



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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County Commissioners:

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Louise A. Swartley

Ex Officio:

Robert C. Ziegenfus, Ph.D.

Solicitor:

Mark R. Sprow, Esq.

Minutes from the June 29, 2022 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, June 29, 2022 at 7:00 PM via virtual platform “**Microsoft Teams.**” David Phillips, Chair, called the meeting to order at 7:02 PM. Board members present included James Coker, Morgan Firestine, Jeremy Meck, Clyde Myers, David Phillips. Also, in attendance were Mark Sprow, Esq. Special Counsel for the Board; Staff: Amanda Burkard-Sell and Kimberly Fies; Emily Wangolo, Deputy Director and Tami Hildebrand, Executive Director.

I. PUBLIC COMMENTS ON AGENDA ITEMS – None.

II. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the May 25, 2022, meeting, as drafted. (J. Coker, M. Firestine)

Discussion: None

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- T. Hildebrand reported that there had been two (2) changes since the Status of Recommendations had been distributed to the Board: Dockets #2108 and #2110 had gone to settlement on June 27, 2022 and that the acreage for Docket #2105 had been corrected to 207.9 acres.
- Hildebrand noted there will be five (5) appraisals reviewed in Executive Session and that the three (3) outstanding Dockets listed under Selection are still awaiting a response from the landowner and will be discussed later in the meeting.

IV. OLD BUSINESS

A. No Update: No Subcommittee Meeting held in June 2022

- D. Phillips reported that there had been no Subcommittee meeting held in June.

B. No Update: Settlement #432.0 Swinsinski – ACE Program Violation

- T. Hildebrand reported that there had been no update on the situation and that she and staff needs to meet with Attorney Sprow. Hildebrand added that there should be an update at the July meeting.

C. Update: 2022 LESA Ranking Second Selection – Fourth Selection

- T. Hildebrand reminded the Board that at the May 25, 2022, meeting seven (7) farms, #24 through #30, had been selected; Hildebrand added that five (5) of the seven (7) applications will be proceeding through the process and that two (2) applications had

been withdrawn but indicated their choice to be re-ranked in 2023. Hildebrand noted that applications #31 through #33 had since been selected.

- Hildebrand reported that the landowner for applications #0908, #0909, and #0907 had not yet responded, as these properties were owned by the same landowner and the farm is working through an estate process. Hildebrand added that the response deadline for the last farm selected was July 7, 2022, and that a response on all three (3) farms was expected by that date and that an update is expected at the July meeting. Hildebrand highlighted that the farms had been applicants since 2009 and that they had only been selected in the past two years. D. Phillips noted that approximately 50% of the farms selected had proceeded through the process. Hildebrand clarified that this was typical of the last few years but that six (6) of the new applicants had been selected.

D. Update: “A Farm Forever” Sign Project

- C. Myers reported that the first 100 and then 200 farms had been offered a sign at no cost. Myers noted that there were still several signs left and that he would like direction as to how to proceed distributing them. The Board discussed how to best ensure that the signs were disbursed and the challenges with ensuring that they were hung. The Board also discussed the fundraising efforts and the ability to purchase additional signs if necessary. The Board determined that signs will be offered to all landowners of preserved farms during their inspection at no cost with the stipulation that the signs are hung by the landowner and suggested that if a landowner who had already paid for a sign was concerned, that they could receive a second sign at no cost.

V. **NEW BUSINESS**

A. Conveyance Report

- T. Hildebrand reported on the transfers of ownership:
 - Section A: Transferred in Compliance - Settlements #679.0, #697.0, #423.0, #65.2, and #220.
 - Section B: Transferred with Concerns Noted
 - Settlement #520.2 had transferred with the deed of easement referenced, rather than attached. Hildebrand reported that no response had been received to the letter sent by Attorney Sprow to the landowners’ attorney. Hildebrand added that due to the lack of ability to enforce the requirement, this transfer will be noted as resolved.
 - Settlement #517.0, the deed of easement was omitted when recorded; Hildebrand had left a message for the landowner, since the title company had not resolved the issue; Hildebrand requested that Attorney Sprow send a letter to the landowner to begin the violation process. The Board further discussed the situation.
 - Settlements #708.0, #352.0, and #22.0: the attorneys and title companies have been in contact and are in the process of resolution; no action by the Board is required at this time.

Motion: A motion was made to begin the violation process for the landowner of Settlement #517.0 due to lack of response to correct the property deed. (J. Coker, J. Meck).

Discussion: None

Vote: Motion carried unanimously.

- Section C: Outstanding Violations - None to report.
- Section D: Transfers Resolved – None to report.

