiage by email for the Board's consideration prior to the next meeting.

B. PENNVEST Application – Fleetwood Water Main

- Hildebrand reported that Fleetwood is currently working to replace transit pipes that service the Borough of Fleetwood that have reached the end of their service life. Transit pipes are formed from concrete material reinforced with asbestos fibers. Due to the age of the pipes, the Borough has experienced increased water main breaks causing disruption of service and a potential health risk to its customers.
- For this project, Fleetwood is applying for a PENNVEST loan of \$2.4 million; however, a requirement of the funding is to determine if the project will have an impact upon farmland. The engineering firm's sketch and description indicates that the Project area is only directed to the streets within the Borough and therefore, no agricultural land will be taken out of production.
- The Board's responsibility is to recommend or not recommend this project for PENNVEST funding.

Motion: A motion was made to recommend the Borough of Fleetwood's Water Main Project for PENNVEST funding. (R. Ludgate, R. Kopfer)

Discussion: None

Vote: Motion approved unanimously.

VI. EXECUTIVE DIRECTOR'S REPORT

A. Donations: In Memory of Cassandra Evans

- Cassandra Evans passed away on March 26; however, before her passing she stipulated that in lieu of flowers that contributions in her memory were to be directed to the Agricultural Conservation Easement (ACE) Program;
- As noted in her obituary, Ms. Evans felt strongly in supporting organizations and events within her local community, such as Berks Nature. Her daughter relayed that “preserving farmland and green spaces in Berks County was very important to her mother, whose grandparents and extended family members owned farms, so she appreciated the need and importance that agricultural spaces provided for the community.”
- To date the Board has received \$650;
- Letters of appreciation have been mailed to all contributors.

B. 2020 State Reallocation of Funds

- As reported in the email, the State Bureau reported that \$5 million of the \$43 million 2020 funding allocation was redirected to COVID-19 recovery and the remaining \$38 million will be reallocated to Counties at the June 11th State Board meeting.
- Hildebrand has inquired with the County if it will rescind its Certification of \$1,044,578 to the State for easement purchases in January 2020.

C. 2020 LESA Ranking status

- The 2020 LESA Ranking is completed and being reviewed; the results will be presented at the June 24th meeting.

D. Modification of Easement – Settlement #586.0 Cremia: Additional residential structure

- This 16.0-acre farm in Upper Bern Township was preserved in March 2010 by Travis Werley. The Cremia’s purchased it in February of this year and were granted preliminary approval to proceed with this request at the Board’s November 20, 2019 Meeting.
- They submitted a final request with official drawings to ensure that the house and its curtilage do not encompass more than the permitted two (2) acres. They will be removing the existing house and the trailer on the north side of the property, between Old Route 22 and Shartlesville Road and constructing the permitted residential structure on the south side of Old Route 22 & Shartlesville Road. The construction of the new residence, garage, driveway, septic area, and yard encompasses 49,223 square feet or approximately 1.13 acres.
- Permits for the septic, driveway, and storm water have been approved by Upper Bern Township.
- This request is acceptable under the terms of the easement.

E. Modification of Easement – Settlement #359.0 Lehman: Additional residential structure

- This 130.8-acre farm in Marion Township was preserved in August 2005 by Lucille, Harold & Donald Miller.
- The Lehman are requesting to remove the existing house and barn and construct a new house and garage, with a 30’x50’ driveway leading off the existing driveway within the current curtilage.

- The existing septic will continue to be utilized.
- Marion Township approved this project in September 2019.
- This request is acceptable under the terms of the easement.

F. Statement of Financial Interest forms for 2019

- Hildebrand reminded those who were members of the Board in 2019 that the forms are due by May 1st and should be mailed to Maryjo Gibson, the County's Chief Clerk, at 633 Court Street, Reading, 19601,

VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – None

EXECUTIVE SESSION

- **Motion: A motion was made to adjourn the meeting at 8:23 PM. (R. Kopfer, J. Coker)**

Respectfully submitted,

Signature on file.

Tami S. Hildebrand
Executive Director