

**MEETING MINUTES**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency, 625 Evans City Road, Butler 16001

THURSDAY, JANUARY 23, 2020 – 7:00PM

Members In Attendance	Members Absent	Visitors in Attendance
Ken Moniot	Alvin Vogel	Commissioner Kimberly D. Geyer
Bill Duncan	Rob Burr	
Rick Stuchal	John Allen	
Eugene Bergbigler		
Luke Fritz		
Larry Baumgartel		
		Staff in Attendance
		Sheryl Kelly

The meeting was called to order at 7:00pm by Chairman Ken Moniot on Thursday, January 23, 2020. A quorum was present.

**1. Appointment of Officers**

- There was a motion made by Rick Stuchal to keep the Butler County Agricultural Land Preservation Board officers as-is from 2019. There was a second by Luke Fritz, all were in favor and the motion was approved. For 2020, Ken Moniot will continue as Chairman, Bill Duncan will continue as Vice-Chairman, Larry Baumgartel will continue as Treasurer and Rob Burr will continue as Secretary. Since the Chairman of the Board of Butler County Commissioners is required to appoint the chairman of the Ag Preservation Board per the Butler County Ag Land Preservation Guidelines, this will be ratified at the next Commissioner's meeting. Chairman Moniot brought up the possibility that reappointments to the ag preservation board need to be made and Commissioner Geyer and Sheryl will check on this. Those who may need to be reappointed all expressed an interest in continuing to serve.

**2. Public Comment**

- There was no public comment.

**3. Commissioner's Report**

- Commissioner Geyer reported that there will be a Butler County Farm Town Hall at 6:00pm on Thursday, February 20, 2020 at Founder's Hall at the Butler County Community College campus. The focus of this meeting will be whether the Butler County Farm Tour, held annually each fall, should be

continued. Operated by the Butler County Tourism office, they have increasingly had problems finding farms willing to participate in the tour and volunteers willing to help. More details will be released in the coming days.

#### **4. Approval of Meeting Minutes**

- Chairman Moniot asked for a motion to approve the November meeting minutes. There was a motion by Treasurer Baumgartel with a second by Rick Stuchal. All were in favor and the motion was approved.

#### **5. Old Business**

- Sheryl gave a brief summary which was included in the report sent out, that the Cooper farm was approved by the state in December, and Kennedy is scheduled for February consideration by the state.

- The Thurber farm (2019 #1) is currently scheduled for April state board approval but may need to be moved back depending on whether federal funding is used. Chairman Moniot asked a motion to pay for the survey for the Thurber farm - \$7,665.70. There was a motion made by Vice-Chairman Bill Duncan with a second by Luke Fritz. All were in favor and the motion was approved.

- The McGowan farm (2019 #2) is scheduled, per the owner's request, to be approved at the October state board meeting.

- Both Greenspace farm donations were closed on December 20 and are scheduled for state approval for incidental costs at their February 20 meeting. The following invoices were approved with all board member present in favor:

1. \$1,686.25 to Dillon, McCandless, King, Coulter & Graham for title work for Greenspace #1 – motion made by Treasurer Larry Baumgartel with a second by Vice-Chairman Bill Duncan
2. \$1,581.85 to Dillon, McCandless, King, Coulter & Graham for title work for Greenspace #2 – motion by Vice-Chairman Bill Duncan with a second by Rick Stuchal
3. \$5,206.36 to Land Surveyors for surveying Greenspace #1 – motion made by Vice-Chairman Bill Duncan with a second by Treasurer Larry Baumgartel
4. \$5,424.37 to Land Surveyors for surveying Greenspace #2 – motion made by Vice-Chairman Bill Duncan with a second by Treasurer Larry Baumgartel

- Luke Fritz discussed the cost of surveys and that it might be helpful to know what surrounding counties are paying for comparison. Sheryl will contact the surrounding counties and report to the board at the February meeting.

- Regarding the open 2020 application round and the return of currently-dated signature pages that were sent out to previous farm owners for signature at the end of December, Sheryl will contact those who haven't returned them to be sure they are in by the 31<sup>st</sup>.

- Vice-Chairman Duncan gave an update on the Clinton Township farm meeting held on Wednesday, January 15 to provide an overview of the Clinton Township Ag Preservation program. There were 17 farms in attendance with at least three very interested in applying. Clinton Township will be letting the county know if they will commit funding this year towards the county certification, which is used to calculate the state's match funds for the program.

- Sheryl has been contacted by a previously-eased farm from 2007 about the possibility of recording a new easement over the old one, regarding the 25-year easement buy-back clause that used to be on at least some farms. Doug Wolfgang at the state Ag Preservation Office is checking with their counsel on this, and checking the easement that was recorded. There was discussion that this may have only occurred on some farms. That clause was removed by law from all easements recorded after that time in 2011 or 2012. Sheryl will keep the board updated.

#### **5. New Business**

- Appraiser Clint Champagne was invited by and attended the meeting to explain the ag preservation appraisal process and what is taken into consideration when appraising. He also explained calculation mistakes that were made on the most recent appraisals and how they occurred.

- Sheryl notified the board that she has been contacted by the Glade Run Lake preservation group in Middlesex Township and will be meeting with them as well as two farm owners adjoining the lake property some time during the week of February 3<sup>rd</sup>. A focus of the group is to preserve as much land surrounding the lake as possible, and they have two farms that are interested in easement donation. Sheryl will report the outcome of this at the next meeting.

#### **6. Adjourn**

Chairman Moniot called for a motion to adjourn. There was a motion made by Chairman Bill Duncan with a second by Treasurer Larry Baumgartel. All were in favor and the motion was approved. The meeting was adjourned at 8:15pm.

#### **Next Meeting:**

**Thursday, February 27, 7:00pm at the  
Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr

**AGENDA**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency Building  
625 Evans City Road, Butler 16001  
THURSDAY, JANUARY 23 – 7:00PM

**APPOINTMENT OF 2020 OFFICERS**

**PUBLIC COMMENT**

**REPORT FROM COMMISSIONER GEYER**

**APPROVAL OF NOVEMBER MEETING MINUTES**

**OLD BUSINESS**

1. Kennedy and Cooper Farms (2018)
2. Thurber and McGowan Farms (2019)
  - a. Approval to pay for Thurber survey - \$7,665.70
3. Greenspace Land, Inc. Farms
  - a. Approval to pay:
    - i. Dillon, McCandless, King, Coulter, Graham title work for Greenspace #1 - \$1,686.25
    - ii. Dillon, McCandless, King, Coulter, Graham title work for Greenspace #2 - \$1,581.85
    - iii. Land Surveyors survey cost for Greenspace #1 - \$5,206.36
    - iv. Land Surveyors survey cost for Greenspace #2 - \$5,424.37
4. 2020 application round and commitment of funds, including Clinton Twp. update

**NEW BUSINESS**

1. Presentation by Clint Champagne on farm appraisal process

**ADJOURN**

# Farm Vitality Planning Grant

## A Pennsylvania Farm Bill Program

The Farm Vitality Planning Grant Program will help fund professional services for those planning for the future of a farm. The program will enhance the long-term vitality of Pennsylvania's farms through sound business planning, efficient transitions of farm ownership, strategic farm expansion, diversification of agricultural production, and building a team of financial and technical expertise as a resource for Pennsylvania's farmers.

## Uses

Grants may be used for expenses related to the following projects:

- Creating or obtaining business plans or management strategies to enhance the long-term economic viability of a farm.
- Creating or obtaining plans for the transition of ownership and operation of a farm to new owners and operators.
- Creating or obtaining plans for transfer of ownership and operation of a farm within the farmer's family.
- Creating or obtaining business plans to diversify an existing agricultural operation to new or different forms of agricultural production.
- Creating or obtaining business plans for a farm expansion or to seek financing for farm growth.
- Creating or obtaining plans to maintain the long-term economic viability and protect the investment of public funds in preserving farms that are subject to perpetual agricultural conservation easements acquired under the Agricultural Area Security Law, for agricultural production

## Eligibility

- Farmers,
- Prospective farmers,
- and others in support of the grant's objectives.

## Funding

This is a reimbursement grant. The maximum grant amount is \$7,500 and is limited to 75% of project costs.

The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during the fiscal year in which the grant is offered.

Grants will be awarded on a funds-available basis.

The Department of Agriculture will provide up to \$1,000,000 for program grants in the 2019 – 2020 Fiscal Year.

Expenses incurred for the completion of the project since July 1, 2019 and up to two years after the effective date of the grant agreement are eligible for reimbursement.

Expenses incurred since July 1, 2019 but prior to signing a grant agreement must be described in the work plan when applying in order to request reimbursement for those expenses.

In-kind support will not be counted toward an applicant's matching contribution.

Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another federal or state grant program.

Applications are for one, single project. Separate projects require separate applications.

Applications are online only, through Pennsylvania's Single Application for Assistance online application system, at: [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us)

### **Application Period**

Applications must be submitted through the Single Application for Assistance online system now through April 3, 2020 at 4:59 p.m.

Applications received outside of that window, or after funding is exhausted, will not be considered.

The Department will review completed grant applications in the order received and will award grants on a first-come, first-served basis for complete applications for eligible projects until funds are no longer available.

## **Application**

Open now through April 3, 2020 at 4:59 p.m.

[Apply Here](#)

## **Contact**

Morgan Sheffield

717-787-3568

[msheffield@pa.gov](mailto:msheffield@pa.gov)

**MEETING MINUTES**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency, 625 Evans City Road, Butler 16001

THURSDAY, FEBRUARY 27, 2020 – 7:00PM

Members In Attendance	Members Absent	Visitors in Attendance
Ken Moniot	Alvin Vogel	
Bill Duncan		
Rick Stuchal		
Eugene Bergbigler		
Luke Fritz		
Larry Baumgartel		
Rob Burr		
John Allen		
		Staff in Attendance
Commissioner Kimberly D. Geyer, Ex-Officio		Sheryl Kelly

The meeting was called to order at 7:00pm by Chairman Ken Moniot on Thursday, February 27, 2020. A quorum was present.

**1. Public Comment**

- There was no public comment.

**2. Commissioner's Report**

- Commissioner Geyer reported that the Commissioners held a Farm Town Hall at Butler County Community College focused on the future of the county's Farm Tour and farm education in general. There was a lot of good discussion and a committee was established that will meet in March to discuss what can be done to continue the Farm Tour. Commissioners Geyer and Boozel attended a mental health roundtable with discussion regarding the farm community and the stresses and challenges that farmers are facing, plus ways to cope.

**3. Approval of Meeting Minutes**

- Chairman Moniot asked for a motion to approve the amended January meeting minutes. There was a motion by Rick Stuchal with a second by Treasurer Larry Baumgartel. All were in favor and the motion was approved.

**4. Old Business**

- **2020 Farm Ranking:** Sheryl reported that 2019 farm applicants were ranked using their previous scores but were checked again. Some were changed based on receipt of century and bicentennial farm status from the state. And two were changed based on proximity to farms that have been preserved in the past year. Some farms have no Conservation Plans on file and will be notified that this is a requirement for Butler County. There is also some question on some of the farms regarding parcels being included in a township's agricultural security area. This will also be clarified. Since these issues don't affect the top two farms, the board decided to proceed. Chairman Moniot asked for a motion to approve the ranking. There was a motion by Vice-Chairman Bill Duncan with a second by Treasurer Baumgartel. All were in favor and the motion was approved. Vice-Chairman Duncan made a motion to proceed with the top three farms and verify before proceeding with the #3 ranked farm whether their 7-acre parcel is included in the township's ag security area, with a second by Luke Fritz. All were in favor and the motion was approved.

- **Cooper and Kennedy** – per Sheryl's report sent out previously, both farms have been approved by the state and we are just waiting for paperwork and checks in order to hold the closing. Cooper should be at the end of March and Kennedy in May.

- **Thurber and McGowan** – McGowan is still in the works as far as paperwork being sent and title work. With the Thurber Farm, we are trying to get information on the right of way to the farm. Sheryl contacted the state to see if a recent subdivision showing the right of way will suffice or if the owner will need to get a signed and recorded right of way agreement. She is waiting to hear back from them.

- **Reappointment of Board Members** – the Board of Butler County Commissioners reappointed / ratified Chairman Moniot to the Butler County Agricultural Land Preservation Board and reappointed John Allen whose term expired in December plus Chairman Moniot and Treasurer Larry Baumgartel whose terms will expire in April.

