

**CUMBERLAND COUNTY
AGRICULTURAL LAND PRESERVATION BOARD**

MEETING MINUTES

July 16, 2009

7:30 AM

Call to Order

The July 16, 2009, meeting of the Cumberland County Agricultural Land Preservation Board was held in the 3rd Floor Conference Room, Business Central, 18 North Hanover Street, Carlisle, PA. Attendees included Board members – Donald Mowery, Vince DiFilippo, Diane Stamy, Denny McCullough, Boyd Weary, Geoffrey Clymer, and Kinglsey Blasco; Staff members – Solicitor Robert Frey, Stephanie Williams, and Rebecca Wisser. Guests included Dan Mains, John Dyarman, Terry Miller, SAI Engineering, and John Spicijarich, PA Turnpike Commission.

The meeting was called to order by Donald Mowery, Chairman, at 7:35 AM.

Approval of Minutes

The approval of the May 13, 2009 meeting minutes were approved on a motion made by Diane Stamy, seconded by Vince DiFilippo. The vote was unanimous.

Public Comment

Dan Mains inquired about the progress on easement purchase of his farm at 500 Mount Rock Road. Solicitor Frey informed the Board that this farm had a title issue due to the faulty mortgage that was recorded on one of the parcels selected for easement purchase. After the May 13th board meeting, Mr. Mains signed the quiet title action and it was filed at the courthouse. Mr. Frey also notified Green Tree Mortgage Company, holder of the faulty mortgage. Green Tree Mortgage Company did not oppose the quiet title action after they had a few weeks to research the claim. The judgment to quiet the title was filed on July 13, 2009 in the County Court of Common Pleas. The title for the farm will be clear once a judge in the County Court of Common Pleas signs the Action to Quiet Title and the faulty mortgage will be satisfied in the Recorder of Deeds. Mr. Frey expects this to be completed in July and we can schedule settlement for Mr. Mains in the first week of August.

Turnpike Acquisition on Dyarman Farm

Ms. Wisser introduced representatives from the Turnpike Commission and provided an overview of proposed acquisition. Terry Miller, SAI Engineering and John Spicijarich, right-of-way administrator for Turnpike Commission attended today's meeting to discuss the acquisition of approximately 2 acres of land owned by John Dyarman for the Turnpike widening project. The Dyarman Farm was preserved in 2007 and is located along the Turnpike between Old Mill Road and Bear Road in West Pennsboro Township. The Turnpike condemned 0.39 acres of marginal

land on this farm in 2008 for additional right-of-way related to replacement of the bridge over the Turnpike on Old Mill Road. The Turnpike is currently seeking two additional right-of-ways of 1.75 acres for storm water ponds and 0.316 acres to level a steep slope. A survey plat of the areas to be taken is attached. Staff met with Mr. Dyarman on July 13 to look at these areas. Mr. Dyarman's main concern was that the 1.75 acre area would take away valuable cropland and make it harder to maneuver equipment around this area, thereby reducing the agricultural viability of his farm.

Terry Miller explained to the Board that the Turnpike is increasing pavement from 4 lanes to 6 lanes west of Carlisle. This will result in the need for storm water management ponds to mitigate flooding and control pollution before entering Mt. Rock Spring Creek, which runs through the Dyarman property. Mr. Miller and other agents of the engineering office have met with Mr. Dyarman to discuss changes to the plans to reduce the impact to the farming operation. The engineers are looking to reduce the angles of the right-of-way lines to allow for Mr. Dyarman to maneuver his equipment and maximize use of the field.

Ms. Wisner introduced Mr. John Dyarman to the Board. Mr. Dyarman stated that he entered into the easement program to protect his farmland and that approximately 1.5 acres of the 1.75 acres to be acquired for the storm water ponds is actively being farmed. Mr. Dyarman indicated he would have a difficult time buying additional farmland to compensate for the land that is being taken for the storm water ponds. The right-of-way for 0.316 acres will not impact his operation because it is not farmed.

Staff asked if Mr. Dyarman would be compensated to loss of crops. John Spicijarich explained that compensation for crop loss would be covered for any crop that is destroyed in the year of the taking. Compensation would not be considered for future loss of crops.

The Board inquired if alternative locations had been considered, such as the vacant lot on the south side of the Turnpike. There was general discussion about existing drainage and alternative locations. Mr. Miller explained that the area on the north side of the Turnpike was chosen to collect all water because currently no water flows to the south side of the Turnpike at this location. Other areas considered do not accommodate the collection of the water as it flows. The design of the drainage plan has to be approved by DEP.

The Board requested that the Turnpike Commission look at alternative locations for the storm water basins and/or alternative plans that would reduce the impact on the Dyarman Farm. Further, it was reiterated that condemnation of the land would be a requirement to obtain the right-of-way and follow the procedures in the Agricultural Security Area Law.

Mr. Spicijarich agreed to ask the Turnpike Commission and the engineers to look into other alternatives and report back to Mr. Dyarman and the Board with their findings at the next Board meeting.

Kingsley Blasco made a motion to send a letter to the Turnpike Commission requesting them to look at alternatives, seconded by Boyd Weary. The vote was unanimous.

