



# BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center  
1238 County Welfare Road, Suite #260  
Leesport, PA 19533  
(610) 378-1844 Fax (610) 378-7983  
www.countyofberks.com/dept/deptofag

---

**County Commissioners:**

Christian Y. Leinbach, Chair  
Kevin S. Barnhardt  
Michael S. Rivera

**Board Members:**

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

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.

---

## **Minutes from the May 25, 2022 Meeting**

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, May 25, 2022 at 7:00 PM via virtual platform “**Microsoft Teams.**” David Phillips, Chair, called the meeting to order at 7:10 PM. Board members present included James Coker, Gregg Eshelman, Morgan Firestine, Kimberly McGrath, Steven Mohn, Clyde Myers, David Phillips, and Louise Swartley. Also, in attendance were Mark Sprow, Esq. Special Counsel for the Board; Staff: 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 April 27, 2022, meeting, as drafted. (G. Eshelman, L. Swartley)

**Discussion:** None

**Vote:** Motion carried unanimously; J. Coker abstained.

**III. STATUS OF RECOMMENDATION UPDATES**

- T. Hildebrand reported that since the Status of Recommendations had been distributed to the Board, the final acreage for Docket #2015 had been updated to 207.9 from 159.8 acres after the survey had been received, the difference in acreage reflects the exclusion.
- Hildebrand noted that Attorney Sprow had sent an additional letter to the landowner of Docket #0336 on April 29, 2022, as per the Board’s request. Hildebrand added that the letter had imposed a deadline of 30 days for a response. D. Phillips reminded the Board that the letter was requesting a reimbursement of the funds spent, since the landowner could not proceed with the ACE Program.

**IV. OLD BUSINESS**

**A. Update: No Subcommittee Meeting held in May 2022**

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

**B. Update: Settlement #399.1 Frey - Residential Structure**

- T. Hildebrand reminded the Board that the landowners of Settlement #399.1 had submitted an easement modification request in March 2021 to construct a replacement residence and garage and to remove the existing residential structure. Hildebrand explained that the proposed replacement home would extend outside of the original curtilage into agricultural land by approximately one (1) acre. The Board had

requested additional information from the landowners and directed them to modify the proposal to fit within the original curtilage or the residence would be considered the permitted additional residence, rather than a replacement structure. Hildebrand added that a letter had been sent to the landowner; however, this and another similar situation had presented questions regarding accessibility and the opinion of the State Bureau had been sought by the staff.

- Hildebrand reported that the State had confirmed that the residence could be constructed in an existing curtilage, but that the new residence's curtilage cannot utilize more than two (2) acres, which must include the house, yard, well and septic, other personal use areas, and access to the road or confirmation from the municipality that a shared driveway is acceptable. Hildebrand added that for this particular situation, the existing driveway must be included in the two (2) acre curtilage and that this information will be provided to the landowners with a request to submit an updated modification request, as well as confirmation that this residence would be considered the permitted additional residence.

#### C. Update: Settlement #136.0 Hoover – Residential Structure

- T. Hildebrand reminded the Board that the landowners of settlement #136.0 had submitted a request to construct a replacement residential structure largely within the curtilage of the existing residence, however the proposed driveway would expand into existing agricultural production. Hildebrand added that the Board had reviewed the situation in February 2021 and denied the request as a replacement structure; a letter informing the landowner of the Board's decision was sent. Since that time, the staff had since been in communication with the landowners, as well as the State Bureau. Hildebrand clarified that the residence could be constructed if it was considered the permitted additional residence but it must have a maximum of a two (2) acre curtilage that includes the driveway. Hildebrand added that the landowner will be notified and that an updated modification form will be requested.
- The Board discussed the reasons for not constructing the residence in the same location or utilizing an entirely new two (2) acre area for the new residence and its curtilage. C. Myers requested that the letters to the landowners be sent quickly, since the landowners are eager to begin construction.

#### D. Update: PDA Soil Health Education Grant

- K. Fies reminded the Board that a workshop had been scheduled utilizing the funding from the Soil Health Education Grant. Fies explained that due to the Avian Flu infection situation, the workshop has been postponed until July 20, 2022, because the landowner of the property where the event will be held has a large quantity of chickens. Speakers from USDA NRCS, Penn State Extension, and PASA will be participating along with neighboring farmers who will demonstrate drone spraying and weed electrocution. Fies added that the workshop will take place at the Harlan Burkholder farm outside of Kutztown and that an invitation will be extended to the Board members to attend.

#### E. Update: Settlement #432.0 Swinsinski – ACE Program Violation

- T. Hildebrand reminded the Board that the landowners of Settlement #432.0 had taken land out of agricultural production to construct a driveway and that the landowners had been sent notification to resolve the issue and because the issue was not resolved within the allotted time period, violation procedures had been started. Hildebrand reported that Attorney Sprow had sent a letter to the landowners on March 4, 2022, and a follow-up meeting had been held on the farm on April 29,

2022. Since that meeting, the landowners submitted additional documentation, which is in the process of being researched by the staff.

F. Update: 2022 LESA Ranking Second Selection

- T. Hildebrand reminded the Board that at the April 27, 2022 meeting farms #14 to #23 had been selected using a cut-off score of 47.25. Hildebrand informed the Board that two (2) of the applications will be proceeding and two (2) are still within the 15-day response period. Hildebrand reported that using the available funds, letters had now been sent to the landowners of farms #24 to #30, only one of which had responded, but had withdrawn from selection; the remaining landowners are still within their 15-day response periods. Hildebrand added that there will be five (5) appraisals to review at the June Board meeting and that the ‘withdrawn from selection’ applications, save one (1), will be re-ranked in 2023.

**V. NEW BUSINESS**

A. Conveyance Report

- T. Hildebrand reported on the transfers of ownership:
  - Section A: Transferred in Compliance - Settlements #689.0 and #33.0 have transferred correctly.
  - Section B: Transferred with Concerns Noted
    - Settlement #520.2 had transferred with the deed of easement referenced, rather than attached. Hildebrand added that Attorney Sprow had sent a letter to the landowners’ attorney as requested by the Board.
    - 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; no action is required from the Board at this time.
    - Settlement #708.0, the attorney in the process of resolution and no action by the Board is required at this time.
  - Section C: Outstanding Violations - None to report.
  - Section D: Transfers Resolved – None to report.

**VI. EXECUTIVE DIRECTOR’S REPORT**

- T. Hildebrand presented the following easement modification request:
  - Settlement #285.0 – William & Robin Beam (Caernarvon Twp.) had submitted a request to acknowledge the replacement residence that was built in the original residence’s footprint after it had been damaged by a tornado. This replacement of the existing residence is permitted under the Deed of Easement.
- E. Wangolo updated the Board on the County of Berks’s efforts to improve the broadband internet connection throughout the County. Wangolo highlighted a survey that the County is conducting to determine internet connectivity, which includes a tool that measures internet speeds. She requested that Board members complete the survey and share it family and friend within their respective networks. Wangolo added that the survey does not work with the Internet Explorer browser, but Microsoft Edge or Google Chrome would work. She will forward the survey’s link to the Board members within the following day or two.

**VII. EXECUTIVE SESSION – None.**

**VIII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR**

- D. Phillips thanked Attorney Sprow for sending the requested letters discussed during the meeting.

**Motion:** A motion was made to adjourn the meeting at 7:52 PM. (J. Coker, G. Eshelman)

**Discussion:** None.

**Vote:** Motion approved.

Respectfully submitted,

*Signature on file.*

Amanda K. Burkard-Sell  
ACE Program Coordinator