- **Survey Costs** – Sheryl previously sent information requested by the board on survey costs from surrounding counties. Three counties replied. The group discussed the possibility of using previously-completed surveys as long as state requirements are met. There may be instances where a small amount of office work needs to be completed in order to meet those requirements. This will be discussed on a case by case basis as new farm easements are being completed.

- **Appraisal Costs** – John Allen brought discussed the completion of appraisals and the availability of appraiser Jim Kelly to complete them also. The board had previously approved using him as a backup when needed.



- **Powell Farm Update** – the state consulted their legal office and notified Sheryl that the Ag Board can either record a corrective statement with the recorded easement or record a new easement. Sheryl will get more detailed information on what will be involved, costs and whether Mr. Powell is willing to pay the cost. There was a motion made by Vice-Chairman Duncan to proceed with a second by Rick Stuchal. All were in favor and the motion was approved.

## **5. New Business**

- **Support Letter for Evans City Water Project** – a consultant contacted Sheryl asking if the board would be willing to provide a support letter for this water line replacement project, as it's required for their Pennvest application. The project area is far from any preserved farms. There was a motion made by Vice-Chairman Duncan to write the support letter with a second by Eugene Bergbigler. All were in favor and the motion was approved.

- **Western Pa. Conservancy** - Vice-Chairman Bill Duncan discussed the meeting held previously with the Western Pa. Conservancy and that we should meet with them again to see if they might be able to raise perhaps \$100,000 towards the Butler County Ag Preservation Program in order to preserve more farms on the county list. There was also discussion regarding sending letters to local businesses to request donations. Commissioner Geyer mentioned that an upcoming Community Development Corporation breakfast might be a good place to contact some local businesses and that maybe there could be short discussion or presentation at that meeting. She will contact their director to ask about it. There was a motion made by Vice-Chairman Duncan with a second by John Allen. All were in favor and the motion was approved.

## **6. Adjourn**

Chairman Moniot called for a motion to adjourn. There was a motion made by Treasurer Larry Baumgartel with a second by Rick Stuchal. All were in favor and the motion was approved. The meeting was adjourned at 7:50pm.

### **Next Meeting:**

**Thursday, March 26, 7:00pm at the  
Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr

**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency, 625 Evans City Road, Butler 16001

February 27, 2020 - 7:00 PM

1. **Public Comment**
2. **Commissioner's Report**
3. **Approval of Meeting Minutes**
4. **Old Business**
  - A. 2020 Application Round
  - B. Cooper and Kennedy Farms update
  - C. Thurber and McGowan Farms update
  - D. Reappointment of Board Members
  - E. Survey Costs
  - F. Powell Farm update
5. **New Business**
  - A. Support Letter for Evans City Water Project
6. **Adjourn**

**Next Meeting:**

**Thursday, March 26, 2020 at 7pm at the Farm Service Agency, 625 Evans City Road, Butler 16001**

PA Department of Agriculture  
Bureau of Farmland Preservation  
2020 Allocation of Funds

County	County Approp	Total Grant	Total Match	Redistributed	Total State Funds	Pct of Total	Total State & County
Adams	\$445,679	\$270,162	\$688,990	\$45,718	\$1,004,869	2.34%	\$1,450,548
Allegheny	\$0	\$1,423,324	\$0	\$50,594	\$1,473,918	3.43%	\$1,473,918
Armstrong	\$13,563	\$65,389	\$20,967	\$9,060	\$95,416	0.22%	\$108,979
Beaver	\$179,500	\$311,804	\$277,495	\$11,883	\$601,182	1.40%	\$780,682
Bedford	\$5,948	\$65,869	\$9,195	\$16,027	\$91,092	0.21%	\$97,040
Berks	\$1,044,578	\$1,061,408	\$1,551,725	\$90,474	\$2,703,607	6.29%	\$3,748,185
Blair	\$120,000	\$165,423	\$185,512	\$17,967	\$368,902	0.86%	\$488,902
Bradford	\$7,073	\$88,158	\$10,934	\$18,028	\$117,119	0.27%	\$124,192
Bucks	\$1,571,796	\$1,423,324	\$1,677,246	\$81,723	\$3,182,292	7.40%	\$4,754,088
Butler	\$208,390	\$681,602	\$322,157	\$21,613	\$1,025,372	2.38%	\$1,233,762
Cambria	\$7,000	\$121,638	\$10,822	\$8,136	\$140,596	0.33%	\$147,596
Carbon	\$25,874	\$128,375	\$39,999	\$3,117	\$171,491	0.40%	\$197,365
Centre	\$144,798	\$440,296	\$223,848	\$20,195	\$684,339	1.59%	\$829,137
Chester	\$3,734,602	\$1,423,324	\$2,192,170	\$202,586	\$3,818,079	8.88%	\$7,552,681
Clearfield	\$3,222	\$88,877	\$4,981	\$3,165	\$97,022	0.23%	\$100,244
Clinton	\$33,776	\$49,530	\$52,215	\$6,654	\$108,400	0.25%	\$142,176
Columbia	\$14,747	\$130,034	\$22,798	\$9,317	\$162,149	0.38%	\$176,896
Crawford	\$5,000	\$96,432	\$7,729	\$18,786	\$122,948	0.29%	\$127,948
Cumberland	\$869,727	\$895,052	\$1,344,540	\$53,367	\$2,292,958	5.33%	\$3,162,685
Dauphin	\$59,892	\$937,361	\$92,589	\$26,887	\$1,056,837	2.46%	\$1,116,729
Erie	\$50,000	\$547,527	\$77,297	\$23,890	\$648,714	1.51%	\$698,714
Fayette	\$102,751	\$131,078	\$158,846	\$9,215	\$299,139	0.70%	\$401,890
Franklin	\$150,000	\$414,564	\$231,890	\$52,752	\$699,206	1.63%	\$849,206
Fulton	\$1,501	\$24,258	\$2,320	\$5,978	\$32,556	0.08%	\$34,057
Greene	\$5,683	\$84,162	\$8,786	\$2,831	\$95,779	0.22%	\$101,462
Huntingdon	\$7,070	\$61,751	\$10,930	\$11,282	\$83,963	0.20%	\$91,033
Indiana	\$25,000	\$87,778	\$38,648	\$12,804	\$139,230	0.32%	\$164,230
Juniata	\$15,000	\$36,924	\$23,189	\$15,163	\$75,276	0.18%	\$90,276
Lackawanna	\$60,000	\$324,565	\$92,756	\$7,441	\$424,761	0.99%	\$484,761
Lancaster	\$1,855,775	\$1,423,324	\$1,744,856	\$215,623	\$3,383,802	7.87%	\$5,239,577
Lawrence	\$26,184	\$107,217	\$40,479	\$9,344	\$157,040	0.37%	\$183,224
Lebanon	\$268,894	\$353,138	\$415,693	\$46,334	\$815,166	1.90%	\$1,084,060
Lehigh	\$1,182,380	\$1,229,494	\$1,584,533	\$53,404	\$2,867,431	6.67%	\$4,049,811
Luzerne	\$17,843	\$571,426	\$27,584	\$11,753	\$610,763	1.42%	\$628,606
Lycoming	\$56,150	\$188,733	\$86,804	\$13,108	\$288,645	0.67%	\$344,795
Mercer	\$45,000	\$166,738	\$69,567	\$16,635	\$252,939	0.59%	\$297,939
Mifflin	\$41,541	\$63,404	\$64,219	\$13,665	\$141,288	0.33%	\$182,829
Monroe	\$109,294	\$455,738	\$168,961	\$9,961	\$634,660	1.48%	\$743,954
Montgomery	\$355,000	\$1,423,324	\$548,807	\$61,103	\$2,033,233	4.73%	\$2,388,233
Montour	\$5,418	\$61,864	\$8,376	\$4,446	\$74,686	0.17%	\$80,104
Northampton	\$1,184,655	\$1,016,037	\$1,585,074	\$49,514	\$2,650,625	6.16%	\$3,835,280
Northumberland	\$10,000	\$104,029	\$15,460	\$15,952	\$135,441	0.31%	\$145,441
Perry	\$53,061	\$70,560	\$82,029	\$17,816	\$170,405	0.40%	\$223,466
Pike	\$4,658	\$206,873	\$7,201	\$3,443	\$217,517	0.51%	\$222,175
Potter	\$12,956	\$24,661	\$20,030	\$4,811	\$49,502	0.12%	\$62,458
Schuylkill	\$59,956	\$200,126	\$92,688	\$19,132	\$311,947	0.73%	\$371,903
Snyder	\$0	\$59,493	\$0	\$18,486	\$77,978	0.18%	\$77,978
Somerset	\$6,611	\$107,955	\$10,220	\$15,995	\$134,170	0.31%	\$140,781
Sullivan	\$18,453	\$17,349	\$28,527	\$2,218	\$48,093	0.11%	\$66,546
Susquehanna	\$69,551	\$64,729	\$107,521	\$9,301	\$181,552	0.42%	\$251,103
Tioga	\$84,435	\$60,034	\$130,530	\$12,191	\$202,755	0.47%	\$287,190
Union	\$336,120	\$86,832	\$519,620	\$22,248	\$628,700	1.46%	\$964,820
Warren	\$467	\$41,370	\$722	\$3,919	\$46,011	0.11%	\$46,478
Washington	\$57,133	\$657,820	\$88,324	\$15,467	\$761,612	1.77%	\$818,745
Wayne	\$40,465	\$153,808	\$62,556	\$7,010	\$223,373	0.52%	\$263,838
Westmoreland	\$200,085	\$622,447	\$309,319	\$21,845	\$953,610	2.22%	\$1,153,695
Wyoming	\$36,863	\$40,271	\$56,987	\$3,620	\$100,879	0.23%	\$137,742
York	\$1,388,049	\$1,315,273	\$1,633,499	\$80,194	\$3,028,965	7.04%	\$4,417,014
	\$16,439,167	\$22,474,054	\$18,890,759	\$1,635,187	\$43,000,000	100.00%	\$59,439,167

## Survey Cost Comparison and State Survey Requirements

Farm Name	Acres	Total Cost	Cost per Acre	Township
Kennedy (current)	52.100	\$ 4,916.16	\$ 94.36	Winfield
Cooper	164.430	\$ 8,264.45	\$ 50.26	Brady
McGowan (current)	64.000	\$ 7,653.48	\$ 119.58	Prospect
King	88.290	\$ 8,145.25	\$ 92.26	Middlesex
Greenspace 1	35.960	\$ 5,424.37	\$ 150.84	Clinton
Greenspace 2	34.382	\$ 5,206.36	\$ 151.42	Clinton
Allen Trust	35.358	\$ 4,416.25	\$ 124.90	Clinton
Kennedy (2017)	99.790	\$ 6,307.49	\$ 63.20	Winfield
McGowan (2107)	48.740	\$ 3,672.50	\$ 75.34	Connoq./Prospect
Thurber	87.880	\$ 7,665.70	\$ 87.23	Clearfield
Jordan	56.760	\$ 6,413.00	\$ 112.98	Mercer
			\$ 102.03	Average Paid Per Acre

### Requirements for a Survey:

1. Survey error of closure must not be greater than 1 foot per 10,000 linear feet.
2. A recordable legal description of the property must be submitted including, metes, bounds, monumentation, exceptions, easements, and rights of way. This is attached to the recorded Deed of Easement that gets recorded.
3. A copy of the survey must be submitted digitally that complies with GIS technical standards (This is submitted to the state for each farm).
4. Paper copies of the survey must be submitted.
5. Two sequential ground control monuments (concrete) shall be installed by the surveyor and plotted on the survey including latitude and longitude readings in decimal degrees.
6. The concrete monuments must include ferrous metal so it can be found by metal detector and must include the identity of the surveyor.
7. Plat requirements - drawings must be at scale of no greater than 1" = 200', and shall show identification information, bearings and distances, corner markings, points of reference, names of adjoining landowners, differences between record and occupation lines, encroachments, easements, deed restrictions and zoning if applicable. The drawing must also include the "Surveyor's Certificate" from a registered surveyor.

Source: PA Dept. of Ag. - "A Guide to Farmland Preservation"

### Responses from Surrounding Counties:

Armstrong - has only enough funding for one farm every 2-3 years. The last one was \$4,200 for 148.86 acres and she felt this was low and is expecting to pay more next time.

