

Norman K. Lathbury, Chair
Marion R. Deppen
Thomas E. Boldin
Cindy B. Harding
Carl V. Homan



Frederick G. Moore
Thomas Songer III
Joel Myers
Vacant
Sarah Walter, Coordinator

CENTRE COUNTY AGRICULTURAL LAND PRESERVATION BOARD

Willowbank Office Building • 420 Holmes Street • Bellefonte, PA 16823
(814)355-6791 • Fax: (814)355-8661 • www.centrecountypa.gov/agland

BOARD MEETING AGENDA

April 28, 2016

Call to Order:

Public Comments:

Approval of Minutes:

- Approval of Minutes from the February 25, 2016 meeting

Old Business:

- Leightley & Sevick Easement Progress
- Campbell Easement Survey RFP
- Federal ACEP Easements
 - Grove
 - Fravel
 - Harpster

New Business:

- Information regarding RE Farm Café (with guests Duke Gastiger & Erik Hagan)
- Act 43 Information/Discussion
- Act 38 (ACRE) Information/Discussion

Next Scheduled Meeting

- Thursday, May 26, 2016 at 7:30 p.m. in Room 146, Willowbank Office Building

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Campbell Ag Easement Survey Bids Opened April 25, 2016 at 1:05 p.m. in Room 353

Greg Shufran	\$2,670*
Arm Group, Inc.	\$5,025
Merlyn J. Jenkins & Associates	\$4,450
The EADS Group	\$6,400
Geotech Engineering, Inc.	\$3,200
Hawbaker Engineering	\$5,855

*Low Bid

ACT 43 SUMMARY (PART 1)

1. Purpose

To place permanent agricultural conservation easements on the best productive land.

2. Agricultural Security Area (ASA)

- A unit of 250 or more (noncontiguous) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one or more persons.
- A minimum of 500 acres is required to qualify for easement purchases.

3. Creating an Agricultural Security Area

Property owners submit a one page form (proposal) with the name(s) of the property owner(s), parcel number(s), acreage and address to the municipality by certified mail, return receipt requested. The municipality has 15 days to provide public notice of the proposal. The planning commission has 45 days to review the proposal. Failure of the planning commission to submit a report constitutes approval. A public hearing is held to discuss the original proposal, amendments and recommendations by the ASA Advisory Committee and planning commission.

4. Evaluation of the Proposal

Factors to be considered include:

- Soils conducive to agriculture; capability classes I-IV
- Compatible with comprehensive plans
- Economic considerations

5. The Decision

The governing body must decide to adopt or reject the proposal within 180 days. Failure to act means the proposal is adopted. The proposal may be rejected with a written decision of fact finding and review of evaluation criteria. If the proposal is adopted, the date of the adoption is the effective date of the ASA. The governing body must then file a description of the ASA with the recorder of deeds.

6. Seven Year Review

The governing body must review the ASA every seven years. The review must include recommendations from the planning commission and advisory committee prior to a public hearing. Land owners can be added or deleted during the review process. Any modifications must be recorded with the recorder of deeds. If the governing body fails to act, the ASA is deemed to be readopted without modification for another seven years.

ACT 38 (ACRE) SUMMARY (PART 1)

Purpose - Agriculture, Communities, and Rural Environment Act

“[a] local government unit shall not adopt nor enforce an unauthorized local ordinance that prohibits or limits a normal agricultural operation”

Case Law

Commonwealth v. Packer Township:

- The Attorney General brought an action against Packer Township, Carbon County, on Aug. 18, 2009. The Attorney General challenged the validity of a township ordinance that regulated “biosolid land application” and prohibited “biosolid land application by corporations,” arguing that it was violative of ACRE.

Commonwealth v. Peach Bottom Township:

- The Attorney General brought an action against Peach Bottom Township, York County, on Aug. 12, 2009. The Attorney General challenged the validity of a township ordinance that regulated “concentrated animal operations and concentrated animal feeding operations (CAOs/CAFOs), a proposed amendment to the existing CAO/CAFO ordinance, and an ordinance regulating below ground manure storage facilities,” arguing that it was violative of ACRE

Boswell v. Skippack Township:

- A private party action was asserted against Skippack Township, Montgomery County, on July 14, 2006. The owner challenged a township ordinance that was applied to prohibit the use of a propane cannon to repel deer. Commonwealth Court denies post-trial motions and upholds ruling that township ordinance preventing use of sound device, designed to protect tree farm from deer damage, did not violate ACRE

For more information, attend Benner Township Water Authority Meeting, Benner Township Municipal Meeting Room - May 17, 2016 at 6:30 PM

- Guest Speaker: Professor Ross Pifer, Director, PSU Center for Agricultural and Shale Law