Old Business

• **Program Changes**

Section 104 Farmland Ranking System

Ms. Wisner referred to the Ranking sheets provided in the meeting packet. At the last meeting, the Board directed staff to remove the F3 Tenure of Ownership section from the farmland ranking and redistribute 20 points to other areas. Copies of the proposed changes were presented with the points redistributed as shown below.

Section 104.B.2.b Farmland Potential Factors (*Maximum 100 Points*)

F1. Size of Farm (Max 35 Points)

151 acres or more	35 Points
126-150 acres	30 Points
101-125 acres	25 Points
76-100 acres	20 Points
50-75 acres	15 Points

F2. Percent of Tract Used for Cropland, Pasture or Grazing

35 Points X _____ = _____ (Max 35 Points)
(% of tract used for crops, pasture or grazing)

F3. Conservation Practices/Stewardship of Land (Max 20 points)

No score will be awarded under this factor unless sound soil and water conservation practices are in place with respect to at least 50% of the tract. The implementation of soil erosion control, sedimentation control, nutrient management and other practices demonstrating good stewardship of the tract shall be considered. This factor evaluates the implementation of the conservation plan on the tract.

90 -100% plan implementation	20 points
70-89 % plan implementation	15 points
50-69 % plan implementation	10 points
Less than 50% plan implementation	0 points

F4. Historic, Scenic and Environmental Qualities (*Maximum 10 Points*)

Tract is adjacent to land preserved via the National Park Service, State Game Commission, State Forest, State Park, State Fish & Boat Commission, a local government unit or other land conservation organization. 10 Points

Tract contains environmentally sensitive features including but not limited to streams, wetlands, floodplains, steep slopes, PDNI sites, etc. 10 Points

Farm is listed on the National Register of Historic Places 10 Points

Total Points Farmland Potential _____ (Max 100 Points)

Ms. Wisner detailed the proposed changes as follows:

- 5 points were added to F1 Size of Farm for a maximum of 35 points.
- 15 points were added to F2 Percentage of Tract Used for Cropland, Pasture or Grazing for a maximum of 35 points.
- F3 Tenure of Ownership was deleted
- Conservation Practices/Stewardship was renumbered to F3. In addition, language was added to further explain the question and points were broken down to into 4 categories versus 2 categories.
- Historic, Scenic, and Environmental Qualities was renumbered to F4

The Board questioned the Conservation Practices/Stewardship criteria. There was general discussion on how this is evaluated for applications. Ms Wisner stated that NRCS can assist with generally verifying the percentages of implementation of applicants. The Board decided to amend F3, to provide only 3 categories:

<i>75-100% plan implementation</i>	<i>20 points</i>
<i>50-74% plan implementation</i>	<i>10 points</i>
<i>Less than 50% Plan implementation</i>	<i>0 points</i>

Section 402 Conservation Plan - Remove RMS Language

Ms. Wisner outlined a minor change proposed to the language of Section 402 Conservation Plan. Becky recommended the Board remove “resource management system (RMS)”. This type of conservation plan is no longer required by the State.

Section 402. A.1 Before the county board recommends approval of the easement purchase to the state board, obtain a ~~resource management system (RMS)~~ conservation plan approved by the county conservation district or the county board for the land that would be subject to the agricultural conservation easement.

Kingsley Blasco made a motion to approve the changes to Section 104 as proposed and approve the changes to Section 402, as amended, seconded by Vince DiFilippo. The vote was unanimous.

New Business

- **2009 Budget**

Ms. Williams referred to a copy of the budget spreadsheet that was included in the meeting packet. She reported the budget shows \$1,495,766.00 available for agricultural easements acquisition for the 2009 round.

- **2009 Appraisals & Offers**

Ms. Wisner reviewed the farms selected for easement purchase and referred to the spreadsheet and appraisal summaries included in the meeting packet.

The #1 farm is owned by John and Elaine Nolt, on Ridge Road in Southampton Township. The property is zoned for agriculture and is a 138 acre dairy farm. The appraised value is \$4,300/acre, which exceeds the County \$4,000/acre cap.

The #2 farm is owned by James and Dolores Hertzler located in Monroe Township on South Locust Point Road adjacent to two preserved farms. The property is zoned for agriculture and is 95 acres with mostly crops and a few beef cattle. Michael Berkheimer is the current operator. The appraised value is \$6,135/acre, which exceeds the County \$4,000/acre cap.

The #3 farm is owned by James and Ingrid Deitch. The farm is located along the Yellow Breeches Road in Dickinson Township. The property is zoned for agriculture and is 179 acres. It is a dairy and crop farm. The appraised value is \$5,340/acre, which exceeds the \$4,000/acre County cap.

The Ranking Committee reviewed the appraised values for the three farms at their committee meeting on June 10, 2009. Funds are not available to purchase all of the acres of the three farms at the \$4,000/ acre cap. The Ranking Committee recommended offering \$3,970/ acre to the #1 and #2 farm and to offer \$3,970/acre to the #3 farm on 135 of 179 acres in application since funds are limited. A motion to offer \$3,970/acre for the to #1 and #2 for the entire application acreage and offer \$3,970 to the #3 farm for 135 of 179 acres was made by Denny McCullough, seconded by Kingsley Blasco. The vote was unanimous.

The meeting was adjourned at 8:40 AM. The next Board meeting will be held on August 12, 2009.

Respectfully submitted,

Tracey Yoder
Administrative Coordinator