



BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center
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Ex Officio:

Robert C. Ziegenfus, Ph.D.

Solicitor:

Mark R. Sprow, Esq.

Berks County Agricultural Land Preservation Board Meeting August 24, 5:30 p.m. MINUTES

A regularly scheduled meeting of the Berks County Agricultural Land Preservation Board was held at the Berks County Agricultural Center on Wednesday, August 24, 2025, at 5:30 p.m.

Board members present: Gregg Eshelman, Kim McGrath, Dave Phillips, Clyde Myers, Steve Mohn, Jim Coker.

Staff present: Kim Fies, Executive Director, Amanda Burkard-Sell, Deputy Director, Mary Shah, Agriculture Program Manager, and Rachel Painter, Office Support IV.

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

Public: Jim Hertzler preserved farmer owner, Jamie Strong, attorney for M3 Explo, Keith Brubaker, managing member M3 Explo, Scott Sweigert, C2C Design, engineer for M3 Explo.

Gregg Eshelman, Chair, called the meeting to order at 5:31 p.m.

I. PUBLIC COMMENTS ON AGENDA ITEMS

- Four members of the public were present to discuss the proposed use of the preserved Hertzler preserved farm, settlement #194.0, for the storage of explosives, which need to be placed far from populated areas.

II. OLD BUSINESS

A. L.P.1940.0 – Rural Enterprise Request Update

- K. Fies reminded the Board that they had reviewed and approved the original modification request in March 2023 for 2 acres in the woodland to store dynamite, with no permanent structures, and no land taken out of ag production. The motion was passed, with the understanding that other approvals from other agencies had to come through.
- Fies noted that as of July of 2025, the plans submitted to the township and the County Planning Commission showed an increase to the acreage.
- August 4th a virtual meeting was held by project representatives from M3 Explo and with Kim and Amanda, recommendation made to attend August meeting to provide Board with more information.
- K. Fies explained that there is no maximum limit of size on a rural enterprise.

- K. Brubaker explained that the structure is to be a walled compound where explosives would be kept in magazines, which are 20-foot fortified shipping container. There are no footers, no permanent structures, at lease termination, all construction would be hauled away, land would be restored to previous condition or to farmer's preference.
- K. Brubaker explained that it is 1.56 acres for actual storage area, with additional area for truck turnaround, still under 2 acres. K. Brubaker also explained that additional acreage includes graded area, truck turnaround, and stormwater management, which brings total acreage of disturbance to 4.3 acres.
- ATF involved with construction and signage. There will be earthen berms to absorb and deflect any explosion should there be an issue. There will be no signs stating that there are explosives nearby. Entire complex is powered by solar, no electric.

Motion: A motion was made to approve the approximately 4.3-acre rural enterprise presented for settlement #194.0 based on the plan presented to the Board on August 27, 2025, noting that at the expiration of the lease the land must be returned to its current condition or the landowner's preference.. (D. Phillips, J. Coker)

Discussion: None.

Vote: Motion carried.

III. APPROVAL OF MINUTES

Motion: A motion was made to approve the minutes of the July 30, 2025, meeting. (J. Coker, S. Mohn)

Discussion: None.

Vote: Motion carried.

IV. STATUS OF RECOMMENDATION UPDATES

- A. Burkard-Sell stated that dockets #0939, #0818, #2309, #2404, and #2405 were approved by the State Board at the August 27, 2025, meeting.
- Staff is preparing dockets #2002, #2401, #2402, #2410, #2411 for the October 10, 2025, State Board meeting.
- Docket #2407 has now moved to offer accepted; survey, title, and conservation plan work being completed for 2024 selection.
- Dockets #2507 and #2515 moved to offers accepted; survey, title, and conservation plan work being completed for 2025 selection.
- One appraisal in Executive Session.

