



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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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

Ex Officio:

Steven C. Mohn
Clyde A. B. Myers
Robert C. Ziegenfus, Ph.D.

Minutes from the August 28, 2019 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, August 28, 2019 at 7:31 PM at the Berks County Agricultural Center. David Phillips, Chair, called the meeting to order. Board members present included Wilson Balthaser, James Coker, Robert Kopfer, Jeremy Meck, Clyde Myers, and David Phillips. Also in attendance were Mark Sprow, Esq. Special Counsel for the Board; Tami Hildebrand, Executive Director; Kimberly Fies and Amanda Burkard-Sell, staff.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. APPROVAL OF MINUTES

- J. Coker noted that he had been present at the June 26, 2019 meeting; however, his name was omitted from the attendees.

Motion: A motion was made to approve the minutes of the June 26, 2019 meeting, as amended. (J. Coker, R. Kopfer)

Discussion: None.

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- The Board reviewed the previously distributed Status of Recommendations. There have been no changes since the Status of Recommendations was distributed. Several settlements had been held and the appraisals for Dockets #9812, #1909, and #0336 will be reviewed in executive session.

IV. OLD BUSINESS

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

- A. Burkard-Sell reported that follow-up letters were sent to the landowners that had not responded to the sign survey and were located in townships that had donated funds to the sign project. Burkard-Sell added that 62 landowners had requested signs and the staff was starting to distribute them. Burkard-Sell also reported that to-date donations received were: businesses - \$11,025.00; townships - \$4,700.00; landowners - \$2,500; and contributions from Vickie Kintzer's retirement fund drive - \$1,500; for a total of \$19,725.00 received. T. Hildebrand clarified that over \$15,000 had been allocated to purchase the initial 300 signs.
- C. Myers reported that he will continue to contact potential donors to the sign project, specifically agribusinesses in the poultry industry next. Myers also added that a letter

- should be sent to landowners in Longswamp Township, since that township will donate funds only if its landowners request signs. A. Burkard-Sell will send these letters.
- C. Myers informed the group that he and T. Hildebrand will distribute the plaques to the large donors that had not received theirs.
 - T. Hildebrand noted that the sign dedication ceremony conducted on July 31, 2019 and subsequent article in the *Reading Eagle* had been well received and attendees had been pleased with the sign.
- B. Update to Proposed Review Criteria for ACE Program Applications in Rural Conservation Areas of the Comprehensive Plan
- T. Hildebrand reported that she had received a response from the Berks County Planning Commission to the Board's memo responding to the updated review criteria and requesting that two parcels in Centre Township not be changed to a Future Growth designation. The response memo, which denied the Board's request, was distributed in the Board packet.
 - M. Sprow reported on the status of the County's appeal of the procedure used by the State Bureau of Farmland Preservation in denying the proposed change to the review criteria for the ACE Program. Sprow reported that the review hearing originally scheduled for September 26, 2019 had been continued indefinitely, as the parties hoped to resolve the dispute through a change to the state regulations. Sprow elaborated that the potential change would make the proximity to sewer and water an optional category in the Program ranking, rather than a required one; if agreed, the appeal will be dropped.
 - The Board discussed the two Centre Township properties that the Planning Commission will be changing to Future Growth in the update to the Comprehensive Plan. D. Phillips informed the Board that preservation through the Centre Township Program would not be an option, since neither of the properties is zoned for agriculture. J. Coker added that a deed restriction might be an option for the landowners if they are serious about protecting their farms. The Board discussed the unenforceability of deed restrictions.
- C. Conservation District Board of Directors – Farmer and Public Director Nominations
- T. Hildebrand reminded the Board that the Berks County Conservation District was seeking nominations for two of its Directors: Farmer Director, Larry Gelsinger and Public Director, Brian Boyer; both current Directors are interested in serving another term. Hildebrand added that the Board had not submitted names in June, but there was still time to do so. The Board discussed providing nominations after the September meeting. C. Myers suggested Robert Ludgate for the Public Director and the Board agreed that Larry Gelsinger would be an acceptable nomination for the Farmer Director.
- D. Ratify the Vote for Appraisals Reviewed by Mail
- The appraisals for Dockets #1601 #1901, #0820, #1509 and #1333 had been reviewed and a proxy vote had been conducted through the mail, with seven (7) out of eight (8) Board members responding. Six (6) Board members had voted to offer the cap to all landowners, while one (1) Board member approved offering the cap only to Dockets #1601, #1901 and #1333, as Dockets #0820 and #1509 have little road frontage and he is concerned this affects the farms' easement values.

- The Board reviewed the appraisals for Dockets #0820 and #1509 and discussed the concerns. T. Hildebrand provided a response from the appraiser. The Board agreed to reiterate to the appraiser the need to substantiate the values used to maintain the integrity of the ACE Program, but to trust his experience and judgement.

