



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.

Meeting Minutes from September 27, 2023

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, September 27, 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 7:05 PM. Board members present included Gregg Eshelman, James Coker, David Phillips, Steven Mohn, Clyde Myers, Louise Swartley, Kimberly McGrath, and Jeremy Meck. Also, in attendance were Mark Sprow, Esq. Special Counsel for the Board. Staff: Emily Wangolo, Executive Director; Kimberly Fies, Deputy Director; and 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 August 30, 2023, meeting, as drafted. (J. Coker, D. Phillips)

Discussion: None.

Vote: Motion approved. L. Swartley abstained.

III. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell highlighted several items on the Status of Recommendations: Dockets #1238, #1706, #1330 status has changed since being distributed to the Board; Docket #1238 settlement was held today, September 27, 2023, and Dockets #1706 and #1330 settlements are scheduled for October 5, 2023. Docket #2003 is being prepared for recommendation to the State Board in October and Dockets #2130 and #2205 are being prepared for recommendation to the State Board in December. Appraisals for Dockets #2301, #0419, #2308, #2309, and #2310 will be reviewed in Executive Session.
- Docket #2307 does not meet the required minimum criteria of 10 acres in agricultural production. A letter was sent to landowner informing them they needed to make the 10 acres otherwise they will be withdrawn. If they later meet the minimum criteria, they can reapply.

Motion: A motion was made to withdraw Docket #2307 (J. Meck, J. Coker)

Discussion: None.

Vote: Motion approved. C. Myers abstained.

IV. OLD BUSINESS

A. Settlement #432.0 Swinsinski – ACE Program Violation

- K. Fies reported a site visit will be conducted to determine if expanded curtilage has been returned to agriculture production on October 18, 2023.

B. 2024 Board Meeting Calendar

- The Board discussed the 2024 BCAPL Board meeting format and schedule. The options presented for the format of the meetings are; in-person only, alternate months of in-person and hybrid, alternate months of in-person and virtual, or one in-person quarterly and virtual two other dates.

Motion: A motion was made to hold all 2024 BCAPL Board meetings in person (J. Coker, J. Meck)

Discussion: None.

Vote: Motion approved. C. Myers, opposed; S. Mohn, opposed.

Motion: A motion was made to hold all 2024 BCAPL Board meetings at 5:30 p.m. (J. Coker, J. Meck)

Discussion: None.

Vote: Motion approved.

C. BCCD Board Nomination for Public Director Position

- No additional names have been presented for nomination.

V. NEW BUSINESS

A. Conveyance Report

- A. Burkard-Sell reported on the transfers of ownership:
 - Section A: Transferred in Compliance – Settlement #130.0.
 - Section B: Transferred with Concerns Noted – None to report.
 - Section C: Outstanding Violations - None to report.
 - Section D: Transfers Resolved – Settlement #246.0 and #569.0 with a corrective deed recorded.

B. Sttle. #40.1 – Reese/Schwazkopf – Preliminary Residential Subdivision Request

- K. Fies presented a request to subdivide an 18.45-acre farm in Lower Heidelberg Township and construct an additional residential structure on a proposed 1.5-acre lot from the landowners of Settlement #40.1 (Reese/Schwazkopf).
 - Fies explained that both parcels met the required minimum criteria for subdivision and the landowners were looking for a preliminary approval, will continue working with the township, and will provide a survey and final drawings later.
 - This concept complies with the terms of the Deed of Easement.

Motion: A motion was made to give preliminary approval for the landowner of Settlement #40.1 to subdivide the property to construct the permitted additional residence, contingent upon the approval of the township and that the structure must be constructed, according to the terms of the deed of easement (D. Phillips, J. Coker)

Discussion: The Board further discussed the specifics of the property.

Vote: Motion carried unanimously.

VI. DEPARTMENT REPORT

A. Upcoming Events

- Burkard-Sell reported an *Agriculture & Natural Resources Career and Job Fair* will be held at the Leesport Farmer’s Market on November 9, 2023. The event is open to high schoolers, college students, and adults.
- K. Fies reported a *Tractor & Farm Truck Tire Collection* will be held on November 9, 2023. The event is coordinated with the Berks County Conservation District. The tires will be collected at Allegheny Towing & Salvage in Birdsboro.

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

EXECUTIVE SESSION

Motion: A motion was made to acknowledge the conservation plan for Docket #2304 (D. Phillips, J. Meck)

Discussion: None.

Vote: Motion approved.

Motion: A motion was made to offer of \$2,570 per acre to the landowner of Docket #2308 (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 #2301, #0419, #2309, and #2310 (J. Meck, J. Coker)

Discussion: None.

Vote: Motion approved.

RESUMPTION OF REGULAR MEETING

- J. Meck inquired about the status of the Kurtz farm regarding the snowmobile shop.
 - K. Fies reported the landowner was informed no additional expansion for operation was allowed to take place. Staff is in the process of confirming that the area previously occupied by the speed shop had been converted back to Ag use.
 - C. Myers commented when approval is now given for rural enterprises, boundary lines are now being identified on an arial photograph to avoid issues in the future.
- J. Meck asked if the State Board had approved the methane digesters of the other Kurtz farm.

- K. Fies reported State approval is not required for this type of operation as methane digestors are Ag operations, not rural enterprises.
- The Board further discussed the specifics of the property.

Motion: A motion was made to adjourn the meeting at 8:40 PM. (J. Coker, J. Meck)

Discussion: None.

Vote: Motion approved.

Respectfully submitted,

Jennifer Leigh Smilko
Office Support

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