



BERKS COUNTY *agricultural land* **PRESERVATION BOARD**

Berks County Agricultural Center
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www.berkspa.gov/departments/agriculture

County Commissioners:

Christian Y. Leinbach, Chair
Michael S. Rivera
Dante Santoni, Jr.

Board Members:

Gregg Eshelman, Chair
Jeremy Meck, Vice Chair
James R. Coker

Morgan A. Firestine
Kimberly J. McGrath
Dave Phillips

Steven C. Mohn
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 April 29, 2026, 5:30 p.m. MINUTES

A regularly scheduled meeting of the Berks County Wednesday, April 29, 2026, at 5:30 p.m.

Board members present: Gregg Eshelman, Clyde Myers, Jim Coker, Jeremy Meck, Kim McGrath, Dave Phillips

Staff present: Kim Fies, Executive Director, Amanda Burkard-Sell, Deputy Director, Rachel Painter, Office Support IV, Emily Goense, Agriculture Program Coordinator

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

Public: None.

Gregg Eshelman called the meeting to order at 5:42 p.m.

I. PUBLIC COMMENTS ON AGENDA ITEMS — None.

II. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the January 28, 2026, meeting. (K. McGrath, J. Meck)

Discussion: None.

Vote: J. Coker abstained.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell stated that since the dispersal of the Board materials, there have not been many changes.
- Under letter C, docket #9833, and under letter E, dockets #1305 and #2409 have gone to settlement, and under letter D, docket #0156 is scheduled for next week, and will go to the June State Board meeting.
- A. Burkard-Sell reminded the Board that under letter G, docket #2403, which was approved at the April State Board meeting, that the neighbor objected due to an alleged right of way. No further communication was received from the neighbor, and so it was approved at the State Board meeting.

- Under letter L, docket #2503, the Board previously allowed them 30 days after receipt of the certified letter, and staff received no response, and as a result they were officially withdrawn.
- Under letter M, those dockets are the 2026 selected dockets that staff are still in process of receiving.
- A. Burkard-Sell let the Board know that staff received a withdrawal form that stated they wished to be re-ranked, due to not having the funds this year to pay the deposit fee.
- A. Burkard-Sell reminded the Board of a prior applicant who paid a reduced fee but later withdrew from ranking. A. Burkard-Sell stated that the deposit fee for the appraisal used to be \$500, but staff were advised to raise the deposit fee to \$1,750.
- A. Burkard-Sell stated that the deposit fee is currently \$1,750 because that is currently the cost of appraisal; if that cost should go up, the deposit fee will increase. She also stated that the guidelines say ‘the cost of the appraisal’ so that approval is not required each time.
- K. Fies stated that she believed a discussion was held in the past about that fee being a hinderance to applicants, and that a reduced rate should be an option at the Board’s discretion.
- D. Phillips stated that he does not think the Board should be the one to offer the reduced fee, and that the applicant should request that in writing, with a reason as to why. A. Burkard-Sell let the Board know that applicants are not aware that that is an option.
- Discussion was had by various Board members about the possible risk of allowing applicants to pay the reduced fee on the premise that if they withdraw, the Board is out the remaining balance. The example was brought up about docket #2503 who paid a reduced fee of \$500, and upon their withdrawal from the program, a loss of \$1,250 was incurred on the County’s side.
- K. Fies suggested the idea of a 30-day extension to see if they could come up with the funds, and that that should be in the letter.
- Add once discussion is finished.

IV. OLD BUSINESS

A. Statement of Financial Interest

- All Board members have turned their Statement of Financial Interest forms before deadline of May 1, 2026.

B. Stelmach Subdivision Final Approval

- K. Fies stated that the farm was addressed at the February Board meeting
- Farm met all minimum criteria at the time of settlement, but agriculture production has since changed. Board encouraged farm to expand areas of agriculture production to get it closer to 50% requirement.
- K. Fies let the Board know that the current operator has brought several storage containers to sit on the property, and that in the letter that was approved by the State, it was stated that the current operator is required to return the area to agriculture

production, and that those storage containers be removed before the subdivision can be recorded.

- K. Fies spoke to the Albany Township engineer on Tuesday before meeting, and engineer also brought up some concerns, and she believes the Township is requiring the landowner to have some ~~wet~~ wetland evaluation work done due to backfill.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell noted the top four settlements under Letter A, settlements #701.0, #702.0, #303.0, and #365.0 transferred in compliance with deed of easement attached.
- A. Burkard-Sell under letter B, settlement #448.0, a letter was sent to landowner requesting that they correct their deed. The Board gave them 30 days to do so, indicating that a violation would be issued. The certified letter was signed for on March 4, 2026, and staff has not seen a corrected deed files. She believes that it is time to start the formal violation process.
- Under letter D, both settlements, #338.0 and #835.0 were resolved.