Allegheny - mentioned that cost varies on layout of the land but Allegheny surveys run higher. Two years ago he paid \$13,000 for a 105 acre farm and many farms in Allegheny have exclusion areas that have to be included which raises the price.

Beaver County - surveys are being completed by a retired surveyor who likes the program and is charging a reduced fee. They run \$2,500-\$5,000 per farm depending on the amount of work needed and generally average \$3,000-\$3,500.

FOR DISCUSSION AT FEB. 27 MTG.

Kelly, Sheryl

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**From:** Semanchik, Brooke <bsemanchik@hrg-inc.com>  
**Sent:** Tuesday, January 28, 2020 11:37 AM  
**To:** Kelly, Sheryl  
**Cc:** Laura Kamienski (ecwsa@ecwsa.net); Smith, Mark  
**Subject:** Request for Butler Co. Agricultural Land Preservation Board Letter  
**Attachments:** Sample\_County Land Preservation Board Letter.doc

Hello Sheryl,

I am working on a PENNVEST application for the Evans City Water and Sewer Authority. The proposed project is the Mars-Evans City Road Water Main Replacement Project, and will include the installation of approximately 4,960 linear feet of 10-inch diameter pipe to replace an aging 8-inch water main. The project will also include the replacement of eight fire hydrants and approximately 55 service lines owned by the Evans City Water and Sewer Authority. The proposed project will help to reduce maintenance needed for the water distribution system by reducing line breaks, leaks, and unaccounted for water.

One of the requirements for the PENNVEST application is a support letter from the county agricultural land preservation board. With this email, I am requesting a letter of support from the Butler County Agricultural Land Preservation Board. Attached is a sample letter for your use. You may either use the attached letter, or create a letter using the Board's standard template. If possible, please have the letter reviewed and signed at the February 27<sup>th</sup> meeting.

Please let me know if you have any questions.

Thank you,

Brooke A. Semanchik  
Financial Services Specialist I

**HERBERT, ROWLAND & GRUBIC, INC.**

369 East Park Drive  
Harrisburg, PA 17111  
717.564.1121

[bsemanchik@hrg-inc.com](mailto:bsemanchik@hrg-inc.com) | [vCard](#)  
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## Disclaimer

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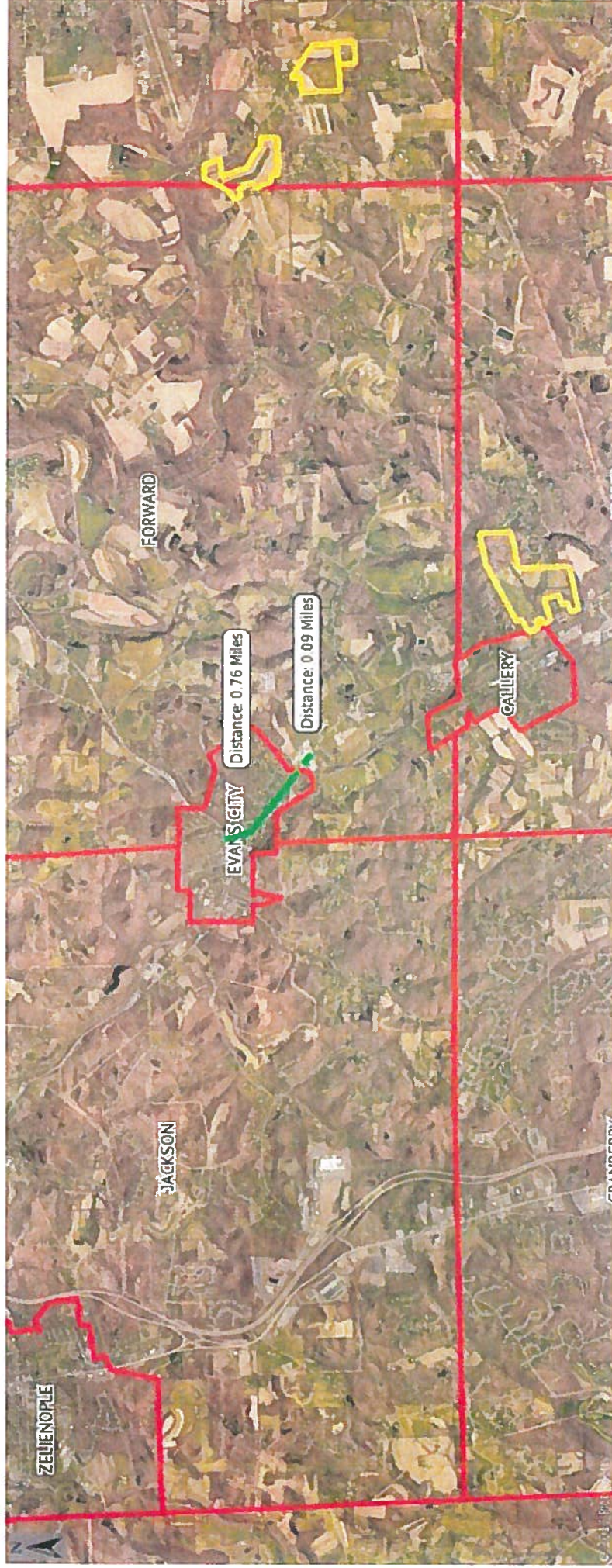
Evans City Water and Sewer Authority - SR 3015 & Jackson Street water main replacement

Install approximately 4,420 feet of 10" pipe to replace existing 4" & 8", along with replacement of 8 fire hydrants and approximately 55 authority owned service lines.

Replace approximately 400 feet of 8" CI with 10" main, connect to newly replaced 8" DI creek crossing from 2018



# Nearest Preserved Farms to Proposed Project Area



**March 26, 2020**  
**Meeting**  
**Cancelled**



# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Amy F. Birckbichler

Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

23rd Day of March A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

*Amy F. Birckbichler*  
Butler Eagle

## Copy of Notice or Publication

**LEGAL NOTICE**  
The March 26 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Road, Butler, PA 16001 has been cancelled.

Sworn to and subscribed before me this 23rd  
Day of March 2020

*Kandi L. Nassy*

My Commission Expires: April 19, 2022 Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Kandi L. Nassy, Notary Public  
Butler County  
My commission expires April 19, 2022  
Commission number 1168460

Member, Pennsylvania Association of Notaries  
Statement of Advertising Costs

Butler County Office of Farmland Preservation

Butler Co. Planning Commission Attn: Sheryl Kelly

124 West Diamond Street / PO Box 1208

butler, pa 16003

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached  
Hereto on the above stated dates \$ 18.00

Probating same \$ 3.00

Total \$ 21.00

## Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**April 23, 2020**  
**Meeting**  
**Cancelled**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler

Julie A. Wilczynski Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

\_\_\_\_\_ and the  
21st Day of April A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

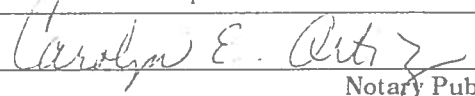


Butler Eagle

## Copy of Notice or Publication

**PUBLIC NOTICE**  
The April 23 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Rd. Butler 16001, has been cancelled.

Sworn to and subscribed before me this 21st  
Day of April 2020



Notary Public

## My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
CAROLYN E ORTIZ - Notary Public  
Butler County  
My Commission Expires Mar 25, 2023  
Commission Number 1348650

## Statement of Advertising Costs

Butler County Office of Farmland Preservation

P.O. Box 271

124 West Diamond Street

Butler, PA 16003

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached	
Hereto on the above stated dates	\$ 18.00
Probating same	\$ 3.00
Total	\$ 21.00

## Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**May 28, 2020**

**Meeting**

**Cancelled**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Julie A. Wilczynski Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

\_\_\_\_\_ and the  
27th Day of May A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Copy of Notice or Publication

**PUBLIC NOTICE**  
The May 28 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Rd., Butler 16001, has been cancelled

Julie A. Wilczynski  
Butler Eagle

Sworn to and subscribed before me this 27th  
Day of May 2020

Carolyn E. Ortiz  
Notary Public

My Commission Expires:

Commonwealth of Pennsylvania Notary Seal  
CAROLYN E. ORTIZ Notary Public  
Butler County  
My Commission Expires Mar 25, 2023  
Commission Number 1343550

Statement of Advertising Costs

Butler County Office of Farmland Preservation

P.O. Box 1208

124 West Diamond Street

Butler, PA 16003

TO BUTLER EAGLE, Dr.	
For publishing the notice or publication attached	
Hereto on the above stated dates	\$ 18.00
Probating same	\$ 3.00
Total	\$ 21.00

Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**MEETING MINUTES**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency, 625 Evans City Road, Butler 16001

THURSDAY, JUNE 25, 2020 – 7:00PM

Members In Attendance	Members Absent	Visitors in Attendance
Ken Moniot	Eugene Bergbigler	
Bill Duncan		
Rick Stuchal		
Alvin Vogel		
Luke Fritz		
Larry Baumgartel		
Rob Burr		
John Allen		
		<b>Staff in Attendance</b>
Commissioner Kimberly D. Geyer, Ex-Officio		Sheryl Kelly

The meeting was called to order at 7:00pm by Chairman Ken Moniot on Thursday, June 25, 2020. A quorum was present.

**1. Public Comment**

- There was no public comment.

**2. Commissioner's Report**

- Commissioner Geyer stated that the county lawsuit against the Governor will be heard in Federal District Court in Pittsburgh on July 16 and 17. If successful, this suit could result in a process that must be followed in the future when dealing with statewide emergencies / epidemics.

**3. Approval of Meeting Minutes**

- Chairman Moniot asked for a motion to approve the amended February meeting minutes. There was a motion by Secretary Rob Burr with a second by Treasurer Larry Baumgartel. All were in favor and the motion was approved.

#### **4. Old Business**

- **2019 McGowan Farm:** There was a motion made by Luke Fritz, seconded by Rick Stuchal, to leave the offer to the McGowan Farm as-is at \$7,082 per acre. There had been a discrepancy of \$1.00 per acre in the appraisal and the state said the board had the ability to amend the offer, if desired.

- **Cooper and Kennedy** – Sheryl reported that the Cooper farm had been closed on May 13 and is still expecting the check from the state in order to hold the Kennedy closing. There has been a delay from the state since the shutdown.

- **Thurber and McGowan** – The McGowan farm is still in the works, and all information for the federal program has been submitted for the Thurber farm. The state's NRCS office is now reviewing the Thurber application.

- **Taggart** – The board reviewed and discussed the Taggart appraisal. Sheryl will send a copy to the state right away and ask that it be reviewed. Chairman Moniot called for, and there was a motion made by Rick Stuchal to offer the appraised value of \$4,618 for the easement purchase. There was a second by Luke Fritz. All were in favor and the motion was approved.

- **Foertsch** – The board reviewed and discussed the Foertsch appraisal. Sheryl will send a copy to the state right away and ask that it be reviewed. Chairman Moniot called for, and there was a motion made by Secretary Rob Burr to offer the appraised value of \$4,201 for the easement purchase. There was a second by Rick Stuchal. All were in favor and the motion was approved.

- **Riddle** – There was a motion made by Vice Chairman Bill Duncan to proceed with possible easement purchase on the Riddle farm (the #3 2020 farm), with a second by Treasurer Larry Baumgartel, All were in favor and the motion was approved. Sheryl will follow up with Mr. Riddle and Buffalo Township to be sure the 7-acre parcel is included in the township's ag security area.

- **Proceed With Survey:** There was a motion made by John Allen with a second by Luke Fritz that if one or both farms accept these offers, that surveys be ordered. All were in favor and the motion was approved.

#### **5. New Business**

- **Revision of County 2020 Award** – as a result of the statewide shutdown, funding was taken from the Ag Preservation Fund resulting in a county loss of 9.7%. Butler County's new award, including the county match is \$1,114,532.

- **Department of Agriculture Update** - Board member Luke Fritz updated the members on a number of items:

- Butler County has a new Dept. of Agriculture Director – Lori Cogley
- There is a new Program Technician – Lisa Bauer
- County Committee nominations are being accepted from the northern part of Butler County.
- PDA has a program to reimburse farmers who must dump milk.
- The Coronavirus Food Assistance Program has a good program to help farmers who have suffered losses as a result of the pandemic. It is easy to apply and applications will be accepted until August 28.
- Wildfire and Hurricane Indemnity Program provides disaster payments to producers to offset losses from qualifying natural disasters that occurred in the 2018 and 2019 calendar years.

