



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 April 27, 2022 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, April 27, 2022 at 7:02 PM via virtual platform “**Microsoft Teams.**” David Phillips, Chair, called the meeting to order. Board members present included Gregg Eshelman, Morgan Firestine, Kimberly McGrath, Clyde Myers, Steven Mohn, and 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 March 30, 2022, meeting, as drafted. (G. Eshelman, S. Mohn)

Discussion: None

Vote: Motion carried unanimously.

III. STATUS OF RECOMMENDATION UPDATES

- T. Hildebrand reported that since the Status of Recommendations had been distributed to the Board, final acreages for Dockets #0804, #2010, and #2011 have been updated and that the docket number for Docket #2204 had been corrected.
- Attorney Sprow provided an update on Docket #0336. Sprow reported that he had sent a letter on March 2, 2022 requesting that the landowner reimburse the incidental costs but had not received a response. Sprow suggested that he send a follow up letter providing a 30-day deadline to pay back the incidentals and copying the County Solicitor, since legal action by the County would be the next step. The Board discussed the situation.

T. Hildebrand reminded the Board that the total expenses were \$25,225.23, after the landowner’s security deposit had been deducted. G. Eshelman questioned as to whether this had ever happened before. Hildebrand clarified that in previous situations the landowner had repaid the expenses before legal action by the County was necessary. The Board discussed the timing of subordination agreements in the process but determined that changes would not really solve the rare issues that occur. The Board also discussed possibly raising the amount of the security deposit.

Motion: A motion was made to send the landowner of Docket #0336 a letter providing a 30-day deadline to reimburse the incidental costs. (K. McGrath, G. Eshelman).

Discussion: None.

Vote: Motion carried unanimously.

IV. OLD BUSINESS

A. Update: No Subcommittee Meeting held in April 2022

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

B. Tabled at the August 25, 2021 Meeting: Settlement #526.0 Stelmach – Request to Relocate Replacement Residence

- T. Hildebrand reported she had been in contact with the landowner's attorney who reported that no additional information had been received from either the landowner or the township. Hildebrand suggested, with the attorney's agreement, that the request be removed from the table and withdrawn at this time. Hildebrand reminded the Board that the original request had been to relocate the existing residence outside of the curtilage. The Board discussed the request and determined that the landowner would have the option to resubmit the request once all the necessary information was received.

Motion: A motion was made to remove the request to relocate the existing residence from the table and withdraw the request. (C. Myers, S. Mohn)

Discussion: None

Vote: Motion carried unanimously.

C. Update: PDA Soil Health Education Grant

- T. Hildebrand reminded the Board that the PDA Bureau of Farmland Preservation had approved the submission for the Soil Health Education grant. K. Fies informed the Board that a workshop had been scheduled for June 29, 2022 from 9:30 am to 1:30 pm at the Harlan Burkholder farm outside of Kutztown, with the focus on soil health. Fies outlined the workshop and added that interested Board members can RSVP for the event.
- D. Phillips informed the Board that the PA Cattleman's Association is hosting a pasture walk and cutting horse demonstration at his farm on Thursday, May 26, 2022 at 6:00 pm.

D. Update: Pending Legislation

- T. Hildebrand informed the Board that House Bill 1984 had passed the House and that the requested letter to Representative Mark Gillen had been sent, along with a copy to Senator Schwank.
- Hildebrand added that the requested letter to Senator Schwank regarding Senate Bill 64 will be sent later this week. Hildebrand summarized the legislation for the Board.
- Hildebrand also reported that these letters were directed to Representative Gillen and Senator Schwank because both are members of their respective legislative branches' "Agricultural & Rural Affairs Committees" with Senator Schwank serving as Minority Chair.

Motion: A motion was made to include the other Senators that represent Berks County in the letter regarding Senate Bill 64. (C. Myers, M. Firestine)

Discussion: None

Vote: Motion carried unanimously.

E. Update: 2022 LESA Ranking Second Selection

- T. Hildebrand reminded the Board that at the March 30, 2022 meeting farms #1 to #13 had been selected using a cut-off score of 52.00. Hildebrand informed the Board that all of the landowners had responded and six (6) of those had withdrawn, five (5) of which will be re-ranked in 2023. Hildebrand reported that using the available funds, letters had now been sent to the landowners of farms #14 to #23, using a cut-off score of 47.25 and that they are still within the timeframe to respond. Hildebrand added that the Board should expect to review appraisals at the May meeting.