B. Nominations for the Berks County Conservation District Awards and Scholarships

- T. Hildebrand reported that the Berks County Conservation District was seeking nominations for its awards and that since the deadline for submission is July 13, 2022 any nominations would need to be discussed during the meeting. The Board discussed potential nominations and agreed to revisit the matter later in the meeting.

C. Settlement #559.0 Field – Additional Residential Structure

- T. Hildebrand informed the Board that a request to construct the permitted additional residence had been received from the landowners of Settlement #559.0 Field (Oley Twp.). Hildebrand reported that the initial request had been received in April, but that the request had not met the two (2) acre maximum requirement and had presented other concerns, including access to the remaining cropland and that staff had been in communication with the landowners to request revisions. Hildebrand further described the specifics of the request and noted the large retention basin that had not been included in the proposed curtilage. Hildebrand added that an amendment had been received in May, but it had also not met the requirements and that a third submission had now been received. Hildebrand described the current request and added that it still does not address all of the concerns noted.
- The Board and staff further discussed the specifics of the request and agreed that the request does not meet the terms of the guidelines since it would encompass more than the permitted two (2) acre maximum, especially due to the location of the retention basin and the removal of access to additional acres.

Motion: A motion was made to deny the request to construct the additional residence on Settlement #559.0, since it does not meet the requirements listed in the guidelines. (J. Coker, J. Meck)

Discussion: C. Myers suggested that a letter be sent to the landowners reiterating that the Board agreed with the staff's assessment of the situation and that the request was outside of the guidelines.

Vote: Motion carried unanimously.

VI. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand presented the following easement modification requests:
 - Settlement #472.0 – Eugene & Jamie Bell (Windsor, Greenwich, and Perry Twps.) had submitted a request to construct the additional residential structure. The residence and its curtilage, including the driveway, on lot sewage and well, encompasses two (2) acres. This construction of the additional residence is permitted under the Deed of Easement.
 - Settlement #673.0 – Larry & Billie Jean Stoudt (Upper Bern Twp.) had submitted a request to construct a 40 x 70' pole barn that will be used to store equipment, tractors, and backhoe which will replace a 100-year-old barn that had been removed in 2019. This request to construct an ag structure is permitted under the Deed of Easement.
- T. Hildebrand reported on the State statistics that had been distributed following the June 16, 2022 State Board meeting:
 - Total number of farms approved-to-date for preservation: 6,076
 - Total number of acres approved-to-date for preservation: 613,884
 - Total number of farms approved-to-date for preservation in Berks County: 804

- Total number of acres approved-to-date for preservation in Berks County: 77,195
- Hildebrand noted that Berks remains second behind Lancaster in the state in terms of acreage preserved.
- E. Wangolo reminded the Board about the upcoming Soil Health Workshop that was postponed to July 20, 2022, due to concerns over Avian Influenza. Wangolo reported that the event will be held at the Harlan Burkholder farm in Kutztown. The workshop was possible due to a grant from the PA Department of Agriculture and would include partnerships with the USDA – NRCS, Penn State Extension, and Berks County Conservation District. Wangolo noted that the event is specifically for preserved farm owners and that postcards describing the event were available for distribution; an electronic version will be sent out via email. K. Fies further explained that the workshop will include participation in the national “Soil Your Undies” initiative for soil health with t-shirts provided to participants, and a soil pit dug by NRCS.
- E. Wangolo also informed the Board that in conjunction with Penn State Extension, a Twilight Tour will be held on August 18, 2022, from 6:00 PM – 9:00 PM at Corner View Dairy owned by the Biehl family, which is a robotic dairy. Wangolo added that the event will focus on farm safety; no pre-registration is required.

VII. EXECUTIVE SESSION

RESUMPTION OF REGULAR MEETING

VIII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR

Motion: A motion was made to offer the cap of \$2,600 per acre to the landowners of Dockets #2201, #1902, #2202, #2204, and #2210 (J. Coker, J. Meck).

Discussion: None

Vote: Motion carried unanimously.

V. NEW BUSINESS – Revisited

B. Nominations for the Berks County Conservation District Awards & Scholarships

- The Board and staff discussed potential nominations for both the Farmer of the Year and the Conservation Service Individual of the Year. The Board agreed to nominate Bradley Kopicz and Roger Zweizig for Farmer of the Year and Lamont Garber from Stroud and Ryan Geisinger for Conservation Service Individual of the Year.
- C. Myers noted that due to coverage of the Kutztown Folk Festival, there would be no article highlighting a preserved farm this week in the *Reading Eagle*, but that an article was expected the following week.
- D. Phillips reminded the Board that the next meeting was scheduled for July 27, 2022.

Motion: A motion was made to adjourn the meeting at 8:45 PM. (J. Meck, M. Firestine)

Discussion: None.

Vote: Motion approved.

Respectfully submitted,

Signature on file.

Amanda K. Burkard-Sell, ACE Program Coordinator