- **Rader (preserved farm)** – Sheryl notified the Board that she had been contacted by one of the owners, Karen Lyons, of the Rader farm with questions about lot line revisions and acreage for subdivision. She told her that no lot less than 52 acres could be created and this goes by the surveyed acres. They also cannot complete a lot line revision to correct the location of a barn that is on a neighboring property since it would affect the size of the easement.

#### **6. Adjourn**

Chairman Moniot called for a motion to adjourn. There was a motion made by John Allen with a second by Treasurer Larry Baumgartel. All were in favor and the motion was approved. The meeting was adjourned at 8:05pm.

#### **Next Meeting:**

**Thursday, July 23, 7:00pm** at the

**Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr.



PA Department of Agriculture  
Bureau of Farmland Preservation  
2020 Allocation of Funds - Revised 6/16/2020

County	County Approp	Total Grant	Total Match	Redistributed	Total State Funds	Pct of Total	Total State & County
Adams	\$445,679	\$238,747	\$608,875	\$40,407	\$888,024	2.34%	\$1,333,703
Allegheny	\$0	\$1,257,821	\$0	\$44,711	\$1,302,532	3.43%	\$1,302,532
Armstrong	\$13,563	\$57,785	\$18,530	\$8,006	\$84,321	0.22%	\$97,884
Beaver	\$179,500	\$275,548	\$245,228	\$10,501	\$531,278	1.40%	\$710,778
Bedford	\$5,948	\$58,210	\$8,126	\$14,164	\$80,500	0.21%	\$86,448
Berks	\$1,044,578	\$937,989	\$1,371,292	\$79,954	\$2,389,234	6.29%	\$3,433,812
Blair	\$120,000	\$146,188	\$163,941	\$15,878	\$326,006	0.86%	\$446,006
Bradford	\$7,073	\$77,907	\$9,663	\$15,931	\$103,501	0.27%	\$110,574
Bucks	\$1,571,796	\$1,257,821	\$1,482,217	\$72,220	\$2,812,258	7.40%	\$4,384,054
Butler	\$208,390	\$602,345	\$284,697	\$19,100	\$906,142	2.38%	\$1,114,522 - 9.7%
Cambria	\$7,000	\$107,491	\$9,563	\$7,190	\$124,247	0.33%	\$131,247
Carbon	\$25,874	\$113,448	\$35,349	\$2,754	\$151,551	0.40%	\$177,425
Centre	\$144,798	\$389,099	\$197,819	\$17,847	\$604,765	1.59%	\$749,563
Chester	\$3,734,602	\$1,257,821	\$1,937,266	\$179,029	\$3,374,116	8.88%	\$7,108,718
Clearfield	\$3,222	\$78,542	\$4,402	\$2,797	\$85,741	0.23%	\$88,963
Clinton	\$33,776	\$43,771	\$46,144	\$5,880	\$95,796	0.25%	\$129,572
Columbia	\$14,747	\$114,914	\$20,147	\$8,233	\$143,294	0.38%	\$158,041
Crawford	\$5,000	\$85,219	\$6,831	\$16,602	\$108,652	0.29%	\$113,652
Cumberland	\$869,727	\$790,976	\$1,188,198	\$47,161	\$2,026,336	5.33%	\$2,896,063
Dauphin	\$59,892	\$828,365	\$81,823	\$23,760	\$933,949	2.46%	\$993,841
Elk	\$50,000	\$483,861	\$68,309	\$21,112	\$573,282	1.51%	\$623,282
Fayette	\$102,751	\$115,836	\$110,376	\$8,144	\$264,355	0.70%	\$367,106
Franklin	\$150,000	\$366,359	\$204,926	\$46,618	\$617,903	1.63%	\$767,903
Fulton	\$1,501	\$21,437	\$2,051	\$5,283	\$28,770	0.08%	\$30,271
Greene	\$5,683	\$74,375	\$7,764	\$2,502	\$84,641	0.22%	\$90,324
Huntingdon	\$7,070	\$54,571	\$9,659	\$9,970	\$74,199	0.20%	\$81,269
Indiana	\$25,000	\$77,572	\$34,154	\$11,315	\$123,041	0.32%	\$148,041
Juniata	\$15,000	\$32,631	\$20,493	\$13,400	\$66,523	0.18%	\$81,523
Lackawanna	\$60,000	\$286,825	\$81,971	\$6,575	\$375,371	0.99%	\$435,371
Lancaster	\$1,855,775	\$1,257,821	\$1,541,965	\$190,551	\$2,990,337	7.87%	\$4,846,111
Lawrence	\$26,184	\$94,750	\$35,772	\$8,257	\$138,779	0.37%	\$164,963
Lebanon	\$268,894	\$312,076	\$367,357	\$40,947	\$720,379	1.90%	\$989,274
Lehigh	\$1,182,380	\$1,086,530	\$1,400,285	\$47,194	\$2,534,009	6.67%	\$3,716,389
Luzerne	\$17,843	\$504,981	\$24,377	\$10,386	\$539,744	1.42%	\$557,587
Lycoming	\$56,150	\$166,787	\$76,711	\$11,584	\$255,082	0.67%	\$311,237
Mercer	\$45,000	\$147,350	\$61,478	\$14,700	\$223,528	0.59%	\$268,528
Mifflin	\$41,541	\$56,031	\$56,752	\$12,076	\$124,860	0.33%	\$166,401
Monroe	\$109,294	\$402,745	\$149,314	\$8,803	\$560,862	1.48%	\$670,156
Montgomery	\$355,000	\$1,257,821	\$484,992	\$53,998	\$1,796,811	4.73%	\$2,151,811
Montour	\$5,418	\$54,671	\$7,402	\$3,929	\$66,001	0.17%	\$71,419
Northampton	\$1,184,655	\$897,893	\$1,400,763	\$43,757	\$2,342,413	6.16%	\$3,527,068
Northumberland	\$10,000	\$91,934	\$13,662	\$14,097	\$119,692	0.31%	\$129,692
Perry	\$53,061	\$62,355	\$72,491	\$15,745	\$150,591	0.40%	\$203,652
Pike	\$4,658	\$182,818	\$6,364	\$3,043	\$192,224	0.51%	\$196,882
Potter	\$12,956	\$21,793	\$17,700	\$4,252	\$43,745	0.12%	\$56,701
Schuylkill	\$59,956	\$176,856	\$81,911	\$16,908	\$275,674	0.73%	\$335,630
Snyder	\$0	\$52,575	\$0	\$16,336	\$68,911	0.18%	\$68,911
Somerset	\$6,611	\$95,402	\$9,032	\$14,135	\$118,569	0.31%	\$125,180
Sullivan	\$18,453	\$15,331	\$25,210	\$1,960	\$42,501	0.11%	\$60,954
Susquehanna	\$69,551	\$57,203	\$95,018	\$8,720	\$160,441	0.42%	\$229,997
Tioga	\$84,435	\$53,053	\$115,353	\$10,773	\$179,180	0.47%	\$263,614
Union	\$336,120	\$76,735	\$459,199	\$19,661	\$555,595	1.46%	\$891,715
Warren	\$467	\$36,559	\$638	\$3,464	\$40,661	0.11%	\$41,128
Washington	\$57,133	\$581,330	\$78,054	\$13,669	\$673,052	1.77%	\$730,185
Wayne	\$40,465	\$135,923	\$55,282	\$6,195	\$197,399	0.52%	\$237,864
Westmoreland	\$200,085	\$550,069	\$273,350	\$19,304	\$842,724	2.22%	\$1,042,809
Wyoming	\$36,863	\$35,589	\$50,361	\$3,199	\$89,149	0.23%	\$126,017
York	\$1,388,049	\$1,162,334	\$1,443,557	\$70,869	\$2,676,760	7.04%	\$4,064,809
	\$16,439,167	\$19,860,790	\$16,694,161	\$1,445,049	\$38,000,000	100.00%	\$54,439,167

ORIGINAL  
WAS:

\$208,390 \$681,602 \$322,157 \$21,613 \$1,025,312 2.38% \$1,233,762

# CORONAVIRUS FOOD ASSISTANCE PROGRAM

**BUTLER/BEAVER/ALLEGHENY FSA 625**  
**EVANS CITY RD #103 BUTLER PA 16001**  
**PHONE: 724-482-4800 EXT. 2**  
**FAX: 855-742-4196**



USDA is providing critical support to our nation's farmers and ranchers through the Coronavirus Food Assistance Program (CFAP). CFAP provides vital financial assistance to producers of agricultural commodities with financial assistance that gives them the ability to absorb sales declines and increased marketing costs associated with the COVID-19 pandemic.

## Overview

The Coronavirus Aid, Relief, and Economic Stability Act (CARES Act) and the Commodity Credit Corporation (CCC) Charter Act authorized the funds for the CFAP.

USDA's Farm Service Agency (FSA) and Agricultural Marketing Service (AMS) administer the program.

**FSA is accepting applications for CFAP from May 26, 2020, to August 28, 2020.**

## Who is Eligible?

Eligible producers (person or legal entity) of specified agricultural commodities who have suffered a five percent-or-greater price decline as a result of the COVID-19 pandemic, and who face substantial marketing costs for inventories are eligible for CFAP payments. These specified commodities include certain specialty crops, non-specialty crops, wool, dairy, and livestock.

For a list of eligible commodities and payment criteria, visit [farmers.gov/cfap](https://farmers.gov/cfap).

## To be eligible for payments, a person or legal entity must either:

- have an average adjusted gross income of less than \$900,000 for tax years 2016, 2017, and 2018; or
- derive at least 75 percent of their adjusted gross income from farming, ranching, or forestry.

## Persons and legal entities also must:

- comply with the provisions of the "Highly Erodible Land and Wetland Conservation" regulations, often called the conservation compliance provisions;
- if a foreign person, provides land, capital, and a substantial amount of active personal labor to the farming operation; and
- not have a controlled substance violation.

## Additional Commodities

The commodities currently included in the program are those for which USDA data was available to determine that a five percent-or-greater price decline occurred from mid-January 2020 to mid-April 2020. USDA is requesting data from the public on agricultural commodities not already included in CFAP which may have been negatively impacted by the COVID-19 pandemic and for which sufficient information is not currently available to USDA. The Department is particularly interested in the obtaining information with respect to aquaculture, nursery products and cut flowers. More information on submission requirements can be found in the Notice of Funding Availability (NOFA) on [farmers.gov/cfap](https://farmers.gov/cfap).



### Payment Limitation

CFAP payments are subject to a per person and legal entity payment limitation of \$250,000. This limitation applies to the total amount of CFAP payments for all eligible commodities.

Unlike other FSA programs, special payment limitation rules apply to participants that are corporations, limited liability companies, and limited partnerships (corporate entities). These corporate entities may receive up to \$750,000 based upon the number of shareholders (not to exceed three shareholders) who are contributing at least 400 hours of active personal labor or active personal management.

#### For a corporate entity:

- With one such shareholder, the payment limit for the entity is \$250,000;
- With two such shareholders, the payment limit for the entity is \$500,000 if at least two members contribute at least 400 hours of active personal labor or active personal management, or combination thereof, with respect to the operation of the corporate entity; and
- With three such shareholders, the limit is \$750,000 if at least three members contribute at least 400 hours of active personal labor or active personal management, or combination thereof, with respect to the operation of the corporate entity.

### Payment Structure

To ensure the availability of funding throughout the application period, producers will receive 80 percent of their maximum total payment, up to the payment limit, upon approval of the application. The remaining portion will be paid at a later date as funds remain available.



### How to Apply

FSA staff at your local USDA Service Center will work with producers to file applications. Applications may be submitted via mail, fax, hand delivery, or via electronic means. Please call your office prior to sending applications electronically.

The CFAP application and associated forms are available online at [farmers.gov/cfap](https://farmers.gov/cfap).

### More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about the CFAP program, visit [farmers.gov/cfap](https://farmers.gov/cfap) or contact your local FSA office. Additionally, producers in search of one-on-one support with the CFAP application process can call 877-508-8364 to speak directly with a USDA employee ready to offer assistance.

