



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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County Commissioners:

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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 February 26, 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, February 26, 2025, at 5:30 p.m.

Board members present: Dave Phillips, Clyde Myers, Louise Swartley, Kim McGrath, Morgan Firestine, and Steve Mohn, Jeremy Meck.

Staff present: Kim Fies, Executive Director, Amanda Burkard-Sell, Deputy Director, Mary Shah, Agriculture Program Manager, and Rachel Painter, Office Support IV.

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

Public: Dan Fogarty, Berks County Work Force Development Board.

Dave Phillips, Vice Chair, called the meeting to order at 5:33 p.m.

I. PUBLIC COMMENTS ON AGENDA ITEMS – Dan Fogarty introduced himself to the Board.

II. APPROVAL OF MINUTES

- D. Phillips noted that some donation amounts for the 80,000 Acre Celebration were not noted in the previous month's minutes.

Motion: A motion was made to approve the minutes of the January 29, 2025, meeting, as amended. (L. Swartley, M. Firestine)

Discussion: None.

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell states that under letter D, dockets #0811 and #2106 are scheduled for settlement in early March.
- Under letter J, docket #2403 has accepted offer of easement purchase, and survey has been requested.

IV. OLD BUSINESS

A. State Funding Update

- A. Burkard-Sell stated that 2025 allocation of funds, was distributed after State's February board meeting. This is State and County funding allocation and the money that will be used for the selection when we present the ranking at the Board meeting next month.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell noted that under letter A, settlements #440.0, #530.0, #483.0, and #214.0 transferred in compliance.
- Under letter B, settlements #322.0, #749.1 and #749.2 are still in the process of being corrected, and M. Sprow has sent out a follow-up communication in an effort to correct them.
- Also under letter B, settlements #199.0, #49.0, and #50.0 are in process of correction.

B. Annual Monitoring Report

- K. Fies asked that this be moved to the March board meeting.

C. Landowner Request — Easement Modification L.P. 575.0 — Sweinhart

- K. Fies stated that an inspection was done on this farm in 2022 on a farm that was settled in 2019. Landowners did not agree with the curtilage, even after modifications.
- K. Fies provided landowners with the language that has been in the program since its inception.
- Inspection done the year before discovered buildings being built on farm. After a letter was sent asking them to clarify and fill out a modification form, the landowners sent a letter back stating that they do not feel the curtilage was something that was discussed with them during the settlement process, and would like to be grandfathered in.
- K. McGrath inquired as to whether there was a defined curtilage at settlement; K. Fies stated no, and K. McGrath asked if the lines are our suggestion, and if they could be moved around and K. Fies that it cannot be moved around to accommodate.
- K. Fies stated for consistency, it is what it is, and that the department looks at aerial photographs at time of settlement.
- K. Fies recommended the Board to send the letter regarding the curtilage, reinforcing that the language regarding the definition of the curtilage has been in the program since its inception, they are bound by the definition with no ability to circumvent that, and any expansion of the curtilage may result in a violation being issued. If there is a desire to put an addition on existing residential structure, the department will work with them on alternative solutions.
- K. Fies recommended that the letter also reinforce any structure built on the parcel regardless of existing foundation must be for ag use, that they more detail on the easement modification form as to the use of the structure and what's being stored, and

document that the conversion of the milk house cannot be for residential use and that any other non-ag activities need to fall under our rural enterprise guidelines.

D. Landowner Request — Easement Modification L.P.40.1 — Reese — Subdivision

- K. Fies let the board know that in 2023, landowner came to department to discuss subdividing a lot to his son for the construction of a home. At the September 2023 Board meeting a concept review for the potential subdivision of a residential lot was reviewed and acknowledged.
- October of 2023, a letter was sent to the landowner, specifically stating that the subdivision must be for an owner, family member, or employee. Also in the letter: required drawings of the proposed home that identified the home drive septic and associated structures in relation to the 2-acre plot lines to ensure inclusion and confirmation of municipal approval.
- Department received nothing in response.
- K. Fies stated that that in September 2024, the department received a drawing with 2 1/2 acre lots. K. Fies stated that this does not meet ACE Program requirements and a letter was sent to the company that drew up the plans, CC'd to the landowner and advised that this would not be taken to the Board as it does not meet the requirements.
- On January 28, 2025, another drawing was received, with a 2-acre subdivision that created a small strip of unfarmable land causing more than 2 acres to be affected.
- On Monday, February 24, 2025, A. Burkard-Sell received a phone call from a gentleman who said he was party to the sales agreement to purchase aforementioned lot. A. Burkard-Sell asked if he was landowner, family member, or employee of the farm, and he said no. A. Burkard-Sell said the issue was going to the Board and he was welcome to attend the Board meeting.
- K. Fies would like the Board to send a letter to deny the request for subdivision, and in the letter identify that the maximum acres are 2.0 gross, and request that the stipulation set forth in the October 2023 be followed, and that allowed residential structure must be for landowner, family, or employee. No approval of the subdivision will be granted until we confirm that the requirements for the additional residential structure will be met.
- **Motion:** A motion was made to approve the sending of response to owner denying request for subdivision. (K. McGrath, L. Swartley)
- **Discussion:** None.
- **Vote:** Motion carried unanimously.

VI. DEPARTMENTAL REPORT

A. Landowner Request — For documentation — Easement modification — L.P.471.0 Hurst — Ag Structure 100'x 600' Layer Barn

- K. Fies stated that the owners are requesting to build a second poultry layer operation.