Motion: A motion was made to issue the formal violation. (J. Coker, K. McGrath)

Discussion: None.

Vote: Motion carried.

B. 2026 LESA Ranking Report

- A. Burkard-Sell stated that staff were able to go down an additional 10 after staff received responses, indicating that 8 withdrew.
- Staff is still in process of sending letters to farms on the ranking list.
- C. Myers asked if the farms that withdrew, have withdrawn before, and A. Burkard-Sell noted that with the exception of a 2026 applicant, those farms have withdrawn before.
- C. Myers asked if any indication is given as to why they are choosing to withdraw. A. Burkard-Sell notes that some are due to cost, and some have life decisions to make regarding their land.

VI. DEPARTMENTAL REPORT

A. Landowner Request - No Action Required — Easement Modifications – L.P.617.0 — Sensenig Farm — Hoop Roof Poultry Manure Storage

B. Kurtz Farm Stormwater Discussion

- K. Fies stated that a solar farm is causing flow issues that impact Floyd and Ron Kurtz' farms.
- The solar farm is close to being considered complete, and their NPDS permit is going to end soon. This does not alleviate the problems caused by the solar farms.

- K. Fies attended a recent Berks County Conservation District meeting, where the idea was brought up that the District would approach the solar company and ask them to install a retention pond on the farm. K. Fies brought up the fact that the impacted farms are preserved.
- In discussing the issue with Stephanie Zimmerman from the State, she agreed that installing a retention pond would take land out of agriculture production, and they would not condone. S. Zimmerman further stated that the problems caused by the solar farm need to be solved on the solar farm.
- K. Fies stated that Floyd Kurtz has already taken some land out of production to handle the flow. K. Fies would like the Board to agree that taking land out of ag production to build a retention farm is not an acceptable option.

Motion: A motion was made to send a letter to the Berks County Conservation District opposing any stormwater structure on the Kurtz' farm. (J. Coker, J. Meck)

Discussion: None.

Vote: Motion carried.

C. Corridor Study and ACE Program

- K. Fies reminded the Board that they do not know the names of landowners, but that the landowner in the following discussion has given the approval for his name to be used.
- K. Fies let the Board know that the Berks County Planning Commission has done a corridor study to look at land uses around major corridors, currently focusing on 422 heading west.
- As the Planning Department develops the new Imagine Berks Comprehensive Plan, they will use the results of the corridor study to work with the municipalities study to encourage zoning that would be more conducive to economic development along those corridors, rather than land preservation zoning.
- K. Fies reminded the Board that land use of the comp plan, not zoning, is what they evaluate the farms by for ranking criteria.
- K. Fies stated that farms located along major roadways (with a 1,000-foot setback) may become ineligible for land preservation due to proposed changes in the new comprehensive plan. Current farm applicants will not be affected by these proposed changes.
- K. Fies let the Board know that two 2024 applicants in Wernersville area raised concerns about their eligibility; both met minimum requirements for the ACE program, were appropriately zoned for agriculture and in the comp plan, and were selected following standard procedures.
- Appraisals for these farms have been completed, and landowners were consulted beforehand, including being informed of their option to exclude portions of land without penalty.
- One landowner (Schaffer) reported harassment from a neighboring property owner seeking to acquire 7 acres; Planning clarified that the request is tied to a project under a non-disclosure agreement requiring additional land. A separate adjoining landowner has already sold 7 acres to support that project.
- Lower Heidelberg Township and Planning met regarding rezoning for future growth; Planning advised that discussions should include the affected landowner.
- The landowner authorized staff to communicate on their behalf.

- The farm has progressed through the preservation process: ranked, selected, appraised, and an offer signed in July 2025; survey and conservation planning are nearing completion.
- Staff indicated that the easement process can only be halted by the landowner withdrawing; there is no external mechanism to stop the process.
- Planning recommended excluding the 1,000-foot roadside setback from preservation to align with future comprehensive plan designations. The landowner has declined to exclude any land along the corridor.
- State officials indicated municipalities do not have authority to remove a farm from the preservation program once it is in process. The goal is to submit the farm for State approval in June.

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D. Upcoming Events

- K. Fies noted the inclusion of a planning-related flyer in the meeting binders.
- Master Gardener sale is coming up.
- Some staff will be attending the We Conserve Conference on Thursday and Friday.
- Dinner in a Soy Bean Field being held on the Jeremy Meck Farm on May 31, 2026.
- Pop-Up Farm Market on June 13th.
- All About Ag Night at the Reading Phils on June 16th.

VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR — None.

EXECUTIVE SESSION

RESUMPTION OF REGULAR MEETING

Motion: A motion was made to adjourn the meeting at 6:58 PM. (J. Coker, D. Phillips)

Discussion: None.

Vote: Motion carried unanimously.

Respectfully submitted,

Rachel Painter
Office Support IV