To find your local FSA office, visit [farmers.gov/cfap](https://farmers.gov/cfap).

**2020 CORONAVIRUS FOOD ASSISTANCE PROGRAM (CFAP) WORKSHEET**

BUTLER/BEAVER/ALLEGHENY FSA OFFICE

625 EVANS CITY RD #103 BUTLER PA 16010

ENROLLMENT PERIOD: MAY 26, 2020 - AUGUST 28, 2020

PHONE: 724-482-4800 #2

or 724-775-2369 #2

FAX: 855-742-4196

**THIS IS A WORKSHEET ONLY TO ASSIST IN GATHERING INFORMATION REQUIRED TO COMPLETE APPLICATION: FORM AD-3114 WILL NEED SIGNED TO APPLY FOR BENEFITS - CONTACT THE FSA OFFICE OR GO ONLINE For additional information: [www.farmers.gov/cfap](http://www.farmers.gov/cfap)**

Producer Name: _____	Phone Number: _____
Address: _____	County: _____
_____	Email: _____

**DAIRY**

Units of Measure	January 2020 Production	February 2020 Production	March 2020 Production
LBS			

In addition, dairy farmers are eligible for payments on cull cows, bull calves, steers, and dairy heifers sold into the beef market. Cull dairy cows are eligible for payment under the category of "Slaughter Cattle: Mature Cattle" and young stock are eligible under one of the two Feeder Cattle categories depending on weight.

**\*THIS STATEMENT MAY CHANGE ---- MORE INFORMATION on CULL COWS FORTHCOMING**

**NON-SPECIALTY CROP AND WOOL INFORMATION**

	Total production in 2019	2019 Production NOT Sold (as of Jan 15, 2020)
CORN / bu		
SOYBEANS / bu		
OATS / bu		
SUNFLOWERS / lb		
WOOL / lb (Non- graded, greasy basis)		

**Note: Conversion factor for corn silage is 7.94 bu/ton---HM corn to be factored to dry basis (15.5%)**

**LIVESTOCK**

Livestock	Eligible Livestock	JAN 15, 2020 - APRIL 15, 2020 SALES OF OWNED INVENTORY AS OF 1/15/2020 & ANY OFFSPRING FROM OWNED INVENTORY	INVENTORY (Highest Between April 16, 2020 - May 14, 2020)
Cattle	Feeder Cattle: Less Than 600 Pounds		
	Feeder Cattle: 600 lbs - 1200 lbs		
	Slaughter Cattle: Fed Cattle- intended for slaughter w/ an average live weight of 1200-1600lbs w/ avg carcass weight of 800+lbs		
	Slaughter Cattle: Mature Cattle- Intended for slaughter that have been culled from your breeding or dairy herd		
	All Other Cattle (commercially raised bovine not meeting any other category excluding beefalo, bison and dairy production or intended for dairy production)		
Hogs & Pigs	Pigs: Less Than 120 Pounds		
	Hogs: 120 Pounds or More		
Lambs & Yearlings	<b>ALL SHEEP LESS THAN 2-YEARS OLD</b>		

**DISCLAIMER: NOT ALL INCLUSIVE - MAY CHANGE - USED AS A WORKING TOOL ONLY**

**THIS IS NOT AN APPLICATION**

USDA IS AN EQUAL OPPORTUNITY EMPLOYER PROVIDER AND LENDER

05/26/2020

**2020 CORONAVIRUS FOOD ASSISTANCE PROGRAM (CFAP) WORKSHEET**

BUTLER/BEAVER/ALLEGHENY FSA OFFICE  
 625 EVANS CITY RD #103 BUTLER PA 16010

PHONE: 724-482-4800 #2

or 724-775-2369 #2

ENROLLMENT PERIOD: MAY 26, 2020 - AUGUST 28, 2020

FAX: 855-742-4196

**THIS IS A WORKSHEET ONLY TO ASSIST IN GATHERING INFORMATION REQUIRED TO COMPLETE  
 APPLICATION: FORM AD-3114 WILL NEED SIGNED TO APPLY FOR BENEFITS**

For additional information visit: [www.farmers.gov/cfap](http://www.farmers.gov/cfap)

VALUE LOSS INFORMATION			
COMMODITY	VALUE OF SALES (Jan 15, 2020 – April 15, 2020)	VALUE OF INVENTORY (as of April 15, 2020)	NOTE: NO VALUE LOSS COMMODITIES APPROVED AT THIS TIME
SPECIALTY CROPS: Production sold, delivered and unpaid, or acres affected during January 15 – April 15, 2020			
CROP IN POUNDS	VOLUME OF PRODUCTION SOLD (Jan 15, 2020 – April 15, 2020)	VOLUME OF PRODUCTION SHIPPED BUT NOT SOLD & UNPAID (Jan 15, 2020 – April 15, 2020)	ACRES with PRODUCTION NOT SHIPPED OR SOLD (Jan 15, 2020 – April 15, 2020)
APPLES			
ARTICHOKES			
ASPARAGUS			
BEANS			
BLUEBERRIES			
BROCCOLI			
CABBAGE			
CANTALOUPE			
CARROTS			
CAULIFLOWER			
CELERY			
CUCUMBERS			
EGGPLANT			
GARLIC			
LETTUCE, ICEBERG			
LETTUCE, ROMAINE			
MUSHROOMS			
ONIONS, DRY			
ONIONS, GREEN			
PEACHES			
PEARS			
PEPPERS, BELL TYPE			
PEPPERS, OTHER			
POTATOES			
RASPBERRIES			
RHUBARB			
SPINACH			
SQUASH			
STRAWBERRIES			
SWEET CORN			
SWEET POTATOES			
TOMATOES			
WALNUT			
WATERMELON			



## What marketing contracts have an effect on eligible CFAP non-specialty crops?

A: The chart below outlines CFAP eligibility for certain market contracts and only applies to non-specialty crops. A printable version is available in our fact sheet, [Coronavirus Food Assistance Program for Non-Specialty Crop Producers](#). This fact sheet is [also available in Spanish](#).

Non-Specialty Crop Marketing Contract Eligibility for CFAP	
Type of Contract in Existence on Jan. 15, 2020	Explanation
Contracts Eligible for CFAP	
Basis Contract	Producer locks in a basis leaving the future price to be set later.
Basis Fixed Contract	
No Price Established	Producer delivers commodity without setting a sales price.
Delayed Price	
Deferred Price Contract	
Contracts Ineligible for CFAP	
Cash Contract	Producer receives a cash price for a commodity when sold.
Fixed Price Contract	
Forward Price Contract	Producer receives a cash price for a commodity based on a future delivery.
Cash Forward Contract	
Minimum Price Contract	Producer locks in the cash price and buys a call option to establish a minimum price. The net cash price will never be less than the original cash value minus the cost of the call option.
Option Contract	
Window Contract	
Hedge to Arrive	Producer locks in a futures price leaving the basis to be set later.
Futures Fixed Contract	
Futures Contract	

# Common Livestock Types

The table below provides a crosswalk between commonly-used livestock terminology and CFAP livestock categories.

Cattle Common Name	Description	CFAP Category
Newborn Calf	Calves from birth to days old	Feeder Cattle: < 600 lbs
Calf	Calves still nursing the cow, animals that generally weigh less than 500 pounds	Feeder Cattle: < 600 lbs
Bucket Calf	Orphan or newborn calf normally purchased when they are 1 to 10 days old	Feeder Cattle: < 600 lbs
Heiferette	A female bovine animal that has not calved and weighs more than 500 pounds; OR a heifer placed on feed following the loss of a calf or an open heifer placed on feed following the breeding season	Feeder Cattle: < or > 600 lbs, as applicable
Steer	A castrated male bovine animal that generally weighs more than 500 pounds	Feeder Cattle: < or > 600 lbs, as applicable
Wanner or Weaned Calf	Animal between 105 and 355 days coming from cow-calf	Feeder Cattle: < or > 600 lbs, as applicable
Backgrounded Cattle	Steers and heifers that are fed a warm-up or conditioning ration are normally fed to approximately 700 pounds, and then sold as feeders or shipped to another feedlot to be finished for the slaughter market	Feeder Cattle: < or > 600 lbs, as applicable
Stockers/Feeders/Feeder Calves	Young weaned steers or heifers, weighing approximately 400-800 pounds usually grazing on pasture and/or feed ration to prepare for shipment to feeders intended for slaughter or selected for replacement stock	Feeder Cattle: < or > 600 lbs, as applicable
Yearlings	Calves between 1 and 2 years of age	Feeder Cattle > 600 lbs
Open Heifer	Non-pregnant female bovine	Feeder Cattle: < or > 600 lbs, as applicable
Replacement Heifers	A heifer that has been selected to be bred and placed in the beef herd	All Other Cattle
Bred Heifers	A female bovine that is pregnant with her first calf	All Other Cattle
First Calf Heifers	A young female that has had only one calf	All Other Cattle
Bred Cows	A female bovine animal that has borne at least one calf	All Other Cattle
Open Cows - Retained in Herd	(Non-pregnant) cows at the end of the breeding season	All Other Cattle

<b>Cattle Common Name</b>	<b>Description</b>	<b>CFAP Category</b>
Open Cows - Slaughter	(Non-pregnant) cows at the end of the breeding season	Slaughter Cattle: Mature
Cows-Culled (Beef and Dairy)	A cow that is removed from the main breeding herd or dairy production for one or more reasons (i.e., age, poor production, physical ailment, poor disposition, genetic selection, etc.) and is generally sold for slaughter and not destined to be a replacement	Slaughter Cattle: Mature
Herd Bulls-Culled (Beef and Dairy)	A mature (approximately 24 months of age or older) uncastrated, male bovine removed from the main breeding herd sold for slaughter and not destined to be replacement	Slaughter Cattle: Mature
Herd Bulls (Breeding-Beef only)	A mature (approximately 24 months of age or older) uncastrated, male bovine used for breeding purposes	All Other Cattle
Finished Cattle (1200 lbs or more)	Cattle that have reached the optimal weight and conditions ready for slaughter	Slaughter Cattle: Fed
Fat Steer/Heifer (1200 lbs or more)	Cattle that have reached the optimal weight and conditions ready for slaughter	Slaughter Cattle: Fed

Livestock that are no longer used for dairy production and entered the beef cattle market, if all other eligibility requirements are met, may be eligible for CFAP and would be categorized accordingly.

Producers must provide the following information for CFAP:

- Total sales of eligible livestock, by species and class, between January 15, 2020, to April 15, 2020, of owned inventory as of January 15, 2020, including any offspring from that inventory; and
- highest inventory of eligible livestock, by species and class, between April 16, 2020, and May 14, 2020.

**The following table lists eligible livestock and payment rates for CFAP.**

<b>Livestock</b>	<b>Eligible Livestock</b>	<b>Unit of Measure</b>	<b>CARES Act Part 1 Payment Rate</b>	<b>CCC Part 2 Payment Rate</b>
<b>Cattle</b>	Feeder Cattle: Less than 600 Pounds	Head	\$102.00	\$33.00
	Feeder Cattle: 600 Pounds or More	Head	\$139.00	\$33.00
	Slaughter Cattle: Fed Cattle	Head	\$214.00	\$33.00
	Slaughter Cattle: Mature Cattle	Head	\$92.00	\$33.00
	All Other Cattle	Head	\$102.00	\$33.00
<b>Hogs and Pigs</b>	Pigs: Less than 120 Pounds	Head	\$28.00	\$17.00
	Hogs: 120 Pounds or More	Head	\$18.00	\$17.00
<b>Lambs and Yearlings</b>	All Sheep Less than 2 Years Old	Head	\$33.00	\$7.00



**July 23, 2020 Ag Board  
Meeting Cancelled**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Amy F. Birckbichler

Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

and the

22nd Day of July A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

*Amy F. Birckbichler*

Butler Eagle

Copy of Notice or Publication

Sworn to and subscribed before me this 22nd  
Day of July 2020

*Carolyn E. Artz*

Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
CAROLYN E. ARTZ, Notary Public  
Butler County  
My Commission Expires: Mar 25, 2023  
Commission Number 1348450

LEGAL NOTICE  
The July 23 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Rd. Butler 16001, has been cancelled.

