



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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www.berkspa.gov/departments/agriculture

County Commissioners:

Christian Y. Leinbach, Chair
Michael S. Rivera
Dante Santoni, Jr.

Board Members:

Gregg Eshelman, Chair
David L. Phillips, Vice Chair
James R. Coker

Morgan A. Firestine
Kimberly J. McGrath
Jeremy R. Meck

Steven C. Mohn
Clyde A. B. Myers
Louise A. Swartley

Ex Officio:

Robert C. Ziegenfus, Ph.D.

Solicitor:

Mark R. Sprow, Esq.

Berks County Agricultural Land Preservation Board of Directors Meeting March 27, 2024, 5:30 p.m. MINUTES

A regularly scheduled meeting of the Berks County Agricultural Land Preservation Board was held at the Berks County Agricultural Center on Wednesday, March 27, 2024, at 5:30 p.m.

Board members present: Gregg Eshelman, James Coker, Kim McGrath, Louise Swartley, Steve Mohn, and Clyde Myers.

Staff present: Emily Wangolo, Executive Director; Kim Fies, Deputy Director; Amanda Burkard-Sell, Agriculture Program Manager.

In attendance: Mark Sprow, Esq. Special Counsel for the Board.

Gregg Eshelman, Chair, called the meeting to order at 5:35 p.m.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the February 28, 2024, meeting, as drafted. (S. Mohn, L. Swartley)

Discussion: None.

Vote: Motion approved; J. Coker abstained.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell reported the following changes since the status of recommendations had been submitted to the Board: Docket #2201 went to settlement on March 8. Docket #2203 is scheduled for settlement on April 5. Due to new data inputting software at the State, properties proposed to be presented at the State Board meeting in April, have now been postponed until June. The remaining farms are in process.

IV. OLD BUSINESS

- A. None.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
 - Section A: Transferred in Compliance – Settlement #241.0.
 - Section B: Transferred with Concerns Noted – Settlement #322.0, is involved in a larger potential violation situation and Attorney Sprow is working with the landowners. No action by the Board is required at this time.
 - Section C: Outstanding Violations – None to report.
 - Section D: Transfers Resolved – None to report.

B. 2024 LESA Ranking – Initial Selection

- A. Burkard-Sell informed the Board that 56 farms totaling 4164.17 acres had been ranked in 2024 with a total of \$3,789,541.69 is available for easement purchases. Utilizing the cap of \$2,800 per acre and allowing for an estimate of \$15,000 in incidental expenses per farm, the Board can select up to and including farm #13 with a cut-off score of 51.0 without incurring a deficit.

Motion: A motion was made to select the first 13 applications in the 2024 LESA Ranking at a cut-off score of 51.0 and to give the staff the ability to continue to move down the list without incurring a deficit, should any of the applications within the first selection withdraw (J. Coker, K. McGrath).

Discussion: None.

Vote: Motion approved.

C. 2023 ACE Program Inspection Report

- K. Fies reviewed the results of the 2023 Annual Inspection Report conducted by ACE staff. A total of 286 easements were inspected. Of the 286 inspections; 244 were in compliance, 35 required recommendations, 5 had concerns that could result in potential violations, and 1 has an ongoing unresolved violation.
- Fies also noted that a total of 47 farms had transferred with 57 deeds reviewed.

D. Settlement #109.0 – Kurtz – Soil Loss/Erosion Concerns

- K. Fies presented concerns from the landowner of Settlement #109.0 (Kurtz), in Richmond Township, regarding excessive soil erosion and damage to their property due to storm water flow from solar array installation on a neighboring farm. The County and State investment in the farm/soil is being negatively impacted.

Motion: A motion was made to send a letter to the Berks County Conservation District requesting further information on the steps that had been taken regarding the erosion on the Kurtz Farm. (K. McGrath, J. Coker).

Discussion: Board discussed the specifics of the letter and agreed that a general letter of concern was more appropriate. The motion was amended to reflect that the letter the

BCCD shall be a letter of concern only. A carbon-copy of letter will be sent to Richmond Township, Berks County Commissioners, PA Department of Agriculture (Bureau of Farmland Preservation), PENNDOT, PA Department of Environmental Protection.

Vote: Amended motion approved.

E. Settlement #39.0 – Thun – Effluent Easement

- K. Fies presented an issue with Settlement #39.0 (Thun), Lower Heidelberg Township, regarding the unapproved language used in document with an adjoining landowner to allow subsurface drainage from proposed on lot septic systems. Board agreed with the need to remove the word “easement” and replace with “agreement” and noted the need to confirm no construction can take place and no activity that would alter the flow of groundwater.
- Staff will review with Mr. Thun.

F. Easement Modifications

- K. Fies presented the following requests for modification of the easements:
 - Settlement #371.0 (Phillips), 46.30-acre farm in Windsor Township - a request has been received to construct a 64’ x 248’ beef finishing barn within the curtilage. This request to construct an ag structure meets the terms of the deed of easement.
 - Settlement #666.0 (Newswanger), 125.40-acre farm in Maxatawny Township – a request has been received to construct a 48’ x 96’ heifer barn. This request to construct an ag structure meets the terms of the deed of easement.
- K. Fies presented the following concept for residential subdivision:
 - Settlement #124.1 (Zook), 77.0-acre farm in Oley Township – a concept request has been received to subdivide the existing residential structure. Due to the location of a generator and pond the configuration is very atypical. Staff expressed concern for potential conflicts as ownership changes hands for staff to assure the parcels are meeting the terms of the deed of easement.
 - Board agreed that a property line thru the middle of the pond was not practical, and the Board suggested the landowner rework the proposed subdivision into a more straightforward design.

VI. DEPARTMENTAL REPORT

A. Berks County Ag Study – Focus Groups

- E. Wangolo reported, as part of the Berks County Ag Study, three focus groups will be held so the consultants can gain broader perspectives, concerns, opportunities, and

wishes of individuals within the Berks ag industry. The basis of the groups is to dive deeper into key issues that have already been identified during the project. Any Board member interested in participating in the focus groups, please reach out to Emily Wangolo.

- The sessions are being held:
 - Tuesday, April 16: 1-3 PM; Oley Fair Center
 - Wednesday, April 17: 9-11 AM; Bethel Twp. Municipal Bldg.
 - Wednesday, April 17: 6-8 PM; Berks County Ag Center

VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – None.

- J. Coker reported the details of a barn from the mid-1800s, which resides on property owned by Penn State, is slated to be demolished by the school. He requested the Board send a letter to the school expressing their concerns with the removal of a historic structure. Because the building is not located in Berks County, the Board has agreed to contact Centre County, where the building resides, to gain additional information about the proposed demolition before drafting a letter.
- C. Myers proposed reaching out to landowners whose properties adjoin preserved farmland to increase interest in participation the ACE program. Wangolo will share the idea with County representatives for their approval before the Board can proceed.

Motion: A motion was made to adjourn the meeting at 7:25 PM. (J. Coker, K. McGrath)

Discussion: None.

Vote: Motion approved.

Respectfully submitted,

Jennifer Leigh Smilko
Office Support