



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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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 October 26, 2022 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, October 26, 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, Gregg Eshelman, Kimberly McGrath, Jeremy Meck, Steven Mohn, Clyde Myers, and David Phillips. Louise Swartley joined during the meeting. 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 September 28, 2022, meeting, as drafted. (K. McGrath, J. Meck)

Discussion: None

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell highlighted several items on the Status of Recommendations: the bank for Docket #0336 had been in communication and a decision on the subordination will be reached shortly; settlements will be scheduled for Dockets #2002, #2015, #2010, #0804 and #1912 by early December; Dockets #2016, #1102, #2019, and #1117 are planned for submission to the State Board in December; and appraisal for Dockets #0907, #0908, #0909, and #1623 will be reviewed in Executive Session.

IV. OLD BUSINESS

A. Update Soil Health Education Grant Workshop

- E. Wangolo reported that the final documents and request for reimbursement for the Soil Health Grant had been submitted to the State; the total expended was \$1,153.79 and \$865.34 will be requested for the reimbursement. Wangolo highlighted the successes of the event, including participation from both preserved and non-preserved farm owners and the cooperation of and exposure to other agencies.
- S. Mohn questioned as to where the non-reimbursed funds would be obtained from. Wangolo clarified that the money would come from the Department of Agriculture’s budget and that no funds would be from the easement purchase fund.
- K. Fies noted that the event had also garnered further interest in the farmland preservation program and would hopefully result in additional applicants.

- C. Myers questioned as to whether the event would be an annual one. Wangolo indicated that future grants were uncertain at this point.

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

- Attorney Sprow had reported that an additional letter will be sent to the landowners of Settlement #432.0 tomorrow after it was reviewed by staff, since no response to the initial letter had been received. The additional letter will state that a response is due within 30 days of receipt of the certified letter.

V. **NEW BUSINESS**

A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
 - Section A: Transferred in Compliance – Settlements #99.0, #102.0, #292.0.FD, #460.0, #461.0, #462.0, #48.0 and #66.0.
 - Section B: Transferred with Concerns Noted – Settlement #413.0 Burkard-Sell added that the corrective deed had been recorded earlier in the day and would be reviewed.
 - Section C: Outstanding Violations - None to report.
 - Section D: Transfers Resolved – None to report.

B. Settlement #306.0 Zook – Request to Subdivide

- K. Fies presented a request from the landowners of Settlement #306.0 (Zook) to subdivide their 123.3-acre farm from north to south into two parcels: one 52.1 acres and the other 71.2 acres. Fies explained that both parcels met the required minimum criteria for subdivision and that the landowners were looking for a preliminary approval, would continue working with the township, and provide final drawings later; the right to the additional residence would be assigned to the northern parcel.
- D. Phillips questioned as to whether both parcels would have access. Fies clarified that both had road frontage to provide access.
- C. Myers questioned as to the location of the property, which was explained by Fies.
- Fies added that the landowner had also submitted a request to construct the permitted additional residence, however that request required further revision and would be presented at a later date.
- C. Myers discussed the proposed location of the additional residence on Settlement #306.0 and its effect on the agricultural production of the parcel. Fies added that the Township's required setbacks were part of the need for its location, but that she was continuing to work with the landowner's surveyor on the project. The Board further discussed their ability to influence the location of the additional residence. Fies explained the Board could not set the location but could determine whether it affected the agricultural viability of the property.

Motion: A motion was made to preliminarily approve the subdivision request to subdivide Settlement #306.0 into two parcels, one 52.1 acres and the other 72.2 acres. (K. McGrath, J. Coker)

Discussion: C. Myers requested additional clarification as to the location of the property, which was provided by K. Fies.

Vote: Motion carried unanimously.

C. Settlement #448.0 Geisinger – Request to Subdivide

- K. Fies presented a request from the landowner of Settlement #448.0 (Geisinger) to subdivide his 205.5-acre farm in Greenwich Township into two parcels, divided by the road: one 119.6 acres and the other 84.6 acres. Fies added that both parcels met the minimum criteria and that this was a preliminary request, since the landowner was determining what options he had to satisfy a divorce settlement. D. Phillips questioned as to which parcel would be assigned the right to the additional residence, Fies added that this would depend on the ability of the landowner to sell the other parcel.

Motion: A motion was made to preliminarily approve the subdivision request to subdivide Settlement #448.0 into two parcels, one 119.6 acres and the other 84.6 acres. (G. Eshelman, J. Coker)

Discussion: None

Vote: Motion carried unanimously.

D. Discussion Regarding 2023 Board Meeting Calendar

- The Board reviewed the potential dates for next year's meetings, specifically the December 20th meeting and its proximity to Christmas.

Motion: A motion was made to accept the proposed Board meeting calendar. (K. McGrath, J. Meck)

Discussion: T. Hildebrand noted that further discussion will be required as to the location of the meetings.

Vote: Motion carried unanimously.

- The Board discussed whether to continue to hold the meetings virtually or begin meeting in person. The Board also discussed holding a hybrid option, which could shift to virtual, if necessary, but the need to involve the IS Department may complicate the issue. It was noted that the County's Chief Administrator, Ron Seaman, should be consulted to ensure that the public-facing needs for the meeting were satisfied. K. Fies suggested that perhaps the meetings could be held in person, with a virtual option only for Board members and staff; the public could attend the meeting in person.

Motion: A motion was made to hold the meetings in 2023 in person, with the potential for a virtual option for Board members to attend, should the County be in agreement. (J. Coker, J. Meck)

Discussion: D. Phillips noted that any changes to the meeting location would need to be determined at least one week in advance.

Vote: Motion carried unanimously.

VI. EXECUTIVE DIRECTOR'S REPORT

- K. Fies presented the following requests for modification of the easement:
 - Settlement #306.0 (Zook) 123.3 acres in Upper Tulpehocken and Jefferson Townships – a request had been received to replace the existing residence on the same foundation. This request to replace the existing residence within the curtilage is permitted under the deed of easement.
 - Settlement #575.0 (Brown) 94.3 acres in Maiden Creek Township – a request had been submitted to replace an existing run-in shed with a building to sell and

display the wine products produced on the property. This request to construct an ag building is permitted under the deed of easement.

- E. Wangolo noted that two (2) Board members had been reappointed for additional three-year terms: Clyde Myers and Louise Swartley.

VII. EXECUTIVE SESSION

RESUMPTION OF REGULAR MEETING

Motion: A motion was made to offer the cap of \$2,600 per acre to the landowners of Dockets #0907, #0908, #0909, and #1623. (J. Meck, L. Swartley)

Discussion: None

Vote: Motion carried unanimously.

- C. Myers reported Sarah Haag, who is the daughter of preserved farm owners, took first place in the National Dairy Cattle Judging Competition, as reported in the *Reading Eagle*. S. Mohn added that 26 students from Tulpehocken were currently attending the convention.
- D. Phillips reminded the Board that the next meeting would be held on November 30, 2022 and that the deadline for submissions is November 16, 2022. A. Burkard-Sell clarified that the November meeting will be held in person, due to the open house that is scheduled prior.

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

Motion: A motion was made to adjourn the meeting at 8:37 PM. (J. Meck, S. Mohn)

Discussion: None.

Vote: Motion approved.

Respectfully submitted,

Amanda K. Burkard-Sell
ACE Program Coordinator