Statement of Advertising Costs

Butler County Office of Farmland Preservation

Butler County Planning Commission

124 West Diamond Street / P.O. Box 1208

Butler, PA 16001

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached hereto on the above stated dates	\$	18.00
Probating same	\$	3.00
Total	\$	21.00

## Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**August 27, 2020 Ag Board  
Meeting Cancelled**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Julie A. Wilczynski

Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

\_\_\_\_\_ and the  
26th Day of August A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Copy of Notice or Publication

**LEGAL NOTICE**  
The August 27 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Road, Butler, PA 16001, has been cancelled.

WILL  
Butler Eagle

Sworn to and subscribed before me this 26th  
Day of August 2020

Carolyn E Ortiz  
Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
CAROLYN E ORTIZ - Notary Public,  
Butler County  
My Commission Expires Mar 25, 2023  
Commission Number 1343550

## Statement of Advertising Costs

Butler County Office of Farmland Preservation

P.O. Box 1208

124 West Diamond Street

Butler, PA 16003

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached  
Hereto on the above stated dates \$ 18.00

Probating same \$ 3.00

Total \$ 21.00

## Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**September 24**  
**Meeting Cancelled**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Julie A. Wilczynski Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

\_\_\_\_\_ and the  
22nd Day of September A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Julie A. Wilczynski  
Butler Eagle

Copy of Notice or Publication

Sworn to and subscribed before me this 22nd  
Day of September 2020

Caryn E. Ortiz  
Notary Public

My Commission Expires: \_\_\_\_\_

MEETING NOTICE  
The September 24  
scheduled meeting of the  
Butler County Agricultural  
Land Preservation  
Board, held at 7:00 P.M.  
at 625 Evans City Rd.  
Butler 16001, has been  
cancelled.



Statement of Advertising Costs

Butler County Office of Farmland Preservation

Butler County Planning Commission

P.O. Box 1208, 124 West Diamond Street

Butler, PA 16003

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached  
Hereto on the above stated dates \$ 18.00

Probating same \$ 3.00

Total \$ 21.00

## Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**MEETING MINUTES**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

**Farm Service Agency, 625 Evans City Road, Butler 16001**

**THURSDAY, OCTOBER 22, 2020 – 7:00PM**

Members In Attendance	Members Absent	Visitors in Attendance
Bill Duncan	Eugene Bergbigler	
Rick Stuchal	Ken Moniot	
Alvin Vogel		
Luke Fritz		
Larry Baumgartel		
Rob Burr		
John Allen		
		Staff in Attendance
Commissioner Kimberly D. Geyer, Ex-Officio		Sheryl Kelly

The meeting was called to order at 7:00pm by Vice-Chairman Bill Duncan on Thursday, October 22, 2020. A quorum was present.

## 1. Public Comment

- There was no public comment.

## 2. Commissioner's Report

- Commissioner Geyer reported that the Board of Butler County Commissioners recently passed a Clean & Green Resolution for tax assessment purposes. She stressed that this in no way indicates that there are any plans to reassess the county, just that they wanted to make this option available for landowners who might be interested. There was also discussion on the recent court decision regarding the Pennsylvania shutdown and that the county is asking for legal fees to be reimbursed by the state.

### 3. Approval of Meeting Minutes

- Vice-Chairman Duncan asked for a motion to approve the June meeting minutes. There was a motion by Rick Stuchal with a second made by Luke Fritz. All were in favor and the motion was approved.

#### **4. Old Business**

- **2019 #1 Thurber Farm** – Sheryl reported that the Thurber farm was accepted by NRCS for federal easement reimbursement, reportedly one of two in the state for 2020. She asked for a vote to hire Clint Champagne to complete an expanded self-contained appraisal, required by NRCS as the next step in the process. There was a motion made by Treasurer Larry Baumgartel to hire Clint Champagne to complete the appraisal and to be paid up to \$1,500.00, with a second by Alvin Vogel. All were in favor and the motion was approved.

- **2019 #2 McGowan Farm** - The McGowan farm was approved by the state on October 8 at their Board meeting. Closing will hopefully take place in January.

- **2020 #1 Taggart Farm** – All information required for state board review has been submitted for this farm. The state has indicated that it may not be able to include this farm at its December meeting because of their full agenda, but the farm should at least encumber the county's remaining 2019 funds.

- **2020 #2 Foertsch Farm** – The survey for this farm should be completed soon, then paperwork for the state can be completed.

- **2020 #3 Riddle Farm** – The Board was presented with the Riddle appraisal, received on October 21. After review and discussion, Rick Stuchal made the motion to offer \$3,453 per acre with a second by Luke Fritz. All were in favor and the motion was approved. Sheryl will make the offer to Mr. Riddle on October 23 which will start the 30-day time period for acceptance, and will also send the appraisal to the state for their review and acceptance.

#### **5. New Business**

- **2021 Application Round** – Sheryl reported that she is preparing for the 2021 application round. The county will be able to donate \$39,679 from its Act 13 legacy funds for state matching funds but are still in discussions on the county's 2021 full budget. Vice-Chairman Duncan reported that Clinton Township could possibly have around \$140,000 for the share of its new Agricultural Preservation Program.

- **Conversion of Farm Structures into Residences** - Board members discussed emails that Sheryl received regarding the allowance of converting farm structures into residences and if this would take up a farm's "one additional structure" allowance. Some counties have this requirement and some do not. Sheryl will gather information from both sides and present it at a future board meeting for consideration since Butler County guidelines don't address this issue either way.

- **2021 Ag Board Meeting Dates and Times** – There was a motion made by Secretary Rob Burr with a second by Luke Fritz to keep the Board's 2021 meeting dates and time the same as 2020 - the 4<sup>th</sup> Thursday of each month at 7:00pm except for November and December which will be the 3<sup>rd</sup> Thursday.



Sheryl will report this to the County Commissioner's Office so it can be advertised with all other public meetings for 2021.

- **Board Reappointments**— two board member terms will expire at the end of December and four at the end of April. Sheryl was asked by the Commissioner's Office to contact all to see if they would like to continue to serve. All were contacted and have agreed except for one member who has not yet been reached.

- **Preserved Farm Ownership Transfers** – the Board discussed the recent auction sale of the Rader farm. Sheryl had sent the auctioneer information on preserved farms which was read aloud before the auction. Since the buyer was a family member, there should be no issue with the deed being transferred properly but Sheryl will follow up on this. The Gilliland farm has also been transferred and Sheryl is working with the attorney to assure the new deeds include the easement language.

- **HB 574** – the Board discussed HB 574 / SB 881 which would assign a portion of each year's county ag preservation funds for use by land trusts. A motion was made by Luke Fritz with a second by Rick Stuchal that the Butler County Agricultural Land Preservation Board is opposed to these bills and directed Sheryl to write a letter as such to each Butler County state legislator. All were in favor and the motion was approved.

- **Other Items** – Sheryl will check into the sale of the Don Bergbigler farm to see if it has taken place and if so, if the deed was recorded properly. She will also write a letter from the Ag Preservation Board to the County Commissioners thanking them for their diligent, good work.

## 6. Adjourn

Vice-Chairman Duncan called for a motion to adjourn. There was a motion made by John Allen with a second by Alvin Vogel. All were in favor and the motion was approved. The meeting was adjourned at 8:10pm.

### Next Meeting:

**Thursday, November 19, 7:00pm** at the  
**Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr.

**Please note the meeting on the 3rd  
Thursday of November because of  
Thanksgiving.**

**AGENDA**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency Building  
625 Evans City Road, Butler 16001  
THURSDAY, OCTOBER 22 – 7:00PM

**PUBLIC COMMENT**

**REPORT FROM COMMISSIONER GEYER**

**APPROVAL OF JUNE MEETING MINUTES**

**OLD BUSINESS**

1. Thurber and McGowan Farms (2019)
2. Taggart, Foertsch and Riddle Farms (2020)
  - a. Consideration of Offer to Riddle

**NEW BUSINESS**

1. 2021 Application Round
  - a. Funding- Clinton Township and Act 13
2. Conversion of Farm Structures into Residences
3. 2021 Ag Board Meeting Dates and Times
4. Board Reappointments
5. Recent Butler County Preserved Farm Transfers
2. HB 574

**ADJOURN**

1 Sep 2020

## Conversion of a farm structure into a residence = Additional Residential Structure?

*I have a question, in regards to those who have had farms that used their right to an 'additional residential structure'.*

*Could you please let me know if any have had an easement owner convert an existing agricultural structure to be used as a Residence. And if so, does your county count that as the owner has used that modification to an existing building (example, an apartment in the barn) as the existing second home, as permitted in the reg's.?*

*Any input is appreciated. I am researching definitions of residential home - most helpful has been the US Census Bureau.*

**Betty Reefer, Westmoreland Ag Preservation**

- I think, we have at least one farm that I'm aware of that has modified a barn to allow for an "apartment" that houses interns from Millersville University. OR, this landowner made an inquiry as to whether this type of use would be permitted and if it would be considered the one additional residence. I seem to recall that this led to some back and forth with the State folks and the determination was made that this "conversion" of an existing structure did not constitute the construction of one additional residential structure as described in the Statute and Regs. Perhaps Doug will have some additional insight.
  - We recorded new Subdivision Guidelines in 2009, to address a number of things, one was to clarify that converting an existing non-residential structure to residential use utilized the right to construct the additional residential structure permitted by the ACE. We did that specifically because of guidance from PDA that Act 43 and the Regs. did not provide sufficient legal basis to take that position, and we'd need to adopt our own language if that was our desired position. That was based on a situation in Montgomery or Chester Co. (I think?), Doug could explain the specifics of that case. (Lancaster Co)
- Hello, we had a preserved farm landowner convert an ag building into a second home where his father lives. This qualifies as his second residence on the property. (Centre County)

**2021 STATE AGRICULTURAL LAND PRESERVATION BOARD MEETING DATES  
AND EASEMENT RECOMMENDATION SUBMISSION SCHEDULE**

<i>MEETING DATE</i>	<i>LOCATION*</i>	<i>TIME</i>	<i>COMPLETE RECOMMENDATION</i>	<i>FINAL SUBMISSION</i>
February 18, 2021	309	10:00 A.M.	January 15, 2021	January 27, 2021
April 15, 2021	309	10:00 A.M.	March 12, 2021	March 24, 2021
June 17, 2021	309	10:00 A.M.	May 14, 2021	May 26, 2021
August 19, 2021	309	10:00 A.M.	July 16, 2021	July 28, 2021
October 14, 2021	309	10:00 A.M.	September 10, 2021	September 22, 2021
December 16, 2021	309	10:00 A.M.	November 12, 2021	November 24, 2021

**COMPLETE RECOMMENDATION**

**RECEIPT OF A COMPLETE RECOMMENDATION FOR PURCHASE INCLUDING ALL EASEMENT  
SUBMISSION MATERIAL AS STATED IN SECTION 6.2 OF THE GUIDEBOOK.**

**FINAL SUBMISSION**

**CORRECTIONS AND REVISIONS AS REQUIRED BY THE BFP REVIEWER.**

***EARLIER SUBMISSION OF MATERIALS IS STRONGLY RECOMMENDED***

- Conference Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110

## INTRODUCED AS HB 574

### House of Representatives

### Session of 2019 - 2020 Regular Session

### MEMORANDUM

**Posted:** January 8, 2019 12:54 PM

**From:** [Representative Keith J. Greiner](#)

**To:** All House members

**Subject:** Agricultural Preservation Funds Use

Under the Agriculture Area Security Law, counties, townships and private land trusts can participate with the state in preserving farmland. Preservation efforts are coordinated and administered by the counties and there are currently 58 participating counties. The state allocates funds to the counties based on a formula that includes the percent agricultural production of the county, its realty transfer tax and any locally appropriated dollars. I plan to reintroduce House Bill 1689 that had been introduced by Representative Cutler in 2017.

The majority of funding comes from a dedicated tax on cigarette sales, county allocations (used only within each county), Growing Greener trash tipping fee percentage, roll-back tax assessment interest on Clean and Green (varies annually) and intermittent federal funding (amount varies, but usually only a couple million at most). In addition, various public and private programs promote the donation of development rights as a way of preserving farmland.

Land trusts are an important partner in the farmland preservation effort. I will introduce legislation which will direct a portion of the state-allocated farmland preservation funding to be set-aside annually for use by land trusts to preserve farms. The use of these funds will not require the county to be a party to the agricultural conservation easement, but land trusts will have to provide matching dollars to be reimbursed for the purchase costs of an easement. If a land trust ceases to exist, any easements purchased with state-allocated dollars will be transferred to the county or the state.

