

**Upper Milford Township
Board of Supervisors & Open Space Committee
Township Building, Old Zionsville, PA 18068
April 13, 2016 at 7:00 P.M.
SPECIAL MEETING MINUTES**

ATTENDANCE: Supervisors; George Devault, Daniel Mohr, Robert Sentner, Township Manager, Daniel DeLong; Planning Coordinator, Brian Miller; Treasurer, Jessi O'Donald; Open Space Committee; Chairman, Francis Caputo; Vice Chairman, Philip Vanim; Secretary, Scott Bieber; Phil Hartranft; Ann Meltzer; Jessamy Killingsworth; Joyce Moore; Houstin Lichtenwalner

Meeting called to order at 7:00 P.M.

ANNOUNCEMENTS:

This meeting is being recorded principally to aid in the preparation of Minutes and for such other purposes as the Board sees fit. For that reason, will each person wanting to give any comments during this meeting, please state your name for the record and address the Board of Supervisors.

The purpose of the meeting will be to discuss farming as a business, Zoning impacts on farming, development rights, and for other purposes that the Board deems necessary.

PUBLIC INPUT:

NEW BUSINESS:

Supervisor, George Devault Welcomed the newest member of the Open Space Committee, Houstin Lichtenwalner. Houstin is a member of the Ag-Security Board and a local farmer.

DISCUSSION ITEMS:

Supervisor, George DeVault stated that net farm income nationally 56% drop largest since depression.

- 1.) Perceived or Real Zoning impacts on local farmers.
- 2.) What can the Township do to help farming be more profitable?
- 3.) How does the Township get more people involved with the Upper Milford Farmers Market Association?
- 4.) Development Rights and Agricultural Easements.

The following is a list of comments and questions from the people present.

- How many farmers in the room? 10
- How many property owners in the room? 16
- Patty Kline, Hay Farm. She stated she saw a red flag when she received the invitation to the meeting and asked if there was a threat to farmland in the township. Her farm is preserved. She questioned the tax for local farmland preservation. Supervisor Sentner explained they are looking at not only farmland preservation but open space preservation. This would help property that doesn't fall into the county preservation program to be preserved as well. The township can also help boost the preservation pot of money for the county for local farms if necessary.
- How many people are potential sellers of development rights? 10 owners expressed interest. Others in the room have already sold development rights. The Township is also looking to help preserve large plots that are not farmed.
- Houstin Lichtenwalner asked if Twp. has a plan to tie open space together in green belt so they persuade landowners into a green belt. Supervisor Sentner explained that Planning Coordinator, Brian Miller is working on it. Brian explained there are more pockets not belts. There are pockets where there is farmland with high ranking soils that the county is interested in preserving. Jeff Zehr at county is concerned that their \$5,000.00 per acre cap just isn't enough to purchase development rights on all properties. The county is interested in preserving 25% of the land in the area. If all of the remaining farmland is preserved we are very closed to 25%. The program is to try to help the farms with super rich soils.
- Dave Lobach; owns several farms in the area. Walbert Farm, Kleinsmith Farm, and Kelly Farm in the area of Kings Highway South and Rock Road. They have an active CSA and works with a graduate of the seed farm program. He mentioned that farming is changing. He is with RenewLV. The goal is to preserve 25% of farmland. There are 1500 acres a year developed. The state and county don't have enough money to keep up with the preservation rights. He said the biggest help would be to help active farmers on tax relief. He said township are starting to work together to preserve farmland.
- Supervisor DeVault mentioned the Preservation Toolbox prepared by RenewLV, printed copies of the same are on the table.
- Supervisor Sentner asked if anyone in the room was selling to local grocery stores or restaurants?
- Supervisor DeVault responded that he had tried to sell to Whole Foods until he found he had to speak to their corporate office in Fredrick Maryland. He then learned that his produce would have to be boxed and shipped to Maryland and go through Whole Foods warehousing and sorting process, to then be trucked to whichever store the company

choose. His produce would possibly not be back to the local market at all.

