



# 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  
Robert E. Kopfer

Robert B. Ludgate, Sr., PE, PLS  
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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## Minutes from the December 16, 2020 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, December 16, 2020 at 7:41 PM via virtual platform “**Microsoft Teams**.” David Phillips, Chair, called the meeting to order. Board members present included James Coker, Robert Kopfer, Robert Ludgate, Steve Mohn, Clyde Myers, David Phillips, and Louise Swartley. Also, in attendance were Mark Sprow, Esq. Special Counsel for the Board; Amanda Burkard-Sell and Kimberly Fies, Staff 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 November 18, 2020 meeting, as drafted. (R. Kopfer, J. Coker)

**Discussion:** None

**Vote:** Motion approved. (R. Ludgate & L. Swartley abstained)

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

- T. Hildebrand reported a change for Docket #1016 listed under Section I. since the report was initially distributed. This docket accepted the offer, and therefore has moved to Section H for survey and title work to be completed.
- Hildebrand provided details regarding the 2020 selected application, Docket #2024, which after being selected in August, has been unable to provide proof that 50% of the property is in active agricultural production, as claimed during the new applicant meeting. At that time, the applicant was made aware, and agreed that should the application be selected he would need to provide this proof, which he has been unable to do. The letter to the applicant will state the reasons for the withdrawal and will offer that the landowner reapply in the future when this criterion is met.

**Motion:** A motion was made to withdraw Docket #2024 based upon the applicant’s inability to provide proof that 50% of the property is in active agricultural production, which is an eligibility criterion for consideration to participate in the ACE Program. (J. Coker, L. Swartley)

**Discussion:** None.

**Vote:** Motion approved.

### **IV. OLD BUSINESS**

#### **A. Update: 75,000 Acres Preserved – PR Event**

- T. Hildebrand reported she will be speaking with the County’s Public Relations Officer, Stephanie Weaver, tomorrow to advance the plan of having a series of articles written by

a *Reading Eagle* reporter. Hildebrand will be providing contact information of prospective people for the reporter to interview.

B. Update: Subcommittee Meeting Schedule

- T. Hildebrand reported that the Subcommittee met on December 4<sup>th</sup> via **Microsoft Teams**. The next meeting is scheduled for Friday, January 15<sup>th</sup> @ 10:00 AM. The Subcommittee discussed:
  - Defining the shape of curtilages that best works with farming the residual land outside of the permitted 2-acre curtilage.
  - Creating a fact sheet that would list criteria of what must be contained within the 2-acre curtilage. This list would be distributed to landowners and surveyors to plan accordingly when establishing the design and location of the 2-acre curtilage. The list would accompany the Modification of the Easement request form.
  - Agreeing to have the landowners sign the map to confirm the delineation of the property's curtilage and return the map to the office for archival purposes.
  - Settlement #379.0 Hoffman – exceeding the curtilage of the permitted residential structure:
    - The Hoffman's constructed the permitted residential structure in a 4-acre hayfield but exceeded the 2-acre allowance by 1.8-acres rendering the remaining land unavailable for conventional agricultural production.
    - The landowner had been reminded numerous times that the residual land outside of the 2-acre allowance must remain in active agricultural production.
    - The landowners planted trees as a riparian buffer that is not referenced in the current Conservation Plan, further taking agricultural land out of production.
    - The Subcommittee requested that the Board cite the Hoffman's with a Violation of the Deed of Easement and request they provide the Board with a solution to bring the property back into compliance.
    - The Board will communicate this information to the County Commissioners and County Solicitor prior to the letter of Violation being sent to the Hoffman's.
  - With the information provided, it is the Board's determination that this property is in Violation of the terms of the agricultural conservation easement and the landowners should receive a letter of regarding this determination and further, the landowners will be asked to provide the Board with a plan to bring the property back into compliance.