Land trusts could leverage state dollars to garner private contributions from agri-businesses, lenders, private citizens and ultimately give us a better return on investment. Land trusts also have a history of success in working with the plain sect community, which is often reluctant to work with government.

If you have any questions, please contact Tierna Tuckey at 3-6422 or [ttuckey@pahousegop.com](mailto:ttuckey@pahousegop.com).

I hope you will join me in co-sponsoring this legislation.

#### Sponsors:

[GREINER](#), [HILL-EVANS](#), [BERNSTINE](#), [B. MILLER](#), [COMITTA](#), [FEE](#), [MENTZER](#), [MILLARD](#), [ZIMMERMAN](#), [HICKERNELL](#), [STURLA](#), [A. DAVIS](#), [RYAN](#), [HERSHEY](#), [NEILSON](#) and [SAPPEY](#)

#### Printer's No.(PN):

[581](#)\*

#### Short Title:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements, for Agricultural Conservation Easement Purchase Fund and for Land Trust Reimbursement Program.

#### Actions:

[PN 0581](#) ferred to [AGRICULTURE AND RURAL AFFAIRS](#), Feb. 28, 2019

\* denotes current Printer's Number

## Floor Roll Call

There are no floor votes for House Bill 574

## Committee Roll Call

There are no committee votes for House Bill 574

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574 Session of  
2019

INTRODUCED BY GREINER, HILL-EVANS, BERNSTINE, B. MILLER,  
COMITTA, FEE, MENTZER, MILLARD, ZIMMERMAN, HICKERNELL,  
STURLA, A. DAVIS, RYAN, HERSHEY, NEILSON AND SAPPEY,  
FEBRUARY 28, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 28, 2019

AN ACT

1 Amending the act of June 30, 1981 (P.L.128, No.43), entitled "An  
2 act authorizing the creation of agricultural areas," further  
3 providing for purchase of agricultural conservation  
4 easements, for Agricultural Conservation Easement Purchase  
5 Fund and for Land Trust Reimbursement Program.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Sections 14.1(b.2)(1) and 14.2(a)(2) and (3) of  
9 the act of June 30, 1981 (P.L.128, No.43), known as the  
10 Agricultural Area Security Law, are amended to read:

11 Section 14.1. Purchase of agricultural conservation easements.

12 \* \* \*

13 (b.2) Eligible nonprofit entity participation.--An eligible  
14 nonprofit entity may participate, along with an eligible county,  
15 the Commonwealth and a local government unit eligible to  
16 participate under subsection (b.1), in the preservation of  
17 farmland through the purchase of agricultural conservation  
18 easements.

1 (1) The eligible nonprofit entity may purchase an  
2 agricultural conservation easement if all of the following  
3 apply:

4 (i) The agricultural conservation easement is a  
5 joint purchase with the county and may include the  
6 Commonwealth or a local government unit, or both.

7 (ii) The deed of agricultural conservation easement  
8 is as prescribed by the State board for agricultural  
9 conservation easements purchased by the Commonwealth.

10 (iii) The eligible nonprofit entity does not seek  
11 reimbursement for the purchase of the agricultural  
12 conservation easement under section 14.6(b).

13 \* \* \*

14 Section 14.2. Agricultural Conservation Easement Purchase Fund.

15 (a) Purpose of fund.--

16 \* \* \*

17 (2) Except as set forth in paragraph 3, the moneys  
18 appropriated to the fund shall be utilized in accordance with  
19 the expenditures and distribution authorized, required or  
20 otherwise provided in the program for purchase of  
21 agricultural conservation easements contained in section  
22 14.1, and for the purpose of paying all costs, except  
23 administrative costs, incurred by the Commonwealth or a  
24 county incident to the purchase of agricultural conservation  
25 easements[, and for the purpose of reimbursing nonprofit land  
26 conservation organizations for expenses incurred in acquiring  
27 and transferring agricultural conservation easements to the  
28 Commonwealth or a county].

29 (3) [Each fiscal year, up to \$200,000 of the money in  
30 the fund may be used for the purpose of reimbursement

1 allocation under section 14.6(b). Up to 10% of these funds  
2 may be used for administrative expenses of the department  
3 incurred under section 14.6(b).] By March 1 of each year, the  
4 State board shall make the following annual allocations from  
5 the fund:

6 (i) The amount of \$2,500,000 for the purpose of  
7 reimbursing eligible nonprofit entities for the purchase  
8 of agricultural conservation easements under section  
9 14.6(b). The amount allocated under this subparagraph  
10 shall not exceed 10% of the total annual allocation made  
11 under section 14.1(h).

12 (ii) The amount of \$500,000 for the purpose of  
13 reimbursing eligible nonprofit entities for transaction  
14 expenses under section 14.6(c) relating to the purchase  
15 of agricultural conservation easements under section  
16 14.6(b). Up to 10% of the amount allocated under this  
17 subparagraph for transaction expenses relating to the  
18 purchase of agricultural conservation easements may be  
19 used for administrative expenses incurred by the  
20 department under section 14.6(b) and (c).

21 \* \* \*

22 Section 2. Section 14.6(b), (c), (d) and (e) of the act are  
23 amended and the section is amended by adding subsections to  
24 read:

25 Section 14.6. Land Trust Reimbursement Program.

26 \* \* \*

27 (b) Reimbursement.--[The] In accordance with section 14.2(a)  
28 (3), the State board [may] shall allocate funds to reimburse  
29 land trusts for the purchase of agricultural conservation  
30 easements and for transaction expenses incurred in acquiring



1 agricultural conservation easements in this Commonwealth. Money  
2 allocated under this subsection which has not been expended by  
3 December 31 of the year in which the money was allocated shall  
4 lapse back to the fund.

5 (c) Eligible transaction expenses.--Eligible expenses  
6 include:

- 7 (1) Appraisals.
- 8 (2) Legal services.
- 9 (3) Title searches.
- 10 (4) Document preparation.
- 11 (5) Title insurance.
- 12 (6) Closing fees.
- 13 (7) Survey costs.

14 (c.1) Eligible purchase expenses.--Eligible agricultural  
15 conservation easement purchase expenses under this section shall  
16 include payments by a land trust to acquire an agricultural  
17 conservation easement.

18 (d) Limitations.--

19 (1) Reimbursement for the purchase of an agricultural  
20 conservation easement shall [be limited to \$5,000 per  
21 easement] not exceed \$2,500 per acre or 50% of the appraised  
22 per-acre value, whichever is less.

23 (2) The term of an agricultural conservation easement  
24 shall be perpetual.

25 (3) An agricultural conservation easement shall:

26 (i) consist of at least 10 acres;

27 (ii) contain at least 50% of harvested cropland,  
28 pasture or grazing land; and

29 (iii) comply with the provisions of 7 Pa. Code §  
30 138e.16(a)(1) and (3) (relating to minimum criteria for

1       applications).

2       (4) A land trust must provide matching funds equal to  
3 the amount of the reimbursement for the purchase of an  
4 agricultural conservation easement. Up to 50% of the donated  
5 value of the agricultural conservation easement may be used  
6 to satisfy the provisions of this paragraph.

7       (5) Reimbursement shall not be provided to a land trust  
8 for the expense of an agricultural conservation easement  
9 purchased jointly with the county under section 14.1(b.2)(1).

10       (6) Reimbursement of transaction expenses shall be  
11 limited to \$10,000 per agricultural conservation easement.

12       (e) Eligibility.--To be eligible under this subsection, a  
13 land trust shall be an eligible nonprofit entity and shall:

14           (1) register with the State board;

15           (2) coordinate agricultural conservation easement  
16 purchase activities with the eligible county in which the  
17 activity occurs or coordinate such activities with the State  
18 board, if the activity does not occur within an eligible  
19 county; and

20           (3) submit an application to the State board, with the  
21 statement of costs [incidental to] of the acquisition and  
22 transaction expenses, the deed of easement and any other  
23 documentation required by the State board, within 60 days of  
24 closing on the easement.

25       (f) Transfer to county.--The following apply:

26           (1) If a land trust ceases to exist, an agricultural  
27 conservation easement purchased by the land trust which was  
28 reimbursed for purchase costs under this section shall be  
29 transferred to the eligible county where the agricultural  
30 conservation easement was recorded.

1       (2) If an agricultural conservation easement under  
2       paragraph (1) is recorded in a county that is not an eligible  
3       county, the agricultural conservation easement shall be  
4       transferred to the State board.

5       Section 3. This act shall take effect in 60 days.

**MEETING HELD VIA TELEPHONE CONFERENCE**

**WEDNESDAY, NOVEMBER 18, 2020 – 7:00PM**

The meeting was called to order at 7:05pm by Chairman Ken Moniot on Wednesday, November 18, 2020. A quorum was present.

#### **4. Old Business**

- **2019 #1 Thurber Farm** – Sheryl reported that Clint Champagne had not met all the NRCS requirements for being able to complete a self-contained appraisal and recommended Dave King. Sheryl has not yet heard back from him as to whether he can meet the requirements. Rick Stuchal made a motion to spend up to an additional \$3,000 to have this appraisal completed if needed, and to contact Jim Kelly or whoever necessary to complete it if Dave King couldn't. Along with this, if more money should happen to be needed, Sheryl will contact Board members by phone to get approval and this decision would be ratified at the next meeting. There was a second by Larry Baumgartel. All were in favor and the motion was approved.

- **2020 #1 Taggart Farm** – Information for this farm has been finalized, submitted and accepted by the state for approval at their December 10 board meeting. The only outstanding item is one adjacent landowner letter that has not yet been picked up at the post office (however the letter was also sent via US Mail to assure receipt by the owner.

- **2020 #2 Foertsch Farm** – Sheryl reported that this farm is basically complete except for a couple of small items. It is scheduled to be on the state board's February board meeting for approval.

- **2020 #3 Riddle Farm** – Mr. Riddle contacted Sheryl to let her know that an adjoining farm had sold but was not included as a comparable in his appraisal. Sheryl checked and it had sold in 2019. Before he rejected the board's offer and hired his own appraiser, he wanted to see if the board could have their appraisal amended. Sheryl contacted the state, explained the situation and was told in an email that they could not amend. Sheryl will contact Mr. Riddle first thing in the morning since his deadline is Sunday, November 22 to let him know that the board's offer must stand. There was discussion regarding the time Mr. Riddle would have to submit another appraisal which would be 120 days from the board's original offer.

- **Conversion of Farm Structures into Residences** – Because of the change in having a call-in meeting, Sheryl was not able to distribute information collected from other counties. She will mail this with this month's meeting minutes for board consideration.

#### **5. New Business**

- **Board Member Appointments** were discussed. Commissioner Geyer stated that the board members whose terms were expiring at the end of the year and in April have been reappointed at a Commissioner's meeting. She will meet with Sheryl and they will get a list together for the board members showing new dates for term expiration.

- **Funds from Clinton Township** – Vice-Chairman Bill Duncan asked when the county would need to know if funds were being donated to the 2021 application round. Sheryl explained that the county's

Certification of Funds would be due to the state at the end of January, so it would be best to know no later than the end of December / early January.

#### **6. Adjourn**

Chairman Moniot called for a motion to adjourn. There was a motion made by Rick Stuchal with a second by Treasurer Larry Baumgartel. All were in favor and the motion was approved. The meeting was adjourned at 7:40pm.

#### **Next Meeting:**

**Thursday, December 17** at the

~~Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001~~

**THIS WILL MORE THAN LIKELY BE A CALL-IN MEETING, IF NOT CANCELLED**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr.