Motion: A motion was made to ratify the proxy vote that had been conducted via mail to offer the landowners of Dockets #1601, #1901, #0820, #1509 and #1333 the cap of \$2,500 per acre. (J. Coker, R. Kopfer)

Discussion: None

Vote: Motion carried unanimously.

E. Ney Subdivision Finalized

- T. Hildebrand presented a request for subdivision of Settlement #249.0 (Ney) in Jefferson Township into two parcels: one 66.86 acres and the other 88.69 acres. Hildebrand added that the right to the additional residence has already been exhausted on this property and that the request meets the criteria for subdivision. The Board discussed whether both parcels would have access off of Summer Mountain Road.

Motion: A motion was made to approve the requested subdivision for Settlement #249.0 with the recommendation that the landowner investigate granting an access agreement to allow the future owner of the 66.86-acre parcel to utilize the existing farm lane. (J. Coker, W. Balthaser)

Discussion: None

Vote: Motion carried unanimously.

V. **NEW BUSINESS**

A. Review of Conveyance Report

- The Board reviewed the Conveyance report. Settlements #229, #491, #502, and #748 had transferred correctly; Settlement #586 is still outstanding but will be corrected when ownership transfers from the Bank. Settlement #19 is in the process of being corrected by the attorney; Settlements #579 and #401 had originally transferred incorrectly but had been corrected.
- B. Bross Subdivision – Request to Transfer Right to the Additional Residential Structure
- T. Hildebrand reminded the Board that a subdivision of Settlement #279.0 (Bross) had been previously approved by the Board and State Bureau of Farmland Preservation in 2010, which would divide the farm into two parcels: one 96.4 acres and one 63.3 acres. Hildebrand added that the landowner now wishes to reassign the right to the additional residence from the 96.4-acre parcel, which does not already have a residence, to the 63.3-acre parcel, which does have a residence. Hildebrand clarified that according to the State, the landowner determines which parcel receives this right; the County may place conditions on

subdivisions, but that would require a change to the guidelines and would not be made retroactive. The Board discussed whether not having the right to a residence could harm the viability of the residence-less parcel.

Motion: A motion was made to approve the request to amend the approved subdivision request to change right to the additional residential structure from 96.4-acre parcel to the 63.3-acre parcel. (J. Coker, R. Kopfer)

Discussion: None

Vote: Motion carried unanimously.

C. Conservation District Awards – Request for Nominations

- T. Hildebrand informed the Board that the Berks County Conservation District was seeking nominations for their annual awards; award categories are: 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.
- Staff proposed suggestions for the award recipients: Clyde Loump for Farmer of the Year, since he recently completed a manure handling project that utilized various funding sources and is a preserved farm owner; and the Schuylkill Action Network (SAN) Ag Work Group or Virginia Vassalotti, coordinator of all of the Schuylkill Action Network workgroups, for Conservation Service Individual or Organization of the Year for their continued work with farmers and leveraging funds to improve the water quality of the Schuylkill River. The Board and staff discussed the suggestions.

Motion: A motion was made to nominate Clyde Loump for BCCD's Farmer of the Year Award and the SAN Ag Work Group for BCCD's Conservation Service Organization of the Year. (W. Balthaser, J. Coker)

Discussion: None

Vote: Motion carried unanimously.

VI. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand informed the Board that the staff had met with one of the surveyors, SSM Group, to discuss delineating the curtilage area for the 2019 selection and moving forward. Hildebrand added that at the time of the offer, the landowners will sign a draft map developed by the staff and that the surveyor will provide a final map.
- T. Hildebrand presented the following easement modification requests that had been received:
 - Settlement #163 (Lehman) - a request to replace an existing broiler house. This agricultural building meets the requirements of the deed of easement.
 - Settlement #574 (Christman) - a request to replace a prior hog building and wagon shed with a pole barn and equipment shed, respectively. These agricultural buildings meet the terms of the deed of easement.
 - Settlement #286 (Weaver) – a request to construct the additional residential structure. The 28' x 48' residence and its curtilage area will encompass less than

- one (1) acre, which is well within the allowed two (2) acre maximum. This request meets the terms of the deed of easement.
- Settlement #724 (Lucas) – a request to construct a 24' x 48' pole barn and pavilion to store agricultural equipment at the edge of the property's woods. Since the landowner does not actually farm the property, a letter will be sent requesting more information on the project.
 - T. Hildebrand discussed the contents of the Board packet, which included a copy of Act 33, which is a change in subdivision requirements across the state and will be discussed at the September 25, 2019 meeting; a handout from the State regarding various program participation and solar "farms;" totals following the August State Board of Farmland Preservation meeting; and information on the November 1, 2019 tire collection event at the Ag Center.

EXECUTIVE SESSION

Motion: A motion was made to offer the cap of \$2,500 per acre to Dockets #9812, #1909 and #0336. (J. Coker, R. Kopfer)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to adjourn the meeting at 9:28 pm. (R. Kopfer, W. Balthaser)

Respectfully submitted,

Signature on file.

Amanda K. Burkard-Sell
ACE Program Coordinator