- This request meets the requirement of the easement.
- B. Landowner Request — For documentation — Easement Modification — L.P.580.0 Shaak — Ag Structure 81' x 800' Layer Barn
- K. Fies stated owner is requesting to build a poultry layer operation that includes a packing room.
 - Packing room would be 81' x 100'.
 - This request meets the requirement of the easement.
- C. Statement of Financial Interest
- K. Fies stated forms are due April 1st.
- D. Growing Berks Update
- K. Fies let Board know that if they would like a presentation on Growing Berks, she would be happy to oblige, or that the Board could attend the B.A.R.N. meeting on Tuesday, March 11, 2025, at 6:00PM at the Ag Center.
 - K. Fies reminded the Board about the National Ag Day event on March 18, 2025.
- E. Ranking Preparation
- A. Burkard-Sell stated that they are on track for presentation at the March Board meeting. 62 applicants, 21 of which are new.
- F. Upcoming Events
- K. Fies let the Board know about Ag Literacy Week, wherein we partner with B.A.R.N. to read a book about agriculture to local elementary schools, along with an activity to do.
 - K. Fies let the Board know Conservation District is asking for nominations for awards, which was included in Board members' folders.

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

VIII. 80,000 ACRE CELEBRATION

B. 80,000 Acre Milestone Celebration Update

- S. Mohn stated that he and M. Shah have been working on the Banquet giveaway and was giving a final quote on the engraving of the lids, as well as the glass jars.
- Committee is getting 300 cutting boards, and 200 candy jars.
- Quote for 200 candy jar lids is \$5 apiece, for a total of \$1,000.
- Quote for cutting board is \$20 apiece, for a total of \$6,000.
- Board decided to only have logo engraved on the lid, and not on the body of the jar.
- R. Painter let the board know that she was in touch with the graphic designer from the Reading Phillies and was in the process of getting logos from the companies that pledged \$5,000.
- K. Fies let M. Sprow know that the checks were being paid to B.A.R.N. care of the 80,000 Acre Celebration and will have separate accounting which will be available upon request.
- D. Phillips let the Board know that the food would be on one table, one side each, two food lines on either side of the table.

BCALPB Meeting Minutes

- D. Phillips let the Board know that the caterer would rather not accept outside food, not because they don't want it, but because they cannot accurately assess the handling from one location to the Phillies location.
- Board discussed having hors d'oeuvres handed around, and D. Phillips went over the prices from the caterer.
- A. Burkard-Sell received quotes for a promotional video for the celebration. BCTC was not able to help. BCTV quote was \$1,940, for promotional video, a longer video of 2-3 minutes, and 30 second clip played at banquet.
- A. Burkard-Sell also received a quote from Lancaster Farming, who is interested in doing a digital news piece on Land Preservation, would do a promotional video for \$1,500.
- D. Phillips inquired as to the deadline for fundraising, and inquired as to how many tickets are left. R. Painter let the Board know there were no buffet tickets left, but C. Myers stated that more could be bought if needed.
- M. Firestine asked for Clyde's budget to be updated to reflect the budget and the actuals.
- K. Fies said the deadline for printed materials should be by the first week of May, and by the April meeting.
- M. Firestine stated that they went through the invitation list and removed people from the list. K. Fies said they talked about 2 people per agency, and a 5-year window for staff. M. Firestine to fill out the request form for the Governor, and that the Secretary of Agriculture was aware.
- K. Fies stated that they were working on save the date card for rest of the VIPS once list is solidified, as well as invitations for easement farm owners.
- Ticket price was confirmed as \$25.
- A. Burkard-Sell stated that we have 682 different preserved farm owners, who would need to have a limited number of tickets each. Scenario one gives 30 tables, which is 300 people, scenario two gives you 38 tables, which is 380 people. Scenario three is a cocktail set up, which would be about 500 people. Reading Phillies does not have cocktail tables, the Board would have to rent them. This would be an open house scenario. Scenario four would be having a banquet, and then, when the banquet was over, opening it up to let anyone come in, and have light snacks. The fees pay for people actually at the banquet, but not the people who come in after the banquet, this gives more flexibility as far as inviting people.
- A. Burkard-Sell stated hall is full at 380 people with 38 tables.
- M. Firestine suggested that there should be a limit 2 per farm, and that the Board should establish a deadline, first come, first serve, get checks in before deadline.
- K. Fies stated the form will have space to request for free General Admission tickets, and request for potential extra availability.
- K. McGrath stated that she contacted J.P. Mascaro for a donation, and they offered wine from their vineyard in Italy instead of a monetary donation. Discussion was had about serving it at the banquet or giving it away as a raffle prize.

Motion: A motion was made to purchase the cutting boards, the wooden lid and jar, cost of which \$8,576.71, may go down with discounts, cost not to exceed \$9,000. (J. Meck, L. Swartley)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to use Lancaster Farming as the video producer for the event, quote of \$1,500. (J. Meck, L. Swartley)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to charge \$25 for the banquet ticket. (J. Meck, K. McGrath)

Discussion: None.

Vote: Motion carried unanimously.

EXECUTIVE SESSION — None.

Motion: A motion was made to adjourn the meeting at 8:05 PM. (J. Meck, C. Myers)

Discussion: None.

Vote: Motion carried unanimously.

Respectfully submitted,

Rachel Painter
Office Support IV