- Houstin Lichtenwalner spoke about the adherence to the Federal food safety regulation if you sell over \$25,000.00 that go into effect this year. Farmers need to go through water testing, testing of produce wash water and discharge water. Insurance carriers are also requiring Gap Plans and Gap Certifications. (written plans for every step of Farming)
- Supervisor DeVault spoke about the Hazard Logs and analysis along with CSA's. He also said they did a subscription service where people received a bag of produce for a certain number of weeks for a set dollar amount. He then asked about the Upper Milford Township Farmer's Market. Supervisor Sentner clarified that the Farmers Market is not a Township venture. The Farmer's Market has their own association.
- Ken Mattos, Owner of Hillside Orchard stated that at a farmers market you want to back up to an area and sell out of your wagon. He said as long as it's not washed its local and not subject to water testing. He believes the Insurance is the reason people are backing out.
- Dave Lobach says his liability for the CSA is around \$7,000 a year. He wanted to add cattle but with regulations he had trouble finding a butcher.
- Philip Vanim expressed that it sounds like farmers have regulatory problems not developer problems.
- Elizabeth O'Rourke, recent purchaser of the Nicolas Farm on St. Peters Rd. indicated that they are developing a working retirement plan. Trying to make an event center/winery/farm. She expressed her concerns with PennDOT and entrance requirements. Impervious coverage/area concerns. She spoke about agro-tourism being a way to sustain small farms and make a living.
- Jason Tapler. Expressed a concern to put a barn up in front of the house. He has concerns about storm water run-off and judged the same as a 2 acre lot.
- Dan O'Rourke indicated that he grew up on Dairy farm in Fredrick Maryland and regulatory items are a hurdle. He asked for the township to ease up on zoning and when that can't be done maybe to provide consulting services. Similarities from farm to farm with certain problems. Supervisor Sentner commented that the Township might give space for farmers to meet to share knowledge.
- Brain Miller questioned Houstin if National Conservation Resource Services (NCRS) will come out to assess and help with some loan money to help with storm water concerns. Highway has a tendency to deposit water into a farm field without retention to slow it down. They are located off 512 on Taddler Ave. 610-625-8392 ask for Lisa or Bill McFadden.
- Robert Sentner introduced Dustin Raines as Justin Simmons liaison. He offered assistance with issues with PennDOT or other state agencies.

610-965-5830 at 2nd and Main Streets in Emmaus.

- Fran Caputo vouched for Dustin's help that they are easy to deal with. Rep Simmons helped get trees trimmed at Tank Farm and Buckeye Rd.
- Scott Bieber questioned if Storm Water regulations were state or local regulations. Dan DeLong expressed he doesn't like unfunded mandates. The Fed's audited Township records for the Storm water Management Program. The Township needs to do the inspections and file annual reports. Owners must enter into agreements with the Township for the management of Storm water runoff control facilities. All are privately owned but must be periodically inspected by the Township. The Township has the right to require maintenance of the facility and lien the property for maintenance costs if necessary. Owners design engineer is responsible for the choice and design for storm water runoff control. There currently is proposed legislation to relieve High Tunnel growing houses from storm water management requirements. Mr. Hausman. Is the private owner of a retention pond. Act 167 is the storm water law in Pennsylvania.
- Diane Mathew-Gehringer with Jeff Zehr and Lehigh County farmland preservation assist in the preservation program. Townships have added money which increased the money received from the state. This year was a pilot program, next year it will be opened to everyone to add to the pot of money for preservation. Have a plan to see what land the Municipalities want protected. 1 acre zoning is everywhere; zoning changes can help farms not be locked in by development. Lynn and Heidelberg have green agricultural zones. Farm preservation still has to stay in ranking system. If municipalities contribute other farms can be protected and the municipality can jump around on the list.
- Manager DeLong indicated Upper Milford Township contributed \$50,000 and the state matched with \$120,000 which will go to preservation efforts. Storm water rules are tight for any development even agricultural buildings. County has no woodland preservation program. Residents need zoning. Residents also have to understand the difference between Building Code and Zoning. Zoning is land use whereby building is regulated under the State Building Code
- Emily Fair talked about smaller plots and expressed a concern about micro farms and how zoning can affect the small plot growers. Supervisor Sentner talked about helping with that with overlay zoning.
- Jason Tapler expressed that if it's an agricultural building you only have to get through Zoning but not building permits. Dan DeLong expressed that is true but nothing is exempt from storm water. Jason is concerned about square footage that is under storm water management rules.
- Dan DeLong asked Dave Lobach if there is a program to help young people get financed. Dave spoke about a program in Chester County that is possibly coming to this area. Also that RenewLV is also looking at the financing of farm concerns.

- Emily Fair mentioned Mid Atlantic Farm Credit is helpful. FSA also has loans for Farming.
- When Farms are preserved they are seeing the sale value go up as the farms are preserved.
- Supervisor Senter explained the conversation on the Open Space Referendum. It was explained that the Board hasn't decided if the levy would be on real estate or EIT.
- Houstin Lichtenwalner talked about both the township and the county holding the development rights so one entity can't back out of the contract for preservation.
- Supervisor DeVault talked about taxes. He asked everyone to keep in mind the average per lot tax is \$38.00 a year. The school is \$3,800 per lot per year. Then the county tax.
- Supervisor DeVault thanked everyone for their attendance and asked them to attend future meeting.

ADJOURNMENT: 8:37 P.M.

George D. DeVault, Chairman

Date

Timothy A. Haas, Asst. Twp. Manager/Secretary