V. NEW BUSINESSA. Conveyance Report

- T. Hildebrand reported on the transfers of ownership:
 - Section A: Transferred in Compliance - Settlements #289.0 and #339.0 have transferred correctly.
 - Section B: Transferred with Concerns Noted - Settlement #520.2 had transferred with the deed of easement referenced, rather than attached.
 - Hildebrand reminded the Board that in a previous situation, the State Bureau had determined that requiring the attachment of the entire easement was unenforceable under the current regulations. Hildebrand suggested marking the transfer as resolved with a notation and removing it from the report. The Board discussed the situation and the regulations. D. Phillips suggested that Attorney Sprow contact the attorney one final time to see if the situation can be resolved.
 - Settlement #517.0, the deed of easement was omitted when recorded, but Hildebrand will be contacting the landowner and no action is required from the Board at this time.
 - Section C: Outstanding Violations - None to report.
 - Section D: Transfers Resolved – Settlement #740.0 had been previously recorded incorrectly but has been resolved through the recording of a corrective deed.

VI. EXECUTIVE DIRECTOR'S REPORT

- T. Hildebrand presented the following easement modification requests:
 - Settlement #617.0 – Jeffery & Cheryl Sensenig (Tulpehocken Twp.) are requesting to construct a 16' x 84' or 5,000 sq. foot hoop building for hay storage. This request to construct an ag structure meets the terms of the easement.
 - Settlement #652.0 - Jeremy & Cindy Martin (Bethel Twp.) are requesting to construct a 60' x 230' of 13,800 sq. foot heifer barn. This request to construct an ag structure meets the terms of the easement.
- T. Hildebrand reported on the State statistics that had been distributed following the April 14, 2022 State Board meeting:
 - Total number of farms approved-to-date for preservation: 6,044
 - Total number of acres approved-to-date for preservation: 611,620
 - Total number of farms approved-to-date for preservation in Berks County: 802
 - Total number of acres approved-to-date for preservation in Berks County: 76,898
 - Hildebrand noted that Lancaster currently has more farms approved, but that may change after the June State Board meeting.
- T. Hildebrand reported that a representative from PennDOT had contacted the office regarding a potential cultural mitigation project for an upcoming SR 222 widening project. Hildebrand clarified that the project would affect the Richmond to Maxatawny Historic District and that PennDOT is looking to donate funds for

easement purchases to satisfy mitigation requirements for the federally funded project. Hildebrand added she had additional questions for the State Bureau, including whether the funds could be certified to the State and used for matching. She credited David Hunter, Executive Director of the Planning Commission for proposing the unique idea. Hildebrand noted that these funds would be in addition to any condemnation funds required. A. Burkard-Sell clarified that the Bureau Director Doug Wolfgang had stated that the funds could be accepted. The Board and staff further discussed the project.

VII. EXECUTIVE SESSION – None.

VIII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR

- D. Phillips reported that he had addressed the Centre Township Board of Supervisors requesting notifications when permit applications are received for construction on preserved farms. Phillips added that he is working with Ryan Rhoads from Kraft Code Services, the township's engineer; since the company works with other townships, this process may expand to other townships as well. A. Burkard-Sell added that she frequently provides lists of preserved farms to Kraft Code Services, so it should be familiar with the preserved farms in the townships that it represents.
- C. Myers informed the Board that this month's story in the *Reading Eagle* will be delayed to next week and will feature the Stutzman family from the Kutztown area.

D. Phillips reminded the Board that the next meeting date will be Wednesday, May 25, 2022 at 7:00 pm and will be held virtually. Phillips added that the meeting agenda deadline is May 11, 2022.

Motion: A motion was made to adjourn the meeting at 8:10 PM. (G. Eshelman, K. McGrath)

Discussion: None.

Vote: Motion approved.

Respectfully submitted,

Signature on file.

Amanda K. Burkard-Sell
ACE Program Coordinator