V. OLD BUSINESS

A. 2025 LESA Ranking Selection Update

- A. Burkard-Sell stated that since the last meeting, three of the four farms that were selected elected not to proceed, and those farms were #2517, #2413, and #2517. Staff were able to go down to select farm docket #2521.
- Farm #28, docket #1715 had been selected in previous years and had to withdraw because they were unable to secure a subordination agreement from their bank. Owners had previously submitted a withdrawal form, either verbally or through the mail.
- Owners of farm signed for their selection letter on the 5th of August for certified mail. Staff have made calls, sent emails email, sent a text message — no response. Letter states that they have 15 days to send a response, automatically withdrawn. A. Burkard-Sell would like to ask the Board to withdraw the farm from this year's ranking, leaving it to be ranked again, so that staff can move forward with selection.

Motion: A motion was made to withdraw farm #1715 farm from selection process this year, leaving them to be reranked next year. (D. Phillips, J. Coker)

Discussion: None.

Vote: Motion carried.

B. 80K Celebration Final Accounting/Discussion

- K. Fies noted that B.A.R.N. would like to relay a thank you to Board for their gift of \$1,000 to cover banking expenses.
- They will also deliver a check for Mark Weber's reimbursement.
- Item line will be left on the agenda for the foreseeable future.

C. L.P.541.0 – Residential Request change from new to replacement within curtilage

- K. Fies reminded the Board that last month, landowner had sent in a request in for the allowed additional structure — they were going to knock down existing barn and use pad for house foundation. Curtilage had been identified for the existing residential structure, and this new area fell outside of the curtilage, meaning that the house would be considered the additional residence.
- Since then, the landowners submitted a new proposal for a replacement residence that is within existing curtilage, using the well and the existing septic, put a prefabricated home until they make a final decision.
- Landowner is no longer asking to build the allowed second residential structure but rather requesting replacement of the existing residential structure and will eventually tear down the existing house.

Motion: A motion was made to rescind the original approval of the additional residential structure. (K. McGrath, J. Coker)

Discussion: None.

Vote: Motion carried.

Motion: A motion was made to approve the replacement dwelling within the existing curtilage. (K. McGrath, S. Mohn)

Discussion: None.

Vote: Motion carried.

VI. NEW BUSINESS

A. Conveyance Report

- M. Shah stated that the properties under letter A, settlements #482.0 and #434.0 transferred in compliance.
- M. Shah let Board know that the property under letter B, settlement #448.0, a letter was sent to landowner asking him to file a corrected deed, and staff is waiting on a response.

VII. DEPARTMENTAL REPORT

A. Upcoming Events

- K. Fies let the Board know about a landowner request for documentation for an ag structure on the Lucas DeTurk farm in Tilden and Upper Bern townships, to build four 63x500 broiler houses. 17 acres of crop production will be removed for construction; there are no restrictions for the construction of ag structures.
- K. Fies advised the Board that Department of Ag staff received two letters from the County officials requesting that we examine our budgets for 2025 and 2026. County officials implemented a mandatory 3% reduction for 2025 budge, and 5% reduction for the 2026 budget.
- K. Fies let the Board know that this reduction in budget does not affect the Land Preservation department, but that due to the State having not yet passed the official budget, the County is concerned about the mandated programs they must continue to provide.
- K. Fies let the Board know that she spoke to Jared and Tim Kurtz regarding the proposed methane digester, and at this time the future of that project has not been determined.
- K. Fies let the Board know that the new Ag Program Coordinator would be starting next Wednesday, September 3, 2025, and her name is Emily Goense.
- Saturday, September 6th is the Farm Market Festival, Mark Weber's celebration is Sunday the 13th, Oley Fair runs from the 18th to the 21st, and that will be manned by Ag and Planning Staff.
- In November, the Career Fair and Tire Collection take place, as well as Superintendent's Day, and the Ag Center will host 9th grade students over the course of three days.

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

EXECUTIVE SESSION

Motion: A motion was made to approve offering the cap of \$2,800 an acre to docket #2509. (J. Coker, D. Phillips)

Discussion: None.

Vote: Motion carried unanimously.

Motion: A motion was made to adjourn the meeting at 7:08 PM. (C. Myers, J. Coker)

Discussion: None.

Vote: Motion carried unanimously.

Respectfully submitted,

Rachel Painter
Office Support IV

DRAFT