**Motion: A motion to approve the BCALPB send a notice of Violation to the terms of the Deed of Easement to Settlement #379.0 landowners, Neil and Doris Hoffman and Andrew and Julia Hoffman for the 2-acre maximum allowance for the construction of the permitted residential structure. (J. Coker, R. Kopfer)**

**Discussion: None.**

**Vote: Motion approved.**

**Motion: A motion to approve that preserved farm owners must sign and return the map delineating the property's curtilage, as established by the staff and reviewed with the landowner, to confirm concurrence. (J. Coker, S. Mohn)**

**Discussion: None.**

**Vote: Motion approved.**

C. Adoption of the BCALPB 2021 Meeting Calendar

- T. Hildebrand noted that though the Board discussed the 2021 Meeting Calendar at its November 18<sup>th</sup> meeting, it did not take official action in accepting it.

**Motion:** A motion to approve the BCALPB 2021 Meeting Calendar as submitted. (S. Mohn, R. Ludgate)

**Discussion:** None.

**Vote:** Motion approved.

## V. NEW BUSINESS

### A. Conveyance Report

- Transferred – In Compliance: Settlements #723.0, #745.0, and #648.0 have transferred correctly.
- Transferred – Concerns Noted: Settlement #152.0 – Amanda Burkard-Sell is working with the Attorney to file a corrective deed, and therefore, she is not requesting that the Board take any action at this time.
- Transfers - Resolved: None to report.

### B. Settlement #85.0 – Schlegel Proposed Subdivision

- Hildebrand presented the subdivision proposed by the Noel and Elizabeth Schlegel for their 171.1-acre farm located in Longswamp and Maxatawny Townships preserved in April 1998.
- The Schlegel agricultural conservation easement is comprised of two parcels: an 81.3-acre parcel; and, an 87.7-acre parcel. The farm was preserved prior to the Deed of Merger requirement, and therefore can be subdivided via parcel boundary lines.
- Both parcels meets the ACE Program Subdivision requirements for soils, agricultural production, acreage, accessibility, and economic viability.
- The permitted residential structure has been assigned to the 87.7-acre parcel.

**Motion:** A motion was made to approve Settlement #85.0 - Schlegel proposed subdivision as submitted. (J. Coker, R. Kopfer)

**Discussion:** None.

**Vote:** Motion approved.

- The Schlegel subdivision will be forwarded to the State Bureau of Farmland Preservation for review and consideration by the State Board.

### C. Certification of County Funding for 2021

- T. Hildebrand reminded the Board that a motion was necessary for the County to certify funds to be matched by the State for easement purchases in 2021. Hildebrand explained that the current funds included \$1,000,000 from the general fund committed by the County Commissioners, as well as any interest collected from 2020 Clean and Green roll-back tax penalties and any donations received during 2020.

**Motion:** A motion was made to request that the County Commissioners certify funds to be matched by the State for agricultural conservation easement purchases in 2021 in the amount of \$1,000,000, in addition to donations received in 2020 and Interest Collected on Rollback Penalties of Clean & Green in 2020. (J. Coker, R. Kopfer)

**Discussion:** None.

**Vote:** Motion approved.

### D. Review of two (2) Appraisals in Executive Session

- The Board reviewed two Appraisals, Dockets #1404 and #0059, listed under Section J. of the Status of Recommendations report.

**EXECUTIVE SESSION**

**RESUMPTION OF THE REGULAR SESSION**

**Motion:** A motion was made to offer the cap of \$2,500 per acre to Dockets #1404 and #0059. (J. Coker, R. Kopfer)

**Discussion:** None.

**Vote:** Motion carried unanimously.

**VI. EXECUTIVE DIRECTOR'S REPORT**

A. Easement Modification Request

- Settlement #297.0 landowners Randy and Traci Balthaser submitted a request to construct three (3) broiler houses to house approximately 114,000 birds from day-old to six weeks old; approximately 14-acres will be disturbed. Construction would begin in March 2021 to be completed in February 2022. This project is compliant with the deed of easement.

B. State Board of Farmland Preservation Statistics of December 10, 2020 Meeting

- Total number of farms approved-to-date for preservation in PA: 5,813;
- Total number of acres approved-to-date for preservation in PA: 591,819;
- Total number of farms preserved-to-date in Berks County: 781;
- Total number of acres preserved-to-date in Berks County: 75,610.

**VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR**

**Motion:** A motion was made to adjourn the meeting at 9:13 PM.  
(R. Kopfer, J. Coker)

Respectfully submitted,

Tami S. Hildebrand  
Executive Director