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**County Commissioners:**

Christian Y. Leinbach, Chair  
Michael S. Rivera  
Lucine E. Sihelnik

**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.

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## **Meeting Minutes from August 30, 2023**

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, August 30, 2023, at 7:00 PM at the Berks County Agricultural Center and via virtual platform “**Microsoft Teams.**” Gregg Eshelman, Chair, called the meeting to order at 7:00 PM. Board members present included Gregg Eshelman, James Coker, David Phillips, Steven Mohn, Louise Swartley, Morgan Firestine, and Jeremy Meck. Also, in attendance were Mark Sprow, Esq. Special Counsel for the Board. Staff: Kimberly Fies, Deputy Director; Amanda Burkard-Sell, Agriculture Program Manager.

### **I. PUBLIC COMMENTS ON AGENDA ITEMS – None.**

### **II. APPROVAL OF MINUTES**

**Motion: A motion was made to approve the minutes of the July 26, 2023, meeting, as drafted. (J. Coker, S. Mohn)**

### **III. STATUS OF RECOMMENDATION UPDATES**

- A. Burkard-Sell highlighted several items on the Status of Recommendations: Dockets #2203, #1911, and #2210 were approved by the State Board at the August meeting and are awaiting settlement. Docket #9417 landowner has accepted the offer and the property was now in the process of survey and title work. Appraisals for Dockets #2009, #2306 and #0156 will be reviewed in Executive Session.
- A. Burkard-Sell noted that Docket #9833 was inadvertently removed from the list but has since been added back and remains awaiting appraisal and title work.

### **IV. OLD BUSINESS**

#### **A. Settlement #432.0 Swinsinski – ACE Program Violation**

- K. Fies reported she and Attorney Sprow had met to discuss the potential violation and will follow through the matter.

#### **B. 2023 LESA Ranking Update**

- Burkard-Sell reported she believed this is the final selection ending at #36 with a ranking score of 41.7. Although some dockets are still in various stages of the process, there will most likely not be an additional selection unless a larger farm completely withdraws.

## V. NEW BUSINESS

### A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
  - Section A: Transferred in Compliance – Settlement #405.0, #258.0, #322.0, and #489.0.
  - Section B: Transferred with Concerns Noted – Settlement #246.0 and #569.0 are working with the attorneys and title companies to record corrective deeds and no action is required from the Board at this time.
  - Section C: Outstanding Violations - None to report.
  - Section D: Transfers Resolved – None to report.

### B. Sttle. #502.0 – Martin – Easement Modification

- K. Fies presented an easement modification for Settlement #502.0 (Martin), 150.4-acre farm in Bethel Township.
  - The property owners are requesting to put an addition unto an existing residence within the curtilage.
  - This request for construction complies with the terms of the Deed of Easement and is recommended for Board approval as an “as-built” addition to an existing residential structure.

**Motion: A motion was made to approve the request of easement modification to Settlement #502.0 (D. Phillips, J. Coker)**

**Discussion: None.**

**Vote: Motion approved.**

### C. Sttle. #634.0 – Burkholder – Easement Modification

- K. Fies presented an easement modification for Settlement #634.0 (Burkholder), 93.6- acre farm in Albany Township.
  - The property owners are requesting to construct a duck facility. This request to construct an ag structure meets the terms of the easement.

### D. 2024 Board Meeting Calendar

- K. Fies reviewed the results of the survey previously distributed to members of the Board regarding the format of the 2024 BCAPL Board meetings. The options with highest ranking results were:
  - Meeting Format - All Meetings Hybrid
  - Meeting Time – 7:00 p.m.
- A discussion regarding the survey and the meeting options was held.
  - D. Phillips expressed his views regarding virtual vs. in-person meetings and that the virtual concept lacked the productivity that the in-person meetings offer. K. Fies noted if all the meetings were to be held in person, the option to “call in” to meeting is available to a Board member who was unable to attend the meeting.
  - Members noted the survey format and results were confusing, therefore simplified information needs to be provided and voting will be tabled to a later time.
  - The Board will need to vote on the meeting schedule by November to meet the County deadline.

- L. Swartley inquired about the staff’s schedule regarding attending the meetings. It was noted the staff has the capability to adjust their schedule on the days meetings are held but a 5:00 p.m. meeting would be most convenient for them.

**VI. DEPARTMENT REPORT**

**A. Letter to Increase Budget for Farmland Preservation Update**

- Burkard-Sell reported Gov. Josh Shapiro's 2023-2024 budget has passed without the increase for farmland preservation. The Board received a thank you letter from PA. Dept. of Ag., Bureau of Farmland Preservation for the letter of support.

**B. Update on Ontelaunee Comp Plan Request**

- K. Fies reported the 45-day Public Comment period is ongoing and a public hearing set for October 5, 2023. A copy of the letter drafted by the Board will be shared during the Planning Commission’s September meeting as part of the Public Comment period.

**C. BCCD Board Nomination for Public Director Position**

- K. Fies reminded the Board the Berks County Conservation District is seeking a nomination for its Public Director position. The names presented as potential nominees during the previous meeting were Bill Hughes, Scott Hauseman, Lynette Gelsinger, and Travis Werley. K. Fies presented two additional names to be considered: David Behm and Geoff Price.

**Motion: A motion was made to nominate Bill Hughes, Scott Hauseman, Lynette Gelsinger, Travis Werley, David Behm, and Geoff Price to the Berks County Conservation District for the open Public Director position (D. Phillips, J. Meck)**

**Discussion: None.**

**Vote: Motion approved.**

**VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – None.**

**EXECUTIVE SESSION**

**Motion: A motion was made to acknowledge the conservation plan for Docket #2210 (J. Coker, J. Meck)**

**Discussion: None.**

**Vote: Motion approved.**

**Motion: A motion was made to offer the cap of \$2,600 per acre to the landowners of Dockets #2009 and #2306 (J. Coker, S. Mohn)**

**Discussion: None.**

**Vote: Motion approved.**

**Motion: A motion was made to offer the cap of \$2,575 per acre to the landowner of Docket #0156 (J. Coker, J. Meck)**

**Discussion: None.**

**Vote: Motion approved.**

**Motion:** A motion was made to adjourn the meeting at 8:01 PM. (J. Coker, J. Meck)

**Discussion:** None.

**Vote:** Motion approved.

Respectfully submitted,

Jennifer Leigh Smilko  
Office Support

DRAFT