

CHESTER COUNTY AGRICULTURAL LAND PRESERVATION BOARD
APRIL 26, 2016 MINUTES

1. Call to Order –

Chairwoman Melba Matthews called the April 26, 2016 meeting of the Agricultural Land Preservation Board (Board) to order at 2:00 p.m. in Room 339, GSC.

The following Board Members were in attendance: Melba Matthews, Chairwoman; Richard Abbott; Donald Cairns; Bill Covaleski; Amy McKenna; and Eli Silberman

Staff: Bill Gladden, Geoffrey Shellington, Veronica Protesto, and Annette Bethke.

Absent: John Diament, Mark Dunphy, and Duane Hershey

Visitors: Kimberly P. Venzie of Unruh, Turner, Burke & Frees, Special Counsel for Chester County; Lisa Neal, stenographer; Jonathan Rinde and Garrett Trego of Mango, Gold, Katcher, and Fox LLP, attorneys for Sally Schwartz; Robert MacMullen of Arborganic Acres; Sarah Doyle of Stock and Leader, attorney for E. Kent High Jr. and Arborganic Acres; and several members of the general public, all of whom signed in as residents of North Coventry Township; Orville March, L Koster, Betsy Douglas, Pat Washburn, Chris Washburn, R. Koster, Dan Schwartz, Sarah Schwartz, Don Jeffery, Trudy Coudon, Al & Ann McCarthy, Nancy McGuigan, Erin McGuigan, and Wayne Murphy.

2. Specific Public Comment Opportunity: Arborganics and the High Farm

Staff and members of the Board introduced themselves.

This agenda item was led by Kimberly P. Venzie, Special Counsel for Chester County. Ms. Venzie reminded those in attendance the meeting was not a legal proceeding or hearing but rather a public meeting to allow for the public to express their concerns regarding the activities of Arborganics and the High Farm.

Ms. Venzie invited public in attendance and legal counsel wishing to make a comment on the issue to introduce themselves.

Jonathan Rinde introduced himself as legal counsel for Mrs. Swartz, a resident of the area near the farm in question, and noted his purpose was to seek cessation of Arborganics operation. He summarized his clients perspective in addition to the specific complaints. Mr. Rinde shared the opinion that Arborganics has become a large scale industrial operation no longer in compliance with the agricultural conservation easement restrictions on the property. Mr. Rinde explained their position is that Arborganics does not receive 50% of the raw material for the compost from the High farm and therefore does not meet the rural enterprise criteria of the farmland preservation program. In addition, he put forward the opinion that the operations do not meet the definition of farm operations as defined by the Agricultural Security Law and therefore is not in compliance with the terms of the Deed of Easement. Mr. Rinde requested the Board find Arborganics activity in violation of the Deed of Easement and that the Board enforce the terms of the Deed of Easement.

Sarah Doyle then introduced herself as representing Robert MacMullen and Arborganic Acres. She provided a letter addressing some of the issues raised regarding agricultural production on the High Farm and Arborganic Acres. Ms. Doyle agreed that the farm activity resulted in noises and smells; however, she noted that the Agricultural Security Area Law protects farmers from nuisance complaints. Ms. Doyle told the Board that Arborganic Acres is not disputing that only agricultural production is permitted under the easement. Ms. Doyle shared her assessment that Arborganic Acres' activities qualify as agricultural production Ms. Doyle's perspective is that Arborganic Acres composting is not a seasonal or a side business as defined by the Agricultural Conservation Easement Purchase Program. Ms. Doyle's position is that composting is part of the overall agricultural production activities of the farm.

Robert MacMullen stated that he was directed to the area where the composting is being undertaken by the Federal, State, and County governments as a proper location for Arborganics' business and activities. The

government entities believed that Arborganics' activities would be beneficial to the surrounding communities. Mr. MacMullen stated that he was told the activities were considered normal farming operations. Additionally, the size, location and magnitude of Arborganics was established to fit the High Farm location.

Several members of the public expressed concerns regarding the smells, noise, traffic, and possible pollutants caused by Arborganics' activities and that the activities did not appear to be farming activities. Many of the speakers mentioned the inability to enjoy their property due to odors. Also of concern are the 18-wheelers that travel the road to and from the operation and the types of products being brought in for processing. It was mentioned that prior to August 2015, the smells were not an issue; however, since then the odor has increased and has now become intolerable.

Ms. Venzie closed the topic and thanked everyone for attending the meeting. She invited the attendees to leave their name and address if they would like to receive any final communications regarding the issue.

There were no further comments

3. **Public Comment:** No public comment on any other matters.

4. **Executive Session:**

- Legal
- Real Estate

5. **Approval of Minutes – March 22, 2016**

The Board meeting minutes were approved as sent. Motion made by Richard Abbott, seconded by Eli Silberman. Motion carried.

6. **State Agricultural Conservation Easement Program – Status Report**

2012 Round – 50% Donation

Pannell, Bootsie	-----	Offer Accepted – Londonderry Township
Pannell Revocable Trust	-----	Offer Accepted – Londonderry Township

2014 Round

Stoltzfus, Ben	-----	Offer Accepted – Honey Brook Township
King, Omar	-----	Offer Extended – West Caln Township

2015 Round

Brown Partnership #1	-----	Offer Accepted – New London Township
McDowell, Elizabeth	-----	Offer Accepted – New London Township
Jones, Pownall	-----	Offer Extended – New Garden Township
King, Clair	-----	Offer Accepted – Upper Oxford Township
Breckbill, Richard	-----	Second Appraisal – Upper/Lower Oxford Townships
Bush #1	-----	Offer Accepted – W. Fallowfield Township
Bush #2	-----	Offer Accepted – W. Fallowfield Township
Coates, Eric	-----	Offer Extended – E. Nottingham Township
Manfredi, Rocco	-----	Offer Accepted – New Garden Township
Miller Farm LP	-----	Second Appraisal – W. Nantmeal Township
Stoltzfus, Isaac	-----	Offer Accepted – Honey Brook Township
Miller, John	-----	Offer Extended – East Nottingham Township
Doughten, Matthew	-----	Board Review – Elk Township

Stoltzfus, Gideon ----- Board Review – West Brandywine Township

7. Challenge Grant Program – Status Report

2014 Round

Kulp, Edward ----- Offer accepted – North Coventry Township

2015 Round

Pyle, Thomas ----- Offer Extended – Warwick Township

Barnard Orchards ----- Board Review – Newlin Township

Henshaw, Michael and Barbara ----- Board Review – London Grove Township

8. Updates and Other Business –

- Amy McKenna announced the passing of George A. “Frolic” Weymouth, Sunday April 24, 2016. Mr. Weymouth was the founder and Chairman of the Brandywine Conservancy & Museum of Art. The Conservancy will hold a tribute exhibition beginning Friday, April 29th.
- Ms. McKenna also announced the Buck & Doe Spring Fling Breakfast will be held May 22, 2016 from 10:00 am to 12:00 pm.
- Bill Gladden announced the reappointment of Board members Donald Cairns, Bill Covaleski, and Eli Silberman and thanked them and the rest of the Board for their service.

9. Adjournment – Meeting adjourned at 3:42 p.m. Motion to adjourn made by Richard Abbott, seconded by Amy McKenna. Motion carried.

10. Next Meeting – May 24, 2016 at 2:00 PM, room 250, GSC.