



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
1238 County Welfare Road, Suite 260
Leesport, PA 19533
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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 Meeting December 18, 2025 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, December 18, 2024, at 5:30 p.m.

Board members present: Gregg Eshelman, Dave Phillips, Jeremy Meck, Clyde Myers, Kim McGrath – by phone.

Staff present: Kim Fies, Executive Director, Amanda Burkard-Sell, Deputy Director, Sam Bond ACE Easement Program Technician.

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

Gregg Eshelman called the meeting to order at 5:35 p.m. G. Eshelman also stated there is not currently a quorum, and we will start the meeting with a discussion on the 80,000 Acre Celebration until K. McGrath calls in.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

80,000 Acre Celebration Discussion

- C. Myers stated that there was some miscommunication with Jon Nally of the Reading Phillies about what we could and could not do — we must use the Reading Phillies for a fan giveaway, and it will have the Reading Phillies logo on it.
- C. Myers stated that if the Board purchased 1,800 of these cups, through the company that Jon Nally provided, it would cost approximately \$4,000.
- C. Myers mentioned that these cups would be on the “cheaper” side. C. Myers stated that we would not want to go in a cheaper direction.
- G. Eshelman asked what would be printed on the cups. C. Myers stated that would be up to the Board.
- C. Myers stated that the Board could have as many tables as they needed for the banquet.
- C. Myers stated that only 4 tables in the Plaza were available for sponsors. C. Myers stated that the tables are free for the first four, but the Board was free to “buy” extra tables at a cost of \$500 each.
- J. Meck presented the idea of working with Farm Bureau and possibly having a tractor available for photo ops.

K. McGrath joined by phone – Quorum achieved – Return to agenda

II. APPROVAL OF MINUTES

- No changes needed.

Motion: A motion was made to approve the minutes of the November 20, 2024, meeting, as amended. (D. Phillips, J. Meck)

Discussion: None.

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell states that there were some changes and updates since this was distributed.
- A. Burkard-Sell states that under letter B, farm #2103, that farm had been waiting for a right of way to be recorded before the State would process checks to go to settlement. That right of way has been recorded, hoping to go to settlement in January.
- A. Burkard-Sell stated that docket #0419 and #1334 settlements were held, those will complete settlements for 2024, and we are at 831 farms, and at 79,314 acres preserved.
- K. Fies stated that the dockets under letters E, F, and G — those acres have been approved, now waiting on checks.
- D. Phillips inquired as to whether we would have an 80,000 acre farm. K. Fies stated yes, we will have a farm that will be represented as the 80,000th acre farm but cautioned that we need to be cognizant as to how workflow goes, and to be a little selective on who that farm will be.
- A. Burkard-Sell states that letter K, docket #2009 withdrew their application as of December 17, 2024. They had been working on getting some conversation planning done but decided not to go ahead with conservation planning. A. Burkard-Sell states this is not the first time this has happened with this farm.
- A. Burkard-Sell states that dockets #1305 and #2406 were added, their appraisals to be reviewed in Executive Session.
- K. McGrath asked if the docket #2009, that had withdrawn, had that appraisal cost been paid in full? A. Burkard-Sell stated no, they will just forfeit their \$500 deposit, due to the guidelines at the time. New guidelines, which increase the amount of the deposit will take effect 2025, per A. Burkard-Sell.

IV. OLD BUSINESS

A. 2024 LESA Ranking Update

- K. Fies noted there is no updates, that the 2024 LESA rankings are done and wrapped up.

B. 80,000 Acre Milestone Celebration 2025 Update

See notes above

C. Municipal Letter, 2nd Round

- C. Myers asked for this to be tabled.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
 - Section A: Settlements #512, #471, #466, and #330 all 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 #749.1 and #749.2 are still working with their attorneys to record corrective deeds. No action by the Board is required at this time.
 - Section C: Outstanding Violations – None to report.
 - Section D: None to report.

B. Certification of County Funds for 2025

- K. Fies stated that a motion from the Board is needed to request the funds from the County Commissioners that get matched, and then are sent to the State to be matched.
- K. Fies stated that every year, the stated funds of \$1,000,000 are requested from the General Account, in addition to any donations received, any interest collected on rollback penalties from Clean and Green, and this year, any funds received from the Adopt an Acre program, who is rolling over their funds to the County.

Motion: A motion was made to request the funds from the County Commissioners for 2025. (D. Phillips, J. Meck)

Discussion: None.

Vote: Motion carried unanimously

C. Right of Way Requirements to Curtilage for Selected Parcels

- K. Fies provided information to the Board regarding selected farms where the existing residence has a long driveway to the curtilage. Fies noted that without a recorded Right of Way, there would be no ability to subdivide the existing residence in the future. Fies requested guidance from the Board on how to handle these situations moving forward.
- The Board discussed the requirements for the easement versus those for the township and noted that they may not align and that both requirements would need to be met in order for a right to be used. D. Phillips noted that it is not the Board's responsibility to ensure that all of the easement rights can be executed.
- Fies provided additional details to the Board and noted that a Right of Way could only be recorded prior to settlement for the easement.
- The Board decided to table the discussion for a future meeting.

D. Landowner Request — Requires Board Action

Easement Modifications — L.P.312.0 Stoltzfus
Replacement of Residential Structure

- K. Fies states that the Lapp farm in Bethel Township, settlement from 2004, 103 acres. Built a second house already, but wants to replace existing house, did so within the curtilage, and meets all the requirements. K. Fies states that he was sent a letter to remind him, stating that the pre-existing structure needs to be razed, removed, or further replaced.
- K. McGrath asked if they got both dwellings on one deed, or if it was subdivided. K. Fies stated that no, farmer used his right to an additional residential structure at another spot on the farm, and that he is replacing this first structure.

Motion: A motion was made to allow the replacement of the residential structure. (J. Meck, K. McGrath)

Discussion: None.

Vote: Motion carried unanimously.

VI. DEPARTMENTAL REPORT

A. Ag Study Update

- K. Fies stated that they are finalizing the Roadmap document, and that they have a meeting on Friday with the people that wrote it, with P. Menet. P. Menet is pushing to get it finalized and to the Commissioners in the 2nd week of January at one of their Tuesday meetings.
- K. Fies stated as soon as the Roadmap is finalized, all Board members will get a copy.
- K. Fies stated that the document is designed to be a guide, and not a static document, and that we can address different things if need be.

B. Upcoming Events

- A. Burkard-Sell states that the department is working on planning National Ag Day, March 18, 2025, a Tuesday, a historical event in conjunction with America 250, possibly in Kempton, but stay tuned.

C. Board Appointments

- K. Fies stated that S. Mohn, K. McGrath, J. Meck, and G. Eshelman were all reappointed to serve on the Board. K. Fies stated that the chair of the Commissioners typically reappoints the chair of the Board, and asked G. Eshelman to keep an eye out for communication on that topic.

VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – No member of public attended.

EXECUTIVE SESSION

RESUMPTION OF REGULAR MEETING

Motion: A motion was made to offer the cap of \$2,800 to the landowners of Dockets #1305 and #2406. (J. Meck, D. Phillips)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to adjourn the meeting at 7:45PM. (C. Myers, D. Phillips)

Discussion: None.

Vote: Motion carried unanimously.

Respectfully submitted,

Rachel Painter
Office Support IV

DRAFT