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Rebecca L. Yount Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

and the

18th Day of November A.D. 2020

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

*Rebecca L. Yount*

Butler Eagle

Copy of Notice or Publication

**MEETING NOTICE**  
The November 19 scheduled meeting of the Butler County Agricultural Land Preservation Board, held at 7:00 P.M. at 625 Evans City Road, Butler 16001, has been rescheduled for Wednesday, November 18 and will be held via teleconference. For information on how to attend, please call (724) 284-5305 or visit <https://www.butler-countypa.gov/156/Farmland-Preservation>

Sworn to and subscribed before me this 18th  
Day of November 2020

*Carolyn E. Ortiz*

Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
CAROLYN E. ORTIZ - Notary Public,  
Butler County  
My Commission Expires Mar 25, 2023  
Commission Number 1348650

Statement of Advertising Costs

Butler County Office of Farmland Preservation

P.O. Box 1208

124 West Diamond Street

Butler, PA 16003

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached  
Hereto on the above stated dates \$ 34.00

Probating same \$ 3.00

Total \$ 37.00

Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_



**AGENDA**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency Building  
625 Evans City Road, Butler 16001  
**WEDNESDAY NOVEMBER 18 – 7:00PM**

**PUBLIC COMMENT**

**REPORT FROM COMMISSIONER GEYER**

**APPROVAL OF OCTOBER MEETING MINUTES**

**OLD BUSINESS**

1. Thurber Farm (2019)
  - a. Possible decision or ratification of decision to hire another appraiser to complete the self-contained appraisal
2. Taggart, Foertsch and Riddle Farms (2020)
  - a. Possible vote to move forward with Riddle easement purchase if he accepts board offer
3. Conversion of farm structures into residences

**NEW BUSINESS**

**ADJOURN**

LANCASTER CO.

preservation and/or preparation and recording of such restrictions, as applicable.

This policy is intended to apply only to landowner imposed deed restrictions and other landowner imposed legal arrangements where the landowner voluntarily and of his own initiative restricts the time, manner and extent of agricultural use of farmland; this policy is not intended to relate to restrictions in the nature of regulatory restrictions (subdivision plan notes, etc.) arising from customary zoning, subdivision and land development requirements or proceedings.

### **XIII. RESPONSIBILITIES OF LANDOWNER**

#### **A. Permitted Acts**

During the term of the easement, the restricted land shall be used solely for agricultural production or other uses permitted by the Act.

#### **B. Conservation Plan**

1. To preserve the soil resources and agricultural viability of the preserved farm, the County Board shall require the landowner of the preserved farm to acquire and implement a conservation plan approved by the Lancaster County Conservation District or the County Board prior to or at the closing of the easement purchase on the subject property. The landowner is responsible for keeping the conservation plan current and implemented and shall update it after ten years or whenever there is a significant change to the farm operation, whichever occurs sooner.
2. In addition to the requirements established by the Lancaster County Conservation District or the County Board, the conservation plan shall require that:
  - a. The use of the land for agricultural production, such as growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the restricted land.
  - b. The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the restricted land is conducted in a location and manner that preserves the economic viability of the restricted land for agricultural production.
  - c. The mining of minerals is conducted only through the use of methods authorized in the Act.

#### **C. Residential Structures**

1. Construction of one additional residential structure:

In addition to the structures existing on the restricted land on the date of the granting of the ACE, one additional residential structure may be constructed on the restricted land if all of the following apply:

- a. The construction of the residential structure has been reviewed and approved in accordance with section (I) of these Subdivision and Land Development Guidelines.
- b. The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees; and,
- c. No other residential structure has been constructed on the restricted land at any time since the granting of the ACE; and,
- d. The residential structure and its curtilage, including its driveway, occupy no more than two acres of the restricted land, and is located in such a manner that will not negatively impact the use of the remainder of the restricted land for agricultural production.

2. Replacement of residential structure(s):

The replacement of a residential structure(s) existing on the restricted land at the date of the granting of the ACE is permitted if the existing residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.

3. Renovation or modification of residential structure(s):

The renovation or modification of an existing residential structure, or an addition to an existing residential structure is permitted if it would not increase the curtilage of the residential structure.

4. Conversion of existing non-residential structure to use as a residential structure:

The conversion of an existing non-residential structure or any portion of an existing non-residential structure, to use as a residential structure is permitted if all of the following apply:

- a. The conversion of the existing non-residential structure to use as a residential structure has been reviewed and approved in accordance with section (I) of these Subdivision and Land Development Guidelines.
- b. No other residential structure has been constructed on the restricted land at any time since the granting of the ACE; and,
- c. The owner of the restricted land agrees that such conversion shall be considered the right to construct one additional residential structure on the restricted land under subsection E(1), above, as permitted by the Act, Regulations, ACE and these Subdivision and Land Development Guidelines.

### **Construction of Buildings; Changes in Use**

The construction or use of a building or other structure on the restricted land other than a building or structure existing on the date of the granting of the easement is prohibited, except that:

- The erection of fences for agricultural production is permitted.
- The construction and use of structures on the subject land for the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time employees: provided that only one such structure may be constructed on no more than two acres of the subject land during the term of the agricultural conservation easement.
- The construction or use of a building or other structure for agricultural production is permitted.
- The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted.

### **Construction of One Additional Residential Structure**

In addition to the structures existing on the restricted land at the date of the granting of the easement, one additional residential structure may be constructed on the restricted land, if all the following apply:

- The residential structure is constructed ~~construction~~ and used ~~is~~ for the landowner's principal residence or for an immediate family member or for the purpose of providing necessary housing for seasonal or full-time farm employees.
- No other residential structure has been constructed on the restricted land, under the authority of section 14.1 (c)(6)(iv) of the Act and this section, after the date of the granting of the easement.
- The residential structure and its curtilage occupy no more than 2 acres of the restricted land.
- The location of the residential structure and its driveway will not harm the economic viability of the preserved farm for agricultural production. The replacement of a residential structure constructed under this section is permitted.
- The location of the residential structure shall be sited in a manner that protects the prime, unique and important soils to the greatest extent practicable. ~~and its driveway will not significantly harm the economic viability of the restricted land for agricultural production~~
- The right to the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c)(6)(iv) of the Act

### **Subdivision Guidelines**

#### **Definitions**

Economic viability of farmland for agricultural production - The capability of a particular tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)), to meet all of the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter.

Harm the economic viability of the farmland for agricultural production - To cause a particular tract of restricted land to fail to meet the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter, or to create, through subdivision, a tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(i)), that would fail to meet the afore described criteria.

Land development - Either of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings, whether proposed initially or cumulatively; or
- (2) A subdivision of land.

Land which has been devoted primarily to agricultural use - That acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production, and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their cartilages, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employee is permitted pursuant to Section 14.1(c)(6)(iv) or the Act (3 P.S. § 914.1(c)(6)(iv))

Pennsylvania Municipalities Planning Code - The Act of 1968 (P.L. 805, No. 247) as reenacted and amended

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

### **Construction of One Additional Residential Structure**

1. General. In addition to the structures existing on the restricted land at the date of the granting of the easement, one additional residential structure may be constructed on the restricted land if the following apply:
  - a. The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.
  - b. No other residential structure has been constructed on the restricted land, under authority of Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)) and this section, after the date of the granting of the easement.
  - c. The residential structure and its curtilage occupy no more than 2 acres of the restricted land.



2. Replacement of structures. The replacement of a residential structure constructed under authority of Section 14.1(c)(6)(iv) of the Act and this section is permitted.
3. Reservation of right to construct after subdivision. If the restricted land is subdivided prior to the construction of a residential structure under authority of Section 14.1(c)(6)(iv) of the Act and this section, the landowner shall do the following:
  - a. Inform the county board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.
  - b. Ensure that the deed to the subdivided tract with respect to which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.
  - c. Ensure that the deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

1 Sep 2020

## Conversion of a farm structure into a residence = Additional Residential Structure?

*I have a question, in regards to those who have had farms that used their right to an 'additional residential structure'.*

*Could you please let me know if any have had an easement owner convert an existing agricultural structure to be used as a Residence. And if so, does your county count that as the owner has used that modification to an existing building (example, an apartment in the barn) as the existing second home, as permitted in the reg's.?*

*Any input is appreciated. I am researching definitions of residential home - most helpful has been the US Census Bureau.*

**Betty Reefer, Westmoreland Ag Preservation**

- I think, we have at least one farm that I'm aware of that has modified a barn to allow for an "apartment" that houses interns from Millersville University. OR, this landowner made an inquiry as to whether this type of use would be permitted and if it would be considered the one additional residence. I seem to recall that this lead to some back and forth with the State folks and the determination was made that this "conversion" of an existing structure did not constitute the construction of one additional residential structure as described in the Statute and Regs. Perhaps Doug will have some additional insight.
  - We recorded new Subdivision Guidelines in 2009, to address a number of things, one was to clarify that converting an existing non-residential structure to residential use utilized the right to construct the additional residential structure permitted by the ACE. We did that specifically because of guidance from PDA that Act 43 and the Regs. did not provide sufficient legal basis to take that position, and we'd need to adopt our own language if that was our desired position. That was based on a situation in Montgomery or Chester Co. (I think?), Doug could explain the specifics of that case. (Lancaster Co)
- Hello, we had a preserved farm landowner convert an ag building into a second home where his father lives. This qualifies as his second residence on the property. (Centre County)



the job for \$2,500. The state was included on these emails since they are a go-between in this program. He is now working on the project and will have it completed by January 31<sup>st</sup>.

- **2020 #1 Taggart Farm** – This farm was approved by the state board on December 10<sup>th</sup>.

- **2020 #2 Foertsch Farm** – Sheryl is just waiting for a manure management plan from Mr. Foertsch and the farm is scheduled to be reviewed by the state at their February 18 board meeting.

- **2020 #3 Riddle Farm** – Sheryl reported that Clint Champagne had discussed his appraisal of the farm with Mr. King, the appraiser that Mr. Riddle had spoken with. Clint submitted corrective pages for his appraisal using the adjoining farm that had recently been sold as a comparable farm sale. The corrected value sheet had previously been sent out to board members for review. Vice-Chairman Duncan made a motion to offer Mr. Riddle \$4,076 per acre as concluded in the corrected appraisal for agricultural conservation easement value. There was a second by Luke Fritz. All were in favor and the motion was approved.

- There was discussion on appraisers and whether the board should have more than one. Sheryl will look back through meeting minutes, and it is thought that a couple of years ago the board voted to continue using Clint Champagne as the primary appraiser with Jim Kelly as a backup when needed. Commissioner Geyer also mentioned that it might be better for overall program consistency to have one primary appraiser.

- **2021 Application Round** – Sheryl ran the ad in the Butler Eagle for the 2021 application round and has received calls from a couple of farms and mailed information. Two farms may not be able to apply this year because they may not be in their township's ag security area and the length of time it takes for them to be added. One application was received on December 17 from a 37-acre farm which is attached to the Taggart farm which was just approved for preservation, so they will qualify for application with less than the required acreage.

## **5. New Business**

- **Part-Time Off-Season Minor or Rural Enterprises** – Sheryl received a call from a gentleman interested in possibly buying the Linton farm in Marion Township, and whether he would be able to run a roadside stand selling produce and hold special events at the farm such as a fall festival, etc. After discussion about parking, buildings, etc., the board felt that these activities would be allowed but that ideas should be brought to the board beforehand just to be sure the easement would not be violated. Sheryl will also check with the state to see if they require state board approval beforehand.

## 6. Adjourn

Chairman Moniot called for a motion to adjourn. There was a motion made by Rick Stuchal with a second by Vice-Chairman Bill Duncan. All were in favor and the motion was approved. The meeting was adjourned at 7:40pm.

### Next Meeting:

**Thursday, January 28** at the  
~~Farm Service Agency Building, 625 Evans City Road, Butler, PA 16001~~  
**THIS WILL BE A CALL-IN MEETING, IF NOT CANCELLED**

Respectfully submitted by Sheryl Kelly for Board Secretary Rob Burr.

***Merry Christmas and Happy New Year!***



**AGENDA**  
**BUTLER COUNTY**  
**AGRICULTURAL LAND PRESERVATION BOARD**

Farm Service Agency Building  
625 Evans City Road, Butler 16001  
**THURSDAY, DECEMBER 17 – 7:00PM – CALL IN**

**Conference Call Dial-In Number – (605) 313-5718**  
**Access Code - 888178**

**PUBLIC COMMENT**

**REPORT FROM COMMISSIONER GEYER**

**APPROVAL OF NOVEMBER MEETING MINUTES**

**OLD BUSINESS**

1. Thurber Farm (2019)
  - a. Update on Self-Contained Appraisal
2. Taggart, Foertsch and Riddle Farms (2020)
  - a. Possible vote on corrected offer to Mr. Riddle
3. 2021 Application Round

**NEW BUSINESS**

**ADJOURN**