



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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County Commissioners:

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

Board Members:

Gregg Eshelman, Chair
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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 Meeting August 28, 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, August 28, 2024, at 5:30 p.m.

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

Staff present: Emily Wangolo, Executive Director; Kim Fies, Deputy Director; Amanda Burkard-Sell, Agriculture Program Manager; Sam Bond, ACE Program Technician

In attendance: Pamela Menet, Director of Community and Economic Development for Berks County

Gregg Eshelman, Chair, called the meeting to order at 5:30 p.m.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the July 31, 2024, meeting, as drafted. (S. Mohn, L. Swartley)

Discussion: None.

Vote: Motion carried; J. Coker abstained.

- Sam Bond, ACE Program Technician, introduced himself to the Board.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell highlighted several items from the *Status of Recommendations* Burkard-Sell including that Dockets #2302, #0491, and #1334 were approved at the August 8, 2024 State Board meeting; Dockets #0811, #2106, and #0822 are planned for recommendation at the October 10, 2024 State Board meeting, and offers were made or are in process for Dockets #2405, #0815, and #2407. Burkard-Sell added that the appraisal for Docket #2404 will be reviewed in Executive Session.

VI. DEPARTMENTAL REPORT

A. Landowner Request LP.224.0 (Jurgielewicz) – for documentation

- K. Fies noted the following modification request:
 - The landowner of Settlement #224.0 (Jurgielewicz) – Upper Bern Township will be constructing a 100'x 45' replacement ag structure for hay storage. Fies added that this ag structure meets the terms of the guidelines and does not require Board approval.

B. Ag Study Update

- E. Wangolo informed the Board that the Ag Advisory Committee meeting previously scheduled for September 11, 2024 had been rescheduled to October 2, 2024 due to a building shut down that will occur as part of the Ag Center renovations. Wangolo added that a draft of the report will be shared with the Committee prior to the meeting and will also be provided to the Board for feedback.
- Wangolo reviewed pieces of data from the study, which is based on the USDA Census of Agriculture and IMPLAN data, as well as the strengths, weaknesses, and mixed areas identified. The Board discussed the study information.
- P. Menet clarified that the numbers indicated in the study do not include grey market data – specifically cash transactions, which would increase the multiplier effect to closer to \$2 to \$1, rather than the listed \$1.39.
- Menet also added that there will be a recommendation matrix included based on the areas identified with actionable items for the county during the next 3 to 5 years. Other more aspirational ideas will be noted, should private partnerships determine to pursue them. In addition, attempts will be made to bring agriculture into existing services, such as the Family Business Alliance.
- Menet noted that the draft documents will be distributed in mid-September.

C. Upcoming Events

- E. Wangolo reminded the Board of the following upcoming events and noted that information was provided in the Board packet:
 - i. Agriculture and Natural Resources Career and Job Fair on November 14, 2024
 - ii. Tire Collection on November 8, 2024
 - iii. Discover Ag live podcast event at the Miller Center at RACC on September 26, 2024

IV. OLD BUSINESS

A. 2024 LESA Ranking Update

- A. Burkard-Sell noted that farms #23 and #27 had withdrawn from selection, allowing for an additional selection of farms #29 and #30; those landowners are within their time frame to respond.

B. 80,000 Acre Milestone Celebration Update

- C. Myers noted that the Committee and P. Menet had visited the Redner's Event Center and that sponsorship details were distributed to the Board. The Board discussed the specifics of the sponsorship opportunities and the event, and it was noted that the Committee supports holding the event at the Redner's Event Center and that the further specifics of the event can be determined later.

Motion: A motion was made to move ahead with hosting the 80,000 Acre Milestone Celebration at the Redner's Event Center. (J. Coker, L. Swartley)

Discussion: None.

Vote: Motion carried unanimously.

- The Board determined to set the date for either June 17 or 18, 2025, depending on the venue's schedule. The Committee will continue to work on the specifics of the event, which will require assistance from the entire Board and possibly outside help.

C. Update on Participation Interest Letter

- S. Mohn informed the Board that he and C. Myers had amassed a list of approximately 42 potential farms in Marion Township, based on their size and proximity to existing preserved farms and the list provided by L. Swartley. Myers added that the next step will be to hand address the letters and send them out, which may require support from staff.

D. Landowner Request – Update to LP.433.0 Gerhard Estate Subdivision

- K. Fies informed the Board that due to township requirements, the landowners of Settlement #433.0 (Gerhard Estate) had made a minor adjustment to the parcel lines on the subdivision plan that had been approved by the Board at the July meeting. Fies added that the parcels still met the minimum criteria and there was no overall impact on the subdivision.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
 - Section A: Transferred in Compliance – Settlements #21.0 and #583.0 had transferred in compliance.
 - 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' attorney. No action by the Board is required at this time.
 - Settlements #562.0.FD, #749.1 and #749.2 are still working with their attorneys to record corrective deeds. The attorney for Settlement #562.0.FD had spoken with staff earlier in the week and will be recording the corrective deed shortly. 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. Landowner Requests

- K. Fies presented the following easement modification request:
 - Settlement #111.1 (Lopez)- 100.9-acre farm in Oley and Earl Townships, has submitted the following request:
 - Rural Enterprise request to construct two (2) solar arrays: one on a building and one on an unused barn lot. Fies noted that the arrays will be accounted for in the farm’s conservation plan and that they will provide 100% of the farm’s energy use for the farming operation; the request meets the terms of the guidelines.
 - The Board and staff discussed Rural Enterprises and how the Board can make consistent decisions based on the guidelines.

Motion: A motion was made to approve the proposed rural enterprise on Settlement #111.1 (Lopez). (D. Phillips, J. Coker)

Discussion: None.

Vote: Motion carried unanimously.

C. Residential Unit Definition Discussion

- K. Fies reviewed the definition of residential structure that is in the current guidelines, as well as the recently updated definition utilized by Westmoreland County, which was amended to address structures where a portion was converted to a residence. The Board, staff, and P. Menet discussed the merits of allowing accessory dwelling units as portions of existing structures, especially in circumstances where they can be used to provide housing for farm employees. Sites would need to be visited to ensure that no land was taken out of agricultural production, and municipal guidelines must be met. The Board determined that no change to the current definition was necessary.

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

EXECUTIVE SESSION

RESUMPTION OF REGULAR MEETING

Motion: A motion was made to offer the cap of \$2,800 to the landowners of Dockets #2404. (J. Coker, D. Phillips)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to adjourn the meeting at 7:09 PM. (L. Swartley, J. Coker)

Discussion: None.

Vote: Motion carried unanimously.

EXECUTIVE SESSION

Respectfully submitted,

Amanda K. Burkard-Sell
Agriculture Program Manager

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